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rules and regulations

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

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

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM75-23; Order No. 544]

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHARGES; ETHICAL STANDARDS

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Monthly Power Statements

JANUARY 14, 1976.

On March 6, 1975, this Commission, pursuant to inter alia, Section 553 of Title 5 of the United States Code and Section 309 of the Federal Power Act (49 Stat. 858, 16 U.S.C. 825h) issued a notice of proposed rulemaking in Docket No. RM75-23 (40 FR 28668, July 8, 1975) proposing to amend § 141.56, Part 141, Subchapter D-Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations so as to prescribe a new Federal Power Commission Form 12E-2, Supplemental Power Statement, superseding FPC Form 12E-1, Monthy Power Statement.

The Form 12E-2 provides for the collection of current reporting month operating data on energy, peak load, capacity and related capacity availabilities. It also provides for the collection of detailed operating data on peak load, capacity, and capacity transfers relative to the near-term peak period power supply conditions. It clarifies and perfects reporting procedures covering capacity and high voltage transmission lines under construction, planned for installation or change. It identifies the major reasons and causes for and effects of delays and cancellations in the scheduling of major generating units and high voltage transmission lines.

The new Form 12E-2 is comprised of Sections of Instructions for filing, identification, and five schedules:

SCHEDULES

1. Reporting month energy, capability and peak load data.
2. Near-Term Summer/Winter capability and peak load data.
3. Generating Unit additions, revisions and retirements—ten year plans.
4. Transmission line additions, revisions and retirements—six year plans.
5. Ten year energy and peak load forecast.

Within the recent several years, developments and occurrences of relatively rapid change in electric utility load growth patterns and expansion plans throughout the United States have accentuated Federal Power Commission responsibilities under the Federal Power Act for adequacy and reliability of electric supply. Several of the major areas of concern underlying the continuing adequacy and reliability problem are those of delays and deferrals in generating and transmission equipment in-service dates from those previously projected dates and those of concellations of planned capacity and transmission additions. The Commission's regulatory responsibilities and the participation of Commission members and staff in activities of inter-governmental groups require the availability of current and timely information on the status of new and planned facilities with reasons for any recent changes thereof and resultant effects on power supply. Among others, these activities include participation in Congressional hearings, liaison work with the Federal Energy Administration, the Nuclear Regulatory Commission and the Environmental Protection Agency, and other related programs involving energy matters. The Commission also receives continuing requests for current and timely information on electric utility expansion plans and growth from public groups and institutions along with industrial organizations. Information related to their requests has been and will continue to be available in Commission published documents for public use.

The Commission currently collects monthly data submitted on FPC 12E-1 to support analyses of current situations and evaluations and near-term future situations, including load supply studies and bulk power system construction delays. Experience indicates that under present industry conditions the data, as currently requested on Form 12E-1, are not of sufficient content nor adequately defined under current practice to ensure valid analysis and requests for timely information without further recourse to burdensome telephonic requests to the industry for supplemental information and time-consuming reconciliation with other data sources. Also, experience indicates that the number of respondents can be reduced without significantly affecting the desired coverage of bulk power supply in the 50 United States and that the frequency of reporting does not significantly affect the currency of certain data. The respondents to the Form 12E-2 are listed in Appendix A[1] of this above deficiency and at the same time order. Consequently revisions in the monthly reporting form alleviate the reduce the frequency of reporting of certain data for the respondents and reduce the burden of reporting of some present Form 12E-1 respondents whose system operations do not affect the Nation's bulk power supply systems. Also, the revisions restructure the actual energy and peak load data for the reporting month on to one schedule and the near-term hour forecast data on to another schedule. This can improve many respondent's ability to meet the filing date since often the actual data are not as readily available in the detail requested for the near-term peak hour data and, furthermore, separate departments within a utility may be responsible for the respective actual and forecast data.

On March 6, 1975, the Commission issued a notice of proposed rulemaking in this docket. The notice indicated that the Commission was in the process of developing a new Federal Power Commission Form 12E-2 to supersede the present FPC Form No. 12E-1, Monthly Power Statement. The Commission received 33 formal comments on the proposed rulemaking RM75-23, over the comment period including one extension from March 6 through May 7, 1975. A list of the utilities providing formal comments on RM75-23 and a tabular summary of their general comments is given in Appendix C. In addition there was one letter of comment from the Federal Energy Administration and a number of comments from the Federal Power Commission's Regional Offices. The comments on the proposed rulemaking ranged from unqualified approval to observations suggesting that it would lead to burdensome increased reporting. The Commission has responded to these comments by revising certain schedules in Federal Power Commission Form No. 12E-2.

Total maximum Nameplate Rating of Generating Plant has been included in Schedule 1. This was previously reported on the Form 12E but was not shown on the proposed Form 12E-2. In schedule 1, the capability available for load is now to be reported as "running and quick-start capability" plus "available but not needed capability." Line 4 of schedule 1 of the proposed form has been dropped because it was considered burdensome and the information sought was available from other sources.

Schedule 2 remains essentially the same as proposed except for changes in data item descriptions. Schedule 2, Part B, has been divided so that receipts and deliveries will be grouped separately.

Schedules 3 and 4 remain essentially as proposed with some changes in the instructions and the change of the

[1] All appendices were filed as a part of the original document.

"originaly scheduled" service date to the previously reported scheduled commercial service date. In schedule 4, electric systems in Alaska and Hawaii will only report transmission lines at 138 kv (design) and above.

In Schedule 5, the proposed 12-month energy forecast has been dropped. The ten year energy and seasonal peak load forecasts have been retained.

The Commission finds: (1) Upon further review and consideration of the proposed amendments to FPC Form 12E–1, we find that the revisions set out in attached Form 12E–2 (Appendix B) should be implemented.

(2) The notice and opportunity to participate in this rulemaking proceeding with respect to matters presently before this Commission through the submission, in writing of data, views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed in 5 U.S.C. 553.

(3) The amendments to Part 141 of the Commission's Statements and Reports for Public Utilities and Licenses, and Monthly Power Statement 12E–1, prescribed by § 141.56 in Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed are necessary and appropriate to the proper administration of the Federal Power Act.

(4) Since the amendments prescribed herein, which were not included in the notice of this proceeding, are consistent with the prime purpose of the proposed rulemaking, further compliance with the notice provision of 5 U.S.C. 553 is unnecessary.

(5) Since the Monthly Power Statement Form, as amended by this order, is for immediate use, good cause exists for making the amendments effective upon issuance.

Pursuant to the authority of the Commission under the Federal Power Act, 49 Stat. 838, 16 U.SC. 791(a) *et seq.*, particularly Sections 4(a), 301(a), 302(b), 303, 304, 309, and 311 (49 Stat. 839, 854, 855, 858, 859; 16 U.S.C. 797(a), 825(a), 825a(b), 825b, 825c, 825h, 825j, *The Commission orders:*

(1) Section 3.142 in Part 3 Subchapter A of Chapter I of the Code of Federal Regulations, is amended to read as follows:

§ 3.142 Approved forms, etc.

(a) * * *

(38) Form No. 12E–2, Supplemental Power Statement § 141.56 of this chapter.

* * * * *

(2) Section 141.56 of Title 18 of the Code of Federal Regulations is revised to read as follows:

§ 141.56 Form No. 12E–2, Supplemental Power Statement.

(For these systems, all as identified in Appendix A for Order No. 544, issued January 14, 1976, and as amended upon notice in the Federal Register.)

(a) The FPC Form 12E–2, Supplemental Power Statement including the instructions and schedules therein contained, be the same hereby approved and adopted.

(b) FPC Form 12E–2 contains the following schedules:

SCHEDULES

1. Reporting month energy, capability and peak load data.
2. Near-Term Summer/Winter capability and peak load data.
3. Generating Unit additions, revisions and retirements—Ten year plans.
4. Transmission line additions, revisions and retirements—six year plans.
5. Ten year energy and peak load forecast.

(c) Each corporation, person, agency, authority, or other legal entity or instrumentality, whether public or private, which operate facilities for the generation, or transmission, or distribution of electric energy all as identified in Appendix A, Order No. 544 issued and as amended upon notice in the FEDERAL REGISTER, should hereafter prepare and file Schedule 1 monthly on or before the 15 day of the following month and Schedule 2 through 5, 30 days after this order becomes effective and on April 1 and October 1 of each year thereafter such statement or statements, in such form as is required by said instructions and schedules, setting forth the answers to the questions therein stated, and furnishing the information therein called for.

* * * * *

The amendments adopted herein shall be effective upon issuance of this order.

The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76–1907 Filed 1–21–76;8:45 am]

[Docket No. RM75–26; Order 528]

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHARGES; ETHICAL STANDARDS

Order Revising Rules Requiring Clearance of Public Use Forms; Correction

DECEMBER 16, 1975.

In FR Doc. 75–9471 issued on April 4, 1975 and published at 40 FR 16300 on April 11, 1975, delete ordering paragraph (A) and substitute the following:

(A) Section 3.108 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations is revised to read as follows:

§ 3.108 Reports to the Commission.

The reports and forms prescribed by the Commission pursuant to the Federal Power Act are listed in § 3.142; those prescribed under the Natural Gas Act are listed in § 3.170. Rules prescribing public use forms are submitted to the General Accounting Office for clearance as required by the Federal Reports Act of 1942, as amended.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76–1906 Filed 1–21–76;8:45 am]

Title 7—Agriculture

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

1976 Crop of Upland Cotton; State Reserves and County Base Acreage Allotments

Section 722.467 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "Act"), with respect to the 1976 crop of upland cotton (referred to as "cotton"). The purpose of this section is to establish State reserves, allocate the State reserves to counties and establish county base acreage allotments (referred to as "county allotments"). Determinations with respect to the State reserves and county allotments were made initially by the respective State committees and are hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (35 FR 19798, 36 FR 6907, 37 FR 624, 3845, 22008, 40 FR 18815).

Notice that the Secretary was preparing to make determinations with respect to the above provisions was published in the FEDERAL REGISTER on July 18, 1975 (40 FR 30274). The views and recommendations received in response to such notice have been duly considered.

In order that farmers may be informed as soon as possible of 1976 farm base acreage allotments so that they may make plans for their 1976 farming operations, it is essential that this section be made effective immediately. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest, and § 722.467 shall be effective January 16, 1976. The material previously appearing in this section as "Subpart—1975 Crop of Upland Cotton; Base Acreage Allotments" remain in full force and effect as to the crop to which it was applicable.

Section 722.467 and the title to the subpart are amended to read as follows:

Subpart—1976 Crop of Upland Cotton; Base Acreage Allotments.

§ 722.467 State reserves and county allotments for the 1976 crop of cotton.

(a) *State reserves.* The total State reserve for all uses established by the State committee shall not exceed one percent of the State allotment available for distribution to counties in the State unless the State committee recommends a larger acreage which is approved by the Deputy Administrator, Programs. Such larger acreage may not be in excess of two percent of the State allotment available for distribution to counties in the State. The allotment available for distribution shall be the State's share of the national allotment less the allotment in the State productivity pool attributable to history acreage pooled as a result of productivity adjustments under section 344a(f) of the Act. The 1976 State acreage reserve for Kentucky, Louisiana and North Carolina has been approved by the Deputy Administrator, Programs, to be in excess of one percent but not more than two percent of the State allotment available for distribution to counties in the State. It is hereby determined that no State reserve for abnormal conditions or for small farms is required. The State committee may establish a single reserve for new farms and correction of errors. The amount of the reserve held in each State and the amount of allotment in the State productivity pool are available for inspection at each State ASCS office.

(b) *Apportionment of State allotment to counties.*

(1) *Computed county allotment.* The State allotment less the allotment in the State productivity pool and the State Reserve is apportioned among counties in the State on the basis of the acreage planted (including acreage regarded as having been planted) to cotton within the farm acreage allotment during 1970 and the farm base acreage allotments during 1971, 1972, 1973 and 1974, adjusted for abnormal weather conditions or other natural disaster. It is hereby determined that no adjustments for abnormal weather conditions or other natural disaster are required. The acreage apportioned under this paragraph is referred to as the computed county allotment.

(2) *County allotments.* The county allotment is the sum of the computed county allotment and allocation to the county from the State reserve for trends. The following table sets forth the county allotment and allocations from the State reserve.

State reserves and county base acreage allotments for 1976 crop of upland cotton (in acres)

State and county	Computed county allotment (1)	Allocation from State reserves for trends (2)	County allotment (sum of cols. (1) and (2)) (3)	Allocation from State reserve for inequity and hardship cases (4)
Alabama:				
Autauga	6,457.2	0	6,457.2	0
Baldwin	1,738.1	0	1,738.1	0
Barbour	8,630.0	0	8,630.0	0
Bibb	2,498.8	0	2,498.8	0
Blount	10,781.8	0	10,781.8	0
Bullock	5,099.7	0	5,099.7	0
Butler	5,979.0	0	5,979.0	0
Calhoun	4,355.0	0	4,355.0	0
Chambers	4,662.2	0	4,662.2	0
Cherokee	15,186.1	0	15,186.1	0
Chilton	5,999.3	0	5,999.3	0
Choctaw	3,825.5	0	3,825.5	0
Clarke	2,948.6	0	2,948.6	0
Clay	1,273.0	0	1,273.0	0
Cleburne	1,183.4	0	1,183.4	0
Coffee	11,336.8	0	11,336.8	0
Colbert	14,775.4	0	14,775.4	0
Conecuh	7,793.7	0	7,793.7	0
Coosa	658.6	0	658.6	0
Covington	9,988.5	0	9,988.5	0
Crenshaw	6,242.2	0	6,242.2	0
Cullman	20,311.5	0	20,311.5	0
Dale	5,012.8	0	5,012.8	0
Dallas	17,428.1	0	17,428.1	0
De Kalb	19,889.7	0	19,889.7	0
Elmore	10,484.3	0	10,484.3	0
Escambia	6,639.5	0	6,639.5	0
Etowah	7,675.7	0	7,675.7	0
Fayette	5,699.0	0	5,699.0	0
Franklin	8,571.9	0	8,571.9	0
Geneva	12,542.3	0	12,542.3	0
Greene	8,293.0	0	8,293.0	0
Hale	9,712.0	0	9,712.0	0
Henry	10,304.5	0	10,304.5	0
Houston	16,903.1	0	16,903.1	0
Jackson	15,500.6	0	15,500.6	0
Jefferson	2,219.9	0	2,219.9	0
Lamar	6,863.1	0	6,863.1	0
Lauderdale	18,093.1	0	18,093.1	0
Lawrence	26,440.5	0	26,440.5	0
Lee	5,956.8	0	5,956.8	0
Limestone	36,652.5	0	36,652.5	0
Lowndes	6,674.1	0	6,674.1	0
Macon	9,903.3	0	9,903.3	0
Madison	41,084.2	0	41,084.2	0
Marengo	10,183.9	0	10,183.9	0
Marion	8,139.5	0	8,139.5	0
Marshall	18,480.2	0	18,480.2	0
Mobile	1,781.2	0	1,781.2	0
Monroe	11,435.1	0	11,435.1	0
Montgomery	6,246.6	0	6,246.6	0
Morgan	17,885.1	0	17,885.1	0
Perry	6,945.6	0	6,945.6	0
Pickens	9,272.8	0	9,272.8	0
Pike	8,969.2	0	8,969.2	0
Randolph	3,577.2	0	3,577.2	0
Russell	6,162.4	0	6,162.4	0
St. Clair	2,314.5	0	2,314.5	0
Shelby	4,010.8	0	4,010.8	0
Sumter	8,660.7	0	8,660.7	0
Talladega	7,830.0	0	7,830.0	0
Tallapoosa	4,486.4	0	4,486.4	0
Tuscaloosa	10,572.8	0	10,572.8	0
Walker	2,595.3	0	2,595.3	0
Washington	1,831.7	0	1,831.7	0
Wilcox	6,368.7	0	6,368.7	0
Winston	4,335.7	0	4,335.7	0
Arizona:				
Cochise	10,757.4	0	10,757.4	0
Gila	24.9	0	24.9	0
Graham	6,014.2	0	6,014.2	0
Greenlee	1,179.6	0	1,179.6	0
Maricopa	81,408.0	0	81,408.0	0
Mohave	282.1	0	282.1	0
Pima	14,763.3	0	14,763.3	0
Pinal	88,282.2	0	88,282.2	0
Santa Cruz	296.1	0	296.1	0
Yavapai	7.3	0	7.3	0
Yuma	23,081.2	0	23,081.2	0

State and county	Computed county allotment (1)	Allocation from State reserves for trends (2)	County allotment (sum of cols. (1) and (2)) (3)	Allocation from State reserve for inequity and hardship cases (4)
Arkansas:				
Arkansas	6,550.4	0	6,550.4	0
Ashley	18,478.1	0	18,478.1	0
Baxter	5.8	0	5.8	0
Bradley	1,572.8	0	1,572.8	0
Calhoun	1,002.5	0	1,002.5	0
Chicot	23,800.8	0	23,800.8	0
Clark	1,653.2	0	1,653.2	0
Clay	27,035.3	0	27,035.3	0
Cleburne	451.1	0	451.1	0
Cleveland	774.8	0	774.8	0
Columbia	2,256.5	0	2,256.5	0
Conway	3,615.0	0	3,615.0	0
Craighead	56,423.1	0	56,423.1	0
Crawford	18.2	0	18.2	0
Crittenden	66,489.8	0	66,489.8	0
Cross	25,870.8	0	25,870.8	0
Dallas	856.1	0	856.1	0
Desha	30,417.4	0	30,417.4	0
Drew	9,419.7	0	9,419.7	0
Faulkner	5,404.2	0	5,404.2	0
Franklin	263.7	0	263.7	0
Fulton	113.9	0	113.9	0
Grant	51.2	0	51.2	0
Greene	25,969.6	0	25,969.6	0
Hempstead	1,858.2	0	1,858.2	0
Howard	579.3	0	579.3	0
Independence	2,453.3	0	2,453.3	0
Izard	248.0	0	248.0	0
Jackson	30,051.5	0	30,051.5	0
Jefferson	51,033.6	0	51,033.6	0
Johnson	536.1	0	536.1	0
Lafayette	9,557.7	0	9,557.7	0
Lawrence	13,753.7	0	13,753.7	0
Lee	40,046.1	0	40,046.1	0
Lincoln	21,780.9	0	21,780.9	0
Little River	3,153.6	0	3,153.6	0
Logan	759.0	0	759.0	0
Lonoke	32,682.6	0	32,682.6	0
Marion	2.0	0	2.0	0
Miller	5,969.5	0	5,969.5	
Mississippi	124,967.7	0	124,967.7	0
Monroe	26,548.5	0	26,548.5	0
Nevada	536.3	0	536.3	0
Ouachita	1,408.0	0	1,408.0	0
Perry	568.5	0	568.5	0
Phillips	56,562.9	0	56,562.9	0
Pike	118.6	0	118.6	0
Poinsett	57,989.0	0	57,989.0	0
Pope	1,582.7	0	1,582.7	0
Prairie	6,037.4	0	6,037.4	0
Pulaski	11,699.2	0	11,699.2	0
Randolph	6,301.2	0	6,301.2	0
St. Francis	44,803.8	0	44,803.8	0
Scott	15.4	0	15.4	0
Searcy	94.6	0	94.6	0
Sebastian	92.1	0	92.1	0
Sevier	105.3	0	105.3	0
Sharp	234.7	0	234.7	0
Union	13.2	0	13.2	0
Van Buren	118.8	0	118.8	0
Washington	2.2	0	2.2	0
White	7,291.9	0	7,291.9	0
Woodruff	24,456.6	0	24,456.6	0
Yell	3,772.4	0	3,772.4	
California:				
Fresno	125,011.2	0	125,011.2	0
Imperial	32,180.1	0	32,180.1	0
Kern	122,970.2	0	122,970.2	0
Kings	66,365.1	0	66,365.1	0
Madera	30,338.1	0	30,338.1	0
Merced	18,110.7	0	18,110.7	0
Riverside	13,320.2	0	13,320.2	0
San Benito	95.4	0	95.4	0
San Bernardino	236.7	0	236.7	0
Stanislaus	35.2	0	35.2	0
Tulare	97,425.9	0	97,425.9	0
Florida:				
Alachua	34.3	0	34.3	0
Baker	1.8	0	1.8	0
Bay	0	0	0	0
Calhoun	228.9	0	228.9	0
Columbia	104.7	0	104.7	0
Dixie	8.4	0	8.4	0
Escambia	713.7	0	713.7	0
Gadsden	30.1	0	30.1	0
Hamilton	736.8	0	736.8	0
Holmes	2,033.5	0	2,033.5	0
Jackson	4,568.1	0	4,568.1	0
Jefferson	816.3	0	816.3	0
Lafayette	85.4	0	85.4	0
Leon	115.8	0	115.8	0
Levy	3.9	0	3.9	0
Liberty	10.0	0	10.0	0
Madison	1,397.5	0	1,397.5	0
Okaloosa	502.0	0	502.0	0
Santa Rosa	5,180.1	0	5,180.1	0
Suwannee	392.0	0	392.0	0
Taylor	16.7	0	16.7	0
Union	7.2	0	7.2	0
Walton	1,082.0	0	1,082.0	0
Washington	436.6	0	436.6	0

State and county	Computed county allotment (1)	Allocation from State reserves for trends (2)	County allotment (sum of cols. (1) and (2)) (3)	Allocation from State reserve for inequity and hardship cases (4)
Georgia:				
Appling	2,829.6	0	2,829.6	0
Atkinson	650.7	0	650.7	0
Bacon	1,515.1	0	1,515.1	0
Baker	2,120.0	0	2,120.0	0
Baldwin	1,256.6	0	1,256.6	0
Banks	1,461.2	0	1,461.2	0
Barrow	3,332.5	0	3,332.5	0
Bartow	11,637.0	0	11,637.0	0
Ben Hill	3,495.6	0	3,495.6	0
Berrien	2,389.0	0	2,389.0	0
Bibb	427.3	0	427.3	0
Bleckley	5,298.8	0	5,298.8	0
Brantley	25.3	0	25.3	0
Brooks	5,678.2	0	5,678.2	0
Bryan	145.2	0	145.2	0
Bulloch	9,559.8	0	9,559.8	0
Burke	23,403.5	0	23,403.5	0
Butts	2,464.0	0	2,464.0	0
Calhoun	3,834.0	0	3,834.0	0
Candler	4,394.5	0	4,394.5	0
Carroll	3,894.6	0	3,894.6	0
Catoosa	224.0	0	224.0	0
Charlton	8.5	0	8.5	0
Chatham	21.3	0	21.3	0
Chattahoochee	26.3	0	26.3	0
Chattooga	2,847.2	0	2,847.2	0
Cherokee	40.1	0	40.1	0
Clarke	758.3	0	758.3	0
Clay	2,281.0	0	2,281.0	0
Clayton	135.5	0	135.5	0
Clinch	84.5	0	84.5	0
Cobb	52.3	0	52.3	0
Coffee	4,682.4	0	4,682.4	0
Colquitt	15,239.2	0	15,239.2	0
Columbia	1,011.6	0	1,011.6	0
Cook	2,614.7	0	2,614.7	0
Coweta	3,288.2	0	3,288.2	0
Crawford	1,260.5	0	1,260.5	0
Crisp	7,486.8	0	7,486.8	0
Dade	70.0	0	70.0	0
Dawson	95.8	0	95.8	0
Decatur	2,615.2	0	2,615.2	0
De Kalb	6.4	0	6.4	0
Dodge	9,082.6	0	9,082.6	0
Dooly	19,385.9	0	19,385.9	0
Dougherty	1,370.1	0	1,370.1	0
Douglas	23.4	0	23.4	0
Early	9,174.5	0	9,174.5	0
Echols	39.0	0	39.0	0
Effingham	991.2	0	991.2	0
Elbert	5,621.1	0	5,621.1	0
Emanuel	10,936.4	0	10,936.4	0
Evans	1,867.3	0	1,867.3	0
Fayette	492.7	0	492.7	0
Floyd	4,930.8	0	4,930.8	0
Forsyth	183.9	0	183.9	0
Franklin	4,898.9	0	4,898.9	0
Fulton	264.8	0	264.8	0
Glascock	3,143.6	0	3,143.6	0
Gordon	6,303.6	0	6,303.6	0
Grady	2,371.8	0	2,371.8	0
Greene	1,544.2	0	1,544.2	0
Gwinnett	1,123.1	0	1,123.1	0
Habersham	26.3	0	26.3	0
Hall	759.8	0	759.8	0
Hancock	4,777.4	0	4,777.4	0
Haralson	436.0	0	436.0	0
Harris	551.3	0	551.3	0
Hart	7,343.4	0	7,343.4	0
Heard	545.7	0	545.7	0
Henry	4,323.6	0	4,323.6	0
Houston	4,253.1	0	4,253.1	0
Irwin	6,663.8	0	6,663.8	0
Jackson	3,639.1	0	3,639.1	0
Jasper	1,762.3	0	1,762.3	0
Jeff Davis	1,521.2	0	1,521.3	0
Jefferson	13,119.2	0	13,119.2	0
Jenkins	7,781.4	0	7,781.4	0
Johnson	10,282.8	0	10,282.8	0
Jones	36.3	0	36.3	0
Lamar	1,325.2	0	1,325.2	0

State and county	Computed county allotment (1)	Allocation from State reserves for trends (2)	County allotment (sum of cols. (1) and (2)) (3)	Allocation from State reserve for inequity and hardship cases (4)
Lanier	463.0	0	463.0	6
Laurens	18,942.3	0	18,942.3	0
Lee	2,587.9	0	2,587.9	0
Liberty	81.7	0	81.7	0
Lincoln	1,108.6	0	1,108.6	0
Long	324.5	0	324.5	0
Lowndes	2,123.2	0	2,123.2	0
Lumpkin	27.5	0	27.5	0
McDuffie	3,854.8	0	3,854.8	0
Macon	8,140.6	0	8,140.6	0
Madison	5,911.7	0	5,911.7	0
Marion	2,266.3	0	2,266.3	0
Meriwether	5,444.1	0	5,444.1	0
Miller	3,673.0	0	3,673.0	0
Mitchell	8,231.7	0	8,231.7	0
Monroe	331.3	0	331.3	0
Montgomery	2,525.7	0	2,525.7	0
Morgan	9,243.3	0	9,243.3	0
Murray	1,271.0	0	1,271.0	0
Newton	3,649.3	0	3,649.3	0
Oconee	5,066.4	0	5,066.4	0
Oglethorpe	3,694.8	0	3,694.8	0
Paulding	272.7	0	272.7	0
Peach	1,483.8	0	1,483.8	0
Pickens	0	0	0	0
Pierce	1,384.9	0	1,384.9	0
Pike	3,789.7	0	3,789.7	0
Polk	3,773.9	0	3,773.9	0
Pulaski	7,662.4	0	7,662.4	0
Putnam	497.7	0	497.7	0
Quitman	543.1	0	543.1	0
Randolph	4,079.0	0	4,079.0	0
Richmond	1,506.9	0	1,506.9	0
Rockdale	937.8	0	937.8	0
Schley	2,368.9	0	2,368.9	0
Screven	10,559.5	0	10,559.5	0
Seminole	3,156.6	0	3,156.6	0
Spalding	1,295.4	0	1,295.4	0
Stephens	338.4	0	338.4	0
Stewart	2,036.0	0	2,036.0	0
Sumter	7,891.6	0	7,891.6	0
Talbot	257.8	0	257.8	0
Taliaferro	450.3	0	450.3	0
Tattnall	3,365.8	0	3,365.8	0
Taylor	5,003.7	0	5,003.7	0
Telfair	3,195.9	0	3,195.9	0
Terrell	9,122.2	0	9,122.2	0
Thomas	3,984.4	0	3,984.4	0
Tift	4,631.0	0	4,631.0	0
Toombs	4,924.8	0	4,924.8	0
Treutlen	2,215.7	0	2,215.7	0
Troup	575.5	0	575.5	0
Turner	5,289.8	0	5,289.8	0
Twiggs	2,082.3	0	2,082.3	0
Upson	419.6	0	419.6	0
Walker	482.9	0	482.9	0
Walton	12,250.6	0	12,250.6	0
Ware	495.5	0	495.5	0
Warren	6,891.7	0	6,891.7	0
Washington	11,184.3	0	11,184.3	0
Wayne	1,395.4	0	1,395.4	0
Webster	1,141.7	0	1,141.7	0
Wheeler	2,181.3	0	2,181.3	0
White	215.5	0	215.5	0
Whitefield	409.7	0	409.7	0
Wilcox	7,428.3	0	7,428.3	0
Wilkes	1,875.3	0	1,875.3	0
Wilkinson	1,485.8	0	1,485.8	0
Worth	13,245.0	0	13,245.0	0
Illinois:				
Alexander	1,091.4	0	1,091.4	0
Massac	2.1	0	2.1	0
Pulaski	723.5	0	723.5	0
Kansas:				
Montgomery	8.0	0	8.0	0
Kentucky:				
Ballard	2.3	0	2.3	0
Calloway	13.9	0	13.9	0
Carlisle	29.8	0	29.8	0
Fulton	3,941.5	0	3,941.5	17
Graves	83.5	0	83.5	0
Hickman	504.3	0	504.3	3
McCracken	3.1	0	3.1	0
Marshall	5.6	0	5.6	0

State and county	Computed county allotment (1)	Allocation from State reserves for trends (2)	County allotment (sum of cols. (1) and (2)) (3)	Allocation from State reserve for inequity and hardship cases (4)
Louisiana:				
Acadia	6,497.9	0	6,497.9	0
Allen	260.0	0	260.0	0
Avoyelles	14,537.1	182.0	14,719.1	0
Beauregard	111.2	0	111.2	0
Bienville	413.7	0	413.7	0
Bossier	12,469.1	156.1	12,625.2	0
Caddo	22,212.2	278.2	22,490.4	0
Caldwell	5,802.0	72.7	5,784.7	0
Catahoula	8,928.5	112.0	9,040.5	0
Claiborne	1,039.7	0	1,039.7	0
Concordia	7,188.9	90.0	7,278.9	0
De Soto	3,502.6	0	3,502.6	0
East Baton Rouge	105.0	0	105.0	0
East Carroll	24,529.7	307.2	24,836.9	0
East Feliciana	144.0	0	144.0	0
Evangeline	9,668.0	0	9,668.0	0
Franklin	41,492.4	519.8	42,012.2	0
Grant	3,160.7	39.6	3,200.3	0
Iberia	20.9	0	20.9	0
Iberville	149.0	0	149.0	0
Jackson	259.0	0	259.0	0
Jefferson Davis	44.8	0	44.8	0
Lafayette	7,062.2	0	7,062.2	0
La Salle	347.9	4.4	352.3	0
Lincoln	141.4	0	141.4	0
Livingston	7.4	0	7.4	0
Madison	15,311.9	191.9	15,503.8	0
Morehouse	26,510.1	331.9	26,842.0	0
Natchitoches	15,245.2	190.7	15,435.9	0
Ouachita	10,443.7	130.8	10,574.5	0
Pointe Coupee	4,319.6	0	4,319.6	0
Rapides	13,888.1	173.9	14,062.0	0
Red River	7,285.8	91.3	7,377.1	0
Richland	36,339.2	455.1	36,794.3	0
Sabine	227.4	0	227.4	0
St. Helena	777.0	0	777.0	0
St. Landry	21,392.3	0	21,392.3	0
St. Martin	3,331.5	0	3,331.5	0
St. Tammany	0	0	0	0
Tangipahoa	81.9	0	81.9	0
Tensas	15,309.8	191.8	15,501.6	0
Union	1,016.8	0	1,016.8	0
Vermillion	1,633.8	0	1,633.8	0
Vernon	134.6	0	134.6	0
Washington	722.0	0	722.0	0
Webster	565.9	0	565.9	0
West Baton Rouge	144.5	0	144.5	0
West Carroll	20,035.9	251.0	20,286.9	0
West Feliciana	467.5	0	467.5	0
Winn	276.8	0	276.8	0
Mississippi:				
Adams	1,406.5	0	1,406.5	0
Alcorn	9,078.2	0	9,078.2	0
Amite	1,792.2	0	1,792.2	0
Attala	8,589.7	0	8,589.7	0
Benton	8,233.6	0	8,233.6	0
Bolivar	83,798.6	0	83,798.6	0
Calhoun	11,352.6	0	11,352.6	0
Carroll	10,228.4	0	10,228.4	0
Chickasaw	9,812.4	0	9,812.4	0
Choctaw	2,216.3	0	2,216.3	0
Claiborne	2,708.3	0	2,708.3	0
Clarke	2,299.2	0	2,299.2	0
Clay	4,741.0	0	4,741.0	0
Coahoma	62,821.8	0	62,821.8	0
Copiah	4,512.5	0	4,512.5	0
Covington	4,274.0	0	4,274.0	0
De Soto	21,795.3	0	21,795.3	0
Forrest	221.7	0	221.7	0
Franklin	240.1	0	240.1	0
George	150.5	0	150.5	0
Greene	667.9	0	667.9	0
Grenada	7,851.4	0	7,851.4	0
Hinds	14,234.9	0	14,234.9	0
Holmes	24,513.1	0	24,513.1	0
Humphreys	32,869.3	0	32,869.3	0
Issaquena	9,252.3	0	9,252.3	0
Itawamba	6,890.8	0	6,890.8	0
Jasper	3,723.9	0	3,723.9	0
Jefferson	2,432.0	0	2,432.0	0
Jefferson Davis	4,879.1	0	4,879.1	0
Jones	3,800.6	0	3,800.6	0
Kemper	4,508.8	0	4,508.8	0
Lafayette	9,836.0	0	9,836.0	0
Lamar	632.0	0	632.0	0
Lauderdale	1,708.4	0	1,708.4	0
Lawrence	2,487.8	0	2,487.8	0
Leake	9,493.3	0	9,493.3	0
Lee	17,308.0	0	17,308.0	0
Leflore	52,929.0	0	52,929.0	0

State and county	Computed county allotment (1)	Allocation from State reserves for trends (2)	County allotment (sum of cols. (1) and (2)) (3)	Allocation from State reserve for inequity and hardship cases (4)
Lincoln	1,959.6	0	1,959.6	0
Lowndes	10,470.0	0	10,470.0	0
Madison	21,973.5	0	21,973.5	0
Marion	3,567.5	0	3,567.5	0
Marshall	23,530.8	0	23,530.8	0
Monroe	18,795.1	0	18,795.1	0
Montgomery	5,071.7	0	5,071.7	0
Neshoba	6,225.6	0	6,225.6	0
Newton	2,060.3	0	2,060.3	0
Noxubee	10,170.1	0	10,170.1	0
Oktibbeha	1,241.6	0	1,241.6	0
Panola	26,918.8	0	26,918.8	0
Pearl River	0	0	0	0
Perry	1,049.8	0	1,049.8	0
Pike	1,296.8	0	1,296.8	0
Pontotoc	13,114.2	0	13,114.2	0
Prentiss	11,497.1	0	11,497.1	0
Quitman	41,195.7	0	41,195.7	0
Rankin	5,200.4	0	5,200.4	0
Scott	5,692.4	0	5,692.4	0
Sharkey	19,900.6	0	19,900.6	0
Simpson	5,632.7	0	5,632.7	0
Smith	5,281.3	0	5,281.3	0
Sunflower	86,429.6	0	86,429.6	0
Tallahatchie	41,034.9	0	41,034.9	0
Tate	16,337.3	0	16,337.3	0
Tippah	10,543.5	0	10,543.5	0
Tishomingo	6,221.7	0	6,221.7	0
Tunica	33,398.6	0	33,398.6	0
Union	11,830.7	0	11,830.7	0
Walthall	5,264.2	0	5,264.2	0
Warren	4,376.7	0	4,376.7	0
Washington	57,371.0	0	57,371.0	0
Wayne	3,267.3	0	3,267.3	0
Webster	5,934.6	0	5,934.6	0
Wilkinson	667.1	0	667.1	0
Winston	6,815.4	0	6,815.4	0
Yalobusha	9,187.4	0	9,187.4	0
Yazoo	29,634.8	0	29,634.8	0
Missouri:				
Bollinger	65.3	0	65.3	0
Butler	12,486.9	0	12,486.9	0
Cape Girardeau	94.4	0	94.4	0
Dunklin	54,978.5	0	54,978.5	0
Howell	1.1	0	1.1	0
Mississippi	18,248.7	0	18,248.7	0
New Madrid	59,644.1	0	59,644.1	0
Pemiscot	62,733.8	0	62,733.8	0
Ripley	1,452.0	0	1,452.0	0
Scott	11,009.3	0	11,009.3	0
Stoddard	26,484.6	0	26,484.6	0
Vernon	2.8	0	2.8	0
Wayne	0	0	0	0
Nevada:				
Clark	9.9	0	9.9	0
Nye	2,442.1	0	2,442.1	0
New Mexico:				
Chaves	21,070.8	0	21,070.8	0
Curry	1,004.1	0	1,004.1	0
De Baca	377.1	0	377.1	0
Dona Ana	25,853.8	0	25,853.8	0
Eddy	18,329.9	0	18,329.9	0
Grant	76.7	0	76.7	0
Harding	6.7	0	6.7	0
Hidalgo	4,504.3	0	4,504.3	0
Lea	18,268.3	0	18,268.3	0
Luna	9,607.8	0	9,607.8	0
Otero	1,479.2	0	1,479.2	0
Quay	1,869.0	0	1,869.0	0
Roosevelt	12,946.7	0	12,946.7	0
Sierra	1,714.3	0	1,714.3	0
Socorro	975.2	0	975.2	0
North Carolina:				
Alamance	13.1	0	13.1	0
Alexander	257.7	0	257.7	0
Anson	7,678.2	0	7,678.2	0
Beaufort	662.0	0	662.0	0
Bertie	4,984.3	0	4,984.3	0
Bladen	2,133.5	0	2,133.5	0
Brunswick	151.5	0	151.5	0
Burke	30.0	0	30.0	0
Cabarrus	2,023.1	0	2,023.1	0
Caldwell	9.2	0	9.2	0
Camden	187.8	0	187.8	0
Carteret	24.0	0	24.0	0
Catawba	677.3	0	677.3	0
Chatham	118.4	0	118.4	0
Chowan	1,854.4	0	1,854.4	0
Cleveland	18,783.6	0	18,783.6	0
Columbus	1,639.1	0	1,639.1	0
Craven	245.1	0	245.1	0

State and county	Computed county allotment (1)	Allocation from State reserves for trends (2)	County allotment (sum of cols. (1) and (2)) (3)	Allocation from State reserve for inequity and hardship cases (4)
Cumberland	7,819.6	0	7,819.6	0
Currituck	175.2	0	175.2	0
Davidson	445.2	0	445.2	0
Davie	830.8	0	830.8	0
Duplin	1,896.4	0	1,896.4	0
Durham	72.0	0	72.0	0
Edgecombe	9,336.6	288.0	9,624.6	0
Forsyth	28.8	0	28.8	0
Franklin	6,295.0	0	6,295.0	0
Gaston	1,572.3	0	1,572.3	0
Gates	1,398.5	0	1,398.5	0
Granville	258.4	0	258.4	0
Greene	2,618.5	0	2,618.5	0
Guilford	30.9	0	30.9	0
Halifax	18,260.8	664.1	18,924.9	0
Harnett	8,969.9	0	8,969.9	0
Hertford	3,607.7	0	3,607.7	0
Hoke	10,547.0	287.8	10,834.8	0
Hyde	115.4	0	115.4	0
Iredell	3,881.5	0	3,881.5	0
Johnston	13,275.7	0	13,275.7	0
Jones	154.2	0	154.2	0
Lee	646.4	0	646.4	0
Lenoir	1,350.6	0	1,350.6	0
Lincoln	3,964.8	0	3,964.8	0
Martin	2,065.3	0	2,065.3	0
Mechlenburg	2,719.4	0	2,719.4	0
Montgomery	2,227.4	87.4	2,314.8	0
Moore	1,709.5	0	1,709.5	0
Nash	10,065.0	0	10,065.0	0
Northampton	17,072.3	648.9	17,721.2	0
Onslow	138.1	0	138.1	0
Orange	42.6	0	42.6	0
Pamlico	27.4	0	27.4	0
Pasquotank	130.2	0	130.2	0
Pender	170.4	0	170.4	0
Perquimans	709.4	0	709.4	0
Person	2.0	0	2.0	0
Pitt	4,743.8	0	4,743.8	0
Polk	735.1	0	735.1	0
Randolph	11.8	0	11.8	0
Richmond	3,859.4	0	3,859.4	0
Robeson	34,324.1	0	34,324.1	0
Rowan	2,609.3	0	2,609.3	0
Rutherford	4,491.7	0	4,491.7	0
Sampson	17,021.6	0	17,021.6	0
Scotland	13,064.0	969.8	14,033.8	0
Stanly	330.8	0	330.8	0
Tyrrell	144.2	0	144.2	0
Union	8,300.1	0	8,300.1	0
Vance	2,602.1	0	2,602.1	0
Wake	3,031.2	0	3,031.2	0
Warren	5,206.5	0	5,206.5	0
Washington	362.1	0	362.1	0
Wayne	7,084.6	0	7,084.6	0
Wilkes	33.8	0	33.8	0
Wilson	5,736.8	0	5,736.8	0
Yadkin	19.4	0	19.4	0
Oklahoma:				
Adair	24.6	0	24.6	0
Atoka	1,149.4	0	1,149.4	0
Beckham	42,130.8	0	42,130.8	0
Blaine	8,380.5	0	8,380.5	0
Bryan	11,039.5	0	11,039.5	0
Caddo	32,476.0	0	32,476.0	0
Canadian	8,473.3	0	8,473.3	0
Carter	990.9	0	990.9	0
Choctaw	888.7	0	888.7	0
Cimarron	0	0	0	0
Cleveland	987.8	0	987.8	0
Coal	2,146.8	0	2,146.8	0
Comanche	7,625.8	0	7,625.8	0
Cotton	12,637.3	0	12,637.3	0
Craig	38.4	0	38.4	0
Creek	470.0	0	470.0	0
Custer	17,499.2	0	17,499.2	0

State and county	Computed county allotment (1)	Allocation from State reserves for trends (2)	County allotment (sum of cols. (1) and (2)) (3)	Allocation from State reserve for inequity and hardship cases (4)
Dewey	5,127.4	0	5,127.4	0
Ellis	275.8	0	275.8	0
Garfield	0	0	0	0
Garvin	3,564.0	0	3,564.0	0
Grady	12,069.7	0	12,069.7	0
Grant	31.9	0	31.9	0
Greer	27,556.9	0	27,556.9	0
Harmon	32,498.0	0	32,498.0	0
Haskell	1,111.0	0	1,111.0	0
Hughes	1,986.6	0	1,986.6	0
Jackson	39,210.4	0	39,210.4	0
Jefferson	11,223.6	0	11,223.6	0
Johnston	2,342.7	0	2,342.7	0
Kay	55.6	0	55.6	0
Kingfisher	653.7	0	653.7	0
Kiowa	38,242.0	0	38,242.0	0
Le Flore	1,419.1	0	1,419.1	0
Lincoln	451.0	0	451.0	0
Logan	1,847.2	0	1,847.2	1
Love	5,427.4	0	5,427.4	0
McClain	6,527.1	0	6,527.1	0
McCurtain	4,550.8	0	4,550.8	0
McIntosh	5,379.9	0	5,379.9	0
Major	751.1	0	751.1	0
Marshall	3,003.5	0	3,003.5	0
Mayes	201.2	0	201.2	0
Murray	210.2	0	210.2	0
Muskogee	10,776.3	0	10,776.3	0
Noble	288.3	0	288.3	0
Nowata	303.1	0	303.1	0
Okfuskee	792.7	0	792.7	0
Oklahoma	335.1	0	335.1	0
Okmulgee	6,172.0	0	6,172.0	0
Osage	1,709.6	0	1,709.6	0
Pawnee	2,111.5	0	2,111.5	0
Payne	1,418.8	0	1,418.8	0
Pittsburg	1,821.5	0	1,821.5	0
Pontotoc	690.8	0	690.8	0
Pottawatomie	306.0	0	306.0	0
Pushmataha	155.5	0	155.5	0
Roger Mills	14,466.5	0	14,466.5	0
Rogers	174.3	0	174.3	0
Seminole	590.0	0	590.0	0
Sequoyah	487.4	0	487.4	0
Stephens	3,930.6	0	3,930.6	0
Texas	5.9	0	5.9	0
Tillman	48,442.7	0	48,442.7	0
Tulsa	479.9	0	479.9	0
Wagoner	4,994.7	0	4,994.7	0
Washita	50,139.0	0	50,139.0	0
Woodward	454.8	0	454.8	0
South Carolina:				
Abbeville	4,008.0	0	4,008.0	0
Aiken	12,030.1	0	12,030.1	0
Allendale	6,908.5	0	6,908.5	0
Anderson	13,885.4	0	13,885.4	0
Bamberg	8,920.3	0	8,920.3	0
Barnwell	9,380.5	0	9,380.5	0
Beaufort	11.0	0	11.0	0
Berkeley	3,855.2	0	3,855.2	0
Calhoun	11,331.8	0	11,331.8	0
Charleston	238.6	0	238.6	0
Cherokee	6,362.5	0	6,362.5	0
Chester	5,521.7	0	5,521.7	0
Chesterfield	18,515.3	0	18,515.3	0
Clarendon	24,487.7	0	24,487.7	0
Colleton	4,741.9	0	4,741.9	0
Darlington	21,603.7	0	21,603.7	0
Dillon	16,375.6	0	16,375.6	0
Dorchester	4,871.2	0	4,871.2	0
Edgefield	6,231.5	0	6,231.5	0
Fairfield	2,034.9	0	2,034.9	0
Florence	21,592.0	0	21,592.0	0
Georgetown	1,362.3	0	1,362.3	0
Greenville	5,952.6	0	5,952.6	0
Greenwood	1,939.1	0	1,939.1	0
Hampton	5,082.8	0	5,082.8	0
Horry	4,159.2	0	4,159.2	0
Jasper	931.8	0	931.8	0
Kershaw	9,394.0	0	9,394.0	0
Lancaster	3,718.6	0	3,718.6	0
Laurens	9,341.3	0	9,341.3	0
Lee	26,869.3	0	26,869.3	0
Lexington	6,105.7	0	6,105.7	0
McCormick	1,663.4	0	1,663.4	0
Marion	7,970.8	0	7,970.8	0
Marlboro	27,783.8	0	27,783.8	0
Newberry	3,565.2	0	3,565.2	0
Oconee	3,103.4	0	3,103.4	0
Orangeburg	39,587.3	0	39,587.3	0
Pickens	1,577.4	0	1,577.4	0
Richland	3,334.2	0	3,334.2	0
Saluda	4,778.1	0	4,778.1	0
Spartanburg	9,857.1	0	9,857.1	0
Sumter	26,829.6	0	26,829.6	0
Union	2,751.6	0	2,751.6	0
Williamsburg	23,875.5	0	23,875.5	0
York	8,591.1	0	8,591.1	0

State and county	Computed county allotment (1)	Allocation from State reserves for trends (2)	County allotment (sum of cols. (1) and (2)) (3)	Allocation from State reserve for inequity and hardship cases (4)
Tennessee:				
Bedford	311.6	0	311.6	0
Benton	1,158.8	0	1,158.8	0
Bradley	66.5	0	66.5	0
Cannon	3.3	0	3.3	0
Carroll	12,906.0	0	12,906.0	0
Chester	7,529.5	0	7,529.5	0
Coffee	202.2	0	203.2	0
Crockett	23,116.2	0	23,116.2	0
Decatur	1,831.6	0	1,831.6	0
Dickson	5.5	0	5.5	0
Dyer	31,850.1	0	31,850.1	0
Fayette	28,854.7	0	28,854.7	0
Franklin	2,802.7	0	2,802.7	0
Gibson	30,598.1	0	30,598.1	0
Giles	4,435.2	0	4,435.2	0
Grundy	28.3	0	28.3	0
Hamilton	36.8	0	36.8	0
Hardeman	13,654.8	0	13,654.8	0
Hardin	5,233.6	0	5,233.6	0
Haywood	29,266.8	0	29,266.8	0
Henderson	10,889.2	0	10,889.2	0
Henry	2,773.0	0	2,773.0	0
Humphreys	1.1	0	1.1	0
Lake	14,687.7	0	14,687.7	0
Lauderdale	24,097.0	0	24,097.0	0
Lawrence	11,298.4	0	11,298.4	0
Lewis	29.7	0	29.7	0
Lincoln	7,275.0	0	7,275.0	0
Loudon	2.2	0	2.2	0
McMinn	10.7	0	10.7	0
McNairy	12,034.2	0	12,034.2	0
Madison	21,734.0	0	21,734.0	0
Marion	50.3	0	50.3	0
Marshall	28.9	0	28.9	0
Maury	11.6	0	11.6	0
Meigs	92.5	0	92.5	0
Obion	6,043.4	0	6,043.4	0
Perry	0	0	0	0
Polk	173.2	0	173.2	0
Rhea	.5	0	.5	0
Robertson	.4	0	.4	0
Rutherford	2,351.6	0	2,351.6	0
Shelby	24,611.2	0	24,611.2	0
Sumner	1.5	0	1.5	0
Tipton	31,510.6	0	31,510.6	0
Warren	4.6	0	4.6	0
Wayne	1,306.8	0	1,306.8	0
Weakley	6,351.4	0	6,351.4	0
Williamson	1.3	0	1.3	0
Wilson	32.4	0	32.4	0
Texas:				
Anderson	1,720.0	0	1,720.0	0
Andrews	10,705.3	0	10,705.3	0
Angelina	848.6	0	848.6	0
Aransas	876.4	0	876.4	0
Archer	1,191.1	0	1,191.1	0
Armstrong	1,313.2	0	1,313.2	0
Atascosa	3,678.2	0	3,678.2	0
Austin	9,686.5	0	9,686.5	0
Bailey	66,693.5	0	66,693.5	0
Bastrop	7,246.0	0	7,246.0	0
Baylor	12,160.8	0	12,160.8	0
Bee	9,261.0	0	9,261.0	0
Bell	44,633.8	0	44,633.8	0
Bexar	1,428.9	0	1,428.9	0
Blanco	20.2	0	20.2	0
Borden	13,621.7	0	13,621.7	0
Bosque	6,663.6	0	6,663.6	0
Bowie	7,274.2	0	7,274.2	0
Brazoria	4,960.1	0	4,960.1	0
Brazos	12,484.3	0	12,484.3	0
Brewster	44.5	0	44.5	0
Briscoe	18,446.9	0	18,446.9	0
Brooks	2,214.3	0	2,214.3	0
Brown	2,694.1	0	2,694.1	0
Burleson	15,748.6	0	15,748.6	0
Burnet	1,643.3	0	1,643.3	0
Caldwell	11,802.5	0	11,802.5	0
Calhoun	11,451.9	0	11,451.9	0
Callahan	5,084.4	0	5,084.4	0
Cameron	106,935.7	0	106,935.7	0
Camp	76.1	0	76.1	0
Carson	114.9	0	114.9	0
Cass	820.2	0	820.2	0
Castro	36,224.4	0	36,234.4	0
Cherokee	1,729.5	0	1,729.5	0
Childress	36,065.5	0	36,065.5	0
Clay	6,071.0	0	6,071.0	0
Cochran	53,492.6	0	53,492.6	0
Coke	4,084.3	0	4,084.3	0
Coleman	21,027.3	0	21,027.3	0

State and county	Computed county allotment (1)	Allocation from State reserves for trends (2)	County allotment (sum of cols. (1) and (2)) (3)	Allocation from State reserve for inequity and hardship cases (4)
Collin	52,718.7	0	52,718.7	0
Collingsworth	44,615.9	0	44,615.9	0
Colorado	4,501.3	0	4,501.3	0
Comal	131.1	0	131.1	0
Comanche	4,492.8	0	4,492.8	0
Concho	16,949.4	0	16,949.4	0
Cooke	4,576.7	0	4,576.7	0
Coryell	12,211.6	0	12,211.6	0
Cottle	35,968.1	0	35,968.1	0
Crockett	40.9	0	40.9	0
Crosby	83,121.9	0	83,121.9	0
Culberson	3,391.0	0	3,391.0	0
Dallas	20,322.7	0	20,322.7	0
Dawson	146,696.3	0	146,696.3	0
Deaf Smith	5,523.9	0	5,523.9	0
Delta	24,761.4	0	24,761.4	0
Denton	13,950.5	0	13,950.5	0
De Witt	6,708.1	0	6,708.1	0
Dickens	34,502.1	0	34,502.1	0
Dimmit	1,013.3	0	1,013.3	0
Donley	19,271.5	0	19,271.5	0
Duval	4,885.6	0	4,885.6	0
Eastland	1,494.2	0	1,494.2	0
Ector	131.0	0	131.0	0
Ellis	85,603.1	0	85,603.1	0
El Paso	12,914.5	0	12,914.5	0
Erath	3,569.0	0	3,569.0	0
Falls	49,122.7	0	49,122.7	0
Fannin	44,289.4	0	44,289.4	0
Fayette	10,051.7	0	10,051.7	0
Fisher	55,834.6	0	55,834.6	0
Floyd	67,527.4	0	67,527.4	0
Foard	8,518.0	0	8,518.0	0
Fort Bend	42,614.5	0	42,614.5	0
Franklin	719.8	0	719.8	0
Freestone	3,555.1	0	3,555.1	0
Frio	3,219.1	0	3,219.1	0
Gaines	133,201.5	0	133,201.5	0
Garza	26,692.5	0	26,692.5	0
Gillespie	644.4	0	644.4	0
Glasscock	12,262.3	0	12,262.3	0
Goliad	2,296.4	0	2,296.4	0
Gonzales	6,730.5	0	6,730.5	0
Gray	2,529.6	0	2,529.6	0
Grayson	21,016.6	0	21,016.6	0
Gregg	197.4	0	197.4	0
Grimes	4,320.0	0	4,320.0	0
Guadalupe	11,234.6	0	11,234.6	0
Hale	110,348.5	0	110,348.5	0
Hall	63,542.9	0	63,542.9	0
Hamilton	6,813.0	0	6,813.0	0
Hansford	346.0	0	346.0	0
Hardeman	21,503.6	0	21,503.6	0
Harris	892.6	0	892.6	0
Harrison	1,296.0	0	1,296.0	0
Hartley	29.6	0	29.6	0
Haskell	79,070.6	0	79,070.6	0
Hays	4,615.3	0	4,615.3	0
Hemphill	1,109.6	0	1,109.6	0
Henderson	1,784.9	0	1,784.9	0
Hidalgo	123,301.1	0	123,301.1	0
Hill	77,604.2	0	77,604.2	0
Hockley	126,646.2	0	126,646.2	0
Hood	1,391.2	0	1,391.2	0
Hopkins	3,875.6	0	3,875.6	0
Houston	14,939.6	0	14,939.6	0
Howard	49,829.6	0	49,829.6	0
Hudspeth	10,993.5	0	10,993.5	0
Hunt	58,754.1	0	58,754.1	0
Irion	429.4	0	429.4	0
Jack	1,333.0	0	1,333.0	0
Jackson	11,602.3	0	11,602.3	0
Jasper	0	0	0	0
Jeff Davis	431.6	0	431.6	0
Jim Hogg	61.1	0	61.1	0
Jim Wells	14,364.0	0	14,364.0	0
Johnson	23,417.8	0	23,417.8	0
Jones	71,624.7	0	71,624.7	0
Karnes	16,740.5	0	16,740.5	0
Kaufman	31,313.8	0	31,313.8	0
Kendall	0	0	0	0
Kent	13,163.0	0	13,163.0	0
Kimble	24.9	0	24.9	0
King	6,928.0	0	6,928.0	0
Kinney	14.5	0	14.5	0
Kleberg	5,658.5	0	5,685.5	0
Knox	38,820.9	0	38,820.9	0
Lamar	31,649.2	0	31,649.2	0
Lamb	129,638.6	0	129,638.6	0
Lampasas	660.4	0	660.4	0
La Salle	1,201.7	0	1,201.7	0
Lavaca	5,822.8	0	5,822.8	0
Lee	2,218.2	0	2,218.2	0
Leon	6,486.5	0	6,486.5	0
Liberty	208.3	0	208.3	0
Limestone	30,004.5	0	30,004.5	0
Live Oak	11,040.2	0	11,040.1	0
Llano	167.1	0	167.1	0
Loving	189.6	0	189.6	0

State and county	Computed county allotment (1)	Allocation from State reserves for trends (2)	County allotment (sum of cols. (1) and (2)) (3)	Allocation from State reserve for inequity and hardship cases (4)
Lubbock	150,445.9	0	150,445.9	0
Lynn	131,019.6	0	131,019.6	0
McCulloch	11,041.9	0	11,041.9	0
McLennan	55,421.4	0	55,421.4	0
McMullen	701.8	0	701.8	0
Madison	877.5	0	877.5	0
Marion	482.0	0	482.0	0
Martin	68,533.4	0	68,533.4	0
Mason	1,104.0	0	1,104.0	0
Matagorda	10,734.6	0	10,734.6	0
Maverick	2,210.4	0	2,210.4	0
Medina	1,066.9	0	1,066.9	0
Menard	462.7	0	462.7	0
Midland	18,921.9	0	18,921.9	0
Milam	34,015.9	0	34,015.9	0
Mills	1,770.8	0	1,770.8	0
Mitchell	46,555.0	0	46,555.0	0
Montague	2,625.0	0	2,625.0	0
Montgomery	1.3	0	1.3	0
Moore	101.2	0	101.2	0
Morris	9.1	0	9.1	0
Motley	23,243.4	0	23,243.4	0
Nacogdoches	792.9	0	792.9	0
Navarro	71,659.4	0	71,659.4	0
Newton	0	0	0	0
Nolan	29,469.8	0	29,469.8	0
Nueces	66,356.2	0	66,356.2	0
Ochiltree	157.5	0	157.5	0
Oldham	33.9	0	33.9	0
Palo Pinto	2,093.0	0	2,093.0	0
Panola	991.9	0	991.9	0
Parker	1,659.6	0	1,659.6	0
Parmer	30,448.6	0	30,448.6	0
Pecos	11,288.7	0	11,288.7	0
Polk	366.0	0	366.0	0
Presidio	1,806.3	0	1,806.3	0
Rains	5,259.0	0	5,259.0	0
Randall	1,565.2	0	1,565.2	0
Reagan	3,858.2	0	3,858.2	0
Red River	16,123.8	0	16,123.8	0
Reeves	34,862.4	0	34,862.4	0
Refugio	8,645.3	0	8,645.3	0
Roberts	164.1	0	164.1	0
Robertson	16,686.1	0	16,686.1	0
Rockwall	8,377.7	0	8,377.7	0
Runnels	56,038.6	0	56,038.6	0
Rusk	4,418.1	0	4,418.1	0
Sabine	283.4	0	283.4	0
San Augustine	1,050.5	0	1,050.5	0
San Jacinto	284.3	0	284.3	0
San Patricio	53,039.6	0	53,039.6	0
San Saba	3,087.9	0	3,087.9	0
Schleicher	5,961.3	0	5,961.3	0
Scurry	47,157.5	0	47,157.5	0
Shackelford	2,795.6	0	2,795.6	0
Shelby	2,517.0	0	2,517.0	0
Smith	521.6	0	521.6	0
Somervell	576.9	0	576.9	0
Starr	15,071.4	0	15,071.4	0
Stephens	592.2	0	592.2	0
Sterling	246.8	0	246.8	0
Stonewall	18,224.4	0	18,224.4	0
Swisher	35,918.1	0	35,918.1	0
Tarrant	6,385.8	0	6,385.8	0
Taylor	22,780.1	0	22,780.1	0
Terry	99,700.1	0	99,700.1	0
Throckmorton	7,732.3	0	7,732.3	0
Titus	55.1	0	55.1	0
Tom Green	37,496.6	0	37,496.6	0
Travis	22,316.1	0	22,316.1	0
Trinity	737.0	0	737.0	0
Tyler	7.0	0	7.0	0
Upshur	168.2	0	168.2	0
Upton	1,171.0	0	1,171.0	0
Uvalde	765.3	0	765.3	0
Val Verde	6.1	0	6.1	0
Van Zandt	14,352.0	0	14,352.0	0
Victoria	15,599.6	0	15,599.6	0
Walker	2,336.6	0	2,336.6	0
Waller	2,442.5	0	2,442.5	0
Ward	3,718.0	0	3,718.0	0
Washington	7,438.2	0	7,438.2	0
Webb	1,155.8	0	1,155.8	0
Wharton	48,330.7	0	48,330.7	0
Wheeler	17,824.9	0	17,824.9	0
Wichita	4,133.3	0	4,133.3	0
Wilbarger	33,768.9	0	33,768.9	0
Willacy	60,549.1	0	60,549.1	0
Williamson	71,618.3	0	71,618.3	0
Wilson	2,234.5	0	2,234.5	0

State and county	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of cols. (1) and (2))	Allocation from State reserve for inequity and hardship cases
	(1)	(2)	(3)	(4)
Wise	1,109.7	0	1,109.7	0
Wood	54.2	0	54.2	0
Yoakum	28,795.8	0	28,795.8	0
Young	7,730.3	0	7,730.3	0
Zapata	677.7	0	677.7	0
Zavala	5,466.0	0	5,466.0	0
Virginia:				
Brunswick	1,160.7	0	1,160.7	0
Charlotte	3.1	0	3.1	0
Dinwiddie	115.7	0	115.7	0
Greensville	2,831.6	0	2,831.6	0
Henrico	0	0	0	0
Isle of Wight	175.8	0	175.8	0
Lunenburg	115.0	0	115.0	0
Mecklenburg	1,100.7	0	1,100.7	0
Nansemond	872.3	0	872.3	0
Prince Edward	2.1	0	2.1	0
Prince George	22.2	0	22.2	0
Southampton	2,925.2	0	2,925.2	0
Surry	2.7	0	2.7	0
Sussex	1,023.8	0	1,023.8	0

(Secs. 301, 350, 375, 52 Stat. 38, as amended, 84 Stat. 1358, 52 Stat. 66, as amended; (7 U.S.C. 1301, 1350, 1375)).

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with Executive Order 11821.

Effective date: These amendments become effective on January 16, 1976.

Signed at Washington, D.C., on January 16, 1976.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.76-1706 Filed 1-16-76;9:33 am]

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

[Orange Reg. 74, Amdt. 4]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Grade and Size Regulations

This amendment lowers the minimum grade and size requirements applicable to fresh shipments of Murcott Honey oranges, grown in the production area in Florida, to Florida No. 1 Golden and 2$^{6}/_{16}$ inches in diameter (size 176), respectively. The specification of such lower minimum grade and size for Florida Murcott Honey oranges is necessary to satisfy the current and prospective demand for such oranges. The amended regulation recognizes the quality of much of the Murcott Honey oranges currently available for fresh shipment.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that less restrictive requirements applicable to shipments of Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This amendment reflects the Department's appraisal of the current and prospective demand for fresh Murcott Honey oranges by domestic and export market outlets. Less restrictive grade and size requirements for such fruit are consistent with the external appearance and available supply of such oranges in the production area. Fresh 1975–76 shipments of Florida Murcott Honey oranges are currently estimated at 2,000 carlots.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Murcott Honey oranges grown in Florida.

Order. 1. The provisions of paragraph (a)(7) and (a)(8), paragraph (b)(7) and (b) (8) and paragraph (c) of § 905.560 (Orange Regulation 74; 40 FR 42318, 49785, 54420, 58446) are amended to read as follows:

§ 905.560 Orange Regulation 74.

(a) * * *

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 Golden Grade;

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2$^{6}/_{16}$ inches in diameter, except that a tolerance for Murcott Honey oranges smaller than such minimum diameter shall be permitted as specified in § 51.1818 of the United States Standards for Grades of Florida Tangerines;

(b) * * *

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 Golden Grade;

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2$^{6}/_{16}$ inches in diameter, except that a tolerance for Murcott Honey oranges smaller than such minimum diameter shall be permitted as specified in § 51.1818 of the United States Standards for Grades of Florida Tangerines; * * *

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; Florida No. 1 Golden Grade shall have the same meaning as provided in Rule No. 20–35.03(4) of the Regulations of the Florida Citrus Commission, and all other terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Grades of Florida Oranges and Tangelos (7 CFR 51.1140–51.1180) or the United States Standards for Grades of Florida Tangerines (7 CFR 51.1810–51.1835).

* * * * *

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

Dated, January 19, 1976, to become effective January 19, 1976.

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

[FR Doc.76-1993 Filed 1-21-76;8:45 am]

[Navel Orange Reg. 363]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period January 23–29, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.663 Navel Orange Regulation 363.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated

part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is slow for this time of the year.

Prices f.o.b. averaged $3.78 a carton on a reported sales volume of 948 carlots last week, compared with an average f.o.b. price of $3.98 per carton and sales of 855 carlots a week earlier.

Track and rolling supplies at 398 cars were up 57 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 20, 1976.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 23, 1976, through January 29, 1976, are hereby fixed as follows:

(i) District 1: 1,274,000 cartons;

(ii) Disrtict 2: 86,000 carton;

(iii) District 3: 26,000 cartons."

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

(Secs. 1–19, 48 Stat. 32, as amended; 7 U.S.C. 601–674)

Dated:

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

[FR Doc.76–2170 Filed 1–21–76;12:13 pm]

[Avocado Reg. 17, Amdt. 15]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Maturity Requirements

This amendment revises the maturity requirements for the Brookslate variety of avocados. It will permit shipment of 10 ounce fruit of this variety three weeks earlier than is now permitted. Unseasonal growing conditions in the production area have caused avocados to mature earlier than in prior seasons. Weights or diameters and picking dates are indices used at harvest to assure that avocados are mature and will ripen satisfactorily after picking.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the maturity requirements for the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for the amendment stems from the current avocado crop maturity situation. Maturity studies on the specified variety completed recently indicate that such avocados will be mature at the hereinafter specified dates and minimum weights.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of the amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Brookslate avocados.

§ 915.317 [Amended]

Order. (1) The provisions of subparagraph (a)(2) of § 915.317 (Avocado Regulation 17; 40 FR 24006; 26501; 28048; 29068; 29812; 30793; 32823; 33963; 38145; 41993; 44305; 47102; 49787; 54768) are amended by revising in Table I the dates and minimum weights applicable to the Brookslate variety so that after such revision the portion of Table I relating to such variety of avocados reads as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Brookslate	Jan. 12, 1976	14 oz	Jan. 19, 1976	10 oz	Feb. 23, 1976		

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

Dated: January 19, 1976, to become effective January 19, 1976.

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

[FR Doc.76–1992 Filed 1–21–76;8:45 am]

Title 12—Banks and Banking

CHAPTER 1—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 8—ASSESSMENT OF FEES; NATIONAL BANKS; DISTRICT OF COLUMBIA BANKS

Revised Assessment Schedule

On December 24, 1975, the Comptroller of the Currency published a proposed revision of 12 CFR 8.2 in the FEDERAL REGISTER, 40 FR 59446 (1975), concerning the assessment schedule to be applicable to all national banks. The authority for the Comptroller to assess such fees may be found in R.S. 5240, as amended, 12 U.S.C. 482, and in section 3, 47 Stat. 1566, 26 D.C. Code 102.

As cited in the proposal, the principal reason for the proposed increase is that expenses of the Office are rising faster than revenues. This disparity will cause an increasingly larger operating deficit unless timely corrected. The proposed assessment schedule also would serve to correct the disproportionate manner in which large and small banks pay for the maintenance and operation of the Office of the Comptroller of the Currency.

Concurrent with the publication of notice of the proposed change of 12 CFR 8.2 in the FEDERAL REGISTER, the Comptroller sent a letter containing the proposal to the chief executive officer of each national bank. The purpose of this letter, dated December 22, 1975, was to ensure that each national bank received timely notice of the proposed change and to explain the reasons for the change in detail.

Comments on the proposal were solicited both by the notice published in the FEDERAL REGISTER and by the Comptroller's letter to each national bank. It was requested that such comments be submitted by January 10, 1976. In response to this invitation, 61 banks submitted their views on the proposal.

Based on the explanation which follows, the revision in the assessment schedule as proposed is adopted without substantive change, to be effective thirty days from the date of this publication.

For the past several years, the expenses of the Office of the Comptroller of the Currency have been rising faster than its revenues. Under the present assessment schedule, this Office will incur a $9 million deficit in 1975 and will incur a $22 million deficit during 1976.

The largest proportion of the increase in the expenses of this Office has been caused by general federal Government pay increases mandated by Congress. The salary expense for the Comptroller's Office increased 109 percent between 1969 and 1975. During this same period, the total number of employees increased 24 percent. Salary and personnel benefits account for approximately 72 percent of the total expenses of the Office.

A second major factor contributing to the size of the deficit was the loss of rent-free space in government office buildings. This change resulted from a 1974 interpretation of a statute administered by the General Services Administration, which for the first time required the Office to pay rent to the United States for space occupied in government buildings. Several of the Comptroller's offices have been relocated in the last two years to private office buildings because adequate space was available more cheaply.

A third major factor is the general pressure of inflation, which has affected the cost of the operation of this Office as well as the operating cost of the banks we regulate and other businesses throughout the nation. The Office travel expenses, for example, increased by 260 percent between 1969 and 1975. Until 1973, the growth of national bank assets was sufficient to offset, under the existing assessment schedule, the increasing expenses. Since then, however, the growth of bank assets has slowed, while the Office expenses have continued to increase.

Concern was expressed by many bankers on the significant increase in the cost of operating the Comptroller's Office, the size of the projected deficit, and the expansion of the federal regulation of banking which in part serves to increase the operating costs of banks. One banker suggested that "the Comptroller's Office should cut their expenses and the scope of their operations," while another observed that "there is a point where the cost of regulation becomes unduly burdensome," but did not take the position that this point had been reached by the proposed assessment figures. Concerning the subject of increased regulation, it was suggested by several bankers that "the constant flow of printed material materializing out of your office should be diminished, or stopped completely," and the scope of operations pursued by this Office reduced, in order to minimize expenses.

The Office of the Comptroller of the Currency has been created by Federal legislation for the purpose of regulating the national banking system. Under the National Bank Act, 12 U.S.C. 1 et seq., this Office has a responsibility to take every necessary and appropriate step to ensure that all national banks are thoroughly examined and are in compliance with the varied laws enacted by Congress and the States. It would be patently inconsistent with this objective and the duty of the this Office as a Federal agency to reduce the scope of our operation and cease to implement our statutory responsibilities solely because of increased cost. The Comptroller, however, should take all appropriate steps to diminish, reduce, and eliminate unnecessary expenditures. One major step in this direction is the implementation of the reforms suggested by the Haskins and Sells management study of the operation of this Office. If successful, these changes should make the examinations more efficient, and perhaps reduce the operating costs of this Office which could be reflected in future changes in the assessment schedule.

Under the present assessment schedule, the figure on which the assessment on national banks is calculated is the total asset figure reported on the "Report of Condition (Consolidating Domestic Subsidiaries)", with a minimum assessment of $200. Assets on the books of foreign branches and foreign subsidiaries of national banks are not now included in this figure. In addition, an assessment of $50 has been collected for each branch office.

In order to obtain a more equitable distribution of assessments, the Comptroller of the Currency proposed an assessment schedule, hereinafter adopted, which applies a declining percentage rate to the total assets reported on the "Consolidated Report of Condition (Including Domestic and Foreign Subsidiaries)." By the terms of the revised assessment schedule, both the basic flat fee and the separate branch fee are eliminated. However, the basic flat fee is to some extent replaced by the relatively high percentage rate applied to the first $1 million of total assets of each national bank.

The change in the assessment base to include foreign assets was made for two reasons. First, from the supervisory standpoint, the Comptroller views national banks as integrated enties, including domestic and foreign operations. This supervisory concern extends to the quality of all assets, wherever booked; to the income generated, whatever its source; and to the maturity structure of assets and liabilities, whenever domiciled. Second, as the foreign assets controlled by national banks have grown, this Office has necessarily devoted more of its resources to the examination of foreign related operations at the head office of each bank, at foreign branches and at offices of foreign subsidiaries. This is reflected in the establishment, by the Comptroller of the Currency, of an office in London, England, at which six national bank examiners are permanently stationed. In addition to the personnel at the London office, 154 examiners were sent abroad to examine the foreign activities of national banks during 1975. Thus, the inclusion of foreign assets in the assessment base is appropriate.

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The elimination of the separate branch fee reflects the increasing centralization of bank records and recent modifications in examination techniques necessary to meet this change. The elimination of the separate branch fee is also more consistent with the provisions of 12 U.S.C. 482, which governs the assessment of national banks.

The proposed method of revising the structure by which national banks are assessed will correct a historical inequity which has benefited small banks for many years. Based on the existing assessment schedule, small banks pay for only a small portion of the cost of their regulation, while large banks pay several times the cost of their regulation. This imbalance is evident by using even the most rudimentary cost accounting techniques. For example, an average bank with assets of $3.1 million would have paid an annual assessment of $716, or

$477 for each of three examinations over a two year period. The cost to this Office of providing each examination for that bank (including the overhead expenses of maintaining this Office is $2,490. The per diem expense alone of one examiner and two assistants to examine that bank is approximately $450. Under the proposed assessment schedule, this hypothetical bank will pay $1,745 for each examination, which is still significantly less than the actual cost of regulation to this Office.

The most frequently expressed opposition to the revised assessment schedule was that the increase applicable to small banks is too large and will place a burden on the ability of such banks to continue to operate successfully. This criticism is often coupled with the view that the proposed assessment schedule discriminates against small banks. These bankers stated that large banks should bear the major burden of the cost of regulation because it is the large banks which pose the most complex problems of regulation requiring the attention of the most skilled and highly paid personnel of the Comptroller's Office. As stated by one banker:

> It appears that an attempt to provide some relief to the large banks will create an undue burden on the small banks. In our opinion, the amount of time, expense, and concern created by numerous large banks moving into [diversified areas] should be paid for by the banks which create the excess time, expense, and concern to the Comptroller's Office. A small, conservative bank trying to follow prudent banking practices should not be required to absorb these excessive costs.

In this connection, some bankers suggest a gradual increase or a surtax based on the present assessment structure in order to provide for a period of adjustment and assimilation by small banks, while providing some increased revenues for the Comptroller's Office.

The proposed increase, while perhaps large in percentage terms for some small banks, represents a small portion of the total operating budget of each national bank. The increased assessment will not, in the opinion of the Comptroller of the Curernncy, disrupt or eendanger the continued profitable operation of any national bank. Furthermore, it is noted that some of the largest banks in the United States will experience substantial increases in their assessments as a result of the revised assessment schedule because of their extensive foreign operations. Adoption of the suggestions to postpone the adjustment by implementing a more gradual increase or by the imposition of a surtax based on the prsent asseessment structure will only perpetuate the current imbalance in assessments. Such a proposal would also result in the inevitable widening of the deficit of this Office which would necessitate higher assessment rates at some future point in time.

Several bankers have questioned the advisability of an assessment schedule based solely on the asset size of each bank. These writers note that it takes much longer to examine a bank with "serious problems and involvements which inevitably require elaborate follow-up" by the Comptroller's staff than it does to examine a bank of similar size which has been conservatively managed and maintains a trouble free asset portfolio. This system, they argue, provides a subsidy for the "marginal operator" at the expense of the well run bank. These bankers suggest that the Comptroller should adopt a system of assessment more closely related to the actual cost of examination of each particular bank. Such a system would be analogous to the method now employed for the examination of the fiduciary activities of national banks. See 12 CFR 8.6. Another suggestion was to provide a credit against the assessment for banks of excellent asset quality. An additional alternative suggested by many of these same bankers is to provide for a reduction in the assessment of banks which employ independent auditors.

Reductions in the assessment schedule for independent auditors, high asset quality, or other criteria are inconsistent with the provisions of 12 U.S.C. 482 which governs the assessment of national banks by the Comptroller of the Currency. Section 482 states, in pertinent part:

> The expense of the examinations . . . shall be assessed by the Comptroller of the Currency upon national banks in proportion to their assets or resources. The assessments may be made more frequently than annually at the discretion of the Comptroller of the Currency. The annual rate of such assessment shall be the same for all national banks, except that banks examined more frequently than twice in one calendar year shall, in addition, be assessed the expense of these additional examinations.

The origin of this section was section 54 of the National Bank Act of 1864, 13 Stat. 116, which established a system of assessment based on the length of time necessary to examine a particular bank. This was subsequently amended by Congress in 1875, 18 Stat. 329, by establishing a schedule of assessment based upon the capital of the bank examined. The present system of assessment, based on asset size, was specifically adopted by Congress in section 21 of the Federal Reserve Act of 1913, 38 Stat. 271. Thus, with respect to the regular assessment of the commercial activities of national banks, Congress has rejected a system of assessment related to the actual cost of examination of each national bank and in its place has chosen a system based on the asset size of the bank. Any inequity which results because of differences in the time necessary to complete a regular examination of different or equal size banks has been created by Congress, rather than by a decision of this Office. Banks requiring examinaitons more frequently than twice in one year are additionally charged, consistent with the schedule which appears in 12 CFR 8.5. Therefore, the bank with "serious problems and involvements which inevitably require elaborate follow-up" by the Comptroller's staff is not dependent on a subsidy by the well run banks to the extent suggested by some bankers.

Some bankers commented that, in their opinion, an inadequate amount of time was provided in which to submit comments relative to the proposal to revise the assessment schedule. A related issue mentioned by some writers was that the proposal was made at year end, which coincides with the busiest time of year for most retail banks. In publishing this proposal for notice and comment, the Comptroller has followed the provisions of the Administrative Procedure Act providing for the promulgation of administrative regulations. Furthermore, the action by the Comptroller of sending personal letters to the chief executive officer of all national banks was designed to ensure that all banks were actually informed of the proposal, an act beyond the minimal requirements of the Administrative Procedures Act. The Comptroller regrets any unnecesary inconvenience which may have been experienced because of the time of year at which this proposal was published. However, the fact that this Office received 61 letters from bankers concerning this proposal is evidence that sufficient time was provided for comment by interested persons.

Several inquiries were received about whether the proposed new semiannual assessment fee affected the filing fees for charters or branches, the trust examination fee, or the other fees found in 12 CFR 8.3–8.8. The amendment being adopted affects only the semiannual assessment found in 12 CFR 8.2. All other fees found in 12 CFR Part 8 remain unchanged.

The effective date of this amendment to 12 CFR 8.2, containing the revised assessment schedule, will be February 20, 1976. Concurrent with publication in the FEDERAL REGISTER of this amendment, a bill for the semiannual assessment for the period January 1, 1976, through June 30, 1976, is being mailed to each national and district bank. The assessment for this period is to be computed upon each bank's total assets as shown on the "Consolidated Report of Condition (Including Domestic and Foreign Subsidiaries)" for December 31, 1975. Payment of this semiannual assessment is due on or before the effective date of 12 CFR 8.2, i.e., February 20, 1976. Thereafter, the expense of examinations of all national banks will be assessed semiannually as of the dates of the second and fourth reports of condition. Each bank subject to the jurisdiction of the Comptroller of the Currency on such dates is subject to the full assessment without proration for any reason.

12 CFR 8.2 is revised to read as follows:

§ 8.2 Semiannual assessment.

Each national bank and each district bank shall pay to the Comptroller of the Currency on or before January 31 and July 31 of each year a semiannual assessment fee for the six month period beginning thirty days before each payment date. The amount of the semiannual assessment paid by each bank is computed as follows:

If the bank's total assets (consolidated domestic and foreign subsidiaries) are—		The assessment is—		
Over—	But not over—	This amount—	Plus—	Of excess over—
Million	*Million*			*Million*
0	$1	0	0.001000	0
$1	10	$1,000	.000125	$1
10	50	2,125	.000095	10
50	100	5,925	.000060	50
100	500	8,925	.000050	100
500	1,000	28,925	.000045	500
1,000	3,000	51,425	.000040	1,000
3,000	10,000	131,425	.000034	3,000
10,000	20,000	369,425	.000032	10,000
20,000	----------	689,425	.000021	20,000

Each semiannual assessment is based upon the total assets shown in the bank's "Consolidated Report of Condition (Including Domestic and Foreign Subsidiaries)" most recently preceding the payment date. The assessment shall be computed in the manner and on the form provided by the Comptroller of the Currency. For the period January 1, 1976, through June 30, 1976, only, the assessment shall be paid to the Comptroller of the Currency on or before February 20, 1976. Each bank subject to the jurisdiction of the Comptroller of the Currency on the date of the second or fourth condition reports is subject to the full assessment for the next six month period without proration for any reason.

Effective date. This section becomes effective February 20, 1976.

Dated: January 19, 1976.

[SEAL] ROBERT BLOOM,
Acting Comptroller of the Currency.

[FR Doc.76-2054 Filed 1-20-76;11:55 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 309—GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE

Miscellaneous Amendments

Pursuant to the authority vested in it by Section 701 of the Public Works and Economic Development Act of 1965, as amended, the Economic Development Administration hereby amends Part 309 of 13 CFR Chapter III, adding two new sections.

The purpose of the first new section, 13 CFR 309.26, is to clarify EDA policy regarding modifications of Public Works projects. It describes procedures recipients must follow when proposing a modification of an EDA financed project. Section 309.26(c) lists those project changes which are not acceptable to EDA. Because this regulation is a general statement of EDA policy and is also an interpretative rule based upon general government policy, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of the proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable. Moreover, as the material contained in section 309.26 (c) is a matter relating to the EDA grant program and is intended to relieve a restriction, it shall become effective immediately.

The second addition, 13 CFR 309.27, is an interpretative rule which implements the policy of Federal Management Circular 75–2, Compatible Land Uses at Federal Airfields. Since EDA does not actually own or operate airfields, it is not required to issue regulations for airfield land use plans, for coordinating plans with State and local governments, and for land management policy. Rather, EDA need only ensure that its programs foster land uses compatible with the airfield land use plans developed by the operating agencies. To this end, § 309.27 requires that applicants requesting EDA funding for projects involving land near Federally owned or operated airfields must demonstrate their compliance with the airfield land use plan for that facility. The purpose of FMC 75–2 is to promote appropriate land use and development for the area in which each Federal airfield is located; the scope of land affected by the Circular varies depending on factors peculiar to each airfield. Section 309.27 uses a flexible standard of applicability, leaving ultimate determinations of scope to airfield operating agencies. Since § 309.27 is an interpretative rule implementing FMC 74–7 and because it sets forth general agency policy concerning the EDA grant program, it is exempt from the public notice provisions of the Administrative Procedure Act (5 U.S.C. 553).

In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments or suggestions regarding 13 CFR 309.26 and 309.27 to the Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20230 by ——. All suggestions will be considered in revising or amending these regulations.

Consideration has been given as to whether matters set forth in these regulations constitute a major proposal with an inflationary impact within the meaning of OMB Circular A–107 and the interpretative guidelines as issued by the Department of Commerce. It has been determined that these regulations do not constitute action requiring an inflationary impact statement.

In consideration of the foregoing, Part 309 is hereby amended as follows:

1. By adding § 309.26 to read as follows:

§ 309.26 Project modification.

(a) Proposed modifications in public works projects receiving assistance under sections 101, 201, 304, and 403 of the Act, Titles 9 and 10 of the Act, and Chapter 4 of Title II of the Trade Act must comply with the following regulations:

(1) The proposed changes must result from joint discussions between EDA and the Grantee;

(2) The proposed changes must be submitted to EDA for appropriate program and technical reviews;

(3) The proposed changes must be accompanied by revised cost estimates to verify that the project can still be constructed within the approved funds.

(i) If the revised cost is reduced, funds which would make the EDA grant exceed the maximum grant rate in the original Offer will be deobligated.

(b) Proposed changes will be processed for approval by the Assistant Secretary, following normal amendment procedures.

(c) EDA is under no obligation to accept the proposed project changes and may choose to deobligate the project funds. The following project changes will not be accepted:

(1) Changes in the economic or community development purpose of the project;

(2) Changes in the target population which will benefit from the project;

(3) Limitations in the accessibility of project facilities to the target population;

(4) Changes in the general geographic location, i.e., city, community, Reservation, or area, of the project.

2. By adding § 309.27 to read as follows:

§ 309.27 Land use near Federal airfields.

No financial assistance under the Act will be approved for a project involving public or privately owned land adjacent to or in the vicinity of a federally owned or operated airfield unless the applicant can demonstrate that the proposed project is compatible with the airfield land use plan prepared for that facility.

(Sec. 701, Pub. L. 89–136, 79 Stat. 570 (42 U.S.C. 3121); Department of Commerce Organization Order 10–4, 40 FR 56702.)

Effective date. This amendment becomes effective on January 22, 1976.

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

Dated: January 14, 1976.

WILMER D. MIZELL,
Assistant Secretary for Economic Development.

[FR Doc.76-1967 Filed 1-21-76;8:45 am]

Title 21—Food and Drugs

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

[Docket No. 75G–0116]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ELECTROLYTIC DIAPHRAGM PROCESS FOR SALT; REVOCATION

The Commissioner of Food and Drugs is revoking § 121.1261 *Electrolytic diaphragm process for salt* (21 CFR 121.-1261). The order shall be effective on January 22, 1976; objections on or before February 23, 1976.

The Commissioner proposed in the FEDERAL REGISTER of June 25, 1975 (40 FR 26683), to revoke § 121.1261, and he stayed the effective date of the regulation pending the revocation. One comment was received in response to the proposal. That comment supported the proposed revocation without additional data or information.

Previously, the Commissioner had issued, in the FEDERAL REGISTER of September 23, 1974 (39 FR 34192), § 121.1261 to provide for the production of by-product food grade salt (sodium chloride) from the electrolytic diaphragm process. In addition to requiring that this salt meet the specifications of the Food Chemicals Codex 2d Ed. (1972), the regulation required that the salt contain not more than 0.06 percent alkalinity (calculated as sodium hydroxide) and that the electrodes used in the process not produce impurities that are not present in salt produced by other means.

In response to objections to that regulation, which alleged possible contamination of the salt by asbestos fibers, a sample of the regulated salt was obtained by the Food and Drug Administration. Three independent analyses demonstrated the presence of very high levels of chrysotile asbestos fibers in the electrolytic salt sample.

In the performed analyses, unidentified samples of chemical reagent grade salt, food grade table salt (purchased from a local Washington, DC, supermarket), and the subject salt (a "pilot scale" sample) were analyzed by a single optical microscopic method and two electron microscopic techniques. Although one of the electron microscopic techniques and the optical method did not identify asbestos fibers in either the reagent or the food grade salt, the equivalent of 221 chrysotile asbestos fibers (up to 0.8 millimeter long) was found in 25 grams of the subject salt by optical microscopy, and the equivalent of approximately 16 million chrysotile asbestos fibers (averaging 3.7 microns long, 0.06 micron in diameter, and equivalent to 0.44 part per million asbestos by weight) was found per gram of this same salt by electron microscopy. The third analysis, with higher resolution electron microscopy, found chrysotile asbestos fibers in all three samples. These levels were equivalent to 200,000 fibers (1.0 micron average length) per gram of the chemical reagent grade salt, 80,000 fibers (1.0 micron average length) per gram of the food grade table salt, and 84 million fibers (1.7 microns average length) per gram of the subject salt. Details of the results of these analyses have been on display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner finds that the amount of asbestos impurity in the sample of salt produced by the electrolytic diaphragm process is greater by several orders of magnitude than that in the sample of salt produced by conventional means. He further finds that the electrolytic diaphragm process is not capable of producing food grade salt, under the conditions specified in the regulation, which does not contain much higher levels of asbestos impurity than conventionally produced salt. Consequently, the Commissioner concludes, after a fair evaluation of the data before him, that the electrolytic diaphragm process has not been established as safe under the conditions specified in the regulation. The Commissioner thus concludes that revocation of § 121.1261 is fully justified.

The Commissioner has considered the potential for inflationary and environmental impact and concludes that there is no significant impact on either the environment or on inflation. The environmental and inflation impact assessments are on display in the office of the Hearing Clerk, Food and Drug Administration (address noted above).

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner amends Part 121, Subpart D—Food Additives Permitted in Food for Human Consumption, by revoking § 121.1261 *Electrolytic diaphragm process for salt.*

Any person who will be adversely affected by the foregoing order may at any time on or before February 23, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective January 22, 1976.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a)))

Dated: January 15, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-1929 Filed 1-21-76;8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Exempt Chemical Preparations

The Acting Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations requesting that several chemical preparations containing controlled substances be granted the exemptions provided for in § 1308.24 of Title 21 of the Code of Federal Regulations.

The Acting Administrator hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, education, or special research purposes, is not intended for general administration to a human being or other animal, and either (a) contains no narcotic controlled substances and is packaged in such a form or concentration that the package quantity does not present any significant potential for abuse, (b) contains either a narcotic or non-narcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion or concentration, that the preparation or mixture does not present any potential for abuse, or (c) the formulation of such preparation or mixture incorporates methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore the preparation or mixture does not present any significant potential for abuse. The Acting Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts, and suppliers of these products.

Therefore, pursuant to section 202(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812(d)), and under the authority vested in the Attorney General by sections 301 and 501(b) of the Act (21 U.S.C. 821 and 871(b)) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations (see FR 18380, July 2, 1973), and further, having been duly designated as Acting Administrator by Order No. 607–75 of the Attorney General, dated May 30, 1975, in accordance with the authority stated therein, and pursuant to the authority delegated to the Acting Administrator by § 0.132(d) of Title 28 of the Code of Federal Regulations, the Acting Administrator of the Drug Enforcement Administration hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as follows:

a. By amending § 1308.24(i) by adding the following chemical preparations:

§ 1308.24 Exempt chemical preparations.

* * * * *

(i) * * *

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
American Monitor Corp.	Qualify I	Glass vial: 10 ml	Oct. 9, 1975
Do.	Qualify II	do.	Do.
Amersham/Searle	T-4 RIA Kit, catalog No. IM.80	Kit containing: 50 tests	Nov. 25, 1975
Do.	T-4 RIA Kit, catalog No. IM.801	Kit containing: 100 tests	Do.
Do.	T-4 RIA Kit, catalog No. IM.801A	do.	Do.
Behring Diagnostic American Hoechst Corp.	IEP Buffer pH 8.2	Foil pouch: 5.35 by 5.25 in, 6.5 g.	Sept. 24, 1975
Do.	Immuno-tec[R] II, Agarose Plates	Foil pouch: 5.35 by 5.25 in.	Nov. 20, 1975
New England Nuclear	Dihydromorphine (7,8-3H(N)) catalog, No. NET-418.	Combi-vial: 250 μCi, 1 mCi	Aug. 25, 1975
Do.	Lysergic Acid Diethylamide (2-3H(N)), catalog No. NET-447.	do.	Do.
Do.	Mescaline hydrochloride (8-14C), catalog No. NEC-186.	Glass vial: 250 μCi, 50 μCi	Do.
Do.	Morphine (6-3H(N)), catalog No. NET-445.	Combi-vial: 250 μCi, 100 μCi, and 1 mCi.	Do.
Do.	Methadone hydrobromide (1-3H), catalog No. NET-357.	Screw cap vial: 1 mCi	Do.
Do.	d-Amphetamine sulfate (3H(G)), catalog No. NET-140.	Combi-vial: 250 μCi, 5 mCi, and 1 mCi.	Do.
Do.	Acetaldehyde(1,2-14C) as Paraldehyde, catalog No. NEC-158.	Pyrex glass breakseal tube: 250 μCi, 1 mCi.	Do.
Do.	5-Cyclohexenyl-3, 5, -dimethylbarbituric acid (2-14C), catalog No. NEC-653.	Screw cap bottle: 250 μCi, 50 μCi.	Do.
Do.	5-Cyclohexenyl-3, 5, -dimethylbarbituric Acid (3H(G)), catalog No. NET-426.	Combi-vial: 250 μCi, 5 mCi, and 1 mCi.	Do.
Do.	5-Ethyl-5-phenylbarbituric Acid (3H-(G)), catalog No. NET-401.	Combi-vial: 250 μCi, 5 mCi, and 1 mCi.	Do.
Do.	5-Ethyl-5-phenylbarbituric Acid (ring-2-14C), catalog No. NEC-337.	Screw cap bottle: 250 μCi, 50 μCi.	Do.
Do.	5-Ethyl-5-(1-methylbutyl) barbituric Acid (ring-2-14C), catalog No. NEC-389.	Screw cap bottle: 500 μCi, 100 μCi, and 1 mCi.	Do.
Do.	Glutethimide (3H(G)), catalog No. NET-417.	Combi-vial: 250 μCi, 5 mCi, and 1 mCi.	Do.

b. By amending § 1308.24(i) by deleting the following chemical preparations:

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
Behring Diagnostic American Hoechst Corp.	IEP Buffer pH 8.2	Foil pouch: 5.32 by 5.25 in., 6.5 g.	Sept. 24, 1975

Effective date. This order is effective—

Any person interested may file written comments on or objection to the order on or before March 24, 1976. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Acting Administrator shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Acting Administrator shall reinstate, revoke or amend his original order as he determines appropriate.

Dated: January 15, 1976.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.76-2006 Filed 1-21-76;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

PART 252—BUSINESS PRACTICES ON THE NAVAJO, HOPI AND ZUNI RESERVATIONS

Retail Business and Credit Transactions; Correction

JANUARY 15, 1976.

These corrections are published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

In FR Doc. 75-22997 appearing at page 39835 in the FEDERAL REGISTER of Friday, August 29, 1975, the following changes should be made:

1. On page 39837 the first word of the section heading for § 252.24 should read "Attendance".

2. On page 39838 in the section heading for § 252.59 the word "compliance" should read "complaint".

3. On page 39838 in subparagraph (2) of paragraph (c) of § 252.5 the word "of" after "interest" and before "be" should read "to".

4. On page 39839 in paragraph (a) of § 252.11 the word "reservations" should read "reservation".

5. On page 39840 in paragraph (a) of § 252.19 insert the word "business" after the word "reservation" and before the word "may".

6. On page 39841 in subparagraph (3) of paragraph (b) of § 252.31 the word after "proposed" and before "is" should read "transaction".

7. On page 39841 in paragraphs (a) and (e) of § 252.32 insert the word "by" after the word "due" and before the word "an".

8. On page 39841 in paragraph (e) of § 252.32 the word "data" should read "date".

9. On page 39841 subparagraph (2) of paragraph (a) of § 252.33 is revised to read as follows:

(2) If the license is issued on or after July 1, the licensee shall pay one hundred dollars ($100).

10. On page 39842 in paragraph (a) of § 252.39 the word "sent" appearing after the word "notice" and before the word "as" should be deleted.

11. On page 39842 paragraph (c) of § 252.39 is revised to read as follows:

(c) A pledgor may redeem pawn which has been put up for sale at any time before the day it is to be sold by tendering to the pledgee the face amount of the loan, plus the finance charge assessed on the original loan. The pledgee may also collect an additional charge covering the period between the date due and the date of redemption, provided that the rate of charge does not exceed the finance charge on the original loan.

12. On page 39843 in paragraph (d) of § 252.57 the word "license" after the word "the" and before the word "and" is corrected to read "license".

13. On page 39844 in paragraph (c) of § 252.58 the word "purchase" after the word "and" and before the word "whether" should read "purchases".

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-1914 Filed 1-21-76;8:45 am]

PART 252—BUSINESS PRACTICES ON THE NAVAJO, HOPI AND ZUNI RESERVATIONS

Retail Business and Credit Transactions; Deferral of Effective Date of Certain Provisions

JANUARY 15, 1976.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

This document defers until further notice the effective date for §§ 252.7(b), 252.14 and 252.32(c) of 25 CFR contained in FR Doc. 75-22997 appearing at page 39835 in the FEDERAL REGISTER of Friday, August 29, 1975 (40 FR 39835).

A bonding requirement for a license or renewal of license to be a trader on the Navajo, Hopi or Zuni reservations was contained in § 252.9 of the old regulations. In § 252.7(b) of the new regulations the obligation under the bond was expanded to run to the customers as well as to the U.S. Government. Applicants for a permit to buy livestock are required to furnish a bond by § 252.14 of the new regulations. Pawnbrokers are required to furnish a bond under § 252.32. Paragraph (c) of that section requires the obligation under the bond to run both to the customers and to the U.S. Government.

The United Indian Traders Association stated in a letter to the Commissioner of Indian Affairs dated November 5, 1975, that the companies who currently write bonds for most licensees are not willing to write bonds that run to the customers of a licensee.

The Navajo Area Office of the Bureau of Indian Affairs has expressed concern that requiring a bond for livestock purchasers will make auctions impossible.

The effective date for §§ 252.7(b), 252.14 and 252.32(c) has been deferred to provide more time to resolve these problems.

It is therefore ordered, That the effective date of 25 CFR 252.7(b), 252.14 and 252.32(c) is deferred until further notice.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-1915 Filed 1-21-76;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 636-76]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart Q—Bureau of Prisons

CONFINEMENT OF PERSONS IN DISTRICT OF COLUMBIA CORRECTIONAL INSTITUTIONS; DELEGATION OF AUTHORITY

On July 24, 1975 the Attorney General published in the FEDERAL REGISTER (40 FR 30977) a notice of proposed rulemaking delegating authority to the District of Columbia Department of Corrections to grant furloughs to persons in District of Columbia institutions who had been committed to the custody of the Attorney General. Three comments on the proposed delegation of authority were received from individuals and organizations. These comments, and the changes they propose, have been duly considered, but no change in the proposed delegation of authority will be made at this time.

By virtue of the authority vested in me by the Act of September 1, 1916, 39 Stat. 711 (D.C. Code section 24-402), by section 11 of the Act of July 15, 1932 as added by the Act of June 6, 1940, 54 Stat. 244 (D.C. Code section 24-425) and by the Act of September 10, 1965 (18 U.S.C. 4082) the Appendix to Subpart Q of Part 0, Chapter I of Title 28 of the Code of Federal Regulations as published in the FEDERAL REGISTER of July 24, 1975 (40 FR 30977) is hereby adopted and made final.

Dated: January 15, 1976.

EDWARD H. LEVI,
Attorney General.

[FR Doc.76-1921 Filed 1-21-76;8:45 am]

Title 29—Labor

CHAPTER XXV—OFFICE OF EMPLOYEE BENEFITS SECURITY, DEPARTMENT OF LABOR

PART 2509—INTERPRETIVE BULLETINS RELATING TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Interpretive Bulletins

In order to provide a concise and ready reference to its interpretations of the provisions of Title I of the Employee Retirement Income Security Act of 1974, the Department of Labor is publishing its interpretive bulletins in the Rules and Regulations section of the FEDERAL REGISTER.

Interpretive Bulletin IB-75-10, which is published in this issue of the FEDERAL REGISTER and is now included in Part 2509, was previously issued to the public by the Department of Labor as ERISA IB-MS-75-1. Also published in this issue of the FEDERAL REGISTER is IB-76-1, relating to guidelines on seasonal industries.

Copies of these interpretive bulletins may be obtained from the Labor-Management Services Administration Information Office, Room N-5641, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Sec.

2509.75-10 *Interpretive Bulletin Relating to the ERISA Guidelines and the Special Reliance Procedure.*

2509.76-1 *Interpretive Bulletin Relating to Guidelines on Seasonal Industries.*

AUTHORITY: Sec. 505, secs. 202(a)(3)(B), 203(b)(2)(C) and 204(b)(3)(D), Employee Retirement Income Security Act of 1974.

§ 2509.75-10 Interpretive bulletin relating to the ERISA Guidelines and the Special Reliance Procedure.

On November 5, 1975, the Department of Labor (the "Department") and the Internal Revenue Service (the "Service") announced the publication of a compendium of authoritative rules (hereinafter referred to as the "ERISA Guidelines") relating to ERISA requirements. *See* T.I.R. No. 1415 (November 5, 1975) issued by the Service. These rules were published in recognition of the need to provide an immediate and complete set of interim guidelines to facilitate (1) adoption of new employee pension benefit plans (hereinafter referred to as "plans"), and (2) prompt amendment of existing plans, in conformance with the applicable requirements of the Employee Retirement Income Security Act of 1974 ("ERISA") pending the issuance of final regulations or other rules. These rules govern the application of (1) the qualification requirements of the Internal Revenue Code of 1954 (the "Code") added or amended by ERISA, and (2) the requirements of the provisions of parts 2 and 3 of Title I of ERISA paralleling such qualification requirements (both such sets of requirements hereinafter referred to collectively as the "new qualification requirements").

The ERISA Guidelines incorporate by reference the documents relating to the new qualification requirements heretofore published by the Department and by the Service as temporary or proposed regulations, revenue rulings, revenue procedures, questions and answers, technical information releases, and other issuances. The ERISA Guidelines also incorporate additional documents published on November 5, 1975, or to be published forthwith, which are necessary to complete the interim guidelines relating to the new qualification requirements. See the schedule set forth below for a complete list and brief description of the documents comprising the ERISA Guidelines.

The Department and the Service emphasized that the ERISA Guidelines constitute the entire set of interim rules of the Department and the Service for satisfying the new qualification requirements, and thus provide authoritative guidance in respect of the new statutory requirements bearing on qualification. These rules are applicable to individually designed plans and to multiemployer (or other multiple employer) plans, and may be relied upon until amended or supplemented by final regulations or other rules. Moreover, the Department and the Service announced that any provisions of final regulations or other rules which amend or supplement the rules contained in the ERISA Guidelines will generally be prospective only, from the date of publication. Further, in the case of employee plan provisions adopted or amended before the date of such publication which satisfy the ERISA Guidelines, such final regulations or other rules will generally be made effective for plan years commencing after such date, except in unusual circumstances.

The Service further announced that the ERISA Guidelines incorporate the procedures that will enable employers to obtain determination letters as to the qualification of pension, annuity, profit sharing, stock bonus and bond purchase plans which satisfy the requirements of sections 401(a), 403(a) and 405(a) of the Code, as amended by ERISA. The Service also pointed out that the ERISA Guidelines will enable sponsors of master and prototype plans (whether newly established or amended) to obtain opinion letters as to the acceptability of the form of such plans, and further, that employers who establish plans designed to meet the requirements of section 301(d) of the Tax Reduction Act of 1975 (relating to employee stock ownership plans) will be able to obtain determination letters as to the acceptability of such plans (whether or not such plans are intended to be qualified).

To facilitate further the adoption of new plans and the prompt amendment of existing plans in conformance with the new qualification requirements, the Service announced on November 5, 1975, the adoption of a special procedure (hereinafter referred to as the "Special Reliance Procedure") pursuant to which the adoption, on or before May 30, 1976, of new plans and amendments of existing plans may be effectuated with full reliance upon the rules which comprise the ERISA Guidelines and without regard to any amendment or supplementation of such rules before such date. Therefore, except in unusual circumstances (described in Technical Information Release No. 1416 (November 5, 1975)), plans which comply with the Special Reliance Procedure shall generally be considered by the Service as satisfying the qualification requirements of the Code added or amended by ERISA for plan years commencing on or before December 31, 1976, to which such requirements are applicable, notwithstanding the date when final regulations or

other rules hereafter published which amend or supplement the rules comprising the ERISA Guidelines may otherwise be made effective. Reference is hereby made to Technical Information Release No. 1416 (November 5, 1975) for a description of the Special Reliance Procedure.

The Department announced that plans which comply with the Special Reliance Procedure will be considered by the Department as satisfying the requirements of the provisions of parts 2 and 3 of Title I of ERISA which parallel the qualification requirements of the Code added or amended by ERISA to the same extent as such plans are considered by the Service as satisfying, in accordance with the terms of the Special Reliance Procedure, such qualification requirements.

The availability of the Special Reliance Procedure will substantially diminish the occasions for plans to avail themselves of the right to satisfy, for tax purposes, the qualification requirements of the Code (added or amended by ERISA) by retroactive amendments adopted during or after the close of a plan year, in accordance with section 401(b) of the Code and the temporary regulations thereunder. The Department pointed out that no explicit parallel provision to section 401(b) of the Code is contained in Title I of ERISA. Nevertheless, to the extent retroactive amendments to a plan are made to satisfy the requirements of parts 2 and 3 of Title I of ERISA which parallel the qualification requirements of the Code added or amended by ERISA, the Department noted that such plan will be in compliance with such requirements if such an amendment designed to satisfy such requirements (1) is adopted by the end of the plan year to which such requirements are applicable, and (2) is made effective for all purposes for such entire plan year.

The schedule of documents comprising the ERISA Guidelines follows.

ERISA guidelines—Schedule of documents

Publication date, 1975	Document	Subject	Code and ERISA sections
Jan. 8	TIR 1334	Questions and answers relating to defined contribution plans subject to ERISA.	410, 411, et al.
Apr. 21	40 F.R. 17576	Notice of proposed rulemaking: Qualification (and other aspects) of HR-10 plans.	401(c), 401(d), 401(e), 46, 50A, 72, 404(e), 901, and 1379.
June 4	T.D. 7358	Temporary regulations: Notification of interested parties.	7476.
July 14	T.D. 7367	Temporary regulations: Notice of determination of qualification.	7476.
Sept. 8	40 F.R. 41654	Department of Labor—Minimum standards for hours of service, years of service, and breaks in service relating to participation, vesting, and accrual of benefits.	401(a)(3)(B), 411(a)(5)(C), and ERISA secs. 202, 203, and 204.
17	TIR 1403	Questions and answers relating mainly to defined benefit plans subject to ERISA (addition to TIR 1334).	410, 411, et al.
18	40 F.R. 43034	Notice of proposed rulemaking: Definitions of multiemployer plan and plan administrator.	414 (f) and (g).
29	T.D. 7377	Temporary regulations: Certain retroactive amendments of employee plans.	401(b).
Oct. 3	T.D. 7379	Temporary regulations: Qualified joint and survivor annuities.	401(a)(11).
	T.D. 7380	Temporary regulations: Minimum participation standards.	410.
8	T.D. 7381	Temporary regulations: Commencement of benefits	401(a)(14).
15	T.D. 7382	Temporary regulations: Requirement that benefits under a qualified plan are not decreased on account of certain social security increases.	401(a)(15).
16	T.D. 7383	Temporary regulations: Nonbank trustees of pension and profit sharing trusts benefiting owner-employees.	401(d)(1).
	40 F.R. 45517	Notice of proposed rulemaking: Certain custodial accounts.	401(f).
30	TIR 1408	Questions and answers relating to mergers, consolidations, etc.	401(a)(12) and 414(1).
Nov. 3	Rev. Rul. 75-480, 1975-44 IRB.	Updating of Rev. Rul. 71-446 to reflect changes mandated by ERISA.	401(a)(5).
	Rev. Rul. 75-481, 1975-44 IRB.	Guidelines for determining whether contributions or benefits under plan satisfy the limitations of sec. 415 of the code.	401(a)(16) and 415.
	TIR 1411, Rev. Proc. 75-49, 1975-48 IRB.	Vesting and discrimination	401(a)(4) and 411(d)(1).
4	TIR 1413	Questions and answers relating to employee stock ownership plans.	401, 4975, and sec. 301(d) of the Tax Reduction Act of 1975.
5	T.D. 7387	Temporary regulations on minimum vesting standards.	411.
	T.D. 7388	Controlled groups, businesses under common control, etc.	414 (b) and (c).
(1)	TIR	Nonforfeiture of employee derived accrued benefit upon death.	411(a)(1).
(1)		Department of Labor—Interpretive bulletin: Definition of seasonal industries.	410(a)(3)(B), 411(a)(5)(C), and ERISA secs. 202(a)(3)(C), 203(b)(2)(C).
7	40 F.R. 52008	Department of Labor—additional requirements applicable to definition of multiemployer plan.	414(f) and ERISA sec. 3(37).
(1)		Department of Labor—suspension of benefits upon reemployment of retiree.	411(a)(3)(B) and ERISA sec. 203(a)(3)(A).
Dec. 3	TIR 1422	Assignment or alienation of plan benefits	401(a)(13).
9	TIR 1424, Rev. Proc. 76-1, 1976-1 IRB.	Vesting and discrimination	401(a)(4) and 411(d)(1).
(2)	TIR, Rev. Rul.	Appropriate conversion factor	411(c)(2)(B)(ii).

[1] To be published forthwith.

§ 2509.76-1 Interpretive bulletin relating to guidelines on seasonal industries.

On January 16, 1976, the Department of Labor issued an interpretive bulletin, designated ERISA IB 76-1, establishing guidelines on seasonal industries under the Employee Retirement Income Security Act of 1974 (the Act). The guidelines enable employee pension benefit plans to comply with the Act until regulations can be issued under sections 202(a)(3)(B), 203(b)(2)(C) and 204(b)(3)(D) of the Act. Plans may rely on these guidelines, as provided in ERISA IB 75-10 and TIR-1415 (November 5, 1975), for computing service to be credited to employees in seasonal industries.

The Act makes special provision for a "seasonal" industry where the "customary period of employment" is less than 1,000 hours of service during a year. The provisions of the Act concerning participation, vesting and beneficial accrual are applicable to plans, rather than to industries. It is therefore necessary to provide guidance for plans in an industry with customary annual employment of less than 1,000 hours for purposes of applying the special provision.

The guidelines establish two tests to determine whether a plan covers employees in a seasonal industry. First, a seasonality percentage test is used to measure peaking of hours of service, in order to limit seasonality to those business activities with at least one concentrated period of employment during a year. This is a primary characteristic of seasonality. Under this test, the seasonality percentage is met where the total hours completed by all employees who are covered by a plan, or would be covered but for the plan's minimum service requirements, in any three-month period is 150% or more of the total hours in any other three-month period during the fifteen months immediately preceding the plan year to which the test is applied. Under the second test, the customary period of employment is less than 1,000 hours if 50% or more of the employees described in the previous sentence have completed less than 1,000 hours of service during the twelve calendar months immediately preceding the plan year under consideration. If the plan meets these two tests for seasonality, the plan covers employees in a seasonal industry, and all employees who are covered or would be covered by that plan must be credited for participation, vesting and benefit accrual for the plan year on the basis of a 500 hour standard rather than the normal 1,000 hour standard.

Paragraph (b) sets forth in detail the first test for determining whether a plan covers employees in a seasonal industry and provides that a plan must meet the seasonality percentage test measured in units of thirteen overlapping three-month periods during the fifteen calendar months immediately preceding the plan year. By spanning a fifteen-month period, the seasonality percentage test insures measurement of all annual peaks. If only a twelve-month period were used,

a plan year might begin in the midst of an annual peak period, and the highest three-month period actually occurring each year would not be measured under the test. The fifteen-month period covers all three-consecutive-month combinations during a year.

Paragraph (c) allows the exclusion of certain periods from the seasonality percentage test in the situation where a catastrophic event, unrelated to the business activities of the employer maintaining the plan, restricts operations for a significant period of time.

The guidelines follow:

(a) *Guidelines on seasonal industries.*—(1) *General rule.* A plan covers employees in a seasonal industry for a plan year if—

(i) The hours of service of all employees covered by the plan (or who would be covered by the plan if they satisfied the minimum service requirements set by the plan as a condition for eligibility to participate) meet the seasonality percentage test set forth in paragraph (b) and

(ii) Fifty percent or more of the employees described in paragraph (a)(1)(i) have less than 1,000 hours of service in the twelve calendar months immediately preceding the plan year to which this rule is being applied.

(b) *Seasonality percentage test* is a test by which hours of service are measured in each of thirteen different three-month periods that occur during the fifteen calendar months immediately preceding the plan year to which this rule is being applied. If the total hours of service completed by all employees described in paragraph (a)(1)(i) within any one such three-month period is 150% or more of the total hours completed by all such employees in any other such three-month period, then the plan meets the seasonality percentage test. For example, assume that the total hours of service for all employees described in paragraph (a)(1) are as shown below for each of the three-month periods in the 15-month period. The plan is on a calendar year basis.

1	October to December 1974	7,500
2	November 1974 to January 1975	8,000
3	December 1974 to February 1975	8,000
4	January to March 1975	7,000
5	February to April 1975	6,500
6	March to May 1975	6,500
7	April to June 1975	8,000
8	May to July 1975	9,500
9	June to August 1975	9,000
10	July to September 1975	7,500
11	August to October 1975	6,000
12	September to November 1975	6,500
13	October to December 1975	7,500

The plan meets the seasonality percentage test in the 15-month period because the total hours in either period 8 or period 9 are equal to or more than 150% of the total hours in period 11. Therefore the plan meets the test of paragraph (a)(1) for the 1976 plan year.

(c) *Limitation on the use of the seasonality percentage test.* A plan is not required to include in the seasonality percentage test any period which contains a calendar month during which 50% or more of the employees described in paragraph (a)(1)(i) were unable to complete an hour of service for 15 or more days as a result of a rare, atypical and nonrecurring event rather than the seasonal nature of employment. For the purposes of this paragraph, any fire, flood, explosion, earthquake or other event which is not a normal occurrence in the operations of a seasonal industry shall be deemed a rare, atypical and nonrecurring event.

If a plan—

(1) Excludes a three-month period or periods from the seasonality percentage test for the reasons set forth in this paragraph; and

(2) Fails to meet the seasonality percentage test for the plan year to which the test (measured now by less than thirteen three-month periods) is applied, seasonality shall be determined by applying the tests of seasonality set forth in paragraph (a) to the prior plan year.

(d) *Year of service.* An employee in a seasonal industry completes a year of service for the purposes of vesting and eligibility to participate if the employee completes 500 or more hours of service (or, in the case of a seasonal maritime industry, 62 or more days of service) in the respective computation periods beginning with or within the plan year for which the industry is determined to be seasonal.

(e) *Year of participation.*—(1) An employee in a seasonal industry completes at least a partial year of participation for the purposes of benefit accrual if the employee completes 500 or more hours of service (or, in the case of a seasonal maritime industry, 62 or more days of service) in an accrual computation period beginning with or within the plan year for which the industry is determined to be seasonal.

(2) When partial years of participation are computed under § 2530.204–2(c), the number 500 will be substituted for the number 1,000 in determining the largest number of hours that a plan may require during the period for an employee to obtain credit for a partial year of participation for the purposes of benefit accrual. All other calculations shall remain the same.

(f) *Breaks in service.* For purposes of sections 202(b), 203(b)(3) and 204(b)(3)(A) of the Act and sections 410(a)(5), 411(a)(6) and 411(b)(3)(A) of the Code, a plan may charge an employee in a seasonal industry with a break in service for a computation period beginning with or within the plan year for which the industry is determined to be seasonal if the employee fails to complete more than 250 hours of service or, in the case any seasonal maritime industry, 31 days of service in such period. All other rules relating to breaks in service, such as use of certain computation periods, are the same for employees in seasonal industries as for employees in other industries.

Signed at Washington, D.C. this 15th day of January, 1976.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs.

[FR Doc.76–1809 Filed 1–21–76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 207—NAVIGATION REGULATIONS

St. Marys Falls Canal and Locks, Michigan

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 207.441 prescribing the security and protective measures for the St. Marys Falls Canal and Locks, Michigan is hereby amended with respect to the revocation of paragraphs (d) and (e). These particular paragraphs of the regulations were imposed for security purposes during periods of external conflict. Current circumstances do not warrant such stringent inspection measures.

Since it was found that this amendment did not affect the public and removes obsolete paragraphs from the regulation, notice of proposed rulemaking and public procedures thereto are considered unnecessary and impractical. Accordingly, § 207.441 is hereby amended as follows:

§ 207.441 St. Marys Falls Canal and Locks, Mich.; security.

* * * * *

(d) *Inspection of vessels.* [Removed]

(e) *Inspection flag.* [Removed]

[Regs., December 31, 1975] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

By authority of the Secretary of the Army.

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

[FR Doc.76–1913 Filed 1–21–76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 8—VETERANS ADMINISTRATION

ARCHITECT-ENGINEER SERVICES

Procurement Forms

At page 39 FR 52632 of the FEDERAL REGISTER of November 11, 1975, there was published a notice of proposed regulatory development to revise Part 8–4, Title 41, Code of Federal Regulations, to revise and relocate material on the procurement of architect-engineer services to conform with the arrangement of Federal Procurement Regulations, and to add material formerly contained in internal agency regulations.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received. However, § 8–4.1004–1(a) has

been revised to reflect the establishment of a permanent Architect-Engineer Evaluation Board in the Office of the Assistant Administrator for Construction. The proposed regulations as changed are hereby adopted and are set forth below.

Effective date. These regulations are effective January 26, 1976.

Approved: January 16, 1976.

By direction of the Administrator.

[SEAL] O'DELL W. VAUGHN,
Deputy Administrator.

PART 8–1—GENERAL

1. A new Subpart 8–1.10 is added to read as follows:

Subpart 8–1.10—Publicizing Procurement Actions

Sec.

8–1.1003 Synopses of proposed procurement.
8–1.1003–3 Special areas of negotiation.

Subpart 8–1.10—Publicizing Procurement Actions

§ 8–1.1003 Synopses of proposed procurements.

§ 8–1.1003–3 Special areas of negotiation.

To facilitate the use of alternative procedure in FPR 1–1.1003–3 for publicizing a proposed procurement of architect-engineer services in a daily newspaper circulated in the local area, contracting officers are hereby delegated authority to procure such paid advertising (see § 8–16.301–50).

PART 8–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

2. A new Subpart 8–4.10 is added to read as follows:

Subpart 8–4.10—Architect-Engineer Services

Sec.

8–4.1001 General policy.
8–4.1004 Selection.
8–4.1004–1 Establishment of architect-engineer evaluation boards.
8–4.1004–2 Functions of the evaluation boards.
8–4.1004–3 Evaluation criteria.
8–4.1004–4 Action by agency head or his authorized representative.
8–4.1004–5 Procedure for procurements estimated not to exceed $10,000.
8–4.1005 Negotiation Procedures.
8–4.1005–1 General.
8–4.1005–4 Architect-engineer's proposal.
8–4.1005–5 Contract price.
8–4.1050 Application of 6-percent architect-engineer fee limitation.

Subpart 8–4.10—Architect-Engineer Services

§ 8–4.1001 General policy.

The provisions of this subpart pertain to the general policies and procedures for the procurement of professional architect-engineer services as set forth in FPR 1–4.10, and are not applicableto contracts entered into pursuant to the authority of 38 U.S.C. 1820.

§ 8–4.1004 Selection.

§ 8–4.1004–1 Establishment of architect-engineer evaluation boards.

In the case of Central Office contracts, selection will be made by the board appointed by the Assistant Administrator for Construction. Selections made by field stations will be by a board appointed by the station head.

(a) The evaluation board appointed by the Assistant Administrator for Construction will be composed of the Chairman, Architect-Engineer Evaluation Board and three or more qualified professional architects or engineers. Membership of the board will also include the appropriate project director and technical service directors most involved in the project for which the selection is being made. Additional members from other departments and staff offices will be designated for special type projects when appropriate.

(b) The evaluation board for a Veterans Administration field station will consist of no less than two members, one of whom will be the senior contracting officer, and the other the Engineer Officer. Where a station has two or more engineers on its staff, an additional engineer will be appointed to the board. The chairman of the board will be the senior engineer.

§ 8–4.1004–2 Functions of the evaluation boards.

(a) The evaluation board will review the data submitted by the firms and from that file will preselect the firms which have the basic qualifications for performing the services needed. The factors stated in the announcement publicizing the proposed procurement (see FPR 1–1.1003–7) will be used in determining whether a firm is qualified for inclusion on the preselection list.

(b) In the evaluation of the qualifications of the firms on the preselection list, the board will perform the functions as outlined in FPR 1–4.1004–2, applying the evaluation criteria set forth in FPR 1–4.1004–3 and that established in § 8–4.1004–3, and will recommend no less than three firms (to the Assistant Administrator for Construction in the case of Central Office contracts, and to the head of the field station in the case of station contracts) for interviews.

(c) After approval (by the Assistant Administrator for Construction or by the station head) of the list of selected firms recommended for interviews, the board will arrange discussions with each firm for the purpose of obtaining information, supplementing that already available, from which to develop, in order of preference, not less than three firms considered the most highly qualified. This recommended listing will be submitted (to the Assistant Administrator for Construction or to the station head, as appropriate) for consideration and approval before the contracting officer enters into negotiations with the top-rated firm.

§ 8–4.1004–3 Evaluation criteria.

In addition to the evaluation criteria set forth in FPR 1–4.1004–3, the board will consider the factors set forth in this section as they apply to the project or purpose of the selection. Values will be assigned to each factor in determining the relative qualifications of the firms identified as qualified through the preselection process. The values may be confirmed or adjustments may be made as a result of the discussions.

(a) Reputation and standing of the firm and its principal officials with respect to professional performance, general management, and cooperativeness.

(b) Record of significant claims against the client because of improper or incomplete architectural and engineering services.

(c) Geographic location and facilities of the working office which would provide the professional services.

(d) Specific experience and qualifications of personnel proposed for assignment to the project, and record of working together as a team.

§ 8–4.1004–4 Action by agency head or his authorized representative.

The Assistant Administrator for Construction (for Central Office contracts) and the station head (for field station contracts), or persons acting in that capacity, are designated as the approving officials for the recommendation of the evaluation boards.

§ 8–4.1004–5 Procedure for procurements estimated not to exceed $10,000.

Either of the procedures provided in FPR 1–4.1004–5 may be used on authorization of the Assistant Administrator for Construction or the station head.

§ 8–4.1005 Negotiation procedures.

§ 8–4.1005–1 General.

Application of the 6-percent fee limitation cited in FPR 1–4.1005–1 is set forth in § 8–4.1050. The policy set forth in that section provides all the available latitude in the negotiation of the contract price. The policy does not, however, relieve the contracting officer of the responsibility to determine that the fee negotiated is consistent with the services to be performed and the nature of the project. The contract ordinarily will cover all services to be rendered by the firm. To assure that the fee limitation is not violated, the contracting officer will maintain suitable records to be able to isolate the amount in the total fee to which the 6-percent limitation applies.

§ 8–4.1005–4 Architect-engineer's proposal.

VA Form 08–6298, Architect-Engineer Fee Proposal, prescribed in § 8–16.701, is mandatory for obtaining the proposal and supporting cost or pricing data in the negotiation of all architect-engineer contracts for design services when the contract price is $50,000 or over. The use

of VA Form 08–6298 for design contracts less than $50,000 is at the discretion of the contracting officer. In obtaining architect-engineer services for research study, seismic study, master planning study, construction management and other related services contracts, VA Form 08–6298 shall also be used but supplemented or modified as needed for the particular project type.

§ 8–4.1005–5 Contract price.

Where negotiations with the top-rated firm are unsuccessful, the contracting officer will terminate the negotiations and undertake negotiations with the firm next in order of preference after authorization by the Assistant Administrator for Construction or by the station head to do so. Recommendation for award of the contract at the negotiated fee will be submitted with a copy of the negotiation report (see FPR 1–4.1005–6) to the Assistant Administrator for Construction or to the station head, as appropriate.

§ 8–4.1050 Application of 6-percent architect-engineer fee limitation.

(a) The 6-percent fee limitation on architect or engineer services set forth in section 304(b) of the Federal Property and Administrative Services Act of 1949, as amended, applies to those services generally required in preparing working drawings and specifications which form the basis for bidding and for the award of construction contract. The fixed fee limitation does not apply to the following architect or engineer services:

(1) Investigative services including but not limited to:

(i) Determination of program requirements including schematic or preliminary plans and estimates.

(ii) Determination of feasibility of proposed project.

(iii) Preparation of measured drawings of existing facility.

(iv) Subsurface investigation.

(v) Structural, electrical, and mechanical investigation of existing facility.

(vi) Surveys, Topographic, boundary, utilities, etc.

(2) Special consultant services not normally available in organizations of architects or engineers not specifically applied to the actual preparation of working drawings or specifications of the project for which the services are required.

(3) Other:

(i) Reproduction of approved designs through models, color rendering, photographs, or other presentation media.

(ii) Travel and per diem allowances other than those required for the development and review of working drawings and specifications.

(iii) Supervision or inspection of construction, review of shop drawings or samples and other services performed during the construction phase.

(iv) All other services that are not integrally a part of the production and delivery of plans, designs, and specifications.

(4) The cost of reproducing drawings and specifications for bidding and their distribution to prospective bidders and plan file rooms.

(b) The total cost of the architect or engineer services contracted for may not exceed 6 percent of the estimated cost of the construction project plus the estimated cost of related services and activities such as those shown in paragraph (a) of this section. To support project submissions, VA Form 10–6031, Application for Construction Project and Initial Equipment, or VA Form 10–1193, Minor Improvement, Building Service Equipment Replacement, and Nonrecurring Maintenance and Repair Proposal, and VA Form 08–6238, Construction Cost Estimate, will be used and the applicable proposed technical services shown in detail.

Subpart 8–4.50 [Revoked]

3. Subpart 8–4.50 §§ 4.5001 through 8–4.5003–4) is revoked.

PART 8–16—PROCUREMENT FORMS

4. In Subpart 8–16.7, § 8–16.701 is added to read as follows:

§ 8–16.701 Forms prescribed.

VA Form 08–6298, Architect-Engineer Fee Proposal, will be used in obtaining the proposal and supporting cost or pricing data in negotiated architect-engineer contracts as required by § 8–4.1005–4.

[FR Doc.76–1946 Filed 1–21–76;8:45 am]

CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

ENERGY REORGANIZATION ACT OF 1974

Corrections

The revised ERDA Procurement Regulations which appeared in Part II of the FEDERAL REGISTER of October 7, 1975 (Volume 40, Number 195), are hereby corrected as follows:

1. At 39 FR 46835 (ERDA–PR page no. 3–5), under § 9–3.303, change the second sentence to read as follows:

Findings and determinations for such contracts in excess of $25,000, and in support of contracts negotiated pursuant to sections 302(c)(12) and 302(c)(13) of the Federal Property and Administrative Services Act of 1949 (FPR 1–3.212 and 1–3.213), shall be executed by the Administrator.

2. At 39 FR 46876 (ERDA–PR page no. 5–22), under § 9–5.5206–17, revise the language to read as follows:

ERDA offices and cost-type contractors shall procure items listed in the Schedule of Products Made in Federal Penal and Correctional Institutions in accordance with FPMR 101–26.702, and in the Procurement List published by the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped in accordance with FPMR 101–26.701.

3. At 39 FR 46936, (ERDA–PR page no. 11–1), correct the title of § 9–11.203 to read:

Supplies and services for the exclusive use of the United States.

4. At 39 FR 47001, (ERDA–PR page no. 16–52), under § 9–16.5002–14(A), insert the words "Crawler treads" between the words "Estimated cost to place in good operating condition" and "Boom hoist shaft and bearings".

5. At 39 FR 47038, (ERDA–PR page no. 53–1), under § 9–53.102, change the words in quotation marks reading "Supplemental Agreement" to read "Supplemental Agreement to".

6. At 39 FR 47039, (ERDA–PR page no. 53–2), under § 9–53.106, delete:

San Francisco Energy Research Center ..... E(04–5)–

Also, on ERDA–PR page no. 53–3, after Oak Ridge, add:

Clinch River Breeder Reactor Plant Project Office..... E(40–2)–

7. At 39 FR 47040, (ERDA–PR page no. 53–5), under § 9–53.202, delete:

San Francisco Energy Research Center ..... SE–

After Chicago, add the following procurement office and symbol:

Clinch River Breeder Reactor Plant Project Office..... CR–

8. At 39 FR 47055, (ERDA–PR page no. 59–i), under TABLE OF CONTENTS, § 9–59.004, change the words "ERDA–PR/US–FPR" to read:

ERDA–PR/FPR

9. At 39 FR 47057, (ERDA–PR page no. 59–3), correct the title of § 9–59.004 and the first line of that section to show ERDA–PR/FPR in lieu of ERDA–PR/US–FPR.

AUTHORITY: Section 105 of the Energy Reorganization Act of 1974 (P.L. 93–438).

Effective date: This amendment to the revised ERDA Procurement Regulations is effective January 21, 1976.

JOSEPH L. SMITH,
Director of Procurement.

Dated at Germantown, Maryland this 13th day of January, 1976.

[FR Doc.76–2007 Filed 1–21–76;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

[Temporary Regulation E–44]

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Revised Procedures for Reporting Quality Deficiencies

1. *Purpose.* This temporary regulation provides changed procedures for reporting quality deficiencies.

2. *Effective date:* January 21, 1976.

3. *Expiration date.* This regulation expires August 31, 1976, unless sooner revised or superseded.

4. *Background.* The General Services Administration (GSA) and the Department of Defense (DOD) have jointly

agreed to require the use of Standard Form 368, Quality Deficiency Report, in lieu of other forms for reporting quality deficiencies involving items obtained through GSA or DOD sources. Use of the Standard Form 368 will provide for uniform reporting of quality deficiencies and result in more efficient processing of such reports. GSA Form 1718, Unsatisfactory Motor Vehicle and Equipment Report, will no longer be used. Standard Form 364, Report of Item Discrepancy (ROID), will no longer be used for reporting quality deficiencies, but will continue to be used for reporting other shipping-type discrepancies.

5. *Definitions.* a. *Action point.* An action point is an activity which is responsible for resolving a deficiency including necessary collaboration with support points.

b. *Category I quality deficiency.* A category I quality deficiency is a deficiency which will or may affect life or limb of personnel or operational capability to the extent that mission accomplishment is jeopardized or a deficiency involving a military activity which may impair combat capabilities.

c. *Category II quality deficiency.* A category II quality deficiency is a deficiency which does not meet the criteria set forth for being classified as a category I quality deficiency.

d. *Originating point.* An originating point is an activity which discovers and reports a deficiency.

e. *Quality deficiency.* A quality deficiency is a deficiency which prevents an item from fulfilling its intended mission. This can include deficiencies in material or the technical requirements of material, drawing, and specification requirements. A quality deficiency may also be attributable to one or more of the following:

(1) Any condition that limits or prevents the use of material for the purpose intended or required where the material meets all other specifications or contractual requirements and can be corrected only by a design change;

(2) Any deficiency; e.g., physical, chemical, electrical, and functional, which is attributable to nonconformance to contractual or specification requirements, including substandard workmanship; or

(3) Any unsatisfactory material condition which is attributable to improper, incorrect, ambiguous, or omitted contractual requirements, including deficient specifications and other technical data.

f. *Screening point.* A screening point is an activity within the agency originating the report which determines the responsible action point and forwards the report to that action point.

g. *Support point.* A support point is an activity which assists the action point in processing and resolving a deficiency; e.g., contract administration office or engineering support office.

6. *Reporting quality deficiencies.* Whenever items received from GSA or DOD or items purchased through Federal Supply Schedules and inspected at source by GSA, do not meet the quality requirements of the ordering activity, the person who discovers the deficiency shall report it regardless of the dollar amount involved. Guidelines for reporting quality deficiencies are in a and b, below. The Standard Form 368, Quality Deficiency Report, is illustrated in attachment A to this regulation. Instructions for preparation of the Standard Form 368 are in attachment B and information on distributing quality deficiency reports is in appendix C. (Quality deficiencies involving items under warranty which are obtained from GSA shall be processed in accordance with FPMR 101–26.100–3 and 101–26.4902–6317.)

a. Category I quality deficiencies shall be reported within 72 hours after discovery by the most expeditious means available; e.g., telephone or TWX, and shall contain sufficient information so that the deficiency can be identified and action taken. Category I quality deficiencies shall be reported as follows:

(1) Deficiencies involving items other than motor vehicles and components thereof, procured by GSA, shall be reported to the inquiry and adjustment activity at the GSA regional office serving the geographical area in which the material is located (see subpars. 7b and c of attachment C). Oral reports shall be confirmed in writing. An information copy of the message or of the confirmation of the oral report shall be forwarded to the address shown in subpar. 7a(2) of attachment C. Confirmation of an oral report may be made on Standard Form 368.

(2) Deficiencies involving motor vehicles and components thereof including tires, tubes, and batteries, procured by GSA, shall be sent to the address shown in subpar. 7a(1) of attachment C. Oral reports shall be confirmed in writing. Confirmation of oral reports may be made on Standard Form 368.

b. Category II quality deficiencies must be reported in triplicate on Standard Form 368 within 15 calendar days after discovery. When feasible, the report should include supporting documentation; e.g., DD/GSA Form 1348–1, Single Line Item Release/Receipt Document; GSA Form 308, Notice of Inspection; DD Form 250, Material Inspection and Receiving Report; photographs; test reports; or similar data. Deficiencies involving items other than motor vehicles and components thereof procured by GSA shall be reported to the inquiry and adjustment activity at the GSA regional office serving the geographical area in which the material is located (see subpars. 7b and c of attachment C). Deficiencies involving motor vehicles and components thereof, including tires, tubes, and batteries, procured by GSA, shall be sent to the address shown in subpar. 7a(1) of attachment C.

c. Reports of quality deficiencies on items procured from DOD shall be distributed in accordance with the instructions in attachment C to this regulation.

7. *Availability of forms.* Supplies of Standard Form 368, Quality Deficiency Report, may be obtained by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity.

8. *Agency comments.* Comments concerning the effect or impact of this regulation on agency operations or programs should be submitted to the General Services Administration (FF), Washington, DC 20406, no later than March 1, 1976, for consideration and possible incorporation into a permanent regulation.

9. *Reports.* The reports required by this regulation are exempt from reports control in accordance with FPMR 101–11.1102–1(b).

10. *Effect on other issuances.* This regulation supersedes FPMR 101–26.501–6 (c), FPMR 101–26.4902–1718, and the provisions of FPMR Temporary Regulation E–21 that pertain to the use of Standard Form 364 for reporting quality deficiencies.

Dated: January 6, 1976.

JACK ECKERD,
Administrator of General Services.

FPMR Temp. Reg. E-44
Attachment A

QUALITY DEFICIENCY REPORT
(Category II)

SECTION I

1a. From (Originating point)			2a. To (Screening point)	
1b. Typed Name, Duty Phone and Signature			2b. Typed Name, Duty Phone and Signature	
3. Report Control No.	4. Date Deficiency Discovered	5. National Stock No. (NSN)	6. Nomenclature	
7. Manufacturer/Mfg. Code/Shipper		8. Mfg. Part No.	9. Serial/Lot/Batch No.	10. Contract/PO/Document No.
11. Item ☐ New ☐ Repair/Overhauled	12. Date Manufactured/Repaired/Overhauled	13. Operating Time at Failure		14. Government Furnished Material ☐ Yes ☐ No
15. Quantity	a. Received	b. Inspected	c. Deficient	d. In Stock
16. Deficient Item Works On/With a. End Item (Aircraft, tank, ship, howitzer, etc.)	(1) Type/Model/Series			(2) Serial No.
b. Next Higher Assembly	(1) National Stock No. (NSN)	(2) Nomenclature	(3) Part No.	(4) Serial No./Lot No.
17. Dollar Value	18. Est. Correction Cost	19. Item Under Warranty ☐ Yes ☐ No ☐ Unknown		20. Work Unit Code/EIC (Navy and Air Force only)

21. Action/Disposition
☐ Holding Exhibit for ____ days ☐ Released for Investigation ☐ Returned to Stock/Disposed of ☐ Repaired ☐ Other (Explain in Item 22)

22. Details (Describe, to best ability, what is wrong, how and why, circumstances prior to difficulty, description of difficulty, cause, action taken including disposition, recommendations. Identify with related item number. Include and list supporting documents. Continue on separate sheet if necessary.)

SECTION II

23a. To (Action Point)	24a. To (Support Point) (Use items 25 and 26 if more than one)
23b. Typed Name, Duty Phone and Signature	24b. Typed Name, Duty Phone and Signature
25a. To (Support Point)	26a. To (Support Point)
25b. Typed Name, Duty Phone and Signature	26b. Typed Name, Duty Phone and Signature

STANDARD FORM 368, April 1974
General Services Administration (FPMR 101-26-7)

Standard Form 368, Quality Deficiency Report

FPMR Temp. Reg. E-44
Attachment A

Carbon paper is required — only face of form is chemical treated

SECTION III

27a. From (Action point)	28a. To (Screening point)
27b. Typed Name, Duty Phone and Signature	28b. Typed Name, Duty Phone and Signature
29. Specification No.	30. Originators Method of Notification: ☐ SF 368 ☐ Msg (Copy attached) ☐ Phone Call/Visit

31. Type of Shipment/Purchase

Direct Delivery From Vendor: ☐ Depot ☐ Stock Item ☐ Nonstock Item ☐ Federal Supply Schedule

Other (Specify) ☐

32. Findings and Recommendations of Investigation (*Explain in detail. Continue on a separate sheet of paper, if necessary.*)

33. Action Taken

34. Results of Depot Surveillance

35. From (Screening point)	36. To (Originator)

37. Distribution

STANDARD FORM 368 BACK
April 1974

FPMR Temp. Reg. E–44; Attachment B

General Instructions. Complete all items when the deficiency involves items other than motor vehicles or components thereof. When the deficiency involves motor vehicles or components thereof, including tires, tubes, and batteries, complete only items 1, 4, 6 through 13, 15d, 16, 19, 21, and 22.

Section I. Section I is to be completed by the originating point when the information is applicable and available. The screening point will ensure that applicable items not completed by the originating point are completed to the maximum extent possible before a report is submitted to the action point. (When the space provided for an item is not sufficient, enter "See item 22" and in item 22, show the applicable item number, and enter the appropriaite information. Use a separate sheet if necessary.)

Item 1a. From (Originating point). Enter the address of the originating point.

Item 1b. Typed name, duty phone and signature. Enter the date, name, commercial phone number (include area code), and signature of an individual who will serve as a contact for questions regarding the report and/or to request a sample/exhibit.

Item 2a. To (Screening point). Enter the name and address of the screening point (when one is required by your agency) to which the report is being submitted.

Item 2b. Typed name, duty phone and signature. The screening point will enter the date, name, commercial phone number, and signature of the individual processing the report.

Item 3. Report Control No. Enter report control number when a numbering system is used.

Item 4. Date Deficiency Discovered. Enter the date the deficiency was discovered or in the case of automotive vehicles, the earliest date deficiency was suspected.

Item 5. National Stock No. (NSN). Enter the national stock number of the deficient material, when applicable.

Item 6. Nomenclature. Enter the noun of the material or component part of an item, show nomenclature of part; e.g., carburetor, and show end item information in item 16a(1) and (2).

INSTRUCTIONS FOR PREPARATION OF STANDARD FORM 368, QUALITY DEFICIENCY REPORT

Item 7. Manufacturer/Mfg. Code/Shipper. Enter the name of the manufacturer, maintenance contractor, or Government activity which last repaired or overhauled the deficient material, as applicable. When the shipper is different from the manufacturer, also include the shipper's name. (For motor vehicles, enter manufacturer of vehicle or component part, as applicable.)

Item 8. Mfg. Part No. Self-explanatory.

Item 9. Serial/Lot/Batch No. As applicable, enter the manufacturer's serial number, lot number, or batch number of the deficient material.

Item 10. Contract/PO/Document No. Enter the number of the contract (GS–00S–____), purchase order, and requisition, or item number from the purchase order. (For motor vehicles, these numbers appear on GSA Form 1398, GSA Purchased Vehicle, affixed to the vehicle and/or the purchase order.)

Item 11. Item. Check the appropriate block to indicate whether the material is either new or repaired/overhauled.

Item 12. Date Manufactured/Repaired/Overhauled. Enter appropriate date. If the material is repaired or overhauled, enter the last repair/overhaul date and miles or hours at time of repair.

Item 13. Operating Time at Failure. Indicate the time material had been in operation since new or overhaul/repair when the deficiency was discovered, using the appropriate performance element; e.g., odometer miles, hour meter hours, etc. If the item is a motor vehicle, also indicate the date the vehicle was placed in service.

Item 14. Government-Furnished Material. Government-furnished material is any material that belongs to the Government and is furnished to a contractor for some purpose. Check the appropriate block as it applies.

Item 15. Quantity. Quantity shall be a count of each individual item disregarding unit of issue.

a. Received. Enter the total number of items received in the lot or batch in which the deficiency was found, if known.

b. Inspected. Enter the number of items inspected.

c. Deficient. Enter the number of items that were determined to be deficient as a result of inspection.

d. In Stock. Enter the number of items in stock, as applicable. For motor vehicles, enter number on hand of same type, year, and model (in terms of engine, transmission, etc.)

Item 16. Deficient Item Works On/With. When deficient item is a component part of equipment (lawnmower, motor vehicle, etc.), enter data of end item. (On motor vehicles, enter model, year, and serial number; e.g., Nova, 1970, 1S53 F100001.)

Item 17. Dollar Value. Enter the dollar value of the deficient material, if known.

Item 18. Est. Correction Cost. Enter the estimated cost, including overhead for correcting the deficiency if it can readily be determined.

Item 19. Item Under Warranty. Check one of the blocks to indicate whether the deficient item is covered by a contractual warranty, if known.

Item 20. Work Unit Code/EIC (Navy and Air Force only). To be completed by Navy and Air Force only.

Item 21. Action/Disposition. Check one of the blocks to indicate the action taken or requested concerning the deficient material. If an exhibit is being held, indicate the number of days the exhibit will be held by completing the space provided (Holding Exhibit for _____ _____ Days). If none of the items indicate the action/disposition taken or requested, check "other" and identify the nature of the action taken or requested in item 22.

Item 22. Details. For a fully comprehensive report, the following types of information should be entered in this item if applicable and available:

a. An explanation of what is wrong with the item (e.g., right rear brake drum cracked, oil pan leak at front seal, frame broken at RR spring hanger). Explain how the item does not function with relating parts or assemblies, describing cause, if known. Include specific violations of specifications, pertinent regulations, instruction and/or contracts. If an exhibit is being held, give the location.

b. How the deficiency was detected or confirmed; e.g., visual inspection, functional operation, during use.

c. Include the number of previous known deficiencies concerning these items and show date of report and report number where motor vehicles are involved (e.g., 7/7/76, #4–76; 9/7/75, #5–76, etc.).

d. Where the deficiency condition was discovered; i.e., receipt inspection, during cyclical inspection, during maintenance, special inspection directed by inventory control point, or in the case of motor vehicles, provide name of Government or commercial shop which discovered deficiency.

e. Include storage or handling information when it appears that these factors have contributed to the deficiency being reported.

f. List the supporting documents included with this report. Photographs or sketches are extremely valuable and should be included whenever possible. (When photographs are taken, a 12-inch or other ruler should be employed as a scale placed beside the object in each photograph. Measurements should also be shown on sketches.)

g. Include following information when motor vehicles or components thereof are involved:

(1) Name and address of agency or activity that contracted for purchase of vehicle.

(2) Date vehicle received.

(3) Odometer or hours on vehicle and date when delivered to first consignee.

(4) Delivery FOB Origin or FOB Destination.

(5) Name of delivering carrier.

(6) Name and address of repair facility (dealer, commercial garage, or Government facility).

(7) Repaired under warranty at no cost or at Government expense.

(8) Cost of parts, labor, and total if paid for by Government.

(9) If correction refused, give name and address of contact at both dealer and/or manufacturer's zone or service office.

Section II. Section II is to be completed by the screening point, action point, and support point, as applicable.

Item 23a. To (Action Point). The screening or originating point, as applicable, will enter the name and address of the action point to which the report is being submitted.

Item 23b. Typed Name, Duty Phone and Signature. The action point will en-

ter the date, name/duty phone/signature of the individual processing the report.

Item 24a. To (Support Point). The action point may use this block to identify the name and address of a support point to which the report is being submitted.

Item 24b. Typed Name, Duty Phone and Signature. The support point may use this block to identify the date, name, duty phone, and signature of the individual they assign to process the report. If more than one support point is involved, items 25 and 26 should be used.

Item 25a. To (Support Point). For use in addition to item 24 if needed.

Item 25b. Typed Name, Duty Phone and Signature. Use if needed.

Item 26a. To (Support Point). For use in addition to items 24 and 25 if needed.

Item 26b. Typed Name, Duty Phone and Signature. Use if needed.

Items 27–37. The reverse side of the SF 368 has been designed as an internal record of investigation and for use as a reply document. Use of reverse side of the SF 368 for either purpose is optional to the participating component. Use of the items is self-explanatory; however, some general instructions are provided. Items 27–28 are for use to address the reply from the action point to the screening point and to record the name of the individual processing the report at each point. Items 29–34 are for use by the action point to identify the item specification, if any, the method of report transmittal, the type of shipment or purchase involved, and other relevant data on the investigation conducted. Items 35 and 36 are for use by the screening point to address the reply to the originator. Item 37 is for use by the action point to identify to whom copies of the reply have been provided.

Addresses of the action point(s) to which all messages or SF 368 reporting quality deficiency data will be submitted to DOD are contained herein.

1. *Distribution of messages or SF 368 when reporting quality deficiency data to the Army.*

Chief,
AMC Quality Assurance Field Activity,
ATTN: AMXQA,
Lexington—Bluegrass Army Depot,
Lexington, KY 40507

2. *Distribution of messages or SF 368 when reporting quality deficiency data to the Navy.*

Fleet Material Support Office,
Mechanicsburg, PA 17055,
ATTN: FMSO 9112

3. *Distribution of messages or SF 368 when reporting quality deficiency data to the Air Force.* Action copies of messages of SF 368 reporting quality deficiency data conditions will be sent to:

Commander,
Air Force Logistics Command (MMXQ),
Wright-Patterson AFB, OH 45433

4. *Distribution of messages or SF 368 when reporting quality deficiency data to the Marine Corps.*

Commandant of the Marine Corps,
Headquarters Marine Corps,
(Code LMO),
Washington, DC 20380

5. *Distribution of messages or SF 368 when reporting quality deficiency data to DSA.* Action copies of messages or SF 368 reporting quality deficiency data conditions on DSA-procured/managed items will be sent to the managing Defense Supply Center (DSC) using the applicable address below. If the managing DSC is not known or uncertain, the report can be submitted to any DSC which then will assure proper routing.

DISTRIBUTION OF QUALITY DEFICIENCY REPORTS

a. Commander,
Defense Electronic Supply Center,
ATTN: Director of Technical Operations, DESC–SQ,
1501 Wilmington Pike,
Dayton, OH 45401

b. Commander,
Defense Fuel Supply Center,
ATTN: Director, Office of Technical Services, DFSC–T,
Cameron Station,
Alexandria, VA 22314

6. Distribution of messages or SF 368 when reporting quality deficiency data to the National Security Agency. Action copies of messages or SF 368 reporting quality deficiency data will be sent to:

Director,
National Security Agency,
ATTN: L4,
9800 Savage Road,
Fort George G. Meade, MD 20755

7. Distribution of messages or SF 368 when reporting quality deficiency data to the General Services Administration.

a. *General.* (1) *Automotive vehicles and component parts thereof, including tires, tubes, and batteries.* SF 368, in triplicate, or messages will be sent to General Services Administration (FYP), Washington, DC 20406.

(2) *All other items.* Distribution of action copies will be made as outlined in b and c. below. Information copies of messages will be sent to the following address when reporting Category I quality deficiency conditions in material shipped from or directed by GSA:

General Services Administration (FFC),
Washington, DC 20406,
Communications Routing Identifier
RUEVFWM

b. *Conterminous U.S. activities.* SF 368 (in triplicate) or action copies of messages will be sent to the GSA regional office servicing the geographical area in which the material is located.

GSA regional office mailing and cable address and routing identifier (RI)	Communications routing identifiers	Areas serviced
1 General Services Administration (1FFC), P.O. Box 2144, Boston, Mass. 02106. Cable: Betty. RI: GBØ.	Unclassified: RUEVDAC. Classified: RUEBHGH.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
2 General Services Administration (2FFC), 26 Federal Plaza, New York, N.Y. 10007. Cable: Nitrites. RI: GNØ.	Unclassified: RUEVDAE. Classified: RUEBHGD.	New Jersey; New York.
3 General Services Administration (3FFI), Region 3, Washington, D.C. 20407. Cable: Wilco. RI: GWØ.	Unclassified: RUEVDEE. Classified: RUEBHGA.	Delaware, District of Columbia, Maryland, Pennsylvania, West Virginia, Virginia.
4 General Services Administration (4FFC), 1776 Peachtree St. N.W., Atlanta, Ga. 30309. Cable: Atlas. RI: GAØ.	Unclassified: RUEVDAA. Classified: RUEBHGE.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
5 General Services Administration (5FFC), 230 South Dearborn St., Chicago, Ill. 60604. Cable: Chippe. RI: GCØ.	Unclassified: RUCHLAC. Classified: RUEBHGF.	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
6 General Services Administration (6FFC), 1500 East Bannister Rd., Kansas City, Mo. 64131. Cable: Kippy. RI: GKØ.	Unclassified: RUCHLBS. Classified: RUEHBGG.	Iowa, Kansas, Missouri, Nebraska.
7 General Services Administration (7FFC), 819 Taylor St., Fort Worth, Tex. 76102. Cable: Dooly. RI: GFØ.	Unclassified: RUCHMCI. Classified: RUEBHGH.	Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
8 General Services Administration (8FFC), Building 41, Denver Federal Center, Denver, Colo. 80225. Cable: Peers. RI: GDØ.	Unclassified: RUWLRDK. Classified: RUEBHGI.	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
9 General Services Administration (9FFC), 525 Market St., San Francisco, Calif. 94105. Cable: Sugar. RI: GSØ.	Unclassified: RUWLRBO. Classified: RUEBHGJ.	Arizona, California, Nevada.
10 General Services Administration (10-FFC), GSA Center, Auburn, Wash. 98002. Cable: Silver. RI: GTØ.	Unclassified: RUWLRBD. Classified: RUEBHGK.	Idaho, Oregon, Washington.

c. *Overseas activities.* Activities in overseas areas should submit reports/messages to the specific GSA regional office which normally provides supply support.

[FR Doc.76–1771 Filed 1–21–76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

PART 4110—GRAZING ADMINISTRATION

CFR Correction

In 43 CFR Parts 1000 to End, revised as of October 1, 1975, §§ 4114.1 thru 4114.3, appearing on pages 539 thru 541, and the corresponding table of contents entries on page 531 should be deleted.

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 294—OPERATING-DIFFERENTIAL SUBSIDY FOR BULK CARGO VESSELS ENGAGED IN CARRYING BULK RAW AND PROCESSED AGRICULTURAL COMMODITIES FROM THE UNITED STATES TO THE UNION OF SOVIET SOCIALIST REPUBLICS

Miscellaneous Amendments

Part 294 of Title 46, Code of Federal Regulations, which prescribes regulations governing the payment of operating-differential subsidy to operators of bulk cargo vessels engaged in carrying bulk raw and processed agricultural commodities from the United States to the Union of Soviet Socialist Republics, is hereby amended.

The amendments provide for recent cost data to be submitted to the Maritime Subsidy Board by subsidized operators with respect to voyages commenced on and after January 1, 1974. The cost data is to be utilized in determining the subsidy for the cost categories of maintenance and repairs, vessel insurance and stores, supplies and expendable equipment for each subsidized vessel. The cost data shall be that for the applicable period (five or three years) ending with the fiscal year of the operator preceding the calendar year in which the voyage commences. For voyages commencing in 1975 and subseequent years, the August 1 date will no longer have any significance in determining which cost data shall be utilized. The cost data for maintenance and repairs and stores, supplies and expendable equipment will be adjusted by the Board to January 1 of the year in which the voyage terminated.

These amendments affect operators of subsidized vessels and aree adopted without notice of proposed rulemaking under the exemption stated in 5 U.S.C. 553 (a)(2), relating to public grants.

Amendments are made to § 294.7(b), Part 294 of Title 46, Code of Federal Regulations, as follows:

§ 294.7 Determination of Subsidy.

* * * * *

(b) *U.S. costs.* * * *

(3) *Maintenance and repairs.* The cost of maintenance and repairs attributable to the subsidized voyage shall be:

(i) The average cost per operating day of maintenance and repair expenses, including costs of drydocking and special surveys, but excluding costs which are reimbursed by third parties (e.g., insurance underwriters) and costs ineligible for subsidy pursuant to Part 272 of this Chapter (except for the costs identified in § 272.11(c)), for a five-year period preceding the current year for vessels that have been owned or leased by the operator or a holding company, affiliate, subsidiary or associate for five years preceding the current year. For voyages commencing prior to August 1, 1973, costs previously submitted to and accepted by the Board in connection with an original application shall be utilized in determining the daily cost of maintenance and repairs. For voyages commencing on and after August 1, 1973, and prior to August 1, 1974, cost data for the five-year period ending at the close of the operator's fiscal year in 1972 shall be utilized. For voyages commencing on and after August 1, 1974, and prior to January 1, 1975, cost data for the five-year period ending at the close of the operator's fiscal year in 1973 shall be utilized. For voyages commencing on and after January 1, 1975, cost data for the five-year period ending at the close of the operator's fiscal year preceding the calendar year in which the voyage commenced shall be utilized. For all voyages terminating in 1973, the cost data will be adjusted by the Board to January 1, 1973, and for all voyages terminating in 1974 and subsequent years, adjusted to January 1 of the year in which the voyage terminated by application of survey reports of the U.S. Salvage Association, Inc., and the U.S. Monthly Index of Wages (Hourly Earnings in Manufacturing), published by the U.S. Bureau of Labor Statistics.

(4) *Vessel Insurance.* * * *

(iii) For purposes of the three-year and five-year period cost data referred to in paragraphs (i) and (ii) above, for voyages commencing prior to August 1, 1973, the data submitted to and accepted by the Board in connection with an original application shall be utilized. For voyages commencing on and after August 1, 1973, and prior to August 1, 1974, cost data for the three- and five-year periods ending at the close of the operator's fiscal year in 1972 shall be utilized. For voyages commencing on and after August 1, 1974, and prior to January 1, 1975, cost data for the three and five-year periods ending at the close of the operator's fiscal year in 1973 shall be utilized. For voyages commencing on and after January 1, 1975, cost data for the three- and five-year periods ending at the close of the operators fiscal year preceding the calendar year in which the voyage commenced shall be utilized.

(5) *Stores, supplies, and expendable equipment.* The cost of stores, supplies and expendable equipment attributable to the subsidized voyage shall be:

(i) The average cost per operating day of stores, supplies and expendable equipment expenses for the subsidized vessel for a three-year period preceding the current year for vessels that have been owned or leased by the operator or a holding company, affiliate, subsidiary or associate for three years preceding the current year. For voyages commencing prior to August 1, 1973, costs previously submitted to and accepted by the Board in connection with an original application shall be utilized in determining the daily cost of stores, supplies and expendable equipment. For voyages commencing on and after August 1, 1973, and prior to August 1, 1974, cost data for the three-year period ending at the close of the operator's fiscal year in 1972 shall be utilized. For voyages commencing on and after August 1, 1974, and prior to January 1, 1975, cost data for the three-year period ending at the close of the operator's fiscal year in 1973 shall be utilized. For voyages commencing on and after January 1, 1975, cost data for the three-year period ending at the close of the operator's fiscal year preceding the calendar year in which the voyage commences shall be utilized. For all voyages terminating in 1973, the cost data (for the three-year period) will be adjusted by the Board to January 1, 1973, and for all voyages terminating in 1974 and subsequent years, adjusted to January 1 of the year in which the voyage terminated, by application of the U.S. Wholesale Price Index of Total Manufacturers; or

* * * * *

Effective date. The effective date of these amendments is January 1, 1975.

(Sec. 204(b) Merchant Marine Act 1936, as amended (49 Stat. 1987, 46 U.S.C. 1114), Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 842) as amended by P.L. 91-469 (84 Stat. 1036), Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973))

Dated: January 19, 1976.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary, Maritime Subsidy Board.

[FR Doc.76-1995 Filed 1-21-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Editorial Amendment

1. By this Order, it is intended to editorially update § 83.368 of the rules by the deletion of an obsolete portion of the rules.

2. Section 83.368 of the rules presently states that all radiotelephone station log entries shall be made and signed by the licensed operator (or other person in accordance with § 83.155). The "other person in accordance with § 83.155" used to refer to ship radiotelephone stations for which an operator license was waived.

3. There is no such waiver now. In 1963, § 83.155 was changed to § 83.164 and the waiver was deleted at the same time.

4. Authority for this amendment appears in Section 4(i) and 303(r) of the Communications Act of 1934, as amended, and in § 0.23(d) of the Commission's Rules and Regulations. Since the amendment is editorial in nature, intended merely to delete an obsolete rule provision as specified above, the prior notice, procedure and effective date provisions of 5 USC 553 are not applicable.

5. In view of the above, *it is ordered*, That, effective January 27, 1976, Part 83 is amended as set forth below.

Adopted: January 12, 1976.

Released: January 13, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] R. D. LICHTWARDT,
Executive Director.

Section 83.368 is amended to read as follows:

§ 83.368 Radiotelephone station log.

(a) A station log shall be maintained during the hours of service of ship stations using radiotelephony, in which the entries required by this section shall be made. Pages of the log shall be numbered in sequence and each page shall include the name of the vessel and the radio call sign of the station. All entries which show transmitter operation shall be made and signed by the licensed operator. Watch entries, and signature of each person keeping the required watch, shall be so related that they constitute a certification by each such person as to when

he began and ended each period of his watch during the voyage. The date and time of each occurrence or incident required to be entered in the log shall be shown opposite the entry, and the time shall be counted from 0000 to 2400, beginning at midnight. Stations on board vessels engaged on international voyages, other than on the Great Lakes or inland waters, shall use Greenwich mean time (G.m.t.); stations on board vessels navigated on the Great Lakes and subject to the Great Lakes agreement shall use eastern standard time (e.s.t.); other stations may use G.m.t. or local standard time. The appropriate symbol, G.m.t., e.s.t., c.s.t., P.s.t., etc., shall be entered at the head of the column in which time is entered.

* * * * *

[FR Doc.76-1936 Filed 1-21-76;8:45 am]

[Docket Nos. 20120 RM-1508, 1592, 1733, 1751, 1905, 1991, 2053, 2084, 2132, 2300, 2317, 2318, 1841]

PART 95—CITIZENS RADIO SERVICE

Citizens Radio Service; Correction

In the Matter of Revision of operating rules for Class D stations in the Citizens Radio Service.

The appendix to the Commission's First Report and Order, FCC 75-913 (40 FR 33667), released on August 7, 1975, is corrected as follows:

1. § 95.91(c) is amended to read as indicated and redesignate the present paragraphs (e) and (f) as (d) and (e) respectively.

§ 95.91 Duration of Transmissions.

* * * * *

(c) All communication between units of the same Class D station (intrastation) shall be restricted to the minimum practicable transmission time.

* * * * *

2. § 95.95(c) is amended to read as follows:

§ 95.95 Station Identification.

* * * * *

(c) Except as provided in paragraph (d) of this section, all transmissions from each unit of a citizens radio station shall be identified by the transmission of its assigned call sign at the beginning and end of each transmission or series of transmissions, but at least at intervals not to exceed ten (10) minutes.

* * * * *

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

[FR Doc.76-1937 Filed 1-21-76;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

PART 25—RELOCATION ASSISTANCE AND LAND ACQUISITION UNDER FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Appendix A—Schedule of Moving Expense Allowances; Individuals and Families

Section 202(b) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894, provides that a displaced individual or family may elect to be paid for moving expenses on the basis of a moving expense schedule. To insure statewide uniformity among all agencies operating under the Act, Federal Management Circular 74-8 (34 CFR Part 233, Appendix A) provides in paragraph 4.1 that the schedules shall be maintained by the respective State highway departments, and approved and disseminated by the Federal Highway Administration.

49 CFR § 25.153 of the regulations of the Office of the Secretary, implementing the Act, directs the Federal Highway Administrator to establish and maintain a moving expense schedule in Appendix A to Part 25 of Title 49. The purpose of this amendment is to publish the currently effective schedules in Appendix A.

Issued on January 12, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.

In consideration of the foregoing Part 25 of Title 49 of the Code of Federal Regulations is amended by revising Appendix A to read as follows:

Appendix A

Title 49--Transportation

Table I--Personalty

State	Occupant provides furniture: Number of rooms of furniture										Occupant does not provide furniture	
	1	2	3	4	5	6	7	8	9	10	First room	Each additional room
Alabama	50	75	105	135	160	190	220	250	270	300	15	10
Alaska	75	150	200	250	275	300	...	...	...	...	15	15
Arizona	50	100	150	200	250	300	...	...	...	...	25	15
Arkansas	50	75	105	135	150	180	210	240	270	300	20	10
California	75	100	150	200	250	300	...	...	...	...	25	15
Colorado	70	110	150	190	230	270	300	...	...	...	20	15
Connecticut	50	90	140	170	230	260	300	...	...	...	15	15
Delaware	50	90	125	150	175	200	225	250	275	300	25	15
District of Columbia	100	135	170	210	250	290	300	...	...	...	35	15
Florida	60	90	120	150	180	210	240	270	300	...	20	10
Georgia	50	85	115	150	180	230	280	300	...	...	30	10
Guam	43	85	120	168	205	240	300	...	...	...	10	10
Hawaii	65	100	135	175	215	255	295	300	...	...	45	30
Idaho	60	100	140	180	220	260	300	...	...	...	20	10
Illinois	50	100	150	200	250	300	...	...	...	...	25	15
Indiana	50	90	125	160	195	230	265	300	...	...	25	15
Iowa	55	105	150	190	225	255	280	300	...	...	25	10
Kansas	60	120	180	240	300	...	...	...	...	...	30	10
Kentucky	50	90	130	170	210	250	290	300	...	...	20	15
Louisiana	50	85	120	155	190	225	260	300	...	...	40	15
Maine	50	90	125	150	175	200	225	250	275	300	15	10
Maryland	50	90	140	185	230	275	300	...	...	...	20	10
Massachusetts	60	130	150	190	225	250	275	300	...	...	25	15
Michigan	65	125	175	220	270	300	...	...	...	...	45	10
Minnesota	65	95	125	150	175	200	225	250	275	300	25	10
Mississippi	75	100	160	210	260	300	...	...	...	...	40	20
Missouri	50	100	150	200	250	300	...	...	...	...	25	10
Montana	55	85	115	145	175	200	225	250	275	300	25	15
Nebraska	50	100	150	200	250	300	...	...	...	...	20	10
Nevada	50	100	150	200	250	300	...	...	...	...	25	15
New Hampshire	50	90	125	150	175	200	225	250	275	300	25	15
New Jersey	70	120	165	210	250	275	300	...	...	...	25	15
New Mexico[1]	105	155	205	255	300	...	...	...	...	...	(See end of table)	
New York	75	110	150	190	225	250	275	300	...	...	25	15
North Carolina	60	95	130	165	200	235	270	300	...	...	25	20
North Dakota	60	100	125	150	175	200	225	250	275	300	25	10
Ohio	50	100	150	200	250	300	...	...	...	...	30	10
Oklahoma	50	85	120	155	190	225	260	300	...	...	40	15
Oregon	60	100	140	180	220	260	300	...	...	...	15	15
Pennsylvania	60	105	150	195	240	285	300	...	...	...	20	20
Puerto Rico	75	105	135	165	195	225	250	275	300	...	25	25
Rhode Island	50	90	125	150	175	200	225	250	275	300	25	10
South Carolina	55	75	115	145	175	190	210	240	270	300	15	10
South Dakota	75	130	175	210	240	290	300	...	...	...	40	10
Tennessee	50	75	100	120	150	180	210	240	270	300	15	10
Texas	50	85	120	150	175	200	225	250	275	300	20	15
Utah	75	100	130	155	180	210	240	270	300	...	25	15
Vermont	50	90	125	150	175	200	225	250	275	300	25	10
Virginia	50	70	90	120	150	180	210	240	270	300	20	10
Virgin Islands	105	150	195	240	275	300	...	...	...	...	35	35
Washington[2]	70	120	150	180	210	240	270	300	...	...	20	10
West Virginia[3]	60	100	140	180	220	260	300	...	...	...	25	10
Wisconsin	50	90	130	170	210	240	270	300	...	...	25	15
Wyoming	50	85	120	150	185	225	265	300	...	...	30	15

[1] Furnished units including sleeping rooms. Occupant does not own furniture.

First Room	2 Rooms	3 Rooms	4 Rooms	5 Rooms	6 Rooms	7 Rooms	8 Rooms	9 Rooms	10 Rooms
$45	$86	$107	$128	$149	$170	$191	$212	$233	$254

to a maximum of $300

[2] For mobile homes (whether or not occupant provides furniture):

First room	Each additional room
$50	$25

[3] Where occupant does not provide furniture, allowance for 2 rooms is $40.

Table II--Mobile Homes 58-

State	Miles		Area (Square feet)		Width (Feet)		Allowance (Dollars)
	More than	But not more than	More than	But not more than	More than	But not more than	
Alabama			0	200			100
			200	400			150
			400	600			200
			600	800			280
			800				300
Alaska	All trailers						300
Arizona			0	300			150
			300	400			200
			400	500			250
			500				300
Arkansas			0	200			100
			200	400			150
			400	600			200
			600	800			250
			800				300
California[1]					0	8	(see 1-end
					8		of table)
Colorado[2]					0	12	250
					12		300
Connecticut[3]					0	8.5	100
					8.5	10.5	150
					10.5	12.5	200
					12.5		250
Delaware			0	400			100
			400	600			150
			600	800			200
			800	1,000			250
			1,000				300
Florida			0	200			100
			200	400			150
			400	600			200
			600	800			250
			800				300
Georgia			0	400			85
			400	500			110
			500	600			165
			600	850			220
			850				300
Guam			0	300			130
			300	400			180
			400	500			210
			500	600			240
			600	700			270
			700				300
Hawaii			0	300			130
			300	400			180
			400	500			210
			500	600			240
			600	700			270
			700				300
Idaho			0	200			100
			200	400			150
			400	600			200
			600	800			250
			800				300
Illinois	0	24			0	8.5	100
					8.5	10.5	150
					10.5	12.5	200
					12.5		250
	24	50			0	8.5	150
					8.5	10.5	200
					10.5	12.5	250
					12.5		300

See footnotes at end of table.

Table II--Mobile Homes

State	Miles		Area (Square feet)		Width (Feet)		Allowance (Dollars)
	More than	But not more than	More than	But not more than	More than	But not more than	
Indiana					0	8.5	150
					8.5	10.5	185
					10.5	12.5	250
					12.5		300
Iowa	0	25			0	8	130
					8	10	150
					10	12	180
					12		230
	25	50			0	8	140
					8	10	170
					10	12	200
					12		300
Kansas			0	200			80
			200	400			160
			400	600			240
			600				300
Kentucky[2]					0	8	240
					8	10	285
					10	12	300
Louisiana					0	10	150
					10	12	175
					12	14	225
					14		275
Maine					0	8	150
					8	10	200
					10	12	250
					12		300
Maryland			0	200			110
			200	400			140
			400	600			155
			600	800			195
			800	1,000			220
			1,000	1,200			250
			1,200				300
Massachusetts			0	200			80
			200	400			140
			400	600			200
			600				300
Michigan					0	8	145
					8	10	230
					10	12	280
					12		300
Minnesota[2]	0	10			0	10	125
					10	12	135
					12	14	150
					14		175
	10	25			0	10	130
					10	12	140
					12	14	155
					14		185
	25	50			0	10	140
					10	12	150
					12	14	175
					14		200

See footnotes at end of table.

Table II--Mobile Homes

State	Miles		Area (Square feet)		Width (Feet)		Allowance (Dollars)
	More than	But not more than	More than	But not more than	More than	But not more than	
Mississippi			0	300			150
			300	400			200
			400	500			250
			500				300
Missouri			0	200			100
			200	400			150
			400	600			200
			600	800			250
			800				300
Montana[2]					0	10	135
					10	12	150
					12	14	175
					14		225
Nebraska			0	500			100
			500	660			150
			660	820			175
			820	1,000			200
			1,000				300
Nevada			0	300			130
			300	400			180
			400	500			210
			500	600			240
			600	700			270
			700				300
New Hampshire[4]					0	8	135
					8	10	160
					10	12	210
					12		260
New Jersey			0	200			100
			200	400			150
			400	600			200
			600	800			250
			800				300
New Mexico[2,5]	0	20			0	8.5	141
					8.5	10.5	191
					10.5	12.5	191
					12.5		231
	20	50			0	8.5	161
					8.5	10.5	191
					10.5	12.5	206
					12.5		246
New York			0	300			100
			300	500			150
			500	700			200
			700	800			250
			800				300
North Carolina[2,6]					0	10	105
					10	12	140
					12		200
North Dakota			0	200			100
			200	400			150
			400	600			200
			600	800			250
			800				300

See footnotes at end of table.

Table II--Mobile Homes

State	Miles		Area (Square feet)		Width (Feet)		Allowance (Dollars)
	More than	But not more than	More than	But not more than	More than	But not more than	
Ohio	0	10	0	320			130
			320	500			150
			500	840			170
			840	1,120			205
			1,120				250
	10	25	0	320			135
			320	500			155
			500	840			190
			840	1,120			220
			1,120				275
	25	50	0	320			145
			320	500			165
			500	840			200
			840	1,120			250
			1,120				300
Oklahoma					0	10	150
					10	12	175
					12	14	225
					14		275
Oregon			0	200			100
			200	600			200
			600				300
Pennsylvania			0	300			130
			300	500			225
			500	800			275
			800				300
Rhode Island					0	8	225
					8	10	250
					10	12	275
					12		300
South Carolina[2]					0	10	115
					10		125
South Dakota					0	10	230
					10	12	270
					12		300
Tennessee[2]					0	10	100
					10		150
Texas					0	8.5	160
					8.5	10.5	200
					10.5	12.5	238
					12.5	14.5	275
					14.5		300
Utah[2]	0	10			0	8	140
					8	10	145
					10	12	165
					12		200
	10	25			0	8	145
					8	10	155
					10	12	175
					12		225

See footnotes at end of table.

Table II--Mobile Homes

State	Miles		Area (Square feet)		Width (Feet)		Allowance (Dollars)
	More than	But not more than	More than	But not more than	More than	But not more than	
Utah--Continued	25		50		0	8	150
					8	10	160
					10	12	190
					12		250
Vermont[4]					0	8	155
					8	10	185
					10	12	215
					12		250
Virginia			0	200			100
			200	400			150
			400	600			200
			600	800			250
			800				300
Washington[7]			0	200			100
			200	400			150
			400	600			200
			600	800			250
			800				300
West Virginia			0	300			100
			300	450			150
			450	550			225
			550				300
Wisconsin					0	8	150
					8	10	200
					10	12	250
					12		300
Wyoming[2]					0	8.5	135
					8.5	10.5	165
					10.5	12.5	185
					12.5		220

[1]Width to 8' Length 40'.....$200
Length 40'+.....$300
Width over 8' Length 40'.....$300
Length 40'+.....$300

[2]$300 for double trailer.

[3]Plus $50 for expandible trailer.

[4]$50 for extras.

[5]Escort fee included.

[6]Personalty Only

Width	Under 10 feet	10 feet	12 feet and over	Doubles
	$40	$50	$70	$100

[7]Personalty Only
First room.....$50
Each additional room.....$25

[FR Doc.76-1782 Filed 1-21-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. MC-C-258]

PART 1048—COMMERCIAL ZONES

Kansas City, Mo.–Kansas City, Kans.

That by decision and order on further consideration served June 11, 1969, the Commission, Review Board Number 2, determined that a specified incorporated portion of Kansas City, Mo., not formerly within the Kansas City, Mo.,-Kansas City, Kans., commercial zone, was, in fact, economically and commercially a part of Kansas City, Mo. Consequently, the description of the said commercial zone was modified, in part, so as to delete the following:

. . . thence along the eastern, southern, and western corporate limits of Belton to the western boundary of Richards-Gebaur Air Force Base, thence along the western boundary of said Air Force base to Missouri Highway 150, thence west along Missouri Highway 150 to the Kansas-Missouri State line . . .

In lieu thereof, the following was substituted:

. . . thence along the eastern, southern, and western corporate limits of Belton to the western boundary of Richards-Gebaur Air Force Base, thence along the western boundary of said Air Force base to the corporate limits of Kansas City, Mo., thence west along said corporate limits to the Kansas-Missouri State line . . .

Subsequent decisions dealing with the Kansas City, Mo.,-Kansas City, Kans., commercial zone have inadvertently failed to note this change (see 111 M.C.C. 131, 112 M.C.C. 103, 118 M.C.C. 462, and 120 M.C.C. 556). The purpose of this Notice is to point out this inadvertent error. Thus, an accurate description of the Kansas City, Mo.,-Kansas City, Kans., commercial zone reads as follows:

§ 1048.8 [Amended]

* * * * *

Beginning on the north side of the Missouri River at the western boundary line of Parkville, Mo., thence along the western and northern boundaries of Parkville to the Kansas City, Mo., corporate limits, thence along the western, northern, and eastern corporate limits of Kansas City, Mo., to its junction with U.S. Bypass 71 (near Liberty, Mo.), thence along U.S. Bypass 71 to Liberty, thence along the northern and eastern boundaries of Liberty to its junction with U.S. Bypass 71 south to Liberty, thence south along U.S. Bypass 71 to its junction with the Independence, Mo., corporate limits, thence along the eastern Independence, Mo., corporate limits to its junction with Interstate Highway 70, thence along Interstate Highway 70 to its junction with the Blue Springs, Mo., corporate limits, thence along the western, northern, and eastern corporate limits of Blue Springs, Mo., to its junction with U.S. Highway 40, thence east along U.S. Highway 40 to its junction with Brizen-Dine Road, thence south along the southerly extension of Brizen-Dine Road to its junction with Missouri Highway AA, thence along Missouri Highway AA to its junction with the Blue Springs, Mo., corporate limits, thence along the southern and western corporate limits of Blue Springs, Mo., to its junction with U.S. Highway 40, thence west along U.S. Highway 40 to its junction with the Lee's Summit, Mo., corporate limits, thence along the eastern Lee's Summit corporate limits to the Jackson-Cass County line, thence west along Jackson-Cass County line to the eastern corporate limits of Belton, Mo., thence along the eastern, southern, and western corporate limits of Belton to the western boundary of Richards-Gebaur Air Force Base, thence along the western boundary of said Air Force base to the corporate limits of Kansas City, Mo., thence west along said corporate limits to the Kansas-Missouri State line, thence north along the Kansas-Missouri State line to 110th Street, thence west along 110th Street to its junction with U.S. Highway 69, thence north along U.S. Highway 69 to its junction with 103d street, thence west along 103d Street to its junction with Quivera Road (the corporate boundary of Lenexa, Kans.), thence along the eastern and southern boundaries of Lenexa to Black Bob Road.

Thence south along Black Bob Road to 119th Street, thence east along 119th Street to the corporate limits of Olathe, Kans., thence south and east along the Olathe corporate limits to Schlagel Road, thence south along Schlagel Road to Olathe Morse Road, thence west along Olathe Morse Road to the northeast corner of Johnson County Airport, thence south, west, and north along the boundaries of said airport to Pflumm Road, thence north along Pflumm Road to its junction with Olathe Martin City Road, thence west along Olathe Martin City Road to its junction with Murden Road, thence south along Murden Road to its junction with Olathe Morse Road (the corporate boundary of Olathe, Kans.), thence west and north along said corporate boundary to its intersection with U.S. Highway 56, thence southwest along U.S. Highway 56 to its junction with 159th Street, thence west along 159th Street to its junction with the Johnson County Industrial Airport, thence south, west, north and east along the boundaries of said airport to the point of beginning on 159th Street, thence east along 159th Street to its junction with U.S. Highway 56, thence northeast along U.S. Highway 56 to its junction with Parker Road, thence north along Parker Road to the northern boundary of Olathe, thence east and north along the northern corporate limits of Olathe to Pickering Road, thence north along Pickering Road to 107th Street (the corporate boundary of Lenexa, Kans.), thence along the western and northern boundaries of Lenexa to Pflumm Road, thence north along Pflumm Road to its junction with Kansas Highway 10, thence along Kansas Highway 10 to its junction with Kansas Highway 7, thence along an imaginary line due west across the Kansas River to the Wyandotte County-Leavenworth County line (142d Street) at Loring, Kans.

Thence westerly along County Route No. 32, a distance of three-fourths of a mile to the entrance of the facilities at Mid-Continent Underground Storage, Loring, thence from Loring in a northerly direction along Loring Lane and Lindwood Avenue to the southern boundary of Bonner Springs, Kans., thence along the southern, western and northern boundaries of Bonner Springs to its intersection with Kansas Highway 7, thence southeast along Kansas Highway 7 to its junction with Kansas Highway 32, thence east on Kansas Highway 32 to the corporate boundary of Kansas City, Kans., thence north, west, and east along the corporate boundaries of Kansas City, Kans., to its junction with Cernech Road and Pomeroy Drive, thence northwesterly along Pomeroy Drive to its junction with 79th Street, thence along 79th Street to its junction with Walcotte Drive at Pomeroy, Kans., thence due west 1.3 miles to its junction with an unnamed road, thence north along such unnamed road to the entrance of Powell Port facility, thence due north to the southern bank of the Missouri River, thence east along the southern bank of Missouri River to a point directly across from the western boundary of Parkville, Mo., thence across the Missouri River to the point of beginning. (49 Stat. 543, as amended, 544, as amended, 546, as amended; 49 U.S.C. 302, 303, and 304).

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

[FR Doc.76-1996 Filed 1-21-76;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

Upper Souris National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on January 22, 1976.

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

NORTH DAKOTA

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Upper Souris National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas comprise 7,000 acres and are delineated on maps available at refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, PO Box 1897, Bismarck, North Dakota 58501. Sport fishing shall be in accordance with all applicable State laws and regulations subject to the following special conditions:

(1) Boat fishing shall be permitted only from the opening date of the spring & summer fishing season thru September 30, 1976.

(2) Any outboard motor or combination of outboard motors may be attached to boats or other watercraft being used on refuge waters. Only those motors or combination of motors capable of developing a total of 10 horsepower may be used.

(3) Speed limit on the Souris River above the Mouse River Park not to exceed five miles per hour.

(4) The use of once frozen smelt, perch eyes and commercially pickled minnows is permitted.

(5) Fish houses and vehicles will not be permitted on river areas below the Lake Darling dam.

(6) Operation of snowmobiles within the refuge boundaries is prohibited.

(7) Refuge is open to public use between the hours of 5:00 a.m. to 10:00 p.m. daily.

(8) Fish houses must be removed from the refuge no later than March 6, 1977.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50,

Part 33, and are effective through March 20, 1977.

IRVEN O. ROSTAD,
Acting Refuge Manager, Upper Souris National Wildlife Refuge, Foxholm, North Dakota 58738.

JANUARY 16, 1976.

[FR Doc.76-1920 Filed 1-21-76;8:45 am]

CHAPTER V—MARINE MAMMAL COMMISSION

PART 510—IMPLEMENTATION OF THE FEDERAL ADVISORY COMMITTEE ACT

On page 55679 of the FEDERAL REGISTER of December 1, 1975, there was published a proposal to adopt a new Part 510 of 50 CFR consisting of regulations establishing administrative guidelines and management controls for advisory committees that report to the Marine Mammal Commission. On page 57812 of the FEDERAL REGISTER of December 12, 1975, a minor correction was published. Interested persons were given 30 days in which to submit comments regarding the proposed regulations.

No written comments have been received. With the exception that the authority for issuance has been altered from 16 U.S.C. 1361 et seq. to 5 U.S.C. App. I, the regulations are hereby adopted without change as set forth below.

Dated: January 16, 1976.

JOHN R. TWISS, Jr.,
Executive Director.

Chapter V, Marine Mammal Commission, of 50 CFR is amended by adding a new Part 510 as follows:

Sec.
510.1 Purpose.
510.2 Scope.
510.3 Definitions.
510.4 Calling of meetings.
510.5 Notice of meetings.
510.6 Public participation.
510.7 Closed meetings.
510.8 Minutes.
510.9 Uniform pay guidelines.

AUTHORITY: Sec. 8(a), Federal Advisory Committee Act, 5 U.S.C. App. I.

§ 510.1 Purpose.

The regulations prescribed in this part set forth the administrative guidelines and management controls for advisory committees reporting to the Marine Mammal Commission. These regulations are authorized by section 8(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I. Guidelines and controls are prescribed for calling of meetings, notice of meetings, public participation, closing of meetings, keeping of minutes, and compensation of committee members, their staff and consultants.

§ 510.2 Scope.

These regulations shall apply to the operation of advisory committees reporting to the agency.

§ 510.3 Definitions.

For the purposes of this part,

(a) The term "Act" means the Federal Advisory Committee Act, 5 U.S.C. App. I;

(b) The term "Chairperson" means each person selected to chair an advisory committee established by the Commission;

(c) The term "Commission" means the Marine Mammal Commission, established by 16 U.S.C. 1401(a);

(d) The term "committee" means any advisory committee reporting to the Commission; and

(e) The term "Designee" means the agency official designated by the Chairman of the Commission (1) to perform those functions specified by sections 10 (e) and (f) of the Act, and (2) to perform such other responsibilities as are required by the Act and applicable regulations to be performed by the "agency head."

§ 510.4 Calling of meetings.

(a) No committee shall hold any meeting except with the advance approval of the Designee. Requests for approval may be made, and approval to hold meetings may be given orally or in writing, but if approved is given orally, the fact that approval has been given shall be stated in the public notice published pursuant to Section 510.5 of these regulations.

(b) An agenda shall be submitted to, and must be approved by, the Designee in advance of each committee meeting, and that meeting shall be conducted in accordance with the approved agenda. The agenda shall list all matters to be considered at the meeting, and shall indicate when any part of the meeting will be closed to the public on the authority of exemptions contained in the Freedom of Information Act, 5 U.S.C. 552(b).

§ 510.5 Notice of meetings.

(a) Notice of each committee meeting shall be timely published in the FEDERAL REGISTER. Publication shall be considered timely if made at least 15 days before the date of the meeting, except that shorter notice may be provided in emergency situations.

(b) The notice shall state the time, place, schedule and purposes of the committee meeting, and shall include, whenever it is available, a summary of the agenda. The notice shall indicate the approximate times at which any portion of the meeting will be closed to the public and shall include an explanation for the closing of any portion of the meeting pursuant to § 510.7.

§ 510.6 Public participation.

(a) All committee meetings, or portions of meetings, that are open to the public shall be held at a reasonable time and at a place that is reasonably accessible to the public. A meeting room shall be selected which, within the bounds of the resources and facilities available, affords space to accommodate all members of the public who reasonably could be expected to attend.

(b) Any member of the public shall be permitted to file a written statement with the committee, either by personally delivering a copy to the Chairperson, or by submitting the statement by mail to the Marine Mammal Commission Offices at the address indicated in the notice of meeting. Such statements should be received at least one week in advance of the scheduled meeting at which they are expected to be considered by the committee.

(c) Opportunities will ordinarily be afforded to interested persons to speak to agenda items during that portion of the open meeting during which that item is to be considered by the committee, subject to such reasonable time limits as the committee may establish, and consideration of the extent to which the committee has received the benefit of comments by interested persons, the complexity and the importance of the subject, the time constraints under which the meeting is to be conducted, the number of persons who wish to speak during the meeting, and the extent to which the statement provides the committee with information which has not previously been available and is relevant to its decision or other action on that subject. Interested persons may be required to serve reasonable notice of their intentions to speak so that the committee may assess whether procedures and scheduling for the meeting can be adjusted to accommodate large numbers of participants.

§ 510.7 Closed meetings.

(a) Whenever the committee seeks to have all or a portion of a meeting closed to the public on the basis of an exemption provided in 5 U.S.C. 552(b), the Chairperson shall notify the Designee at least 30 days before the scheduled date of the meeting. The notification shall be in writing and shall specify all the reasons for closing any part of the meeting.

(b) If, after consultation with the General Counsel of the Commission, the Designee finds the request to be warranted and in accordance with the policy of the Act, the request shall be granted. The determination of the Designee to grant any such request shall be in writing and shall state the specific reasons for closing all or a part of the meeting. Copies of the determination shall be made available to the public upon request.

§ 510.8 Minutes.

Detailed minutes shall be kept of each portion of each committee meeting. The minutes shall include: the time and place of the meeting; a list of the committee members and staff in attendance; a complete summary of matters discussed and conclusions reached; copies of all reports received, issued, or approved by the committee; a description of the extent to which the meeting was open to the public; and a description of public participa-

tion, including a list of members of the public who presented oral or written statements and an estimate of the number of members of the public who attended the open sessions. The Chairperson shall certify to the accuracy of the minutes.

§ 510.9 Uniform pay guidelines.

(a) Compensation of members and staff of, and consultants to the Committee of Scientific Advisors on Marine Mammals is fixed in accordance with 16 U.S.C. 1401(e), 1403(b), and 1406.

(b) Compensation for members and staff of, and consultants to all advisory committees reporting to the Commission except the Committee of Scientific Advisors on Marine Mammals shall be fixed in accordance with guidelines established by the Director of the Office of Management and Budget pursuant to section 7(d) of the Act, 5 U.S.C. App. I.

[FR Doc.76-1923 Filed 1-21-76;8:45 am]

PART 520—PUBLIC AVAILABILITY OF AGENCY MATERIALS

Freedom of Information Act; Implementation

On page 57692 of the FEDERAL REGISTER of December 11, 1975, there was published a proposal to adopt a new Part 520 of 50 CFR, consisting of regulations to implement the Freedom of Information Act, 5 U.S.C. 552. The regulations establish procedures under which the public may inspect Commission records, obtain copies of material, and appeal denials of requests for such inspection or copies. Interested persons were given 30 days in which to submit comments regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change as set forth below.

Dated: January 16, 1976.

JOHN R. TWISS, Jr.,
Executive Director.

Chapter V, Marine Mammal Commission, of 50 CFR is amended by adding a new Part 520 as follows:

Sec.
520.1 Purpose.
520.2 Scope.
520.3 Definitions.
520.4 Availability of materials.
520.5 Administrative appeal.
520.6 Extension of time.
520.7 Fees.

AUTHORITY: 5 U.S.C. 552.

§ 520.1 Purpose.

These regulations implement the provisions of the "Freedom of Information Act," 5 U.S.C. 552. They establish procedures under which the public may inspect and obtain copies of nonexempt material maintained by the Commission, provide for administrative appeal of initial determinations to deny requests for material, and prescribe uniform fees to be charged by the Commission to recover direct search and duplication costs.

§ 520.2 Scope.

(a) These regulations shall apply to all final opinions, including concurring and dissenting opinions, as well as orders, made by the Commission in the adjudication of cases; to all statements of policy and interpretations which have been adopted by the Commission and are not published in the FEDERAL REGISTER; to the Commission's administrative staff manuals and instructions to staff that affect a member of the public; and to any other Commission records reasonably described and requested by a person in accordance with these regulations—except to the extent that such material is exempt in accordance with paragraph (b) of this section.

(b) Requests for inspection and copies shall not be granted with respect to materials that are:

(1)(i) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy, and

(ii) Are in fact properly classified pursuant to such Executive Order;

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

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Commission;

(6) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would

(i) Interfere with enforcement proceedings,

(ii) Deprive a person of a right to a fair trial or an impartial adjudication,

(iii) Constitute an unwarranted invasion of personal privacy,

(iv) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source,

(v) Disclose investigative techniques and procedures, or

(vi) Endanger the life or physical safety of law enforcement personnel;

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

(9) Geological and geophysical information and data, including maps, concerning wells.

§ 520.3 Definitions.

As used in these regulations:

(a) The term "Commission" means the Marine Mammal Commission;

(b) The term "Director" means the Executive Director of the Marine Mammal Commission;

(c) The term "exempt materials" means those materials described in § 520.2(b);

(d) The term "non-exempt materials" refers to all materials described in § 520.2(a), but not included in § 520.2(b); and

(e) The term "General Counsel" means the General Counsel of the Marine Mammal Commission.

§ 520.4 Availability of materials.

(a) All non-exempt materials shall be available for inspection during normal business hours at the Commission offices, 1625 I Street, NW., Room 307, Washington, D.C. Space shall be made available at that location for the use of any person who is granted permission to inspect such materials.

(b) Requests to inspect, and obtain copies of, any material maintained by the Commission may be made in person at the Commission offices, or submitted in writing to the Executive Director, Marine Mammal Commission, 1625 I St., NW., Room 307, Washington, D.C. 20006. Each request should include a reasonable description of the material being sought, and should contain sufficient detail to facilitate retrieval of the material without undue delay. The Commission staff shall assist to the extent practicable in identifying material that is imprecisely described by the person requesting such material.

(c) An initial determination whether, and to what extent, to grant each request shall be made by the General Counsel or his delegate within 10 days (excepting Saturdays, Sundays, and legal public holidays) after receipt of that request. The person making the request shall be notified immediately of the determination made. In making such determinations, it shall first be considered whether the material requested is of a type described in § 520.2(a); if it is, the request shall be granted unless the material is exempted by § 520.2(b). If the material requested is not of a type described in § 520.2(a), or is the subject of one or more exemptions, the request shall be denied.

(d) If a determination is made to grant a request, the relevant material shall promptly be made available for inspection at the Commission offices. Copies of the material disclosed shall be furnished within a reasonable time after payment of the fee specified in § 520.7. Copies of less than 10 pages of material requested in person ordinarily will be furnished immediately following the determination to grant the request and payment of the fee. Larger numbers of copies may be furnished at the earliest convenience of the Commission staff, but must be furnished within a reasonable time following payment of the fee.

(e) Whenever required to prevent a clearly unwarranted invasion of personal privacy, the General Counsel or his delegate shall determine that identifying details shall be deleted from an opinion, statement of policy, interpretation, or staff manual or instruction to which access is granted or of which copies are furnished. Where portions of the requested material are exempt under § 520.2(b), and are reasonably segregable from the remainder of the material, those portions shall be excised from the material disclosed. Whenever details are deleted or portions are excised and not disclosed, the notification shall include the information specified in § 520.4(f).

(f) If a determination is made to deny a request, the notification shall include a statement of the reasons for such action, shall set forth the name and position of the person responsible for the denial, and shall advise the requester of the right, and the procedures required under § 520.5, to appeal the denial to the Director.

§ 520.5 Administrative appeal.

(a) An appeal to the Director of any denial, in whole or in part, of a request for access to and copies of material may be made by submission of a written request for reconsideration. Such requests must state specific reasons for reconsideration that address directly the grounds upon which the denial was based. Requests should be addressed to the Director at the Commission offices.

(b) The Director shall make a determination with respect to any appeal within 20 days (excepting Saturdays, Sundays, and legal public holidays) after receipt of the request for reconsideration. The person making such a request shall immediately be notified by mail of the determination.

(c) If the initial denial is reversed by the Director, any material with which the reversal is concerned shall be made available for inspection, and copies shall be furnished, in accordance with § 520.4(d).

(d) If the denial is upheld, in whole or in part, the Director shall include in the notification a statement of the requester's right of judicial review under 5 U.S.C. 552(a)(4), and the names and positions of the persons responsible for the denial.

§ 520.6 Extensions of time.

(a) Whenever unusual circumstances exist, as set forth in § 520.6(b), the times within which determinations must be made by the General Counsel on requests for access (10 working days), and by the Director on requests for reconsideration (20 working days), may be extended by written notice to the requester. The notice shall set forth the reasons for such extension, and the date on which a determination is expected to be made. The maximum extension of time allowed under this section shall be 10 working days, but shall be utilized only to the extent reasonably necessary to the proper processing of the particular request.

(b) As used in this section, "unusual circumstances" shall mean:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the Commission offices;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are the subject of a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

§ 520.7 Fees.

The following standard charges for document search and duplication, based on the direct costs of such services, must be paid before access to, or copies of material will be granted under these regulations:

(1) Search: $4.00 per person-hour for clerical time; $8.00 per person-hour for professional or supervisory time;

(2) Duplication: $0.10 per page of photocopied material.

(b) The Commission shall furnish without charge, or at a reduced charge, copies of any material disclosed pursuant to these regulations, whenever the General Counsel or the Director determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

[FR Doc.76-1924 Filed 1-21-76;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 INTERIOR

Bureau of Indian Affairs

[25 CFR Part 252]

BUSINESS PRACTICES ON THE NAVAJO, HOPI AND ZUNI RESERVATIONS

Scope of Regulations and Reporting

January 15, 1976.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that it is proposed to revise §§ 252.2 and 252.58, Part 252 of Subchapter W, Chapter I, of Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in section 5 of the Act of August 15, 1876 (19 Stat. 200; 25 U.S.C. 261), section 8 of the Act of March 3, 1901 (31 Stat. 1066; 25 U.S.C. 262) and section 10 of the Act of March 3, 1903 (32 Stat. 1099; 25 U.S.C. 262).

The Bureau of Indian Affairs is considering amendments to the business practices regulations for the Navajo, Hopi, and Zuni reservations to make the following changes:

Section 252.2 *Scope.* Businesses that are wholly owned and operated by the Navajo Tribe and located on the Navajo Reservation will be exempted from the regulations. The statutes authorizing the Commissioner to regulate Indian traders did not contemplate regulation of tribal government business activities.

The scope of the regulations will be limited explicitly to retail businesses. The subheading of these regulations, "Retail Business and Credit Transactions", states the intended scope of these regulations. This amendment places the limitation to retail activities in the text of the regulations to remove any doubt about the intended scope.

Section 252.58 *Records, reports and obligations of reservation business owners.* The date for filing of all annual reports will be April 15. The existing regulations require the report to be filed on the date by which the reporting business is required to file its Federal income tax return. The change will avoid the administrative problems caused by many reports coming in at various dates throughout the year.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed revision to the Director, Office of Indian Services, Bureau of Indian Affairs, Washington, D.C., 20245, on or before February 23, 1976.

It is proposed to revise Part 252 of Subchapter W, Chapter I, Title 25 of the Code of Federal Regulations as follows:

1. By revising § 252.2 to read as follows:

§ 252.2 Scope.

The regulations of this part apply to all persons who engage in retail business on the Navajo Reservation, to all nonmembers of the Hopi Tribe who engage in retail business on the Hopi Reservation and to all nonmembers of the Zuni Tribe who engage in retail business on the Zuni Reservation, except as otherwise provided in specific sections of this part. These regulations do not apply to a business that is wholly owned and operated by the Hopi or Zuni Tribes or by a member of those tribes on the owner's reservation. These regulations do not apply to a business that is wholly owned and operated by the Navajo Tribe and is located on the Navajo Reservation.

2. By revising § 252.58(b) to read as follows:

§ 252.58 Records, reports and obligations of reservation business owners.

* * * * *

(b) Each reservation business owner shall file with the Area Director an annual report on or before April 15 in a form approved by the Commissioner. Reports shall be subject to a yearly audit. The reports shall contain the names and respective interests of all persons participating in the business.

* * * * *

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-1916 Filed 1-21-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

FROZEN HASH BROWN POTATOES[1]

Grade Standards

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Frozen Hash Brown Potatoes. This new grade standard would be issued under authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090 as amended, 7 U.S.C. 1624), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this Act upon request and upon payment of a fee to cover the cost of such service.

All persons who desire to submit written data, views, or arguments in connection with the proposal shall file the same in duplicate not later than March 31, 1976 with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submittals made pursuant to this notice will be available for public review at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration leading to the proposed standards. There is, at present, no United States Standards for Grades of Frozen Hash Brown Potatoes.

A member of the potato processing industry requested that the Department develop U.S. standards for this type of product. Other government agencies have also made similar requests.

The USDA inspection service is frequently called upon to inspect this product. Since there is no standard for this product the certificate must be issued on a descriptive basis, where no grade is assigned, or optionally as meeting or failing a specification provided by the applicant. Development of a U.S. standard would not only provide a more meaningful statement of quality level but may help control the proliferation of nonuniform specifications.

The USDA has had administrative guides, to aid in issuing uniform descriptive certificates, for this product in effect for several years. This proposal draws heavily on the knowledge gained from application of these administrative guides.

Production of frozen hash brown potatoes has increased rapidly, almost doubling since 1968 to approximately two hundred million pounds. This dramatic increase points up the need for a U.S. standard to facilitate orderly marketing of frozen hash brown potatoes.

The proposed standard is as follows:

Subpart—United States Standards for Grades of Frozen Hash Brown Potatoes

Sec.
52.6401 Product description.
52.6402 Styles.
52.6403 Grades.
52.6404 Determining the grade.
52.6405 Determining the rating for the factors which are scored.
52.6406 Color.
52.6407 Defects.
52.6408 Texture.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Sec.
52.6409 Methods of analyses.
52.6410 Determining the grade of a lot.
52.6411 Score sheet.

AUTHORITY: Sec. 205, 60 Stat., 1090, as amended; (7 U.S.C. 1624).

§ 52.6401 Product description.

Frozen hash brown potatoes are mature, sound, white or Irish potatoes (Solanum tuberosum) that are washed, peeled, sorted and trimmed to assure a clean and wholesome product. The potatoes so prepared are blanched, may or may not be fried and are shredded or diced or chopped and frozen and stored at temperatures necessary for their preservation.

§ 52.6402 Styles.

(a) *Shredded.* "Shredded" means potatoes cut into thin strips with cross-sectional dimensions between 1 mm by 2 mm and 4 mm by 6 mm and formed into a solid mass before freezing.

(b) *Diced.* "Diced" means potatoes cut into approximate cube shaped units between 6 mm and 15 mm on an edge and which contain not more than 90 grams, per sample unit, of units smaller than one-half the volume of the predominant size unit.

(c) *Chopped.* "Chopped" means potatoes random cut into pieces predominantly less than 32 mm in their greatest dimension and loose frozen.

§ 52.6403 Grades.

(a) "U.S. Grade A" is the quality of frozen hash brown potatoes which have at least the following attributes:

(1) Normal flavor and odor;

(2) Good color;

(3) Practically free from defects;

(4) Good texture; and score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) *"U.S. Grade B"* is the quality of frozen hash brown potatoes which have at least the following attributes:

(1) Normal flavor and odor;

(2) Reasonably good color;

(3) Reasonably free from defects;

(4) Reasonably good texture; and score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) *"Substandard"* is the quality of frozen hash borwn potatoes that fail to meet the reqiurements of Grade B.

§ 52.6404 Determining the grade.

In addition to considering the other requirements outlined in this subpart, the following quality factors are evaluated:

(a) *Factor not rated by score points.* Flavor and odor

(b) *Factors rated by score points.*

The relative importance of each factor which is scored is expressed numerically on a scale of 100. The maximum points that may be given such factors are:

	Points
Color	30
Defects	40
Texture	30
Total score	100

(c) *Sample unit size.* Sample unit size for evaluation of quality factors shall be 450 grams (15.9 ounces).

(d) (1) The factors of flavor and odor and color are determined before and after heating.

(2) The factor of defects is determined before heating.

(3) The factor of texture is determined after heating.

(e) *"Normal flavor and odor"* means the characteristic flavor and odor of properly prepared potatoes. Such flavor is free from bitterness, from pronounced scorched or caramelized flavors, and from off-flavors and off-odors of any kind.

§ 52.6405 Determining the rating for the factors which are scored.

The essential variations within each factor, which is scored, are so described that the value may be determined for each factor and expressed numerically. The numerical range within each factor, which is scored, is inclusive (for example "27 to 30 points" means 27, 28, 29, or 30 points).

§ 52.6406 Color.

(a) *(A) classification.* Frozen hash brown potatoes that possess a good color may be given a score of 27 to 30 points. "Good color" means the product, as a mass before heating, has a bright, uniform white to light cream color, which may include light brown units if processing included frying of any portion of the product. Such color is not more than slightly affected by yellowish units, greenish units, grayish units, or units which are otherwise discolored. After heating the product surface shall have a fairly uniform brown color at least dark as USDA No. 1 but not as dark as USDA No. 4 of the USDA Color Standards for Frozen French Fried Potatoes.

(b) *(B) classification.* Frozen hash brown potatoes that possess a reasonably good color may be given a score of 24 to 26 points. Frozen hash brown potatoes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means the product, as a mass before heating, has a reasonably bright, uniform white to cream color, which may include brown units if processing included frying of any portion of the product. Such color is not seriously affected by yellowish units, greenish units, grayish units, or units which are otherwise discolored. After heating the product surface may brown only slightly or unevenly, but is not charred.

(c) *(Sstd) classification.* Frozen hash brown potatoes that fail to meet the requirements of (B) classification may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6407 Defects.

(a) *General.* This factor is concerned with imperfections in the product, such as necrosis, crushed units, discolored eyes, and discolorations which affect its appearance or edibility.

(b) *Minor imperfections.* Imperfections which individually are of little consequence are considered as defects for the purposes of these standards. Among such minor imperfections are:

(1) Very light surface or internal discolorations of any size;

(2) Light brown surface or internal discolorations smaller in size than the area of a circle, or the volume of a sphere, of 4 mm diameter;

(3) Dark brown surface or internal discolorations smaller in size than the area of a circle, or the volume of a sphere, of 2 mm diameter; and

(4) In chopped and diced styles only, clusters of units which are not readily broken or separated manually, which weigh 5 grams or more but less than 10 grams.

(c) *Major defects.* Major defects are imperfections which detract, but not seriously so, from the appearance or edibility of the product. Among such imperfections are:

(1) Light brown surface or internal discolorations equal to or larger in size than the area of a circle, or the volume of a sphere, of 4 mm diameter but smaller in size than the area of a circle, or the volume of a sphere, of 8 mm diameter;

(2) Dark brown surface or internal discolorations equal to or larger in size than the area of a circle, or the volume of a sphere, of 2 mm diameter but smaller in size than the area of a circle, or the volume of a sphere, of 4 mm diameter; and

(3) In chopped and diced styles only, clusters of units which are not readily broken or separated manually, which weigh 10 grams or more.

(d) *Severe defects.* Severe defects are imperfections of such a nature as to seriously detract from the appearance or edibility of the product. Among such imperfections are:

(1) Light brown surface or internal discolorations equal to or larger in size than the area of a circle, or the volume of a sphere, of 8 mm diameter;

(2) Dark brown surface or internal discolorations equal to or larger in size than the area of a circle, or the volume of a sphere, of 4 mm diameter; and

(3) Any condition of a potato unit which is offensive because of color, odor, character, or for any other reason.

(e) (1) *classification.* Frozen hash brown potatoes that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that:

(i) Any combination of defects present may no more than slightly detract from the appearance or edibility of the product; and

(ii) The minor, major and severe defects that may be present in the sample unit, do not exceed the allowances in Table I.

(f) (1) *classification.* If the frozen hash brown potatoes are reasonably free from defects a score of 32 to 35 points may be given. Frozen hash brown potataoes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that:

(i) Any combination of defects present does not seriously detract from the appearance or edibility of the product; and

(ii) The minor, major and severe defects that may be present in the sample unit, do not exceed the allowances in Table I.

(g) *(Sstd) classification.* Frozen hash brown potatoes that fail to meet the requirements of (B) classification, may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I.—*Defects*

[Maximum defect allowance per sample unit (450 g)]

Defect	Grade A	Grade B
Total minor, major, and severe	18	36
Total major and severe	9	18
Severe	2	4
Clusters (in loose frozen chopped and diced styles only):		
Total minor and major	6	18
Major	2	6

§ 52.6408 Texture.

(a) The factor of texture is evaluated within 3 minutes after heating as specified in § 52.6409 and while the product is well above room temperature.

(b) (1) *classification.* Prepared hash brown potatoes that possess a good texture may be given a score of 27 to 30 points. "Good texture" means the potato units are firm and tender and the product is not more than slightly affected by units which are hard, mushy, pasty, soggy, dry or oil soaked.

(c) (1) *classification.* If the prepared hash brown potatoes possess only a reasonably good texture a score of 24 to 26 points may be given. Frozen hash brown potatoes that fall into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule). "Reasonably good texture" means the potato units are reasonably firm and tender and the product is not seriously affected by units which are hard, mushy, pasty, soggy, dry or oil soaked.

(d) *(SStd) classification.* Frozen hash brown potatoes that fail to meet the requirements of (B) classification may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6409 Methods of analyses.

Heating. The sample unit or a representative portion should be heated according to the manufacturers directions, or in a manner which will give equivalent results.

In the absence of such directions the following method may be used: Place approximately 3 tablespoons of cooking oil or fat in a frying pan—enough to properly fray the sample without excesive sticking—and preheat to 175° C (347° F). Add 170 to 225 grams (6 to 8 ounces) of product and cook for 10 to 12 minutes; turning the product once or twice during cooking. A frying pan approximately 25 centimeters (10 inches) in diameter is appropriate for this method, however any suitable frying appliance may be used which will properly cook the desired amount of product.

§ 52.6410 Determining the grade of a lot.

The grade of a lot of frozen hash brown potatoes covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certifications of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.83).

§ 52.6411 Score sheet.

Size and kind of container			----
Container mark or identification			----
Label			----
Net contents			----
Style			----
Color designation			----
Factor	**Score points**		
Color	30	(A) 27–30	----
		(B) [1] 24–26	----
		(SStd) [1] 0–23	----
Defects	40	(A) 36–40	----
		(B) [1] 32–35	----
		(SStd) [1] 0–32	----
Texture	30	(A) 27–30	----
		(B) [1] 24–26	----
		(SStd) [1] 0–23	----
Total score	100		----
Grade			----
Flavor and odor			----

[1] Indicates limiting rule.

Dated: January 19, 1976.

IRVING W. THOMAS,
Acting Administrator, AMS.

[FR Doc.76-1991 Filed 1-21-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-SO-157]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Rockingham, N.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before February 23, 1976, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Rockingham transition area described in § 71.181 (41 FR 440) would be amended as follows: "* * * southwest of the VORTAC * * *" would be deleted and "* * * southwest of the VORTAC; within 3 miles each side of the 140° bearing from the Rockingham RBN (latitude 34°53'42" N., longitude 79°45'20" W.), extending from the 5-mile radius area to 8 5 miles southeast of the RBN * * *" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR aircraft executing the proposed NDB RWY 31 instrument approach procedure to Rockingham-Hamlet Airport, utilizing the Rockingham (private) nondirectional radio beacon.

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

Issued in East Point, Ga., on January 7, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-1876 Filed 1-21-76;8:45 a.m.]

Federal Highway Administration

[49 CFR 395]

[Docket No. MC-69; Notice No. 76-1]

DRIVER'S 4-DAY LOG

Notice of Proposed Rulemaking

● Purpose: The purpose of this notice is to seek public comment on a proposal to grant commercial motor carriers engaged in interstate or foreign commerce the option of using the current "Driver's Daily Log" or a proposed "Driver's 4-day log." The proposal will reduce the amount of paper used and filing space required to retain copies for compliance purposes. ●

Consideration is being given to amending Part 395 of the Federal Motor Carrier Safety Regulations which would permit drivers of commercial motor vehicles engaged in interstate or foreign commerce to record their time on a new log form. The major feature of the new form is that four days of driver activities would be recorded on a single sheet of paper. This proposal is in line with governmental policy to minimize the paperwork burden upon businesses, consistent with its needs for information as set forth in PL 93-556, signed on December 27, 1974, which established a Commission on Federal Paperwork. One of the areas Con-

gress instructed the Commission to consider involved ". . . the procedures used and the extent to which considerations of economy and efficiency impact upon Federal information activities, particularly as these matters relate to costs burdening the Federal Government and providers of information. . . ."

This rulemaking stems from the results of comments filed in response to the Advance Notice of Proposed Rulemaking, Docket MC–47; Notice No. 74–20, which was published on September 10, 1974 (39 FR 32620) following an experimental program of using a seven-day drivers daily log which took place from April 1, 1973, to April 1, 1974. That program was announced by a Notice issued on January 31, 1973 (38 FR 4010). As indicated in that Notice, the American Trucking Associations, Inc., filed a petition requesting that a new form be adopted which would permit much of the information now required to be entered on a separate form, each occupying a single sheet of paper, to be compressed into seven items occupying one sheet. The motivation for the petition, according to ATA, is the reduction of cost of the procedural activities related to purchase, mailing, filing, storing and destruction of logs. Log keeping is asserted to be simplified for the driver and thus his log will reflect greater accuracy and clarity, and log analysis would be simplified for the fleet and Bureau inspectors resulting in better control of hours of service of drivers.

The petition and claimed benefits of the seven-day log have been studied in depth, and alternative solutions considered. Because of certain limitations placed on the proposed seven-day log, the agency is proposing a four-day log as an alternative to overcome anticipated difficulties.

The four-day log is being proposed in lieu of the seven-day log to offset the many enforcement problems that would arise through the use of the seven-day log. It is estimated that the four-day log would provide a significant measure of relief through an annual cost savings to the interstate motor carrier industry of more than three and one-half-million dollars. In addition, there would be no need to retrain drivers on log preparation. The four-day log uses the same format as the current daily log. The revised proposed log will provide better control of hours by being submitted to the carrier every four days instead of the proposed seven days. It also provides more space in the remarks section than the proposed seven-day log. All driver information is located on the right side to facilitate filing and locating a specific driver's log. The majority of the information needed for enforcement purposes is also contained in the new proposed four-day log.

Since the four-day log contains all the information necessary to control hours of service there will be no need to impose stringent requirements on its use as was proposed with the seven-day log. The Advanced Notice of Proposed Rulemaking previously referenced discussed in detail many of the problems associated with the seven-day log.

A copy of the proposed 4-day log, together with instructions for completing it, is reproduced below. The space in the right hand margin is devoted to information concerning the name of carrier, home terminal and driver's signature. There are only three major items eliminated as compared to the daily log—the carrier's main office address, the starting point or place and destination or turn around point or place, and total mileage today. Elimination of the "origin" and "destination" was originally proposed in 1947 when the ICC's staff discussed the possibility of using a 7-day log. No action was taken after it was determined that the proposed 7-day log would not contain the necessary information for monitoring hours of service.

The size of the 4-day log shall not be less than 7¾ x 10¼. The instructions for preparing the 4-day log shall be printed on either the front or back cover. In addition, a daily recap of the total hours worked and hours available must be provided with each log book. (An executed specimen four-day log, with instructions for its use will be provided in any final rule that may be issued).

A motor carrier has the option of using either the four-day log or the daily log. At no time may a motor carrier use both types of logs.

Interested persons are invited to submit written data, views, or arguments pertaining to adoption of the new format. All comments should refer to the docket number and notice number that appear at the top of this document and should be submitted in three copies to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590. Comments received before the close of business on May 1, 1976, will be considered before further action is taken. Comments received will be available for examination by any interested person in the docket room of the Bureau of Motor Carrier Safety, Room 3401, 400 Seventh Street SW., Washington, D.C., both before and after the closing date for comments.

PART 395—HOURS OF SERVICE OF DRIVERS

Part 395 is amended by adding a new § 395.9 as follows:

§ 395.9 Drivers 4-day log.

(a) A motor carrier may use either the "Driver's 4-Day Log" (Form MCS–139) set forth below or the "Driver's Daily Log" (Form MCS–59) as set forth in § 395.8 of this part. When using the 4-day log, every motor carrier shall require the log to be made in duplicate by every driver used by him or it and every driver who operates a motor vehicle for the motor carrier shall make such a log. Failure to make logs, failure to make required entries therein, falsification of entries, or failure to preserve logs shall make both the driver and the carrier liable to prosecution. Driver's 4-day log shall be prepared and retained in accordance with the provisions of paragraphs (b) through (t) of this section.

(b) *Entries current.* Entries must be current to the time of the last change of duty status.

(c) *Entries by driver only.* The driver must make all entries in his own handwriting.

(d) *Driver's home terminal.* Show full name of carrier and location of driver's home terminal. When a driver works for more than one carrier on the same day, the name of the other carrier, or carriers, should be written in the Remarks section at the appropriate starting and ending time. The driver of a leased vehicle must write the name of the carrier performing the transportation.

(e) *Driver signature.* Entry must include first name, middle name or initial, and last name. Sign the log before making entries in it. Do not print.

(f) *Date.* Fill in a log for each day, whether or not you perform work on that day. Use the space at the left side of each log form to show the month, day and year.

(g) *Vehicle identification.* In the space provided, write the carrier's number(s) or license plate number and state of registration for each vehicle or unit of a combination you operated on the day.

(h) *Shipping document.* Write the shipping document number(s) for shipments carried on the day in the space provided. If shipping documents are not numbered, write the name of the shipper and the commodity.

(i) *Total miles driven.* Enter mileage while driving for each calendar day.

(j) *Co-driver identification.* Enter the initials and last name of each co-driver.

(k) *Time base to be used.* The log shall be prepared, maintained, and submitted, using the time standard in effect at the driver's home terminal, for a 24-hour calendar day beginning at midnight: *Provided, however,* That if written notification is given by a carrier to the Director, Regional Motor Carrier Safety Office of the Federal Highway Administration for the region in which the carrier's principal place of business is located, drivers of any named terminal or terminals of the carrier may prepare logs for a 24-hour period beginning at noon of 1 day and ending at noon of the next succeeding day. For drivers preparing logs on a noon-to-noon basis the term 7 or 8 consecutive days means the period of 7 or 8 consecutive days beginning at 12:01 p.m., on any day.

(l) *Line 1, Off duty.* Except for time spent resting in a sleeper berth, a continuous line shall be drawn between the appropriate time markers to record the period or periods of time when the driver is not on duty, not required to be in readiness to work, or is not under any responsibility for performing work.

(m) *Line 2, Sleeper berth.* A continuous line shall be drawn between the appropriate time markers to record the period or periods of time off duty resting in a sleeper berth, as defined in § 395.2(g).

(n) *Line 3, Driving.* A continuous line shall be drawn between the appropriate time markers to record the period or periods of time on duty driving a motor vehicle, as defined in § 395.2(b).

(o) *Line 4, On duty not driving.* A continuous line shall be drawn between the appropriate time markers to record the period or periods of time on duty not driving specified in § 395.2(a) (1), (2), (4, (5), (6), (7), (8) or any other time on duty but not driving as defined by § 395.-2(a) and 395.7.

(p) *Remarks.* The appropriate time marker and the name of the city, town, or village, with State abbreviation, or place at or near which each change of duty occurs, shall be recorded, such as the place of reporting for work, starting to drive, on duty not driving and where released from work. Explain the reason resulting in hours exceeding those permitted by § 395.3.

(q) *Total hours.* The total hours in each duty status: Off duty other than in a sleeper berth; off duty in a sleeper berth; driving; and on duty not driving shall be entered, the total of which entries shall equal 24 hours.

(r) *Filing driver's log.* The driver shall forward every fourth day the original log sheet to his home terminal or to the motor carrier's principal place of business. If a driver reports for duty at his home terminal on the day after he has completed the sheet, he shall file the sheet on the day he reports for duty. If a driver does not report for duty at his home terminal on the day after he has completed the sheet, he shall mail the sheet to the carrier or, if he will return to his home terminal within 2 days after the sheet is completed, deliver it to his home terminal when he returns to it. When the services of a driver are used by more than one carrier during any calendar day, the driver shall furnish each such carrier a copy of the log containing full and complete entries including: The entry of all duty time for the entire day; the name of each such carrier served by the driver that day; and the beginning and finishing time, showing a.m. or p.m. worked for each carrier. Motor carriers when using a driver for the first time or intermittently shall obtain from the driver a signed statement giving the total time on duty during the immediately preceding 7 days and time at which such driver was last relieved from duty prior to beginning work for such carrier.

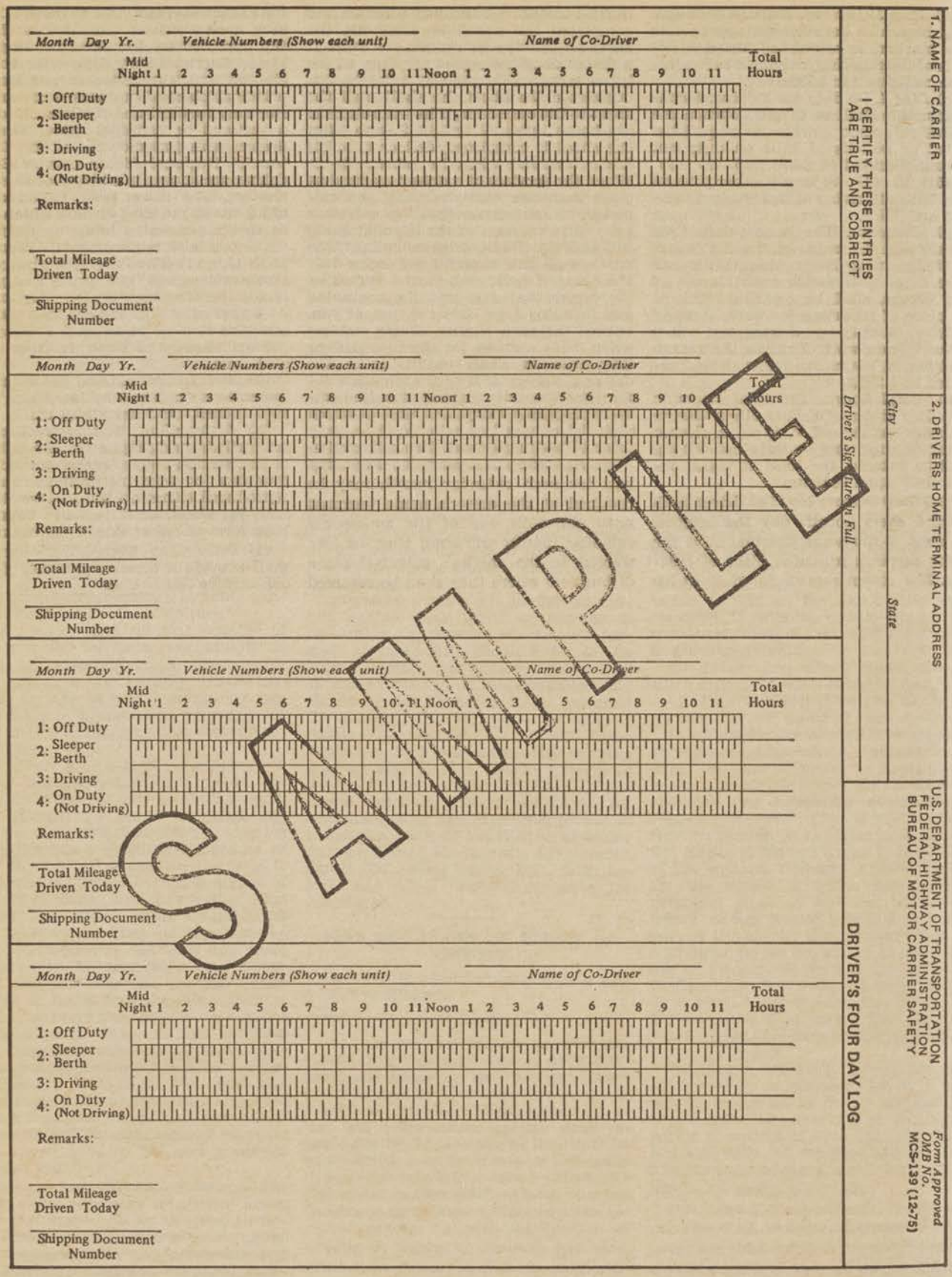
(s) *Retention of driver's log.* Four-day logs for each calendar month may be retained at the driver's home terminal until the 20th day of the succeeding calendar month and shall then be forwarded to the carrier's principal place of business where they shall be retained for 12 months from date of receipt. However, upon a written request to, and with the approval of, the Director, Regional Motor Carrier Safety Office, for the region in which a motor carrier has his principal place of business, a motor carrier may forward and retain such logs at a regional or terminal office. The addresses and jurisdictions of the Directors of Regional Motor Carrier Safety Offices are shown in § 390.40 of this subchapter. The driver shall retain copies of log sheets covering 30 days which shall be in his possession while on duty.

(t) *Log book requirements.* (Form No. MCS 139) (1) The Federal Highway Administration will not provide supplies of the log. The log may be incorporated as a part of any form used by a carrier, provided it is so ruled that the log appears distinct and separate from other such form.

(2) *Size.* In reproducing the 4-day log, dimensions shall not be less than 7¾ x 10¼ inches. (19.7 cm x 26.0 cm)

(3) *Instructions.* The instructions as set forth in paragraphs (b) through (q) of this section and an executed specimen four day log with instructions must be reproduced either on the reverse side of each log sheet, or if logs are bound in book form or either side of the back side.

(4) *Daily recap.* Each driver's log book shall provide a means for either 7 or 8 consecutive day's recap.


Month Day Yr.
Vehicle Numbers (Show each unit)
Name of Co-Driver
Mid Night 1 2 3 4 5 6 7 8 9 10 11 Noon 1 2 3 4 5 6 7 8 9 10 11
Total Hours
1: Off Duty
2: Sleeper Berth
3: Driving
4: On Duty (Not Driving)
Remarks:
Total Mileage Driven Today
Shipping Document Number
I CERTIFY THESE ENTRIES ARE TRUE AND CORRECT
Driver's Signature in Full
1. NAME OF CARRIER
2. DRIVERS HOME TERMINAL ADDRESS
City
State
DRIVER'S FOUR DAY LOG
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
BUREAU OF MOTOR CARRIER SAFETY
Form Approved
OMB No.
MCS-139 (12-75)
SAMPLE

(v) *Exemptions*—(1) 50-mile radius drivers. The rules in this section do not apply to a regularly employed driver who drives wholly within a radius of 50 miles of the garage or terminal at which he reports for work, if the motor carrier who employs the driver maintains and retains for a period of 1 year accurate and true records showing the total number of hours the driver is on duty each day and the time at which the driver reports for, and is released from, duty each day.

(2) *Drivers of lightweight vehicles.* The rules in this section do not apply to a driver of a motor vehicle that has not more than 2 axles and a gross weight (as defined in § 390.10 of this chapter) of 10,000 pounds or less, unless that vehicle is either—

(i) Used to transport passengers;

(ii) Used to transport materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with § 177.823 of this title; or

(iii) Operated without cargo under conditions that require the vehicle to be marked or placarded in accordance with § 177.823 of this title.

(Sec. 204, 49 Stat. 546, as amended (49 U.S.C. 304), Sec. 6, Pub. L. 89-670, 80 Stat. 937 (49 U.S.C. 1655); 49 CFR 1.48; 49 CFR 389.4).

Issued on January 14, 1976.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.76-1714 Filed 1-21-76;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Parts 567, 575]

[Docket No. 76-1; Notice 1]

CONSUMER INFORMATION

Consumer Information Labeling

This notice proposes an amendment to 49 CFR Part 575, Consumer Information, to allow the consumer information document provided to the purchaser of a vehicle to refer the reader to the vehicle's certification label to determine which information applies to that vehicle.

Section 575.6(a) of 49 CFR Part 575 requires motor vehicle manufacturers to supply purchasers with specified information relating to the performance characteristics of the vehicle. If the document containing this information also contains information relating to other vehicles, it must clearly indicate which information is applicable to the vehicle purchased.

On March 20, 1974, General Motors Corporation (GM) petitioned the National Highway Traffic Safety Administration (NHTSA) to authorize an alternative method of identifying the consumer information tables that apply to each vehicle. GM stated that identifying which information applies to a vehicle on the vehicle's certificaiton label would eliminate the chance that an improperly-marked document would be placed in a vehicle at the manufacturing plant. Further, assembly line costs would be reduced, GM concluded, if their proposal was adopted. GM also stated its belief that the prospective customer should be the principal beneficiary of consumer information, since the method petitioned for would assist him in comparing one vehicle to another by allowing him to check the certification label of each vehicle against any consumer information data sheet available at the dealership.

NHTSA concluded, after reviewing the petition, that GM was proposing to key all its consumer information to the certification label, thus precluding the consumer from determining which tables applied to vehicles not in stock. On January 23, 1975, the NHTSA denied GM's petition (40 FR 3631).

On May 8, 1975, GM petitioned the NHTSA to reconsider its denial of the petition of March 20, 1974. The petition for reconsideration stated that it was not GM's intent to alter the labeling of the general consumer information tables required to be furnished to prospective purchasers by 49 CFR 575.6(c), but only the information concerning a specific vehicle which is required to be made available to the vehicle's purchaser pursuant to 49 CFR 575.6(a).

In light of GM's clarification of its petition, the NHTSA concludes that allowing the consumer information document provided with a vehicle to refer the reader to the vehicle's certification label to determine which tables apply to the vehicle would lessen the chance of error at the manufacturer's plant as well as the cost to the manufacturer of providing the information.

In consideration of the foregoing, it is proposed that Parts 567 and 575 of Title 49, Code of Federal Regulations, be amended as follows:

§ 567.4 [Amended]

1. Section 567.4 would be amended by the addition of a new paragraph (j) following paragraph (h), to read:

* * * * *

(j) A manufacturer may, at his option, provide information concerning which tables in the document that accompanies the vehicle pursuant to § 575.6(a) of the title apply to the vehicle. This information may not precede or interrupt the information required by paragraph (g).

§ 575.6 [Amended]

2. The second sentence of § 575.6(a) would be replaced by the following:

(a) * * * The document provided with a vehicle may contain more than one table, but the document must either (1) clearly and unconditionally indicate which of the tables apply to the vehicle with which it is provided, or (2) contain a statement on its cover referring the reader to the vehicle certification label for specific information concerning which of the tables apply to that vehicle. If the manufacturer chooses option (2), the vehicle certification label shall include such specific information.

* * * * *

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date. February 23, 1976.

Proposed effective date. Date of publication of the final rule in the FEDERAL REGISTER.

(Secs. 103, 112, 114, 119, Pub. L. 80-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1403, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on January 16, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.76-1934 Filed 1-21-76;8:45 am]

[23 CFR Part 1204]

[Docket 76-2; Notice 1]

HIGHWAY SAFETY PROGRAM STANDARDS

Advance Notice of Standards Revision

This notice begins the formal process of revising the Highway Safety Program Standards promulgated by the National Highway Traffic Safety Administration (NHTSA) for implementation by the States.

The Highway Safety Act of 1966 (Pub. L. 89-564, 80 Stat. 731, 23 U.S.C. 401 et seq.) provides that each State shall have a highway safety program designed to reduce traffic accidents and deaths, injuries and property damage resulting therefrom. Each State program shall be in accordance with uniform standards expressed in terms of performance criteria and promulgated by the Secretary of Transportation.

In the Highway Safety Act, Congress has directed the Department to promulgate standards dealing with a number of safety areas. By subsequent enactment, these areas have been apportioned between NHTSA and the Federal Highway Administration (FHWA), with NHTSA responsible for all areas other than those

"relating to highway design, construction and maintenance, traffic control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian safety." (Sec. 202 (b), Pub. L. 91–605, 84 Stat. 1740).

In response to this Congressional mandate, the NHTSA and FHWA have issued eighteen highway safety program standards. The review initiated by this notice will consider the highway safety program standards administered exclusively by NHTSA, as codified in Part 1204 of Title 23, Code of Federal Regulations. The NHTSA standards are designated as follows:

Standard No.	*Title*
1	Periodic motor vehicle inspection.
2	Motor Vehicle Registration.
3	Motorcycle Safety.
4	Driver Education.
5	Driver Licensing.
6	Codes and Laws.
7	Traffic Courts.
8	Alcohol in relation to Highway Safety.
10	Traffic records.
11	Emergency Medical Services.
14	Pedestrian Safety (pedestrian-related aspects).
15	Police Traffic Services.
17	Pupil Transportation Safety.
18	Accident investigation and reporting.

The effectiveness of the Highway Safety Program standards has undergone continuing review. By amending the program manuals, the documents which give specific, in-depth guidance for the implementation of the standards, the agency has from time to time modified and up-dated the program's emphasis and direction.

In 1972 an overall review was undertaken which was intended to lead to a major revision of the standards. This effort was suspended, however, after Congress amended the Highway Safety Act to preclude the promulgation or revision of any highway safety program standard unless specifically provided by law (section 229, Pub. L. 93–87, 87 Stat. 293). This Congressional interdiction led to a reevaluation by NHTSA of the procedure by which the standards could be revised.

This advance notice of proposed rulemaking represents the first step in a revised procedure. All highway safety organizations, governmental and nongovernmental, are asked to review the current highway safety standards and submit comments concerning their effectiveness, applicability, and scope. In addition, citizens and organizations not specifically associated with highway safety—such as universities—are asked to share their expertise and their opinions concerning the area of highway safety. NHTSA intends to create by this first notice the broadest possible context for consideration of current and proposed highway safety standards.

Almost every American has experienced first-hand the problems which the NHTSA is attempting to combat with its highway safety program standards. Thus, each American in his own way is an expert on one or more facets of the program and his or her experience will enlarge the empirical base from which the revision will be developed.

The current standards were written in terms of functional activities that require the implementation of specific countermeasures, such as classified drivers licenses, periodic motor vehicle inspection, and implied consent legislation. Since the standards were issued, experience and research have produced new knowledge and insight into traffic crash countermeasures and performance specifications. Based on these insights, the revision process is designed to accomplish the following purposes:

1. To eliminate conflicts, inconsistencies and duplication.

2. To incorporate new techniques and countermeasures developed through research and empirical testing.

3. To increase the performance orientation and pertinence of the standards to crash reduction.

4. To improve the evaluation of the standards' effectiveness.

In this regard, it should be noted that as a part of the notice of proposed rulemaking on pedalcyclist safety (Docket No. 74–35; Notice 3, 40 FR 3317), the NHTSA is considering a new format for the highway safety program standards. As the NHTSA pointed out in that notice, officials of a number of States believe that some Federal performance standards are too rigid to deal with the specific and localized problems which the States experience; rather, Federal performance standards should be broad enough to allow States to implement a safety program which can be more uniquely tailored to their specific needs.

NHTSA realizes that States need flexibility in their programming efforts and that the nature and magnitude of highway safety problems and programs vary between and within the States. There are, however, generally applicable national requirements, which the standards must contain if they are to be consistent with the fundamental requisite that the national program be characterized by some measure of uniformity, and by consistency of both direction and purpose. Further, the legislative mandate found in 23 U.S.C. 402 that the standards must include requirements expressed in terms of performance criteria is clear and uncontravertible.

To accommodate the desire of the States for maximum flexibility in establishing the elements of their highway safety program, while also satisfying the Congressional mandate, the NHTSA has undertaken a new approach in devoloping the safety standard format. The pedalcyclist safety standard is the first effort in this regard. The proposed standard format would be divided into two basic elements. The first element would consist of minimum performance requirements for all States, but would be considerably less comprehensive than previous highway safety program standards. The unique aspect of this standard format is that it would also include a second level of program elements containing a number of discretionary components. Each State would be required to enter into a highway safety program which includes second level activities, but those activities carried out by a particular State would be determined cooperatively by the State and the NHTSA. In this way, a State could tailor a special program to meet the needs of highway safety in its own jurisdiction.

The concept of a bilevel standard is a new departure by the NHTSA, but is fully warranted by the growing sophistication of the States in analyzing and evaluating their highway safety problems and potential. Likewise, the role of the Federal Government as a resource upon whose expertise the States can draw rather than the architect of State and local programs is consistent with the concept of Federal-State partnership and the principles of management by objectives.

Comments are therefore requested on the assignment of specific program elements contained in each standard to either first level or second level. Comments are also particularly requested concerning the concept of a bilevel standard. If the comments are favorable, NHTSA intends to convert as many of the already-existing highway safety program standards as feasible to a bilevel format.

Following an extensive review and analysis of the comments received, the NHTSA intends to hold at least four public meetings throughout the country. This phase of the rulemaking should continue into the summer of 1976. By mid-summer of 1976, it is anticipated that the comments received from interested parties will have been analyzed, and a notice of proposed rulemaking will be issued. In this notice, the NHTSA will present its proposed standard revision in a form substantial enough to allow specific public comment. After review of these comments, a tentative rule incorporating the revised highway program standards will be prepared and submitted to the Congress for its approval pursuant to the Highway Safety Act of 1973.

Written comments on the issues set forth in this notice should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. To speed the distribution of comments, 5 copies are requested, but are not required.

Requests for meetings and discussions should be addressed to Mr. Fred W. Vetter, Jr., Associate Administrator for Traffic Safety Programs, National Highway Traffic Safety Administration, Room 4101, 400 Seventh Street SW., Washington, D.C. 20590, telephone: (202) 426–0837.

All comments received before the close of business on the comment closing date indicated below will be considered in the development of the notice of the proposed rulemaking and will be available for examination in the

docket both before and after that date. To the extent possible, comments filed after the closing date will also be considered. The NHTSA will continue to file relevant material in the docket after the closing date, and recommends that interested persons continue to examine the docket for new material.

Comment closing date: April 21, 1976.

(Sec. 101, Pub. L. 89-564, 80 Stat. 731 (23 U.S.C. 402); delegation of authority at 49 CFR 1.50(b) and 49 CFR 501.8(d))

Issued on January 16, 1976

FRED W. VETTER, Jr.,
Associate Administrator,
Traffic Safety Programs.

[FR Doc.76-1983 Filed 1-21-76;8:45 am]

[23 CFR Part 1204]

[Docket No. 74-35; Notice 3]

HIGHWAY SAFETY PROGRAM STANDARDS

Pedalcyclist Safety

This notice proposes a Highway Safety Program Standard in the area of pedalcyclist safety.

On October 15, 1974, an advance notice of proposed rulemaking relating to bicyclist safety was issued by the National Highway Traffic Safety Administration (NHTSA) (39 FR 36864). That notice outlined the issues which NHTSA felt were the principal problems in bicyclist safety, and requested guidance from the public in their resolution. The letters and comments received in response to the notice, together with the results of a computer analysis of their contents, are available in the Docket for the advance notice (Docket No. 74-35; Notice 1).

Review of the comments by the staff of the NHTSA indicated a degree of confusion over the meaning of certain terms and some difference of opinion among the various groups which have an interest in cyclist safety. Based on this review, NHTSA's resolution of the issues highlighted in the advance notice is as follows:

1. *Relationship to other standards.* The safety of cyclists is addressed indirectly by several of the already promulgated highway safety program standards. The advance notice requested comments on the interrelationship between bicyclist safety and the other standard areas. In particular, the notice sought comments on the advisability of joining bicyclist and pedestrian safety in a common standard.

Most comments to the Docket, however, did not favor combining the cyclist and pedestrian safety standards. There were numerous differences between pedestrian and cyclist activity cited, such as training techniques and target groups. If the standards are combined, one, or both, functional programs may suffer. Separate standards also obviate the need to simultaneously rework the pedestrian standard. Consequently, it is proposed that the cyclist and pedestrian safety standards not be combined.

Readers of the bicyclist safety advance notice were also advised that NHTSA's interest and jurisdiction are limited to cyclist safety. Bicycle safety, in terms of the vehicle itself, falls within the jurisdiction of the Consumer Product Safety Commission. Federal jurisdiction over bicycle lanes and paths as well as traffic controls rests with the Federal Highway Administration (FHWA). Other Federal agencies such as the U.S. Department of Interior's Bureau of Outdoor Recreation and National Park Service have jurisdiction over bicycling in certain recreational areas.

The process of developing the working papers and technical detail of the standard was carried out cooperatively by the NHTSA and FHWA. It was decided that the details pertaining to bikeway facilities should be separated from the Pedalcyclist Standard and covered in detail in FHWA directives. Standards 12 and 13, Highway Design Construction and Maintenance, and Traffic Engineering Services, respectively, will describe the appropriate design measures to be applied to bikeways to permit safe usage. Appropriate standards and design guidelines will be referenced in the Highway Safety Program Manuals accompanying both of these standards.

2. *The exclusion of motor-driven cycles from the standard.* NHTSA's Motor Vehicle Safety Standards define motor-driven cycle as a vehicle with a motor that produces 5-brake horsepower or less (49 CFR 571.3). Commenters to the Docket confused mini-bikes and mopeds with motor-driven cycles and used the terms interchangeably. Responses to a recent NHTSA survey indicate that most States classify motor-driven cycles as motor vehicles or motor cycles, and regulate them accordingly. There is not, however, a consensus regarding definition, operational standards, or regulation of motor-driven cycles at State and local levels of government.

Accident pattern types for motor-driven cycles (5 bhp or less) appear to be similar to motor vehicles and motor cycles (5 bhp or more).

NHTSA recognizes that a need exists to improve operational safety for motor-driven cycles and to provide safety education for persons operating them. However, because of the difficulties related to definition and operational safety performance standards for other classes of cycles and the immediate need to develop program aids for pedalcyclist safety, the proposed standard addresses only pedalcycles and pedalcyclists. Consequently, the following definitions are proposed:

Pedalcycle. A vehicle operated solely by pedals and propelled by human power, including motor-assisted pedalcycles when the motor is not operating.

Pedalcyclist. A person in physical control of a pedalcycle.

Motor-assisted pedalcycle. A vehicle equipped with pedals and a motor rated at no more than 1 brake horsepower, and which can be operated solely by the pedals.

It is important to note that the pedalcycle definition includes motor-assisted cycles when the motor is not operating. This is the only change from the "Manual on Classification of Motor Vehicle Traffic Accidents", Traffic Conference, National Safety Council, TAD Project, Technical Bulletin No. 2; (American National Standards Institute, D16.1—1970). Comments are particularly requested concerning the operating characteristics of motor-assisted pedalcycles when the motor is not operating.

It is intended that the NHTSA definition in the proposed standard cover unicycles, child and adult tricycles, and other wheeled, human-powered vehicles. Specific comment is requested concerning the use of the term "pedalcycle" rather than "bicycle" to describe the class of vehicles regulated by this standard. While the term "bicycle" would not strictly define the larger group of pedal-operated vehicles included in the standard, this ambiguity might, in the alternative, be resolved with an expanded definition of the term.

3. *Legislation—uniformity of laws and rules of the road.* An overwhelming majority of comments to the Docket on this issue indicated a positive attitude towards uniformity of laws for pedalcyclists. Staff discussions and analyses resulted in the inclusion of this element in the standard.

To conform their usage to that of the proposed standard, thirty-seven States would be required to include bicycles (pedalcycles) in their definition of vehicle. Thus, persons operating pedalcycles on the shoulder or other area within the highway right-of-way, including sidewalks and driveways, would be affected by these changes.

Approximately 80 percent of the comments were in favor of subjecting cyclists to the same rules of the road as motor vehicle operators. It should be noted that recent amendments to the Uniform Vehicle Code concerning bicycles have gone a long way towards accomplishing this end.

Most comments to the Docket were negative or neutral regarding restricting pedalcyclist access to higher speed roads according to cyclist age or training. Except for one or two notable situations, such as south and west of Denver, pedalcyclists are prohibited from the Interstate Highway System. At this time, expected safety benefits would be minimal regarding restricting access by age or training. Later, however, consideration may be given to ascertaining safety restrictions vis-a-vis demonstrated cycling knowledge and ability.

While pedalcycle registration received more favorable than negative comments, it was felt that States and political subdivisions should initiate the program on a discretionary basis. Voluntary equipment requirements were generally unopposed, but negative attitudes prevailed when mandatory requirements were considered. Nonetheless, as the efficiency of equipment is demonstrated, its use should be required.

A case in point is the pedalcyclist helmet. Comments to the Docket were negative (almost 6 to 1) about requiring cyclist helmets. Information from the Consumer Product. Safety Commission's National Electronic Injury Surveillance System (NEISS), however, indicates that head trauma accounts for a large percentage of the hospital emergency room cases involving bicyclists. Consequently, it may be prudent to develop techniques which will assist in teaching cyclists how to respond in emergency situations. Federal performance criteria for bicyclist helmets may also be developed, thereby allowing pedalcyclists who wish to use helmets the opportunity to do so.

4. *Law enforcement and adjudication.* Affirmative action in the form of warnings, education, or correction by police is supported by comments to the Docket. In addition, the recent NHTSA Pedestrian/Bicycle Safety Study reported that within law enforcement agencies there is a lack of formal statements describing violations and of policies and procedures for dealing with pedalcyclists. Commenters to the Docket were positive in their support of vigorous enforcement of cycling regulations and penalties. NHTSA believes that enforcement related to cyclist operations and related cyclist or motorist violations of cyclists' rights should be considered an important part of the total traffic safety system operations.

Within the enforcement and adjudication systems, an information system should provide timely data for taking appropriate action against violators. Chemical tests should be conducted when police have reasonable grounds to believe cyclists are under the influence of alcohol or other drugs. Policies emphasizing enforcement should be established. The systems should also provide alternatives to mandatory penalties for cycling violations.

5. *Education.* Persons commenting to the Docket generally favored increased educational efforts for cycling safety. In-school and other education programs received positive endorsement.

Countermeasures such as the following should be considered: establishing qualifications for pedalcyclist instructors; insuring that curricula address pedalcyclists' needs, operating characteristics, and rights and responsibilities; including information about pedalcycles in motor vehicle education courses; and providing programs addressing the needs of novice, intermediate, advanced, and problem pedalcyclists.

6. *Traffic records.* Currently, the Consumer Product Safety Commission's sampling of 119 hospital emergency rooms provides cyclist trauma information with a good level of detail, but not as a regular input to the traffic records system.

When the 1975 amendments to the Uniform Vehicle Code are adopted by the States, Chapter 10, "Accidents and Accident Reporting" will become operative for pedalcyclists. Under Chapter 10, "the driver of a vehicle involved in an accident resulting in injury or death of any person shall immediately * * * give notice of such accident * * *" This element in the standard will provide States with the ability to identify and define the problem.

Presently, NHTSA has initiated the second phase of a Pedestrian/Bicycle Accident Data Sampling Analysis Plan (PADSAP). Within 3 to 4 years, PADSAP will regularly provide a national profile of pedalcycle—motor vehicle crashes based on in-depth investigation reports received from 350 jurisdictions. NHTSA is placing increased emphasis on research to delineate casual/severity factors in pedal-cyclist accidents and to devise effective, specific countermeasures where none currently exist.

It is extremely important that States and their political subdivisions insure that reports of pedalcyclist accident circumstances include elements related to human, vehicular, and environmental factors generally conforming to the level of motor vehicle accident report detail. This is particularly important for the further study of patterns (e.g., alcohol usage) and the development and implementation of countermeasures.

Criteria for recording and reporting of accident data are established in the "Manual on Classification of Motor Vehicle Traffic Accidents" Second Edition; Traffic Conference, National Safety Council. (American National Standards Institute; D16.1—1970).

7. National requirements and local requirements. The highway safety program is authorized by section 402 of Title 23, United States Code, which requires each State to have a highway safety program in accordance with uniform standards expressed in terms of performance criteria and promulgated by the Secretary of Transportation. These standards, as a whole, from the basis for each State's own highway safety program.

It has been long felt by a number of States, as stated in comments to the bicyclist safety docket, that some Federal performance standards were too rigid to deal with the specific and localized problems which the States experienced. In the context of the bicyclist safety standard, it was said that the problems of bicyclist safety (as well as the number of bicyclists) found in California, for example, was different than Minnesota. Rather, Federal performance standards should be broad enough to allow States to implement a bicyclist safety program carefully tailored to their own needs.

NHTSA realizes that States need flexibility in their programming efforts and that the nature and magnitude of pedalcycling safety problems and programs vary between and within the States. There must be, however, generally applicable national requirements to aid all highway users by allowing them to anticipate uniformity and consistency as they move from jurisdiction to jurisdiction. Further, the legislative mandate found in 23 U.S.C. 402 that the standards must include Federal bicyclist safety requirements expressed in terms of performance criteria is clear and incontravertible.

To accommodate the desire of the States for maximum flexibility in establishing the elements of their pedalcyclist safety program while also satisfying the congressional mandate, the NHTSA has determined to initiate a new approach in developing the bicyclist safety standard format. The proposed standard is divided into two basic elements. The first element would consist of specifications required of all States, but would be considerably less comprehensive than previous highway safety program standards. These mandatory requirements of the standard call for a uniform definition of "pedalcycle," pedalcycle operation and accident reporting in general conformance with the Uniform Vehicle Code, and bikeway design to be in conformance with the bikeway provisions specified in Highway Program Standards No. 12 and No. 13. The final nationwide requirement would be that each State monitor its progress in the area of pedalcyclist safety through a systematized data collection and surveying process.

The unique aspect of this bilevel standard is that while States are required to have a pedalcyclist safety program, the standard does not specify any elements of the standard as mandatory, aside from those cited above. Rather, a number of discretionary components appear as the second level of the standard. Each State is required to enter into a bicyclist safety program which includes second level activities, but these activities carried out by a particular State are determined cooperatively by the State, the NHTSA, and the FHWA. In this way, a State may tailor a special program to meet the needs of pedalcyclist safety in its own jurisdiction. To aid the States, each element listed in second level will be supported by a program manual containing recommended countermeasures.

The concept of a bilevel standard is a new departure by the NHTSA, but is fully warranted by the growing sophistication of the States in analyzing and evaluating their highway safety problems and potential. Likewise, the role of the Federal Government as a resource upon whose expertise the States can draw rather than the architect of State and local programs is consistent with the principles of Federalism and management by objectives.

Comments are requested on the assignment of specific program elements to either first level or second level. Comments are also particularly requested from State and local government officials concerning the concept of a bilevel standard. If the comments are favorable, and if a bilevel safety standard proves effective in reducing pedalcyclist deaths and injuries, it is the current intent of the NHTSA to convert as many of the already-existing highway safety program standards as is feasible to a bilevel format.

In consideration of the foregoing, Highway Safety Program Standard No. — is proposed as follows:

HIGHWAY SAFETY PROGRAM STANDARD NO.—PEDALCYCLIST SAFETY

I. *Scope.* This standard pertains to the safety of pedalcyclists and to those persons and programs interacting with them.

II. *Purpose.* The purpose of this standard is to establish a program that will reduce pedalcyclist accidents and associated deaths, injuries and property damage.

III. *Definitions. Pedalcycle.* A vehicle operated solely by pedals and propelled by human power, including motor-assisted cycles when the motor is not operating.

Pedalcyclist. A person in physical control of a pedalcycle.

Motor-assisted pedalcycle. A vehicle equipped with pedals and a motor rated at no more than 1 brake horsepower, and which can be operated solely by the pedals.

IV. *Requirements.* A. Each State shall enter into an agreement with the Administrator of the National Highway Traffic Safety Administration to develop and maintain a pedalcyclist safety program which requires:

1. "Pedalcycle" to be lawfully defined as "a vehicle operated solely by pedals and propelled by human power, including motor-assisted pedalcycles when the motor is not operating."

2. Pedalcycle operation to be in general conformance with "Rules of the Road" as set forth in Chapter 11, Uniform Vehicle Code, as amended and adopted by the National Committee on Uniform Traffic Laws and Ordinances, and Highway Safety Program Standard No. 6.

3. Accident reporting to conform generally to "Accidents and Accident Reporting" as set forth in Chapter 10, Uniform Vehicle Code, as amended and adopted by the National Committee on Uniform Traffic Laws and Ordinances, and to Highway Safety Program Standard No. 10.

B. Annually, each State shall evaluate its pedalcyclist safety programs. The evaluation plan and methodology shall be determined cooperatively by each State and the National Highway Traffic Safety Administration. This evaluation shall include an analysis of State accident records to determine the number, type, and causal factors of pedalcyclist accidents, and surveys of pedalcyclists using the highway to determine their knowledge of the Rules of the Road.

V. *Supplementary Components.* Each State shall also agree with the Administrator of the National Highway Traffic Safety Administration to adopt countermeasures cooperatively chosen by the parties to the agreement from those appearing below.

A. *Adjudication.* An adjudication program shall:

1. Insure that prosecutors and courts consider pedalcyclists offenses to be a part of the total traffic law adjudication process.

2. Encourage courts to utilize pedalcyclist violator schools as alternatives to other penalties.

3. Establish a minimum level of training and orientation regarding pedalcycling for prosecutors and courts.

B. *Information System.* An information systems program shall be based on applicable Highway Safety Program Standards and shall provide, as a minimum, the following information:

1. The identification of the nature and magnitude of the pedalcycling safety problem.

2. A basis for identifying resources available for pedalcycling safety programs.

3. The identification of programmatic requirements.

4. Data which will lead to the development of countermeasures for addressing the pedalcyclist safety problem.

C. *Education and training.* An education and training program shall:

1. Establish requirements for qualifications of pedalcycling instructors.

2. Insure that pedalcycling curricula address, as a minimum, pedalcyclists' needs, rights, responsibilities, and pedalcycle operating characteristics.

3. Conduct courses and/or seminars for persons interacting with pedalcyclists.

4. Provide programs addressing the needs of novice, intermediate, advanced, and problem cyclists.

D. *Laws and ordinances.* A laws and ordinances program shall:

1. Provide alternatives to monetary penalties for pedalcycling violations.

2. Establish skills and knowledge requirements for pedalcyclists.

3. Allow for chemical tests to be conducted when police have reasonable grounds to believe a pedalcyclist is under the influence of alcohol or other drugs.

E. *Police traffic services.* A police traffic services program shall:

1. Establish policies which result in police training, orientation, and implementation requirements to maximize investigation of pedalcyclist accidents and related violations.

2. Insure that police actions related to pedalcycle operation and related pedalcyclist and/or motorist violations of pedalcyclists' rights are considered as an important part of the total traffic safety system operations.

3. Encourage the conducting of a chemical test when an officer has reasonable grounds to believe a cyclist is under the influence of alcohol or other drugs.

F. *Equipment.* An equipment program shall review the effectiveness of requiring pedalcycle and pedalcyclist equipment including:

1. Rear view mirrors.
2. Signal flags.
3. Reflectors.
4. Vests of highly visible materials.
5. Headgear.
6. Lights to be worn on the leg, arm, or belt.
7. Cuff clips and similar protective devices.

A bicycling safety file has been established in the NHTSA technical reference library to serve as a collection point for relevant material. The library is located in Room 5108, 400 Seventh Street SW., Washington, D.C. 20590, and is open weekdays from 8:00 a.m. to 4:30 p.m. A bibliography of recent articles is also available for review. A shorter bibliography of books and articles likely to be found in local libraries is available by writing to: S–80, Office of Public Affairs, Department of Transportation, Washington, D.C. 20590.

In addition, copies of those sections of the Uniform Vehicle Code, Federal Highway Administration Federal-Aid Highway Program Manual, and Manual on Uniform Traffic Control Devices incorporated by reference are available at the following locations throughout the country:

NHTSA Regional Office, Transportation Systems Center, 55 Broadway, Cambridge, Massachusetts 02142, Tel: (617) 494–2680.

FHWA Regional Office, Leo W. Obrien Federal Building, Clinton Avenue and North Pearl Street, Albany, New York 12207, Tel: (518) 472–3616.

NHTSA Regional Office, Room 400, 200 Mamaroneck Avenue, White Plains, New York 10601, Tel: (914) 761–4250, Ext. 311, 312, 313, 314.

NHTSA Regional Office, 6701 Elk Ridge Landing Road, Room D–203, Linthicum, Maryland 21090, Tel: (301) 796–5117.

FHWA Regional Office, The Rotunda, Suite 220, 711 West 40th Street, Baltimore, Maryland 21201, Tel: (301) (962–4572).

NHTSA Regional Office, Suite 501, 1720 Peachtree Road NW., Atlanta, Georgia 30309, Tel: (404) 526–5537.

NHTSA Regional Office, Suite 214, Executive Plaza, 1010 Dixie Highway, Chicago Heights, Illinois 60411, Tel: (312) 756–1950.

FHWA Regional Office, 18209 Dixie Highway, Homewood, Illinois 60430, Tel: (312) 799–6300.

NHTSA Regional Office, 819 Taylor Street, Room 11A26, Fort Worth, Texas 76102, Tel: (817) 334–4653.

NHTSA Regional Office, P.O. Box 19515, Kansas City, Missouri 64141, Tel: (816) 926–7887.

NHTSA Regional Office, 330 South Garrison Street, Lakewood, Colorado 80226, Tel: (303) 234–3253.

FHWA Regional Office, P.O. Box 25246, Building 40, Denver Federal Center, Denver, Colorado 80225, Tel: (303) 234–4051.

NHTSA Regional Office, Two Embarcadero Center, Suite 610, San Francisco, California 94111, Tel: (415) 556–6415.

NHTSA Regional Office, 3140 Federal Building, 915 Second Avenue, Seattle, Washington 98174, Tel: (206) 442–5934.

FHWA Regional Office, Room 412, Mohawk Building, 222 S.W. Morrison Street, Portland, Oregon 97204, Tel: (503) 221–2065.

Written comments on this notice should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. To speed the distribution of comments, 5 copies are requested, but are not required.

Requests for meetings and discussions should be addressed to Mr. Fred Vetter, Jr., Associate Administrator for Traffic Safety Programs, National Highway Traffic Safety Administration, Room 5101, 400 Seventh Street, SW., Washington, D.C. 20590, telephone: (202) 426–0837.

All comments received before the close of business on the comment closing date indicated below will be considered in the

development of the notice of proposed rulemaking and will be available for examination in the docket both before and after that date. To the extent possible, comments filed after the closing date will also be considered. The NHTSA will continue to file relevant material in the Docket after the closing date, and recommends that interested persons continue to examine the docket for new material.

Comment closing date: April 21, 1976.

(Pub. L. 89-564, 80 Stat. 731, as amended by Sec. 231, Pub. L. 93-87, 87 Stat. 294 (23 U.S.C. 402(a), 23 U.S.C. 402(b)(1)(E)); delegation of authority at 49 CFR 1.50(b))

Issued on January 16, 1976.

JAMES B. GREGORY,
Administrator, National Highway Traffic Safety Administration.

[FR Doc.76-1982 Filed 1-21-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 481-7]

IDAHO SO_2 CONTROL STRATEGY

Approval and Promulgation of State Implementation Plans

The purpose of this notice is to propose amendments to the Idaho sulfur dioxide (SO_2) control strategy relating to excess emissions from nonferrous smelters due to start-up, shutdown or malfunction.

On November 19, 1975 (40 FR 53584), EPA promulgated final regulations for the control of SO_2 emissions from the Bunker Hill Company smelter located in Kellogg, Idaho, in the Idaho portion of the Eastern Washington-Northern Idaho Interstate Air Quality Control Region. Similar regulations were originally proposed on October 7, 1974 (39 FR 36018). At the January 22, 1975, public hearing held to receive public comment on the proposed regulations, Bunker Hill expressed concern at the absence of provisions for plant upsets during start-ups, shut-downs, and malfunctions. At the hearing, and in the November 19 final promulgation, EPA indicated that regulations addressing this problem were to be proposed in the near future.

Due to the nature of the operation of sulfuric acid production units to be used as SO_2 control devices at the Bunker Hill smelter, certain problems are likely to arise which are specific to this matter. Process upsets in the metallurgical process occur which may cause unusual fluctuations of the sulfur dioxide concentration in the gas stream treated by the acid plant. These fluctuations, which can also be caused by a varying sulfur content in the feed ore, cause a process imbalance in the sulfuric acid manufacturing process which may result in an unavoidable shutdown. Although such difficulties can be minimized by proper design and maintenance of the gas purification systems and the acid plant, which is required of the source, these problems may still occur on occasions.

Generally, the proposed regulation establishes procedures for reporting information to the Administrator for his use in selecting the appropriate enforcement option. In order for a period of excess emissions to be considered as the result of a start-up, shutdown, or malfunction, the source owner or operator must demonstrate to the satisfaction of the Administrator that certain requirements have been met. Specifically, the owner or operator will be required to demonstrate that the excess emissions were unavoidable, that the air pollution control equipment, processes or process equipment had been operated and maintained in a manner consistent with good practice for minimizing emissions, that the cause of the excess emissions was corrected as expeditiously as practicable, that all possible steps were taken to minimize the impact of the excess emissions on ambient air quality, and that the amount and duration of the excess emissions were minimized to the maximum extent practicable.

The proposed regulations also require the source to notify the Administrator in writing within 5 days of the onset of a period of excess emissions if the applicable short-term national ambient air quality standards for sulfur dioxide have been exceeded as indicated by measured air quality data. Further notification of all periods of excess emissions is required on a monthly basis. In addition, the regulation requires that at all times, including those periods of excess emissions, all possible actions must be taken to avoid a violation of any national ambient air quality standard. The regulation does not preclude EPA from enforcing against a source employing an approved supplementary control system (SCS) if air quality measurements in excess of the ambient air quality standards occur in the area for which the source has assumed liability, nor does it preclude EPA from enforcing against a source if mass concentration emission limitations are violated.

The issue of start-up, shutdown, or malfunction problems at the smelter was discussed at the public hearing conducted by EPA at Kellogg, Idaho, on January 22, 1975. Therefore, the public hearing requirements of 40 CFR Part 51 have been satisfied, and a separate public hearing on these proposed regulations will not be held. Interested persons are encouraged to participate in this rulemaking by submitting written comments, preferably in triplicate, to Mrs. L. Smith, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101. All relevant comments received within 30 days of this notice will be considered. All comments received will be available for public inspection and copying at the Regional Office at the address given above and at EPA's Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460. This notice of proposed rulemaking is issued under the authority of section 110 of the Clean Air Act (42 U.S.C. 1857c-5).

Dated: January 13, 1976.

CLIFFORD V. SMITH, Jr.,
Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart N—Idaho

In § 52.676, paragraph (b) is amended by adding paragraph (6) as follows:

§ 52.676 Control strategy: Sulfur Oxides—Eastern Washington-Northern Idaho Interstate Air Quality Control Region.

* * * * *

(6) * * *

(i) The owner(s) or operator(s) of the smelter subject to this section shall comply with the procedures specified below for the reporting of excess emissions during periods of start-up, shutdown, and malfunction.

(ii) All terms used in this paragraph but not specifically defined below shall have the meaning given them in the Clean Air Act or Parts 51, 52, or 60 of this chapter.

(*a*) The term "excess emissions" means an emission rate which exceeds any applicable emission limitation prescribed by paragraph (b)(1) of this section. The averaging time and test procedures for determining such excess emissions shall be as specified as part of the applicable emission limitation.

(*b*) The term "malfunction" means any sudden and unavoidable failure of air pollution control equipment or process equipment or a process to operate in a normal and usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

(*c*) The term "start-up" means the setting into operation of any air pollution control equipment or process equipment for any purpose.

(*a*) The term "shutdown" means the cessation of operation of any air pollution control equipment or process equipment for any purpose.

(iii) The owner(s) or operator(s) of the smelter subject to this section shall notify the Region X Office of the Environmental Protection Agency to the attention of the Director, Enforcement Division, as indicated below when the applicable emission limitations in paragraph (b) are not met.

(*a*) The owner(s) or operator(s) of the smelter subject to this section shall evaluate the impact on air quality of any excess emissions and notify the Director, Enforcement Division, if any Company owned or operated ambient air quality monitor located in the vicinity of the source indicates that any 24-hour and/or 3-hour national ambient air quality standard for SO_2 has been exceeded. Such notification shall be made in writing within 5 days of the occurrence of a

measurement in excess of these short-term standards.

(b) For any period of excess emissions the owner(s) or operator(s) of the smelter subject to this section shall submit written notification of all excess emissions for each month in which such excess emissions occur. Each monthly report shall be submitted within fifteen days following the end of each month.

(c) Each notification required pursuant to paragraph (b)(6)(iii)(a) or (b)(6)(iii)(b) of this section shall include:

(1) The identity of the stack and/or other emission points where the excess emissions occurred;

(2) The magnitude of the excess emissions expressed in the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;

(3) The time and duration of the excess emissions;

(4) The identity of the equipment causing the excess emissions;

(5) The nature and cause of such excess emissions;

(6) The measured or estimated ambient SO_2 concentrations which occurred or which were expected to occur during the period;

(7) If the excess emissions were the result of a malfunction, the steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunction;

(8) The steps taken to limit the excess emissions and the resultant impact on ambient air quality.

(iv)(a) In order for an excess emission to be considered the result of a malfunction, start-up, or shutdown, the owner(s) or operator(s) of the smelter subject to this section shall demonstrate to the satisfaction of the Administrator that:

(1) The air pollution control equipment, process equipment, or processes were at all times maintained and operated, to the maximum extent practicable, in a manner consistent with good practice for minimizing emissions;

(2) Repairs were made as expeditiously as practicable, including the use of off-shift labor and overtime;

(3) The amount and duration of the excess emissions were minimized to the maximum extent practicable during periods of such emissions;

(4) All possible steps were taken to minimize the impact of the excess emissions on ambient air quality;

(5) The definitional criteria of paragraph (b)(6)(ii) of this section are met, if the excess emissions were the result of an alleged malfunction;

(6) The reporting requirements set forth in paragraph (b)(6)(iii) of this section were met.

(b) The demonstrations required by paragraph (b)(6)(iv)(a) of this section shall be submitted together with the monthly report required by paragraph (b)(6)(iii)(b) of this section.

(v) Excess emissions during periods of routine maintenance or during routine phasing in or out of process equipment shall not be considered to be the result of a start-up, shutdown, or malfunction.

(vi) In the event that the owner(s) or operator(s) of the smelter subject to this section has been granted permission by the Administrator and the Director of the Idaho Department of Health and Welfare to use a supplementary control system pursuant to the provisions of Regulation S of the "Rules and Regulations for the Control of Air Pollution in Idaho" as partially approved in paragraph (a) of this section, nothing in this section shall be construed to relieve the owner(s) or operator(s) of the smelter subject to this section from his assumed liability for all violations of any applicable ambient air quality standards which occur in the designated liability area, including those violations that occur as the result of a malfunction, start-up, or shutdown.

(vii) Failure of the owner(s) or operator(s) of the smelter subject to this section to report periods of excess emissions pursuant to paragraph (b)(6)(iii) shall be considered a violation of the provisions of this subpart.

(viii) Nothing in this section shall be construed to limit the authority of the Administrator to institute actions under section 303 or 113 of the Clean Air Act or to exercise his authority under section 114 of the Clean Air Act.

[FR Doc.76-2003 Filed 1-21-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 83]

[Docket No. 20683; FCC 76-3]

TUG BOATS

Listening Watch Requirements

In the Matter of amendment of Part 83 of the rules to relax the channel 16 (156.8 MHz) listening watch requirements for certain tug boats.

1. Notice of proposed rule making is herby given in the above captioned matter.

2. In Docket No. 20444 we recently amended our rules and designated radio frequencies in the Maritime Mobile Services for use, under the control of the U.S. Coast Guard, in vessel traffic services. The only oppositions to the rule changes in that proceeding were on behalf of tug boat and certain other vessel operators who contended that the new Coast Guard Vessel Traffic Service (VTS) would require an additional listening watch on a VTS channel. The commenters who took that position argued that many vessel operators are already required to maintain watches on as many as four channels, including the distress, safety and calling frequency 156.8 MHz (Channel 16), and that a requirement to maintain another watch would be unreasonable and counterproductive to efficient ship radio operations. They urged that vessels operating under VTS control should be relieved of the Channel 16 listening watch requirements. In Docket 20444 we rejected those arguments for maritime safety and radio operational reasons discused in our Report and Order adopted December 3, 1975.

3. Subsequent to the release of that Report and Order we have given further consideration to the comments filed in that proceeding. Additionally, we have consulted further with the Coast Guard on this matter. As a result we now believe it may be reasonable, without compromising the public interest, to relax the Channel 16 which requirements and provide some relief in the case of the tug boats when operating in a multisectored VTS area (expected to be New York and New Orleans only).

4. This belief is based on the following assumptions:

(a) Tug boats are usually engaged in moving, larger vessels or tows and, therefore, not in a position to leave and go to the asistance of other vessels in distress or needing assistance;

(b) In the areas concerned there are other vessels and shore stations maintaining listening watches that could hear a distress or assistance call;

(c) To generate an exchange of communications on public correspondence or other frequencies, tug boats can be contacted on working frequencies of coast stations ("house frequencies") on which listening watches are maintained; and,

(d) Radio operations on tug boats are in the small wheel house where other noise and activity may make the maintenance of four listening watches very difficult.

5. In view of the foregoing, we believe our Channel 16 listening watch requirements by tug boats, under these circumstances, may be unreasonable and unnecessary and can be relaxed without adversely affecting the maritime safety system or routine ship radiocommunication procedures. We, therefore, propose to amend § 83.224 of our rules to provide that tug boats of less than 1,600 gross tons need not maintain, during their hours of radio operations, a listening watch on Channel 16 whenever they are operating in a multisectored Coast Guard VTS area and are maintaining a watch on the specified VTS sector frequency, as set forth below.

6. Authority for the adoption of the amendments proposed and set forth below is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before February 20, 1976, and reply comments on or before March 1, 1976.

In reaching a decision in this proceeding, we may take into consideration all relevant information before us, in addition to the specific comments invited by this Notice.

8. In accordance with the provisions of § 1.419 of the rules, an original and 11 copies of all comments or reply comments, or other documents or matter in support thereof, shall be furnished. Comments and reply comments are available for public inspection during regular business hours in the Commission's

Broadcast and Docket Reference Rooms at our headquarters in Washington, D.C.

Adopted: January 6, 1976.

Released: January 12, 1976.

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

Section 83.224 and its headnote are amended to read as follows:

§ 83.224 Watch on 156.8 MHz.

(a) Each ship station, or if more than one maritime mobile station is being operated from a vessel then at least one station, licensed to transmit by telephony on one or more frequencies within the band 156–162 MHz, shall, during its hours of service for radiotelephony in this band, maintain an efficient watch for the reception of F3 emissions on the frequency 156.8 MHz whenever such station is not being used for exchanging communications; Provided, however, that the watch is not required:

(1) When ship stations are operating only with single or dual channel bridge-to-bridge radio equipment pursuant to Section 83.106(a)(5) of the rules; or

(2) For tug boats of less than 7,600 gross tons when operating under the control of the U.S. Coast Guard in a multi-sectored Vessel Traffic Service area using more than one VTS channel and the tug boats are maintaining a watch on a specified VTS frequency.

[FR Doc.76–1938 Filed 1–21–76;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Ch. I]

TRADE REGULATION RULES EMBODYING CASE LAW PRINCIPLES

Proposed Rulemaking

The Federal Trade Commission intends to reconsider and, if appropriate, promulgate into Trade Regulation Rules the principles of consumer protection law which it has developed in the course of deciding individual cases and accepting individual consent agreements. This notice invites preliminary comment on this project. In adopting a general rulemaking program, the Commission has considered the following:

1. Courts and commentators have urged that many standards and policies developed by administrative agencies in the adjudication of individual cases should properly be rules, and that in many circumstances adjudication generally should not be favored over rulemaking.[1] Also, in passing the Federal Trade Commission Improvement Act Congress provided the Commission a specific statutory mandate for Trade Regulation Rules.[2] Yet, although the Federal Trade Commission has committed itself increasingly to developing Trade Regulation Rules,[3] the bulk of its consumer protection activity continues to be directed against violations of the general standard of section 5 of the Federal Trade Commission Act, as construed by more or less specific doctrines developed in earlier cases or articulated in the case at hand.

2. Among the possible benefits of rulemaking are:

(a) Rules, by making legal standards clear, may reduce the cost to business of determining whether a particular practice violates the law.[4]

(b) Rules may reduce the cost to the Commission of identifying and investigating law violators.[5]

(c) Rules may reduce the number of issues to be tried in a particular case, and so reduce the cost of litigation to the Commission, the courts, and to business.[6]

(d) Replacing general adjudicative principles with specific rules may confine and control unstructured or unprincipled administrative discretion.[7]

(e) The Commission may systematically re-evaluate the substance of consumer protection principles, to determine which are outmoded, anticompetitive, or trivial.[8]

(f) The Commission may better formulate and test hypotheses about the impact which its policy decisions have on the economy.[9]

3. Among the possible disadvantages of rulemaking are:

(a) Specific rules may become obsolete more quickly than generalized standards, as technology or marketing patterns change, and require relatively frequent and costly amendment.[10]

(b) Specific rules may not reach all the conduct sought to be affected, and this underinclusion may permit evasion of the underlying normative intent, which a more general principle would block off.[11]

(c) On the other hand, rules may unintentionaly be overinclusive, reaching unanticipated fact situations with the result of deterring socially desirable behavior.[12]

(d) Relying on rules over case law may not by itself assure consistency, intelligent planning, or useful allocation of resources since difficult underlying problems of policy development may be slighted regardless of the form of agency action.[13]

The Commission seeks comment now as a matter of discretion; the proposal and promulgation of particular TRR's will be conducted solely according to the rulemaking procedures at 16 CFR 1.11 *et. seq.*, under the Federal Trade Commission Act as amended by the Magnuson-Moss Waranty—Federal Trade Commission Improvement Act, 5 U.S.C. 41 *et seq.* The Commission wishes to receive comment on the following:

1. Are the areas chosen by the Commission for rulemaking sufficient? Is it possible to prescribe rules to cover the entire *corpus* of law within each area, or is it necessary to confine rules to particular types of harm?

2. Are particular cases or case law principles in the chosen areas outmoded or otherwise inappropriate for rulemaking?

3. What economic effect should the Commission consider as it develops specific proposals? For example, should the Commission impose on itself the burden of demonstrating a quantifiable consumer loss to prove a violation?

4. Can the Commission judge whether the costs of developing, implementing, and revising specific Trade Regulation Rules outweigh the costs of continuing to rely on case standards which may be outdated or uncertain?

5. How should the Commission draft rules proposals in specific areas? Should the proposed rules be absolute, or raise rebuttable presumptions? Should the Commission impose on itself a precise jurisdictional requirement in any area to avoid trivial cases?

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[1] *Cf.*, e.g., *NLRB* v. *Wyman-Gordon Co.*, 394 U.S. 759 (1969); *Permian Basin Area Rate Cases*, 390 U.S. 747, 777 (1968); *SEC* v. *Chenery Corp.*, 332 U.S. 194, 201 (1947); *National Petroleum Refiners Association* v. *FTC*, 428 F.2d 672, 679–83 (D.C. Cir. 1973), *cert denied*, 415 U.S. 951, (1974); Wright, "The Courts and Rulemaking Process: The Limits Of Judicial Review," 59 *Cornell L. Rev.*, 375, 376–77 (1974); K. Davis, *Administrative Law Treatise* 6.15, 6.18 (1970 Supp.); Shapiro, "The Choice of Rulemaking or Adjudication in the Development of Administrative Policy," 78 *Harv. L. Rev.* 921 (1965). But see *NLRB* v. *Bell Aerospace*, 416 U.S. 267 (1974).

[2] In addition to the explicit grant of rulemaking authority, added as § 18 of the Federal Trade Commission Act, the Magnuson-Moss Act apparently gives procedural and jurisdictional preference to Trade Regulation Rules in civil penalties suits and suits for consumer redress. Compare § 5m(1)(A) with § 5m(1)(B) of the Act as amended, and compare § 19(a)(1) with § 19(a)(2) of the Act as amended.

[3] For the basic articulation of the reasons for the Commission's commitment to rulemaking as an instrument of policy, see Statement of Basis and Purpose of Trade Regulation [Cigarette Advertising] 29 *Fed. Reg.* 8325, 8366–8369 (1964), and the authorities cited there. The Commission has presently promulgated 23 final Trade Regulation Rules.

[4] *Cf.*, *e.g.*, *SEC* v. *Chenery Corp.*, *supra*, 332 U.S. at 202; Bernstein, "The NLRB's Adjudication—Rule Haking Dilemma Under the APA," 79 *Yale L.J.* 572, 590 (1970).

[5] *Cf.*, *e.g.*, Friendly, "The Federal Administrative Agencies: The Need for Better Articulation of Standards," 75 *Harv. L. Rev.* 863, 882 (1962).

[6] *Cf.*, *e.g.*, Ehrlich & Posner, "An Economic Analysis of Legal Rulemaking" 3 *J. of Legal Studies* 257, 265 (1974); Bernstein, *supra*.

[7] *Cf.*, *e.g.*, K. Davis, *Discretionary Justice* (1969); *Environmental Defense Fund* v. *Ruckelshaus*, 439 F. 2d 584, 598 (1971).

[8] *Cf.*, *e.g.*, R. Posner, *Regulation of Advertising by the FTC* 17, 31 (1973).

[9] *Cf.*, *e.g.*, Bernstein, *supra*, at 598.

[10] *Cf.*, *e.g.*, Ehrlich & Posner, *supra*, at 277–78.

[11] *Cf.*, *e.g.*, Ehrlich & Posner, *supra*, at 268; *Mourning* v. *Family Publications Service*, 411 U.S. 356 (1974).

[12] *Cf.*, *e.g.*, *NLRB* v. *Bell Aerospace*, *supra*, 416 U.S. at 294.

[13] *Cf.*, *e.g.*, Robinson, "The Making of Administrative Policy: Another Look at Rulemaking and Adjudication and Administrative Procedure Reform," 118 *U. Pa. L. Rev.* 485, 528–39 (1970).

6. Should the Commssion eventually promulgate rules based on ancillary legal principles in addition to substantive violations of law? For example, could principles relating to the liability of parent corporations and advertising agencies for the actions of their subsidiaries or clients be promulgated into rules, or could principles relating to commonly-asserted defenses such as discontinuance be promulgated into rules.

The Commission has tentatively designed the following areas for promulgation of Trade Regulation Rules:

1. Deceptive Endorsements and Testimonials, including Accreditation and Certification.

2. Deceptive Demonstration.

3. Bait and Switch Practices.

4. Deceptive Price Advertising, Including Use of the Words "Free" and "Special Offer."

5. Deceptive Trade Status and Affiliation Advertising.

6. Deceptive Employment Opportunities Advertising.

7. Debt Collection Practices.

8. Sales of Used and Imperfect Items as New, Perfect Items.

9. Referral Sales.

10. Pyramid Sales.

11. Games and Contests Promotions.

12. Unfair Retention of Credit Balances.

Comments may be submitted no later than April 1, 1976 to Eric M. Rubin, Assistant Director for Compliance, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

Issued January 16, 1976.

By direction of the Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-1932 Filed 1-21-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[Ex Parte No. MC-37; Sub-No. 27]

COMMERCIAL ZONE; SPOKANE, WASHINGTON

Proposed Redefinition of Limits

Joint Petitioners: Taylor-Edwards Warehouse & Transfer Co.; Grimmer Transfer & Storage, Inc.; and Evergreen Freight Lines, Inc.

Petitioner's representative: Henry C. Winters, MacBride, Sax, and MacIver, 1900 Peoples National Bank Building, 1415 Fifth Avenue, Seattle, Wash. 98171.

Interveners in Support: Washington-Oregon Shippers Cooperative Association, Inc., Pacific Northwest Shippers Cooperative Association, Inc., Pacific Northwest Traffic League.

Intervener's Representative: Fred H. Tolan, 5th Floor, 200 West Thomas Street, Seattle, Wash. 98119.

By joint petition filed October 16, 1975, the above-named petitioners request that the Commission institute a rulemaking proceeding for the purpose of redefining the limits of the Spokane, Wash., commercial zone, which are presently defined by reference to the population—mileage formula at 49 CFR 1048.101. Petitioners request that the Spokane commercial zone be described as follows: All points within 5 miles of the Spokane municipal limits and all points in (1) that area bounded by a line commencing at the intersection of Wellesley Avenue and the present limits of the Spokane commercial zone and extending due east to Washington State Highway 290, thence southwesterly along State Highway 290 to Barker Road, thence southerly along Barker Road to Linke Road, thence southeasterly along Linke Road to McMillan Road, thence southerly along McMillan Road to 24th Avenue, thence westerly along 24th Avenue to Barker Road, thence southerly along Barker Road to 32nd Avenue, thence westerly along 32nd Avenue to Saltese Road, thence northwesterly along Saltese Road to Sullivan Road, thence southerly along Sullivan Road to 32nd Avenue, thence westerly along 32nd Avenue to the present limits of the Spokane commercial zone, thence northerly along to the present limits of the Spokane commercial zone to the point of beginning, and (2) that area bounded by a line beginning at the intersection of Deno Road and the present limits of the Spokane commercial zone and extending westerly along Deno Road to Dover Road, thence southerly along Dover Road to U.S. Highway 2, thence westerly along U.S. Highway 2 to Brooks Road, thence southerly along Brooks Road to Hallett Road, thence along a line due east to the present limits of the Spokane commercial zone, thence northerly along the present limits of the Spokane commercial zone to the point of beginning.

Petitioners are directed to submit detailed maps of the areas proposed for inclusion within the proposed commercial zone. The proposed action is not expected to significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. No oral hearing is contemplated at this time, but anyone wishing to make representations either in favor of or against the relief sought in this petition may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before February 23, 1976. A copy of each representation should be served on petitioners, and interveners representatives. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

By the Commission.

[SEAL] H. GORDON HOMME, Jr.,
Acting Secretary.

[FR Doc.76-2002 Filed 1-21-76;8:45 am]

notices

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

DEPARTMENT OF THE TREASURY

Office of the Secretary

ASSET DEPRECIATION RANGE GUIDELINES, MANUFACTURE OF PRIMARY METALS—FERROUS

Study

The Office of Industrial Economics (OIE), of the Office of the Secretary of the Treasury, has initiated a study of guidelines depreciation periods and repair allowance percentages for assets currently covered by asset guidelines class 33.1, Manufacture of Primary Metals—Ferrous (Revenue Procedure 72–10, Internal Revenue Cumulative Bulletin 1972–1, p. 721), under the Class Life Asset Depreciation Range System (Secs. 167(m) and 263(f), Internal Revenue Code of 1954).

All persons interested in this study may submit comments in writing to OIE. Persons who are interested in submitting relevant information are invited to attend a meeting, in which information needs and procedures for obtaining and analyzing the requisite information will be discussed, in Washington, D.C., on February 20, 1976. Agenda for the meeting, exact time and place, and background material may be obtained by writing to OIE.

All communications concerning this study should be addressed to:

Office of Industrial Economics, Project 33.1, P.O. Box 28018, Washington, D.C. 20005

Dated: January 19, 1976.

KARL RUHE,
Director,
Office of Industrial Economics.

[FR Doc.76–1927 Filed 1–21–76;8:45 am]

ACRYLIC SHEET FROM JAPAN

Antidumping; Withholding of Appraisement Notice

Information was received on June 19, 1975, from counsel acting on behalf of Polycast Technology Corporation, alleging that acrylic sheet from Japan was being sold in the United States at less than fair value, thereby causing injury to, or the likelihood of injury to, or the prevention of establishment of an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of July 21, 1975 (40 FR 30509).

Tentative determination of sales at less than fair value. On the basis of the information developed in Customs' investigation and for the reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby determine that there are reasonable grounds to believe or suspect that the purchase price of acrylic sheet from Japan is less, or is likely to be less, than the fair value, and thereby the foreign market value, of such or similar merchandise.

Statement of reasons. The reasons and bases for the above tentative determination are as follows:

a. *Scope of the investigation.* It appears that over 70 percent of the subject merchandise from Japan was manufactured by either Kyowa Gas Chemical Industry Co., Ltd., or Mitsubishi Rayon Co., Ltd., both of Tokyo, Japan. Therefore the investigation was limited to these two manufacturers.

b. *Basis of comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales appear to be made to non-related Japanese trading companies. Home market price, as defined in § 153.3, Customs regulations (19 CFR 153.3), was used since such or similar merchandise appears to be sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes.

c. *Purchase price.* For the purpose of this tentative determination of sales at less than fair value, adjustments have been made on the following bases. In accordance with § 153.31(b), Customs regulations (19 CFR 153.31(b)), pricing information was obtained concerning imports of acrylic sheet from Japan during the 5-month period March 1, 1975, through July 31, 1975.

In the import transactions, all of the merchandise was purchased, or agreed to be purchased, prior to the time of exportation by the persons by whom or for whose account it was purchased, within the meaning of section 203 of the Act. With respect to merchandise sold by Kyowa Gas Chemical Industry Co., Ltd., the purchase price has been calculated on the basis of the ex-godown, Japanese port, packed price to the United States, with deductions for inland freight and selling expenses. With respect to merchandise sold by Mitsubishi Rayon Co., Ltd., the purchase price has been calculated on the basis of the f.o.b., Japanese port, packed price to the United States, with deductions for inland freight, warehouse handling and distribution, f.o.b. charges, and selling expenses.

d. *Home market price.* For the purposes of this tentative determination of sales at less than fair value, adjustments have been made on the following bases. The home market price has been calculated on the basis of the delivered, net, packed price. Adjustments have been made for interest costs, freight, sales aids and advertising provided for the benefit of purchasers in later sales, reimbursements to customers for defective merchandise, and packing cost differentials, as appropriate, for both manufacturers, in accordance with § 153.8, Customs Regulations (19 CFR 153.8). Adjustments for interest costs relate to extended payment terms granted to customers in the home market. With respect to merchandise sold by Kyowa Gas Chemical Industry Co., Ltd., rebates actually given were taken into account in determining home market price.

Adjustments were claimed by counsel for both manufacturers for differences in circumstances of sales in accordance with § 153.8, Customs regulations (19 CFR 153.8), for warehousing costs for inventory purposes, salesmen's salaries and office expenses, the costs of calendars given as sales aids to home market customers, and technical services such as design fees, molds, costs of trial production and testing of new products, and technical brochures. These expenses do not bear a direct relationship to the sales under consideration and no adjustment has been allowed for these expenses. With respect to sales by Kyowa Gas Chemical Industry Co., Ltd., additional adjustments were claimed for bad debts, interest on stock for domestic sales, and the depreciation of machinery used for technical services. These expenses also do not bear a direct relationship to the sales under consideration and no adjustment has been allowed for these expenses. Further adjustments for certain technical service expenses in the home market, including those for materials, travel expenses and salaries of technicians, have not been allowed, but may be granted subsequently, if it is shown that these expenses are directly related to the sales under consideration.

Adjustments to the home market price, in purchase price situations, are allowed only for circumstances of sale which bear a direct relationship to the sales under consideration. Accordingly, warehousing costs for inventory purposes are not an allowable adjustment, since these expenses must be borne regardless of whether particular sales are made.

Salemen's salaries, unlike commissions, are also not an allowable adjustment, to home market price, since they too must be paid by the company irrespective of whether sales are made.

Allowances will generally be made for bona fide differences in circumstances of sale in the two markets, including technical services rendered after the sales under consideration. Adjustments for after-sale technical services rendered by a foreign company in its home market for purchasers of its product may be allowable if shown to be directly related to the sales under consideration, rather than a service provided for all potential purchasers. After-sale technical services rendered to customers in the foreign market for advice on items, such as other than those primarily directed to product research and development, is an allowable adjustment and is granted to the extent to which the specific direct costs of the services rendered are documented.

e. *Result of fair value comparison.* Using the above criteria, preliminary analysis suggests that purchase price probably will be lower than the home market price of such or similar merchandise. Comparisons wer made on 100 percent of all acrylic sheet sold to the United States during the period of investigation by the two manufacturers investigated. Margins were tentatively found, ranging from 0–85 percent, on roughly 70 percent of the sales compared. The weighted average margin tentatively appears to be between 30–40 percent.

Accordingly, Customs officers are being directed to withhold appraisement of acrylic sheet from Japan in accordance with § 153.48, Customs regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office on or before February 2, 1976. Such request must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs, in time to be received by his office on or before February 23, 1976.

This notice, which is published pursuant to § 153.34(b), Customs Regulations (19 CFR 153.34(b)), shall become effective on January 22, 1976. It shall cease to be effective at the expiration of July 22, 1976, unless previously revoked.

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

JANUARY 16, 1976.

[FR Doc.76–1980 Filed 1–21–76;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DDR&E HIGH ENERGY LASER REVIEW GROUP (HELRG)

Closed Meetings

Pursuant to the provisions of section 10 of Appendix I, Title 5, United States Code, notice is hereby given that closed meetings of the DDR&E High Energy Laser Review Group, High Energy Laser Assessment Board will be held at 0830 on Wednesday and Thursday, February 11 and 12, 1976. The meeting on February 11, 1976 will be held at Redstone Arsenal, Alabama, and the meeting on February 12, 1976 will be held at Albuquerque, New Mexico. The purpose is to review matters pertaining to the Department of Defense high energy laser program.

The subject matter of the meetings is classified in accordance with subparagraph (1) of section 552(b) of Title 5 of the U.S. Code.

Dated: January 19, 1976.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

[FR Doc.76–2004 Filed 1–21–76;8:45 am]

DEPARTMENT OF JUSTICE

TOWN OF WEYMOUTH, MASSACHUSETTS

Proposed Consent Decree in Action To Enjoin Operation of Municipal Incinerator in Violation of Air Pollution Emission Limitations

In accordance with Departmental Policy, 28 CFR § 50.7, 38 F.R. 19029, notice is hereby given that on January 8, 1976, a proposed consent decree in "United States v. Town of Weymouth, Massachusetts", was lodged with the United States District Court for the District of Massachusetts. The proposed decree would require the town to cease operating its municipal incinerator by May 1, 1976, unless it can by that date comply with the applicable federal and state air pollution regulations.

The Department of Justice will receive for a period of thirty (30) days from the date of this notice written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to "United States v. Town of Weymouth, Massachusetts", D.J. Ref. 90–5–2–3–702.

The proposed consent decree may be examined at the Office of the United States Attorney, 1107 John W. McCormack Post Office and Court House, Boston, Massachusetts; at the Region I Office of the Environmental Protection Agency, Room 2103 John F. Kennedy Building, Boston, Massachusetts; and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2625, Ninth Street and Pennsylvania Avenue Northwest, Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $.30 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

PETER R. TAFT,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc.76–1922 Filed 1–21–76;8:45 am]

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Meeting

This is to provide notice of meeting of the Juvenile Delinquency Task Force of the National Advisory Committee on Criminal Justice Standards and Goals.

The Juvenile Delinquency Task Force will be meeting in Orlando, Florida on February 13, 14, and 15, 1976 at the Sheraton Jet Port Inn, Beeline Expressway at McCoy Jet Port. The meeting will be open to the public.

Items on the agenda are:

1. Task Force Chairman and Executive Director's report.
2. Approval of minutes at January 9–10, 1976 meeting.
3. Discussion of issues and comparative analyses of the issues in the Police area.
4. Discussion of issues and comparative analyses of the issues on the Role of the Prosecutor in the juvenile justice system.
5. Presentation of standards and commentary for Delinquency Prevention.
6. Presentation of standards and commentary, and comparative analyses of issues in Abuse and Neglect.
7. Presentation of standards and commentary of Juvenile Records.
8. Presentation of standards and commentary for juvenile Corrections.
9. Presentation of standards and commentary for Management Information, Planning and Evaluation.
10. Consideration of major issues, goals and priorities in juvenile justice and delinquency prevention.
11. Response from audience.

Meeting Times: February 13 and 14, 8:30 a.m.–6:00 p.m., February 15, 8:30 a.m.–1:00 p.m.

For further information, contact Richard Vanduizend, General-Attorney, National Institute of Juvenile Justice Delinquency Prevention, 633 Indiana Avenue, NW., Washington, D.C.

JAY A. BROZOST,
Attorney Advisor, Office of General Counsel.

[FR Doc.76–1950 Filed 1–21–76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

PUEBLO OF SAN ILDEFONSO, NEW MEXICO

Ordinance Legalizing the Introduction, Possession, and Sale of Intoxicants

JANUARY 15, 1976.

In accordance with authority delegated by the Secretary of Interior to the Commissioner of Indian Affairs by 230 DM2, and in accordance with the Act of August 15, 1953, Pub. L. 277, 83rd Congress, 1st Session, (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Pueblo of San Ildefonso, New Mexico, was adopted on October 7, 1975, by the Ildefonso Pueblo Council, which has jurisdiction over the area of Indian country included in the Ordinance reading as follows:

Whereas, Pub. L. 277, 83rd Congress, approved August 15, 1953, provides that Sections 1154, 1156, 3113, 3488 and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian Country provided such act or transaction is in conformity with both the laws of the State, in which such act or transaction occurs and with an Ordinance duly adopted by the Tribe having jurisdiction over such area of Indian Country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

THEREFORE, BE IT ENACTED, that we, the Council of the Pueblo of San Ildefonso, acting for and behalf of the Pueblo of San Ildefonso, hereby adopt the following described Liquor Ordinance whereby the introduction, sale or possession of intoxicating beverages SHALL BE LAWFUL within that area of Indian Country under the jurisdiction of the Pueblo of San Ildefonso, which lies within the exterior boundary of the Ramon Vigil Grant, provided that such introduction, sale or possession be in conformity with the laws of the State of New Mexico and in conformity with such licensing or regulations as the Council of the Pueblo of San Ildefonso may adopt by appropriate Ordinance, subject to approval by the Secretary of the Interior. beverages *SHALL BE LAWFUL* within that ing Indian lands within the exterior boundaries of the San Ildefonso Reservation and the San Ildefonso Pueblo Grant under the jurisdiction of the Pueblo of San Ildefonso are not subject to this Liquor Ordinance and shall remain restricted to the introduction, sale or possession of intoxicating beverages.

BE IT FURTHER ENACTED, that this Ordinance shall be effective at such time as it is certified by the Secretary of the Interior and duly published in the FEDERAL REGISTER, as required by law.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-1917 Filed 1-21-76;8:45 am]

Bureau of Land Management

MONTROSE DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

JANUARY 14, 1976.

Notice is hereby given that the Montrose District, Bureau of Land Management Multiple Use Advisory Board will meet March 4, 1976.

The meeting will begin at 9:00 a.m., March 4, 1976, in the Montrose District Office, Highway 550 South, Montrose, Colorado.

The agenda for the meeting will include a discussion of the Board's charter, organization of the Board and election of officers, a summary presentation of Bureau programs and responsibilities, and a discussion of the major resource programs of the district for the purpose of receiving Advisory Board recommendations.

The meeting is open to the public. Interested persons may make brief oral presentations to the Board or file written statements. Persons who wish to make oral statements should notify the Montrose District Manager, P.O. Box 1269, Montrose, Colorado 81401 (Phone No. 303/249-7791) prior to the meeting.

DEAN E. STEPANEK,
Acting District Manager.

[FR Doc.76-1919 Filed 1-21-76;8:45 am]

[NM 27115]

NEW MEXICO

Application

JANUARY 9, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½ inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 23 S., R. 24 E.,
Sec. 5, lots 3, 4, SW¼NW¼ and NW¼SW¼;
Sec. 6, E½SE¼;
Sec. 7, W½E½ and NE¼NE¼.

This pipeline will convey natural gas across 2.062 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-1918 Filed 1-21-76;8:45 am]

ARIZONA MULTIPLE-USE ADVISORY BOARD

Meeting

Notice is hereby given that the Arizona State Multiple-Use Advisory Board will convene on March 3, 1976, commencing at 9:00 a.m. at the Conference Room, Holiday Inn Motel, Highway 66 West, Flagstaff, Arizona.

The agenda for the meeting includes discussion of the Navajo Indian Tribe application to purchase the National Resource Lands in Houserock Valley—Paria Plateau under terms of the Navajo-Hopi Act; and proposed transmission lines and corridors on National Resource Lands in northern Arizona.

The meeting will be open to the public with seating provided for approximately 30 persons. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should so inform the Bureau of Land Management, Arizona State Office, prior to the meeting of the Board. Any interested person may also file a written statement with the Board for its consideration. Written statements may be submitted at the meeting or mailed to: Chairman, State Advisory Board, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Further information concerning the meeting may be obtained from Robert O. Buffington, State Director, Bureau of Land Management, at the above address. Telephone number: (602) 261-3873.

Minutes of the meeting will be available for public inspection thirty days after the meeting. Those interested should contact the State Director, Arizona State Office.

EDWARD F. SPANG,
Acting State Director.

JANUARY 16, 1976.

[FR Doc.76-1949 Filed 1-21-76;8:45 am]

National Park Service

BLUE RIDGE PARKWAY

Notice of Public Workshops

The National Park Service will hold three public meeting workshops in western North Carolina during February 1976. The purpose of these workshops is to solicit from the public ideas and suggestions for improving and expanding upon alternatives developed for an environmental assessment on building the proposed Blue Ridge Parkway Extension in North Carolina.

The workshops will be held February 9, 1976, 7 p.m., at the Forsythe Business Building, Western Carolina University, Cullowhee, North Carolina; February 11, 1976, 7 p.m., Highlands High School, Highlands, North Carolina; and February 12, 1976, 7 p.m., Brevard High School, Country Club Road, Brevard, North Carolina. Comments and suggestions for incorporation in the assessment will be received until March 15, 1976.

Information received will be used to complete an environmental assessment workbook, which will be converted into the environmental assessment upon receipt of all comments and suggestions.

The workbook is available for public review at the Office of the Superintendent, Blue Ridge Parkway, Northwestern Bank Building, Asheville, North Carolina; Transylvania County Clerk's Office, County Administration Building, Brevard, North Carolina; the reception office of the Community Services Building, 102 Hospital Road, Sylva, North Caro-

lina; Town Clerk's Office, Town Hall, Highlands, North Carolina; and the Macon County Manager's Office, County Courthouse, Franklin, North Carolina.

Upon request, copies of a summary of alternatives are available from the Superintendent, Blue Ridge Parkway, P.O. Box 7607, Asheville, North Carolina 28807. Anyone needing more information on the public workshop meetings or the National Park Service Planning Process or wishing to submit comments or suggestions on the Blue Ridge Parkway Extension in North Carolina may write to the Superintendent.

Dated: January 6, 1976.

JAMES L. BAINBRIDGE,
Acting Regional Director,
Southeast Region.

[FR Doc.76-1947 Filed 1-21-76;8:45 am]

LAKE CHELAN NATIONAL RECREATION AREA

Intention To Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 970; 16 U.S.C. 20d (1970)), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Robert Byrd, authorizing him to continue to provide concession facilities and services for the public at Stehekin Landing on Lake Chelan National Recreation Area, North Cascades Complex for a period of five (5) years from January 1, 1975, through December 31, 1979.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Regional Office, Pacific Northwest Region, Fourth and Pike Building, Seattle, Washington 98101.

The foregoing concessioner has performed his obligations under a permit which expires by limitation of time on December 31, 1976, to the satisfaction of the National Park service, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the authorization and in the negotiation of a new contract. However, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before February 23, 1976.

Interested parties should contact the Assistant Director, Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: January 16, 1976.

PHILIP O. STEWART,
Acting Associate Director,
National Park Service.

[FR Doc.76-1948 Filed 1-21-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

CANEY UNIT PLAN

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 Caney Unit Plan, Kisatchie National Forest, USDA-FS-R8-DES (Adm.) 76-09.

The Caney Unit contains 31,989 acres of National Forest land located in Claiborne and Webster Parishes, Louisiana. The major management objectives are to manage and utilize the resources, consistent with considerations for the protection of the environment and to meet National, Regional and local demands for goods and services. This primarily includes, but it not limited to, recreation, wildlife, harvesting forest products, and maintaining air and water quality standards.

This draft environmental statement was transmitted to CEQ January 13, 1976. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3230, 12th St. & Independence Ave., SW, Washington, DC 20250.
USDA, Forest Service, 1720 Peachtree Rd., NW, Rm. 804, Atlanta, GA 30309.
U.S. Forest Service, Caney Ranger District, P.O. Box 479, Homer, LA 71040.

A limited number of single copies are available upon request to Forest Supervisor, Kisatchie National Forest, 2500 Shreveport Highway, Pineville, LA 71360.

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, Kisatchie National Forest, 2500 Shreveport Highway, Pineville, LA 71360. Comments must be received by March 15, 1976 in order to be considered in the preparation of the final environmental statement.

Dated: January 13, 1976.

EDWARD G. ELLENBERG,
Acting Regional
Environmental Coordinator.

[FR Doc.76-1926 Filed 1-21-76;8:45 am]

Soil Conservation Service

CANE CREEK RECREATIONAL DEVELOPMENT RESOURCE CONSERVATION & DEVELOPMENT (RC&D) MEASURE, ARKANSAS

Availability of Amplification 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 an amplification of a final environmental impact statement for the Cane Creek Recreational Development RC&D Measure, Lincoln County, Arkansas, USDA-SCS-EIS-RCD-(ADM)-74-22-F-AR.

The Amplification of Environmental Impact Statement concerns points raised after the final environmental impact statement was filed with the Council on Environmental Quality. The final environmental impact statement was filed with the Council on Environmental Quality on August 23, 1974. The Notice of Availability of Final Environmental Impact Statement was submitted to the FEDERAL REGISTER on September 17, 1974.

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

Soil Conservation Service, USDA, Room 5029, Federal Office Building, 700 West Capitol, Little Rock, Arkansas 72203.

Dated: January 14, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services)

VICTOR H. BARRY, Jr.,
Deputy Administrator for Field
Services, Soil Conservation
Service.

[FR Doc.76-1911 Filed 1-21-76;8:45 am]

EAST UPPER MAPLE RIVER WATERSHED PROJECT, MICHIGAN

Availability of Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on En-

vironmental 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 revised environmental impact statement for the East Upper Maple River Watershed Project, Clinton, Gratiot, and Shiawassee Counties, Michigan, USDA–SCS–EIS–WS–(ADM)–75–3–(F)–MI.

The environmental impact statement concerns a plan for watershed protection, flood prevention, improved drainage on agricultural land, recreation development and fish and wildlife development. Planned works of improvement include conservation land treatment on 31,865 acres, 43.9 miles of multiple-purpose channel, 2.0 miles of channel suction dredging, 1.1 miles of floodway, 11.7 miles of flood control levee, 10.6 miles of multiple-purpose collection channel next to the levees, and two pumping stations. Also planned are one single-purpose floodwater retarding dam, one recreational development with basic facilities and one fish and wildlife development with a water resource improvement and access facilities. The 47 miles of channel work, dredging and floodway are all previously modified channels including 4.3 miles with intermittent flow and 42.7 miles with perennial flow. The works will provide flood protection and drainage to 23,500 acres of primarily agricultural land. Facilities will be developed to provide an estimated 1,016,930 annual recreation visits. There will be 591 acres of land which will be managed for fish and wildlife habitat.

The final revised 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, 1405 South Harrison Road, East Lansing, Michigan 48823.

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

Dated: January 13, 1976.

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

[FR Doc.76–1909 Filed 1–21–76;8:45 am]

LITTLE RIVER WATERSHED PROJECT, IOWA

Availability of Draft Environmental Impact Statement

Pursant 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 draft environmental impact statement for the Little River Watershed Project, Decatur County, Iowa, USDA–SCS–EIS–WS–(ADM)–76–2–(D)–IA.

The environmental impact statement concerns a plan for watershed protection, flood prevention, municipal and industrial water supply, and fish and wildlife development. The project consists of 4,830 acres of land treatment measures; 6 single-purpose flood prevention structures; and 1 multipurpose structure for flood prevention, municipal and industrial water supply, fish and wildlife water, and fish and wildlife development.

The project will reduce the average annual floodwater damages on 2,588 acres by 71 percent. Leon and Decatur City will each receive a dependable water supply. The public will gain access to a 1,825 acre fish and wildlife development with a 704 acre lake managed for quality habitat. Sheet and rill erosion will be reduced by 25 percent. The project will protect 370 acres of land from voiding and depreciation by gully erosion. Three hundred and thirty-seven acres of cropland, 287 acres of pastureland, and 325 acres of forest land will be permanently inundated. Two hundred and eighty-five acres of cropland, 348 acres of pastureland, and 92 acres of forest land will be periodically flooded by the temporary pools. Two families will be relocated and six roads will be closed. About 10.4 miles of ephemeral and 4.7 miles of intermitent stream channel will be inundated.

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

Soil Conservation Service, 823 Federal Building, Des Moines, Iowa 50309.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to William J. Brune, State Conservationist, Soil Conservation Service, 823 Federal Building, Des Moines, Iowa 50309.

Comments must be received on or before March 5, 1976, in order to be considered in the preparation of the final environmental impact statement.

Dated: January 13, 1976.

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

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

[FR Doc.76–1912 Filed 1–21–76;8:45 am]

OZAN CREEKS WATERSHED, ARKANSAS

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 Ozan Creeks Watershed Project, Hempstead County, Arkansas, USDA–SCS–EIS–WS–(ADM)–76–1(F)–AR.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, 22 floodwater retarding structures, and land stabilization measures. The 22 floodwater retarding structures will be constructed on streams having ephemeral flow characteristics. Land stabilization measures will be installed on 250 acres of critically eroded land. The watershed is 57 percent agricultural cropland and grassland.

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, Post Office Box 2323, Little Rock Arkansas 72203.

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

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

Dated: January 13, 1976.

[FR Doc.76–1910 Filed 1–21–76;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S–481]

AERON MARINE SHIPPING CO.

Notice of Application

Notice is hereby given that an application dated January 14, 1976, has been filed by Kominers, Fort, Schlefer & Boyer on behalf of Aeron Marine Shipping Company (Aeron), which company has filed a response to a request for proposals issued by the Military Sealift Command on October 17, 1975, for the operation of four Falcon tankers.

Since the Military Sealift Command desires that the operator of the tankers have the flexibility to operate them in domestic service should the need arise and since Aeron is a subsidized operator and is affiliated with other subsidized operators, written permissions under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required by Aeron and its affiliated companies which have operating-differential subsidy contracts if Aeron is awarded a contract to operate the Falcon tankers.

The following companies are affiliates of Aeron and have been awarded operating-differential subsidy contracts:

Achilles Marine Company
Ajax Marine Shipping Company
American Shipping, Inc.

Aquarius Marine Company
Aries Marine Shipping Company
Athena Marine Shipping Company
Atlas Marine Company
Pacific Shipping, Inc.
Worth Oil Transport Company

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the applications must, by close of business on January 29, 1976, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Assistant Secretary for Maritime Affairs.

Dated: January 20, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-2102 Filed 1-21-76;8:45 am]

National Oceanic and Atmospheric Administration

MARINE FISHERIES ADVISORY COMMITTEE

Public Meetings

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I notice is hereby given of meetings of the Marine Fisheries Advisory Committee (MAFAC) and its Subcommittees.

The Committee will meet on Tuesday, February 24, 1976, to tour several offshore production, and possibly drilling, platforms in the Gulf of Mexico. Owing to the logistical problems associated with this tour, no arrangements will be made for public participation. The tour has been arranged to afford the members an opportunity to observe interaction between fisheries and offshore oil operations. No committee business will be transacted as part of this tour, however. The committee will meet in business session on Wednesday, February 25, 1976, beginning at 8:30 a.m. in Salon de la Reine of the Le Pavillon Hotel, Baronne at Poydras, New Orleans, Louisiana, and adjourn for that day about 4:30 p.m. The concluding session will begin at 8 a.m. on February 26, 1976, in the Salon de Reine. It is anticipated that the meeting will be adjourned by 12:30 p.m. on February 26.

Two MAFAC subcommittee meetings will be held in conjunction with the committee meeting. The MAFAC subcommittee on the National Plan for Marine Fisheries will meet prior to the committee meeting, on February 23, from 2 p.m. to 5 p.m., in the Salon de la Reine. The subcommittee will consider recent developments concerning the Plan which result from review by the Department of Commerce On February 25, the MAFAC subcommittee on Marine Recreational Fisheries will meet to (1) discuss review comments on the draft program development plan for Marine Recreational Fisheries, (2) discuss a contracted economic study on Marine Recreational Fisheries, and (3) discuss ongoing NMFS Marine Recreational Fisheries activities. This meeting will also be held in the Salon de la Reine, beginning at approximately 5:15 p.m., and concluding about 7:30 p.m.

Items proposed for discussion at the committee meeting include the following:

FEBRUARY 25, 1976

8:30 a.m.—Convene MAFAC XIII.
8:45–10:45 a.m.—NMFS activities along the Gulf of Mexico and the Southeastern Atlantic coast: Overview, the resource base, and the shrimp and menhaden fisheries.
10:45–11:45 a.m.—National operations of the NMFS Office of Resource Utilization.
12:00 Noon—Lunch.
1:30–2:30 p.m.—Committee discussion of the Office of Management and Budget Guidance for future NMFS programs.
2:30–3:30 p.m.—Status of the National Plan for Marine Fisheries (NPMF) and Report on NPMF subcommittee meeting of February 23.
3:30–4:30 p.m.—Report of the MAFAC Ad Hoc Subcommittee on the Boldt Decision.
4:30 p.m.—Adjourn for day.

FEBRUARY 26, 1976

8:00–9:00 a.m.—Report of the MAFAC Marine Recreational Fisheries Subcommittee.
9:00–10:00 a.m.—FY 76, 77, 78 Budget and Program Emphasis discussion.
10:00–10:30 a.m.—LOS Report.
10:30–12:00—Discussion of issue raised by committee members.

The following are listed as contingency items and will be discussed on a time available basis:

1. Summary of Recent International Agreements.

2. Update on Planning for Extended Jurisdiction.

3. Committee comments on the Fisheries Loan Fund Amendments.

4. Time and Tuna/Porpoise Activities.

The committee meeting of February 25 and 26 as well as the subcommittee meetings are open to the public. The agenda items may be subject to change and interested members of the public should contact the Executive Secretary, at the address noted below, on or about February 16, 1976, in order to receive changes, if any, made to the agenda published herein.

At the discretion of the Chairman, interested members of the public may be permitted to speak at times which will allow the orderly conduct of committee business, and a reasonable time relation between the committee's discussion of a given subject and an address to that same subject by a member of the public.

Interested members of the public who wish to submit written comments should do so by addressing the same to:

Executive Secretary
Marine Fisheries Advisory Committee
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
U.S. Department of Commerce
Washington, D.C. 20235
Telephone: Area Code 202-634-7270

To receive due consideration and facilitate their inclusion within the record of the meeting, typewritten statements should be received within 10 days after the close of the committee meeting.

Dated: January 20, 1976.

ROBERT M. WHITE,
Administrator, National Oceanic and Atmospheric Administration.

[FR Doc.76-2078 Filed 1-21-76;8:45 am]

MARINE PETROLEUM AND MINERALS ADVISORY COMMITTEE

Open Meeting

The Marine Petroleum and Minerals Advisory Committee will meet from 9 a.m. until approximately 4:30 p.m. on February 24, 1976, and from 9 a.m. until approximately 12:30 p.m. on February 25, 1976, in the Orleans Ballroom of the Bourbon Orleans Hotel, 717 Orleans Street, New Orleans, Louisiana. The meeting will be open for public observation.

The Committee was established to advise the Secretary of Commerce on matters pertinent to the Department of Commerce's responsibilities related to marine petroleum and marine minerals resources, on means to facilitate cooperation between the private sectors and government in these matters, and on related Law of the Sea matters. The members represent the industrial, labor, academic, legal, environmental, and economic sectors concerned with the management, use, conservation, and development of marine petroleum and marine mineral resources.

Included in the matters for Committee consideration, and the approximate times for their consideration, at the meeting are the following:

FEBRUARY 24, 1976

9:00 a.m.—Call to Order and Welcoming Remarks.
9:15 a.m.—Status Report on the September 1975 Recommendations Regarding Law of the Sea, Interagency Coordination on Marine Hard Minerals, National Energy Policy Development, Delineating High Productivity Areas, State-Federal Coordination, and Compensation of Oil-Impacted Coastal States.
10:00 a.m.—Break.
10:15 a.m.—Report on the Deep Ocean Mining Environmental Study (DOM ES) Advisory Panel and Consideration of the Panel's Report to the Committee.
12:00 noon—Recess for Lunch.
1:15 p.m.—Report on and Consideration of Recent Marine Hard Mineral-Related Activities of the National Oceanic & Atmospheric Administration.
1:45 p.m.—Consideration of Study Plans Developed in Response to the Committee's Recommendations Regarding Evaluation of Environmental and Socio-Economic Effects of Offshore Oil Development and Regarding Evaluation of Effects of Development on Fishing.
3:00 p.m.—Break.
3:15 p.m.—Discussion of International Conventions Related to Oil in The Marine Environment.
4:30 p.m.—Recess for the Day.

FEBRUARY 25, 1976

9:00 a.m.—Reconvene and Administrative Announcements.
9:10 a.m.—Discussion of Alternative Investment Protection Mechanisms for Deep Ocean Mining Under Interim Domestic Legislation.
10:15 a.m.—Break.
10:30 a.m.—Discussion of Information System and Data Collection Topics Associated with Environmental Studies of Offshore Areas.
11:30 a.m.—Conclusion of Any Business Carried Over from Previous Day and Discussion of Future Meeting Plans and Topics.

Matters on the agenda were coordinated with the agenda of the Marine Fisheries Advisory Committee, which will be meeting on February 25 and 26, 1976 in New Orleans, in order that the public will not have a conflict on topics of common interest to the two committees.

Approximately 35 seats will be available for the public on a first-come first-serve basis. Interested persons may submit written statements relevant to the Committee's areas of interest before or after the meeting or by mailing such statements to: Executive Secretary, Marine Petroleum and Minerals Advisory Committee, National Oceanic and Atmospheric Administration (MR3), 6010 Executive Boulevard, Rockville, Maryland 20852.

On February 23, 1976, the Committee will be touring oil-related facilities in the area and offshore. Because of the logistics involved, it is not possible to make provisions for public participation. Accordingly, no Committee business will be conducted during the tour.

Inquiries regarding the Committee or the meeting may be addressed to the Executive Secretary, Amor L. Lane, at the address above or by telephoning (301) 443-8323.

Dated: January 16, 1976.

T. P. GLEITER,
Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc.76-2064 Filed 1-21-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory bodies scheduled to assemble during the month of February 1976.

DRUG ABUSE RESEARCH REVIEW COMMITTEE

February 3-6; 9:00 a.m.; Conference Rooms 845, 873, and 677, Rockwall Building, Rockville, Md.; Open, February 4, 9:00-9:30 a.m.; Closed, Otherwise; Contact Ms. Ellen Simon Stover, Rockwall Building, Room 750, 11400 Rockville Pike, Rockville, Maryland 20852, 301-443-6664.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Drug Abuse relating to research activities and makes recommendations to the National Advisory Council on Drug Abuse for final review.

Agenda. From 9:00 a.m. to 9:30 a.m., February 4, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. App. I).

ALCOHOL RESEARCH REVIEW COMMITTEE

February 11-13; 9:00 a.m.; Holiday Inn, Bethesda, Maryland; Open, February 11, 9:00-10:00 a.m.; Closed, Otherwise; Contact James C. Teegarden, Ph. D., Parklawn Building, Room 6C-03, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4223.

Purpose. The committee provides initial review of applications for basic research grants, applied research grants, and snpecial grants, in such project areas as pharmacological, physiological, sociological and psychological aspects of alcohol use, incidence and prevalence of alcohol-related problems. Makes recommendations to the Director of the National Institute on Alcohol Abuse and Alcoholism and to the National Advisory Council on Alcohol Abuse and Alcoholism.

Agenda. From 9:00 a.m. to 10:00 a.m., February 11, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. App. I)

DRUG ABUSE DEMONSTRATION REVIEW COMMITTEE

February 23-26; 9:00 a.m.; Conference Room 845, Rockwall Building, Rockville, Maryland; Open, February 23, 9:00-10:00 a.m.; Closed, Otherwise; Contact Ms. Peggy Thompson, Rockwell Building, Room 628, 11400 Rockville Pike, Rockville, Maryland 20852, 301-443-1243.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Drug Abuse relating to demonstration activities and makes recommendations to the National Advisory Council on Drug Abuse for final review.

Agenda. From 9:00 a.m. to 10:00 a.m., February 23, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. App. I).

DRUG ABUSE PREVENTION REVIEW COMMITTEE

February 25-26, 9:00 a.m.; Conference Room 677, Rockwall Building, Rockville, Maryland; Open February 25, 9:00-12:00 noon; Closed, Otherwise; Contact Ms. Margaret Wilmore, Rockwell Building, Room 752, 11400 Rockville Pike, Rockville, Maryland 20852, 301-443-2450.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Drug Abuse relating to drug abuse prevention activities and makes recommendations to the National Advisory Council on Drug Abuse for final review.

Agenda. From 9:00 to 12:00 noon, February 25, the meeting will be open for discussion of administrative announce-

ments and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. App. I).

Substantive program information may be obtained from the contact persons listed above.

The NIAAA Information Officer who will furnish summaries of the meeting and a roster of committee members is Mr. Harry C. Bell, Associate Director for Public Affairs, National Institue on Alcohol Abuse and Alcoholism, Room 6C–15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 301–443–3306. The NIDA Information Officer who will furnish summaries of the meetings and rosters of the committee members is Mr. Joshua Hammond, Program Information Officer for Drug Abuse, NIDA, Room 814, Rockwall Building, 11400 Rockville Pike, Rockville, Maryland 20852, telephone 301–443–6458.

NATIONAL ADVISORY COUNCIL ON DRUG ABUSE

February 9–10; 9:00 a.m.; Conference Rooms 873 and 845, Rockwall Building, Rockville, Maryland; Open, February 9, 9:00–5:00 p.m.; February 10, 9:00–11:00 a.m., Closed, Otherwise; Contact Ms. Pamela Thurber, Rockwall Building, Room 875, 11400 Rockville Pike, Rockville, Maryland, 20852, 301–443–6618.

Purpose. The National Advisory Council on Drug Abuse advises and makes recommendations to the Secretary, Department of Health, Education, and Welfare, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute on Drug Abuse, on the development of new initiatives and priorities and the efficient administration of drug abuse research, training, demonstration, prevention and community services programs. The Council also gives advice on policies and priorities for drug abuse grants and contracts and reviews and makes recommendations on grant applications.

Agenda. At the first session of the Council, from 9:00 a.m. to 5:00 p.m., February 9, the meeting will be open for discussion of issues in the field of drug abuse, priorities of and orientation to the Institute and its programs, and administrative announcements. On February 10, the session will be open from 9:00 a.m. to 11:00 a.m., for a discussion of research issues. During the remainder of the meeting the Council will be performing a final review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. App. I). Agenda items are subject to change as priorities dictate.

Summaries of the meeting and rosters of the Council members can be obtained from the contact person listed above.

Dated: January 19, 1976.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.76–1928 Filed 1–21–76;8:45 am]

Food and Drug Administration

GRAS OR PRIOR–SANCTIONED DIRECT HUMAN FOOD INGREDIENTS

Availability of Information

The Commissioner of Food and Drugs announces the public availability of new data and information obtained in a review of GRAS substances.

The Commissioner announced in notices published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20054), April 17, 1974 (39 FR 13796), September 23, 1974 (39 FR 34218), and August 29, 1975 (40 FR 39916) the availability of data and information compiled during the safety review of generally recognized as safe (GRAS) and prior-sanctioned food ingredients. The availability of such data and information was announced to provide maximum public opportunity to present additional data, information, and views on the substances while they are being reviewed by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (hereinafter referred to as the Select Committee), and to serve as a basis for public comment on proposed Food and Drug Administration (FDA) action on the ingredients.

This notice announces the public availability of new data and information obtained by the FDA in conducting its safety review of the GRAS substances and purchasing information on these reports and screening tests. In addition, this notice announces the public availability of, and purchasing information on, recently prepared scientific literature reviews of 276 synthetic flavor ingredients. These ingredients include aliphatic acids, alcohols, aldehydes and esters. A listing of the individual substances was published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20051–20052).

Elsewhere in the notice section of issue of the FEDERAL REGISTER is a notice of opportunity for public hearing on the safety of certain ingredients used in food to determine if they are GRAS or subject to a prior sanction.

The Commissioner recognizes that data and information on GRAS and prior-sanctioned food ingredients are of broad public interest. Accordingly, this information is available for public disclosure in the following ways:

1. Copies of each scientific literature review have been placed in the Library of Congress, First St. and Independence Ave. SE., Washington, DC 20540, under the title, "Scientific Literature Reviews on GRAS Food Ingredients," L.C. Card No. 73–600105.

2. The scientific literature reviews on the 276 synthetic flavor ingredients are available for purchase from the National Technical Information Service (NTIS), 5285 Port Royal Rd., Springfield, VA 22151. The ordering number for the seven volume set is PB–234–880, and the cost is $53.50. The microfiche document price is $15.75 for the set.

3. The following test reports are also available for purchase from the NTIS:

Mutagenic screening tests

Ingredient(s)	Ordering No.	Cost
Starter distillate [1]	PB–245–431/AS	$3.75
Caramel [1]	PB–245–432/AS	3.75
Inositol [1]	PB–245–433/AS	3.75
Potassium sorbate [1]	PB–245–434/AS	3.75
Ferrous sulfate [1]	PB–245–435/AS	3.75
Sodium bicarbonate [1]	PB–245–436/AS	3.75
Erythorbic acid [1]	PB–245–437/AS	3.75
Glucono-delta-lactone [1]	PB–245–438/AS	3.75
Calcium propionate [1]	PB–245–439/AS	3.75
Malic acid [1]	PB–245–440/AS	3.75
Magnesium oxide [1]	PB–245–472/AS	3.75
Tannic acid [1]	PB–245–473/AS	3.75
Carnauba wax [1]	PB–245–474/AS	3.75
Sodium caseinate [1]	PB–245–475/AS	3.75
Potassium bromate [1]	PB–245–476/AS	3.75
Ferrous gluconate [1]	PB–245–477/AS	3.75
Lecithin [1]	PB–245–478/AS	3.75
Glycerin [1]	PB–245–479/AS	3.75
Calcium oxide [1]	PB–245–480/AS	3.75
Calcium sulfate [1]	PB–245–481/AS	3.75
Sodium aluminum sulfate [1]	PB–245–482/AS	3.75
Calcium gluconate [1]	PB–245–483/AS	3.75
Shellac wax [1]	PB–245–484/AS	3.75
Potassium metabisulfite [1]	PB–245–485/AS	3.75
Sodium hexametaphosphate [1]	PB–245–486/AS	3.75
Butylated hydroxytoluene [1]	PB–245–487/AS	3.75
Sodium sulfite [1]	PB–245–488/AS	3.75
Copper gluconate [1]	PB–245–490/AS	3.75
Ascorbic acid [1]	PB–245–491/AS	3.75
Malt extract [1]	PB–245–492/AS	3.75
Beeswax, white [1]	PB–245–493/AS	3.75
Benzoyl peroxide (Lucidol–78) (wet). [1]	PB–245–494/AS	3.75
Sodium ferric pyrophosphate [1]	PB–245–495/AS	3.75
Potassium alginate [1]	PB–245–496/AS	3.75
Propylene glycol alginate [1]	PB–245–497/AS	3.75
Propyl paraben [1]	PB–245–498/AS	3.75
Propylene glycol monostearate [1]	PB–245–499/AS	3.75
Benzoic acid, certified A.C.S. [1]	PB–245–500/AS	3.75
Potassium carbonate [1]	PB–245–501/AS	3.75
Potassium iodide [1]	PB–245–502/AS	3.75
Mustard, yellow [1]	PB–245–503/AS	3.75
Sodium carboxymethylcellulose, cellulose gum, low viscosity. [1]	PB–245–504/AS	3.75
Mono- and di-glycerides, monosodium phosphate derivatives. [1]	PB–245–505/AS	3.75
Ammonium sulfate, granular [1]	PB–245–506/AS	3.75
Potassium chloride U.S.P., granular. [1]	PB–245–507/AS	3.75
Monosodium phosphate, anhydrous powdered. [1]	PB–245–508/AS	3.75
Monocalcium phosphate [1]	PB–245–509/AS	3.75
Butylated hydroxyanisole [1]	PB–452–510/AS	3.75
Oil of garlic [1]	PB–245–511/AS	3.75
Sodium calcium alginate [1]	PB–245–512/AS	3.75
Monopotassium phosphate, granular. [1]	PB–245–513/AS	3.75
Ferric ortho phosphate, white [1]	PB–245–514/AS	3.75
Ammonium alginate [1]	PB–245–515/AS	3.75
Sodium alginate [1]	PB–245–516/AS	3.75
Propyl gallate [2]	PB–245–441/AS	5.75
Oil of cloves [2]	PB–245–442/AS	5.75
Powdered agar [2]	PB–245–443/AS	5.75
Menthol [2]	PB–245–444/AS	6.25
Tartaric acid [2]	PB–245–445/AS	6.25
Sodium thiosulfate [2]	PB–245–446/AS	4.75
Oil of nutmeg [2]	PB–245–447/AS	6.25
Calcium propionate [2]	PB–245–448/AS	5.25
Mannitol [2]	PB–245–449/AS	5.75
Propylene glycol [2]	PB–245–450/AS	4.75
Zinc sulfate [2]	PB–245–451/AS	4.75
Dilauryl thiodipropionic acid [2]	PB–245–452/AS	5.25
Sodium benzoate [2]	PB–245–453/AS	4.75
Ammoniated glycyrrhizin [2]	PB–245–454/AS	5.25
Gum tragacanth [2]	PB–245–455/AS	5.25
Sodium bisulfite [2]	PB–245–456/AS	5.25
Talc [2]	PB–245–458/AS	5.75
Methyl paraben [2]	PB–245–459/AS	5.75
Butylated hydroxyanisole [2]	PB–245–460/AS	5.25
Stannous chloride [2]	PB–245–461/AS	5.25
Sodium tripolyphosphate [2]	PB–245–462/AS	5.75
Citric acid [2]	PB–245–463/AS	5.75

See footnotes at end of table.

Ingredient(s)	Ordering No.	Cost
Furcellaran [2]	PB-245-464/AS	5.75
Methocel [2]	PB-245-465/AS	5.75
Adipic acid [2]	PB-245-466/AS	5.75
Silica aerogel [2]	PB-245-467/AS	6.25
Synthetic silica (sodium silicoaluminate). [2]	PB-245-468/AS	5.75
Caffeine [2]	PB-245-469/AS	4.75
Oil of mustard [2]	PB-245-470/AS	6.25
Sodium carrageenan [2]	PB-245-471/AS	4.75
Calcium silicate [2]	PB-245-457/AS	5.75

[1] Tier I (microbial) testing.
[2] Cytogenetics, host-mediated assay, and dominant lethal tests.

Teratology test reports

Ingredient(s)	Ordering No.	Cost
Ascorbic acid	PB-245-518/AS	$3.75
Tannic acid	PB-245-519/AS	3.75
Potassium sorbate	PB-245-520/AS	3.75
Monopotassium phosphate	PB-245-521/AS	3.75
Potassium carbonate	PB-245-522/AS	3.75
Mustard flour—untreated	PB-245-523/AS	3.75
Ferric sodium pyrophosphate	PB-245-524/AS	3.75
Mustard flour—treated	PB-245-525/AS	3.75
Sodium carboxymethyl cellulose.	PB-245-526/AS	3.75
Monosodium phosphate, anhydrous.	PB-245-527/AS	3.75
Potassium chloride	PB-245-528/AS	3.75
Potassium metabisulfite	PB-245-529/AS	3.75
Monopotassium glutamate	PB-245-530/AS	3.75
Sodium erythorbate	PB-245-531/AS	3.75
Ferrous sulfate	PB-245-532/AS	3.75
Papain	PB-245-533/AS	3.75
Tetrasodium pyrophosphate	PB-245-534/AS	3.75
Sodium hemametaphosphate	PB-245-535/AS	3.75
Oil of rue	PB-245-536/AS	3.75
Calcium oxide	PB-245-537/AS	3.75

A single copy of all of the data and information given above is available for review in 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. Additional information relating to the review of GRAS substances will be placed on display at this office as it becomes available.

Dated: January 13, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-1592 Filed 1-21-76;8:45 am]

[Docket No. 75N-0353]

SAFETY OF CERTAIN FOOD INGREDIENTS

Opportunity for Public Hearing

The Commissioner of Food and Drugs is announcing an opportunity for public hearing on the safety of certain ingredients used in food to determine if they are GRAS or subject to a prior sanction. Requests to make oral presentations at the public hearing must be postmarked on or before February 23, 1976.

The Commissioner, in the FEDERAL REGISTER of July 26, 1973 (38 FR 20053), issued a notice advising the public that an opportunity would be provided for oral presentation of data, information, and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (hereinafter referred to as the Select Committee), about the safety of ingredients used in food to determine if they are generally recognized as safe (GRAS) or subject to prior sanction.

Elsewhere in this issue of the FEDERAL REGISTER is a notice of public availability of recently prepared scientific literature reviews and other data and information compiled during the safety review of GRAS and prior-sanctioned food ingredients.

Previous opportunities for public hearings were announced in the FEDERAL REGISTER of September 23, 1974 (39 FR 34218), December 19, 1974 (39 FR 43865) and August 29, 1975 (40 FR 39917). The Commissioner now gives notice that the Select Committee is prepared to conduct a public hearing on the following categories of food ingredients:

Aluminum salts
Choline salts
Corn sugar, corn syrup and invert sugar
Phosphates
Sucrose

The public hearing will provide an opportunity, before the Select Committee reaches its final conclusions, for any interested person to present scientific data, information, and views on the safety of these substances, in addition to those previously submitted in writing pursuant to notices published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20051, 20053) and April 17, 1974 (39 FR 13796, 13798).

The Select Committee has reviewed all of the available data and information on the categories of food ingredients listed above and has reached one of the four following tentative conclusions on the status of each:

1. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current or that might reasonably be expected in the future.

2. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current and in the manner now practiced. However, it is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard.

3. While no evidence in the available information demonstrates a hazard to the public when it is used at levels that are now current and in the manner now practiced, uncertainties exist requiring that additional studies be conducted.

4. The evidence is insufficient to determine that the adverse effects reported are not deleterious to the public health when it is used at levels that are now current and in the manner now practiced.

The following table lists each ingredient, the Select Committee's tentative conclusion (keyed to the four types of conclusions listed above), and the available information on which the Select Committee reached its conclusion.

Substance	Select committee tentative conclusion	Scientific literature review		Animal study report		Other information
		Order No.	Cost	Order No.	Cost	
Aluminum salts		PB-223-862/AS.	$4.50			a. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)" available from the National Technical Information Service, PB Nos. 221-921 through 221-949.
Aluminum ammonium sulfate.	1					b. FEDERAL REGISTER, June 4, 1974, Vol. 39, No. 108, Part II. Government Printing Office, Washington, D.C.
Aluminum potassium sulfate.	1					c. Industrial Bio-Test Laboratories, Inc. June 28, 1972. 90-day subacute oral toxicity study with Kasal in albino rats. Prepared for Stauffer Chemical Co.
Aluminum sodium sulfate	1			PB-223-832/AS. [1]	$3	
Aluminum sulfate	1					
Acidic sodium aluminum phosphate.						
Basic sodium aluminum phosphate.	1					
Aluminum hydroxide	1					
Aluminum oleate	[2] 1					
Aluminum palmitate	[2] 1					
Sodium aluminate	[2] 1					
Sodium phosphoaluminate	[2] 1					

See footnotes at end of table.

Substance	Select committee tentative conclusion	Scientific literature review: Order No.	Scientific literature review: Cost	Animal study report: Order No.	Animal study report: Cost	Other information
Choline salts		PB-223-845/AS..	3			a. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)" available from the National Technical Information Service, PB Nos. 221-921 through 221-949.
Choline bitartrate	1					a. Do.
Choline chloride	1					b. Fisher, K. D., and C. J. Carr. 1974. A review of the possible allergenicity of table syrups. Prepared under contract No. FDA 71-294 for Division of Nutrition, Bureau of Foods, Food and Drug Administration, Washington, D.C.
Corn sugar		PB-223-853/AS..	8			c. Monograph on Dental Caries and Carbohydrates submitted to FDA by Informatics.
Corn sugar (dextrose)	2					d. Eichenberger, W. R. 1974. Products of the wet-milling industry in food. Corn Refiners Association, Washington, D.C.
Corn syrups	2					e. Newton, J. M. 1970. Products of the wet-milling industry in food. Corn Refiners Association, Washington, D.C.
Invert sugar	2					f. Friend, B., and R. Marston, November 1974. National food situation. NFS-150. USDA, Washington, D.C.
						g. Cantor, S. M. 1975. Academy forum, sweeteners: issues and uncertainties. NAS. March 25-26. Washington, D.C.
						h. Review by Corn Refiners Association, Inc. (Feb. 4, 1975) of Scientific Literature Review on Generally Recognized as Safe (GRAS) Food Ingredients—Corn Sugar. Prepared for FDA by FDRL PB-223-853.
						i. Wardrip, E. K. 1975. Symposium: sugars and other sweeteners in food processing. Michigan State University, Lansing, MI.
						j. Industrial Bio-Test Laboratories, Inc. 1969. Acute toxicity studies on nonsterilized product XEW-10. Report to Corn Products Co.
						k. Select Committee on GRAS Substances. 1975. Evaluation of the health aspects of sucrose as a food ingredient.
Phosphates		PB-221-224	6			a. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)" available from the National Technical Information Service, PB Nos. 221-931 through 221-949.
Ammonium phosphate, dibasic	1					
Ammonium phosphate, monobasic	1					
Calcium hexametaphosphate	1					
Calcium phosphate, dibasic	1					
Calcium phosphate, monobasic	1			PB-234-866/AS [1]	3.25	b. Friend, B., and R. Marston. November 1974. National food situation NFS-150. USDA, Washington, D.C.
Calcium phosphate, tribasic	1					
Calcium pyrophosphate	1					
Phosphoric acid	1					c. Food and Drug Administration, Division of Nutrition. 1975. Preliminary data from fiscal year 74, Selected minerals in foods survey/total diet studies.
Potassium phosphate, dibasic	1					d. FDRL. 1973. Teratologic evaluation of calcium phosphate; monobasic (PB-234-866/AS) [1] in mice and rats.
Potassium phosphate, monobasic	1			PB-245-521/AS.[1]	3.75	e. Investigation of the toxic and teratogenic effects of GRAS substances to the developing chicken embryo: monosodium phosphate; sodium hexametaphosphate; tetrasodium pyrophosphate; and monocalcium phosphate. Prepared by M. J. Verrett. 1974.
Potassium phosphate, tribasic	1					f. FDRL. 1975. Teratologic evaluation of monopotassium phosphate (PB-245-521/AS) [1] in mice and rats.
Potassium polymetaphosphate	1					g. WARF Institute, Inc. 1974. Evaluation of chemicals for toxic and teratogenic effects using the chick embryo as the test system (sodium acid pyrophosphate).
Potassium pyrophosphate	1					h. Standford Research Institute. 1974. Study of mutagenic effects of sodium acid pyrophosphate.
Potassium tripolyphosphate	1					i. FDRL. 1973. Teratologic evaluation of sodium acid pyrophosphate in mice, rats, hamsters, and rabbits (PB-223-831/AS).[1]
Sodium acid pyrophosphate	1			PB-223-831/AS.[1]	3.50	j. University of Arizona. 1975. Sodium tripolyphosphate: toxicity and teratogenicity studies in avian embryos.
Sodium phosphate, dibasic	1					k. FDRL. 1975. Teratologic evaluation of sodium phosphate, monobasic in mice and rats (PB-245-527/AS, $3.75).[1]
Sodium phosphate, monobasic	1					l. FDRL. 1975. Teratologic evaluation of tetrasodium pyrophosphate in mice and rats (PB-245-534/AS, $3.75).[1]
Sodium phosphate, tribasic	1					m. Litton Bionetics, Inc. 1975. Mutagenic evaluation of tetrasodium pyrophosphate (PB-245-489/AS,[2] $3.75).
Tetrasodium pyrophosphate	1					
Sodium tripolyphosphate	1			PB-221-808 [1]	3.75	
Straightchain polyphosphates	1			PB-223-826/AS [1]	2.75	
Sodium hexametaphosphate	1					
Sodium metaphosphate	1					
Sodium tetraphosphate	1					

See footnotes at end of table.

Substance	Select committee tentative conclusion	Scientific literature review Order No.	Cost	Animal study report Order No.	Cost	Other Information
						n. Litton Bionetics, Inc. 1974. Summary of mutagenicity screening studies, host-mediated assay, cytogenetics, dominant lethal assay on sodium tripolyphosphate (PB-245-462/AS, $5.75).
						o. FDRL. 1973. Teratologic evaluation of sodium tripolyphosphate in rabbits, mice, rats and hamsters (PB-221-808, $3.75; PB-223-826/AS, $2.75).[1]
						p. Litton Bionetics, Inc. 1975. Mutagenic evaluation of sodium hexametaphosphate (PB-245-486/AS,[3] $3.75).
						q. FDRL. 1975. Teratologic evaluation of sodium hexametaphosphate in rats and mice (PB-245-535/AS, $3.75).[1]
Sucrose	2	PB-228-548/AS	5.75	PB-234-877/AS.[1]	3.25	*a.* Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)" available from the National Technical Information Service, PB Nos. 221-921 through 221-949.
						b. FDRL. 1973. Teratologic evaluation of pure cane sugar (sucrose) in mice and rats (PB-234-877/AS, $3.75).[1]
						c. Report of the Advisory Panel of the Committee on Medical Aspects of Food Policy (nutrition) on diet in relation to cardiovascular and cerebrovascular disease. 1974. London.
						d. White, G. E. 1973. The use of continuous culture and an enamel dissolution assay in studying the relationship between streptococcus mutans and dental caries. Ph. D. thesis. M.I.T.

[1] Teratogenic study.
[2] Migration from paper and paper board used as food packaging materials.
[3] Mutagenic (Tier I) study.

Reports in the table with PB prefixes may be obtained from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, VA 22151. They can also be purchased in microfiche form for $2.25 each.

In addition to the information contained in the documents listed in the table above, the Select Committee supplemented, where appropriate, their reviews with specific information from specialized sources as announced in the previous hearing opportunity notice published in the FEDERAL REGISTER of September 23, 1974 (39 FR 34218).

The tentative reports of the Select Committee on aluminum salts, choline salts, corn sugar and syrup, phosphates, and sucrose are available for review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, and also at the Public Information Office, Food and Drug Administration, Rm. 3807, 200 C St. SW., Washington, DC 20204. In addition, all reports and documents used by the Select Committee to review the ingredients are available for review in the office of the Hearing Clerk.

To schedule the public hearing, the Select Committee must be informed of the number of persons who wish to attend, and the length of time requested to give their views. Accordingly, any interested person who wishes to appear at the public hearing to make an oral presentation shall so inform the Select Committee in writing, addressed to: The Select Committee on GRAS Substances, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014. A copy of each such request shall be sent to the Hearing Clerk, Food and Drug Administration, address noted above, and all such requests shall be placed on public display in that office. Any such request must be postmarked on or before February 23, 1976, shall state the substance(s) on which an opportunity to present oral views is requested, and shall state how much time is requested for the presentation. As soon as possible thereafter, a notice announcing the date, time, place, and scheduled presentations for any public hearing that may be requested will be published in the FEDERAL REGISTER.

The purpose of the public hearing is to receive data, information, and views not previously available to the Select Committee about the substances listed above. Information already contained in the scientific literature reviews and in the tentative Select Committee report shall not be duplicated, although views on the interpretation of this material may be presented.

Depending on the number of requests for opportunity to make oral presentations, the Select Committee may reduce the time requested for any presentation. Due to time limitations, individuals and organizations with common interests are urged to consolidate their presentations. Any interested person may, in lieu of an oral presentation, submit written views, which shall be considered by the Select Committee. Three copies of such written views shall be addressed to the Select Committee at the address noted above, and must be postmarked not later than 10 days prior to the scheduled date of the hearing. A copy of any written views shall be sent to the Hearing Clerk, Food and Drug Administration, and shall be placed on public display in that office.

A public hearing will be presided over by a member of the Select Committee. Hearings will be transcribed by a reporting service, and a transcript of each hearing may be purchased directly from the reporting service and will also be placed on public display in the office of the Hearing Clerk, Food and Drug Administration.

Dated: January 13, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-1593 Filed 1-21-76;8:45 am]

GASTROINTESTINAL DRUGS ADVISORY COMMITTEE

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Gastrointestinal Drugs Advisory Committee by the Secretary, Department of Health, Education, and Welfare, for an additional period of 2 years beyond January 3, 1976.

Authority for this committee will expire January 3, 1978, unless the Secretary formally determines that continuance is in the public interest.

Dated: January 15, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-1930 Filed 1-21-76;8:45 am]

[FDA-225-75-5012]

VITRO DIAGNOSTIC PRODUCTS; INFORMATION EXCHANGE AND SCIENTIFIC COORDINATION

Memorandum of Understanding With the Center for Disease Control

Pursant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Center for Disease Control and the Food and Drug Administration have entered into an agreement concerning certain related objectives in carrying out their respective responsibilities. The agreement, which sets forth the working arrangements to be followed or adopted in respect to in vitro diagnostic product information exchange and scientific coordination, reads as follows:

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
CENTER FOR DISEASE CONTROL
AND THE
FOOD AND DRUG ADMINISTRATION

I. *Purpose.* This agreement between the Center for Disease Control (CDC) and the Food and Drug Administration (FDA), both agencies of the Department of Health, Education, and Welfare (DHEW), Public Health

Service, has been established to set forth procedures to foster information exchange and scientific coordination between the agencies in their respective prorgams for in vitro diagnostic products and licensed reagents, and to further delineate their individual responsibilities in the in vitro diagnostic product program.

II. *Background.* In vitro diagnostic products are defined in 21 CFR 328.3 as those reagents, instruments and systems intended for use in the diagnosis of disease or in the determination of the state of health in order to cure, mitigate, treat, or prevent disease or its sequelae. The definitions and other provisions of 21 CFR Part 328 relating to these products shall prevail in this agreement.

The FDA has the responsibility for the regulation of in vitro diagnostic products in interstate commerce under the provisions of the Federal Food, Drug, and Cosmetic Act. The FDA also has the responsibility of assuring the quality of in vitro diagnostic products purchased by the Veterans Administration, the Department of Defense and DHEW's Health Services Administration. Included are reagents of a biological origin that are used to test biological products licensed pursuant to section 351 of the Public Health Service Act (42 U.S.C. 263). The CDC is currently engaged in activities relating to the quality of such products in connection with its responsibilities under the Clinical Laboratories Improvement Act of 1967 (CLIA) (42 U.S.C. 263a) and in administering a comprehensive national laboratory improvement program. Each agency has a responsibility to contribute to the total effort of the Federal Government in those areas in which it has recognized capability and experience.

III. *Substance of Agreement*—A. *General.* The responsibilities of each agency are further specified in this Memorandum of Understanding. However, it would be impractical to anticipate each task or need that may arise in a program of this magnitude, scope, and complexity. Also, the requirement for innovation in carrying out the in vitro diagnostic products program makes it necessary to amalgamate a wide variety of scientific, regulatory, and historical philosophies of each agency into the program with minimum duplication of effort.

As a general principle, the implementation of the provisions of this memorandum should not interfere with the programs of either agency. Should potential or real conflict develop, such matters will be further discussed and resolved through the interagency liaison representatives.

To further the necessary communication and coordination between the agencies, a designated representative from the CDC will be given sufficient advance notice for attending meetings of FDA advisory committees, classification panels, classification subcommittees, or other meetings that may reasonably be deemed to have a significant impact on the design or implementation of the program as it relates to the CDC. Similarly, the CDC will notify a designated FDA representative of all meetings to which CDC is a party that impact on the development of information related to the overall regulatory prgoram for in vitro diagnostic products. Information exchange between the CDC and FDA shall be accomplished (a) by information requests and responses as program needs dictate, and (b) by the development of a list of types of information to be approved by the interagency liaison representatives. Further aspects of the information exchange are dealt with in subsequent parts of the memorandum.

B. *Compliance programs.* FDA has the statutory authority to assure that all in vitro diagnostic products in interstate commerce comply with the provisions of the Federal Food, Drug, and Cosmetic Act, section 351 of the Public Health Service Act, and all applicable regulations. This includes statutory requirements and regulatory requirements in addition to the regulations in Part 328 (21 CFR 328). Additionally, consistent regulatory policy must be applied. Therefore, all questions regarding the compliance of a product with the act or regulations, including applicability, jurisdiction, labeling, or performance limits, shall be referred to FDA. CDC may provide information and consultation to the industry and user communities within CDC's field of competence and in matters concerning evaluations of the technical accuracy of labeling statements or omissions based on product development or evaluation work done by CDC and other areas to be identified by the interagency liaison representatives.

Both FDA and CDC have access to a considerable amount of information concerning product deficiencies in the areas of labeling and product performance. FDA shall forward to CDC a copy of each in vitro diagnostic product problem report that it receives. Additionally, FDA shall report to CDC each regulatory action that may result in inquiries to CDC (recalls, seizures, etc.), as well as periodically report all regulatory actions and significant voluntary industry corrections. CDC shall review and evaluate this information and provide FDA with any information in the possession of CDC that is related to the reports. This may include knowledge of individual products or batches, or knowledge based on its general experience with the product class or methodology. CDC, within the limits of its available resources, shall provide scientific review and evaluation to FDA regarding any such report when specifically requested to do so by FDA.

CDC has access to information regarding product labeling and performance through sources such as its product evaluation programs, proficiency testing programs related to its responsibilities under the CLIA, and epidemiology surveillance programs. Results of CDC's evaluation studies of marketed in vitro diagnostic products are reported in published scientific articles or as informational items. These reports are provided to the manufacturers of evaluated products, to consumers, and to the FDA.

CDC reports directly to the manufacturer, whether or not a particular lot or batch of reagent voluntarily submitted for evaluation meets published performance specifications. A compilation, listed by manufacturer, of the lots found to meet performance specifications is distributed on a monthly basis. FDA will be advised of the companies participating in the voluntary program and of those lots meeting performance specifications. Information on any lot of product evaluated by CDC will be available to FDA upon request.

CDC shall immediately report to FDA those problems that clearly represent a potential health hazard. For any such reports or summaries, CDC may, at its discretion, provide an evaluation and recommendation.

On request of FDA, in those areas in which CDC has scientific expertise and adequate resources, CDC will perform such product evaluation as necessary to support FDA regulatory responsibilities. This will include, where necessary, the proper protection, accountability, and handling of Official and Investigational Samples, selection or development of appropriate testing protocols, the acquisition of appropriate specimens, the testing of products, and preparation of a final report in a format suitable for use by FDA in a regulatory action.

C. *Development of product class standards.* The FDA, based on the recommendations of its advisory committee panels, will categorize and classify products for the purpose of effective regulation.

The FDA, in conjunction with its advisory committee, will propose priorities for the development of Product Class Standards and define the scope of such standards or criteria for scientific review.

In recognition of its scientific knowledge and experience, CDC will advise FDA on the feasiblity of developing a particular product class standard, help identify those characteristics of the products within the class that should be addressed, participate in the development of the scientific basis for the product class standard, and consult in the development of time schedules for such activities.

The scientific basis for a product class standard includes such elements as reference, calibrator, and control materials; reference methods; appropriate specifications and performance requirements relative to the clinical usefulness of results; and procedures and materials for evaluating products.

Whenever, and to the extent that CDC states that its resources or interests preclude the timely development of the basis for a particular product class standard, the FDA may elect to assign this particular responsibility to another organization or agency, or to use its own resources.

FDA has the responsibility for the coordination, development, promulgation, and enforcement of product class standards established in accordance with 21 CFR Part 328. Three procedures for developing product class standards are provided in 21 CFR Part 328: (1) An existing standard may be utilized, (2) interested persons outside FDA may develop a proposed standard, or (3) FDA may develop the standard. FDA will consult with CDC primarily before deciding which of the three procedures will be pursued.

D. *Confidentiality and release of information.* The nature and importance of the in vitro diagnostic products program are such that scientific, technical, and medical information, data, and opinion must be obtained early in the consideration of the development of a product class standard from a wide spectrum of qualified persons and organizations.

The CDC may share materials relating to the scientific basis for a product class standard with any appropriate party. Any such material or documents shall be clearly marked on each page to prevent any misunderstanding of its nature, i.e., it is not a draft product class standard. Such information, other than trade secret or confidential information, that would otherwise be exempt from disclosure under the Freedom of Information Act, must be made available to any interested party if it has been shared by CDC with any person other than a regular or special government employee. The CDC will advise FDA of the exposure and distribution of each such document.

The FDA will provide to CDC any records and documents necessary for the efficient furtherance of this program. Documents that may be exempt from public disclosure in accordance with the provisions of the Freedom of Information Act and 21 CFR Part 4 shall be identified as such by FDA and protected as confidential by CDC. Any requests for disclosure of such documents received by CDC from the public will be referred to FDA. Parts 2 and 4 (21 CFR Parts 2 and 4) govern the release of documents, drafts of regulations, and the publication of proposed and final orders in the FEDERAL REGISTER. The FDA will share with CDC such draft regulations; these drafts may not be disclosed to, or discussed with, the public until publication for comment in the FEDERAL REGISTER.

E. *Interagency liaison.* Interagency liaison representatives shall consist of one repre-

sentative and one alternate from each agency. The representatives shall consider long term policy and planning for the total program in relation to the resources and responsibilities of each agency. Additionally, they shall be the principal focus for interagency problems that cannot be resolved at lower levels. The representatives shall act as a focal point for the stimulation and coordination of information dissemination to each agency on matters of mutual interest. The representatives shall also be responsible for ensuring that items of particular interest or concern are placed on the agenda for deliberation. A minimum of two meetings will be held each year, with prior agreement on the agenda. The representatives will be free to include, as participants at meetings, personnel from their own agency, depending upon the agenda items, with prior agreement by both agencies. Reports in the form of minutes of interagency liaison representatives' deliberations shall be prepared and submitted to each agency for circulation and review in order to ensure adequate information dissemination. In addition, the interagency liaison representatives shall, on a fiscal year basis, prepare and submit to both agencies a formal plan that identifies the specific activities of both agencies related to the development of product class standards. This plan should be prepared and submitted to the parent agencies at least 3 months prior to the initiation of the target fiscal year. The plan shall identify the FDA priorities for the development of product class standards during the forthcoming fiscal year, and the involvement of CDC, including input, review, and evaluation requirements. In addition, the plan shall include the priorities for the development of the scientific basis for standards, with CDC plans for accomplishments during the target fiscal year. The submission of the plan should also identify those areas in which FDA has indicated a high-priority need for the development of a scientific basis for a product class standard and where CDC, due to resource limitations or other reasons, is not able to respond the the FDA requirement. The formal plan shall only consider and identify activities of both agencies pertaining to the development and promulgation of in vitro diagnostic product class standards. Other related activities of mutual interest and participation will be considered on an ad hoc basis.

IV. *Name and address of participating activities.* Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control, Atlanta, GA 30333.

Department of Health, Education, and Welfare, Public Health Service, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

V. *Liaison representatives.* For the CDC: Roslyn Q. Robinson, Ph.D., Director, Bureau of Laboratories.

Address: Center for Disease Control, Atlanta, GA 30333. Telephone No.: (404) 633-3311, x3262.

For the FDA: Eloise Eavenson, Ph.D., Director, Division of Diagnostic Product Standards and Research, Bureau of Medical Devices and Diagnostic Products.

Address: Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852. Telephone No.: (301) 443-4590.

VI. *Period of agreement.* This agreement, when accepted by both parties, will be effective from date of signature through an indefinite period and may be modified or terminated by mutual consent of both parties upon 120 days advance written notice to the other.

Approved and accepted for the Center for Disease Control:

Dated: December 31, 1975.

DAVID J. SENCER, M.D.,
Director,
Center for Disease Control.

Approved and accepted for the Food and Drug Administration:

Dated: December 18, 1975.

ALEXANDER M. SCHMIDT, M.D.,
Commissioner of Food and Drugs.

Effective date. This Memorandum of Understanding became effective December 31, 1975.

Dated: January 15, 1976.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.76-1931 Filed 1-21-76;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL FOR CAREER EDUCATION

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the meeting of the National Advisory Council for Career Education will be held on February 10, 1976, from 9:00 a.m. to 4:00 p.m., at Skyline Inn, 10 Eye Street, SW., Washington, D.C. 20024.

The National Advisory Council for Career Education is established under section 406 of the Education Amendments of 1974, Pub. L. 93-380, (88 Stat. 552, 553). The Council is directed to:

Advise the Commissioner of Education on the implementation of section 406 of the Education Amendments of 1974 and carry out such advisory functions as it deems appropriate, including reviewing the operation of this section and all other programs of the Division of Education pertaining to the development and implementation of career education, evaluating their effectiveness in meeting the needs of career education throughout the United States, and in determining need for further legislative remedy in order that all citizens may benefit from the purposes of career education as described in section 406. The Council with the assistance of the Commissioner shall conduct a survey and assessment of the current status of career education programs, projects, curricula and materials in the United States and submit to Congress, not later than November 1, 1975, a report on such survey. The report should include recommendations of the Council for new legislation designed to accomplish the policies and purposes set forth in subsections (a) and (b) of section 406.

The meeting of the Council shall be open to the public. The proposed agenda includes:

—Install new members.
—Review current career education legislative proposal.
—Status of the survey and assessment report.
—Subcommittee structure.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of Career Education, located in Room 3100, 7th and D Streets, SW., Washington, D.C. 20202).

JOHN LINDIA,
Delegate, National Advisory
Council for Career Education.

[FR Doc.76-1990 Filed 1-21-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Meeting

Notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics (RTCA) Special Committee 127—Emergency Locator Transmitters, which is being utilized as an Advisory Committee within the meaning of the Federal Advisory Committee Act, 5 U.S.C. Appendix I. It will be held February 18-20, 1976, in Conference Room 6200, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, commencing at 9:30 a.m. Agenda items include:

1. Report on Acceleration ("G" Switch) Testing.
2. Review and Approval of Minutes of Meeting held November 20-21, 1975.
3. Approval of Draft Minimum Performance Standards.
4. Review and approval of Draft Appendix A.

Meetings of Special Committee 127 are open to the public, subject to space limitations. Subject to time being available, any member of the public may present oral statements at the meeting, or may submit written statemens to or obtain additional information from the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296-0484.

Issued in Washington on January 15, 1976.

EDGAR A. POST,
Designated Officer.

[FR Doc.76-1877 Filed 1-21-76;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

RULEMAKING AND PUBLIC INFORMATION COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Rulemaking and Public Information of the Administrative Conference of the United States, to be held at 10:00 a.m., February 27, 1976 in the offices of the Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C.

The Committee will met to consider Professor Asimow's study and recom-

mendations on the exemption from rulemaking in the Administrative Procedure Act for statements of policy and interpretive rules, Professor Tomlinson's revised draft report and recommendations on "Publication of Documents in the FEDERAL REGISTER," and Professor Barry Boyer's study on trade regulation rulemaking procedures of the Federal Trade Commission, as well as other Committee business.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Emmett J. Gavin, (202–254–7020). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

JANUARY 16, 1976.

[FR Doc.76–1908 Filed 1–21–76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27573 Agreement C.A.B. 25220 R–1 through R–5; Order No. 76–1–16]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Western Hemisphere Cargo Rates

Correction

In FR Doc. 76–654, in the issue for Monday, January 12, 1976, make the following changes:

1. In the table for U.S. Caribbean, the entry Pan American: Combination, Revenue gain under proposed rates, the entry now reading 202,000, should read 212,00.

2. The footnote at the bottom of page 1814, number 2, should read, "2. See footnote 2 of the U.S. Caribbean table."

[Docket No. 27573, etc.; Order 76–1–17]

INTERNATIONAL AIR TRANSPORT ASSOCIATION AND TRANS WORLD AIRLINES, INC.

Order

Correction

In FR Doc. 76–655, appearing at page 1809, in the issue for Monday, January 12, 1976, make the following corrections in table 1 on page 1812:

1. In line R–3, the IATA number should be 002.

2. The Note appearing at the bottom of the table should appear directly under entry R–3.

3. In entry R–13 the Application numbers should read: 1; 2; 3; ½; 2/3; 3/1; 1/2/3.

[Docket 27914]

TOURIST ENTERPRISES CORP. "ORBIS", ET AL.

Hearing

Correction

In FR Doc. 76–1510 appearing on page 2667 in the issue of Monday, January 19, 1976 the address given for the hearing was incorrect. In the second paragraph the ninth line should read; "Room B, Universal Building North, 1875".

COMMONWEALTH OF PUERTO RICO

Meeting

Notice is hereby given that a presentation will be made by the Commonwealth of Puerto Rico on February 4, 1976, at 3:00 p.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., on the present status of Mainland-Puerto Rico air transportation and its impact on the Puerto Rico economy.

Dated at Washington, D.C., January 19, 1976.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.76–1985 Filed 1–21–76;8:45 am]

[Docket No. 24912]

U.S.-CAYMAN ISLANDS SERVICE CASE

Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on February 4, 1976, at 10:00 a.m. (local time), in Room 1027, Universal Building, 125 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., January 19, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76–1986 Filed 1–21–76;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

JANUARY 19, 1976.

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Wednesday, February 18, 1976. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E. Street, NW., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.76–1970 Filed 1–21–76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

DELIVERY ON COMMODITY FUTURES CONTRACTS

Notice of Public Hearing

Commencing at 10 a.m. on Thursday, February 19, 1976, and Friday, February 20, 1976, the Commodity Futures Trading Commission ("Commission") will receive oral and written testimony from interested persons concerning the establishment of delivery points on commodity futures contracts. At that hearing the Commission will be seeking comment in an attempt to formulate general policy for the Commission with respect to delivery points and locational price differentials for commodity futures contracts. Interested persons may participate in that hearing which will be held at: Plaza Inn (Regency West Ballroom), 45th and Main Streets, Kansas City, Missouri.

Background.

Section 208 of the Commodity Futures Trading Commission Act of 1974 ("CFTC Act") added § 5a(10) to the Commodity Exchange Act ("Act").[1]

[1] Section 5a(10) provides that each contract market shall:

. . . permit the delivery of any commodity, on contracts of sale thereof for future delivery, of such grade or grades, at such point or points and at such quality and locational price differentials as will tend to prevent or diminish price manipulation, market congestion, or the abnormal movement of such commodity in interstate commerce. If the Commission after investigation finds that the rules and regulations adopted by a contract market permitting delivery of any commodity on contracts of sale thereof for future delivery, do not accomplish the objectives of this subsection, then the Commission shall notify the contract market of its finding and afford the contract market an opportunity to make appropriate changes in such rules and regulations. If the contract market within seventy-five days of such notification fails to make the changes which in the opinion of the Commission are necessary to accomplish the objectives of this subsection, then the Commission after granting the contract market an opportunity to be heard, may change or supplement such rules and regulations of the contract market to achieve the above objectives: Provided, That any order issued under this paragraph shall not apply to contracts of sale for future delivery in any months in which contracts are currently outstanding and open: And provided further, That no requirement for an additional delivery point or points shall be promulgated following hearings until the contract market affected has had notice and opportunity to file exceptions to the proposed order determining the location and number of such delivery point or points.

Section 5a(10) requires each contract market to permit delivery on, and establish locational price differentials for, futures contracts traded on contract markets in a manner "as will tend to prevent or diminish price manipulation, market congestion, or the abnormal movement of such commodity in interstate commerce." This requirement rests initially with contract markets.

If a contract market, however, fails to enact rules which "accomplish the objectives" of section 5a(10), the Commission, after notice and opportunity for a hearing, may on its own initiative require the contract market to enact such rules as are necessary to accomplish the objectives of section 5a(10). Thus, section 5a(10) gives the Commission plenary authority over the designation of delivery points and locational price differentials on commodity futures contracts.

The Commission is seeking comment in an attempt to formulate Commission policy to be used in evaluating contract market delivery points and locational price differentials in terms of section 5a (10) and other relevant sections of the Act.[2] The Commission also seeks comment on what policy, if any, should be developed for prescribing alternative delivery points or locational price differentials under section 5a(10). Since the delivery point issue is more significant in commodities with higher relative costs of transportation and/or those commodities with distinct geographic markets, the Commission is particularly interested in comments respecting the food and timber commodities.

A list of matters on which the Commission is seeking comment includes the following:

1. The criteria which should be used to evaluate the desirability of a particular delivery point or set of delivery points for the purposes of reducing potental market congestion, manipulation, and abnormal movements of commodities in interstate commerce.

2. The manner in which the locational price differentials between multiple delivery points should be established to prevent market congestion, manipulation and abnormal movements of commodities in interstate commerce.

3. The use of multiple delivery points to circumvent the market congestion and manipulation which may occur when a terminal market of declining commercial importance is employed as the sole delivery location on a contract market, and the criteria for choosing additional or alternative delivery locations.

4. Whether an increase in the number of delivery points for a contract, for the purposes of reducing the potential for manipulation and congestion, will in some other manner reduce the utility of the contract for price basing or hedging.

Persons interested in participating in the Commission's hearing should contact Dennis Avery, Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C., 20036, (202) 254–6289, before February 13, 1976. In addition, persons wishing to appear at the Commission's hearing should forward a copy of their proposed testimony to Mr. Avery by February 16, 1976. Oral presentations will be limited to 15 minnutes; the Commission and its staff may question commentators at the conclusion of their prepared testimony.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

Dated: January 16, 1976.

[FR Doc.76–1933 Filed 1–21–76;8:45 am]

DUAL TRADING BY FLOOR BROKERS AND FUTURES COMMISSION MERCHANTS

Determination on Dual Trading and Notice of Public Hearing

On December 12, 1975, the Commodity Futures Trading Commission ("Commission") announced that it was proposing to adopt by January 21, 1976, regulations that would require all contract markets that wish to continue to permit dual trading by floor brokers and futures commission merchants after June 30, 1976, to adopt, and obtain Commission approval of, certain rules to regulate dual trading.[1] Public comment was sought on the Commission's proposed regulations with the comment period ending on January 12, 1976.[2] In response to the Commission's release, comments were received, some of which requested an opportunity for an oral hearing. The Commission has determined to hold an oral hearing.

Paragraphs (1) and (2) of section 4j of the Commodity Exchange Act, as amended ("Act"), 7 U.S.C. § 6j (1) and (2), direct the Commission to determine whether the practice generally known as dual trading may continue; that is (1) whether floor brokers may trade for their own account or any account in which they have trading discretion and also execute a customer's order for commodity futures contracts and (2) whether futures commission merchants may trade for their own account or any proprietary account. Section 4j further states that if the Commission decides to permit dual trading, it shall determine the terms, conditions and circumstances under which dual trading may occur. The section also provides that the Commission shall, at a minimum, consider the effect on liquidity of the market place in any determination it shall make and that the Commission may make separate determinations for different contract markets, i.e., on a pit-by-pit basis.

As a result of the Commission's review of the comments received in response to its earlier announcement, and the Commission's own independent consideration, the Commission has determined to permit dual trading to continue on contract markets for the present and to adopt regulations which will require contract markets to adopt adequate and enforceable rules to prevent the possible conflict of interest which is inherent in dual trading. As noted, the Commission on December 12, 1975, proposed regulations which would require the adoption of such rules by contract markets. While the Commission has determined that it will adopt regulations in this area, the Commission believes that many of the comments received raise issues which require further exploration. Therefore, the Commission has determined that an oral hearing on the regulations, including enforcement procedures, proposed on December 12, 1975, in particular, and on the matter of dual trading, in general, would be of value before regulations in this area are adopted.[3] Since the Commission's power to regulate, or ban, dual trading under section 4j of the Act, 7 U.S.C. 6j, is ongoing, the Commission's initial determination, announced today, to permit dual trading and any subsequent determinations, including the adoption of regulations in this area, will be continually reviewed in order to determine their effectiveness.

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[2] While section 5a(10) greatly increased the authority of the Commission over the designation of delivery points and locational price differentials, the Act has many other provisions governing delivery. In that connection, section 5(a) of the Act provides that the Commission shall designate a board of trade as a contract market "when, and only when," a board of trade is located at a terminal market or if not so located, when such board of trade provides for the delivery of commodities at a delivery point or points upon terms and conditions approved by the Commission.

Also, section 5(d) provides that a board of trade shall be designated as a contract market only when such contract market "provides for the prevention of manipulation of prices and the cornering of any commodity by the dealers or operators upon such board." The Commission believes that section 5(d) impacts significantly upon the delivery point question. *See also* sections 5a(12) and 8a(7).

[1] *See* 40 F.R. 58660 (December 18, 1975). In that release the Commission set forth some of the background of the dual trading controversy and described the rules being proposed. The Commission's release noted that certain of the rules proposed were "a codification of principles of agency law" and that certain of the activities proscribed by the proposed rules were presently "violations of the [Commodity Exchange] Act and the regulations issued thereunder."

[2] The Commission's release also proposed a regulations that would:

. . . ban dual trading by floor brokers after January 16, 1977, on any contract market that has not submitted to that date a plan which provides for the development of a method for recording to permit reconstruction of the sequence of futures transactions executed on the contract market. Furthermore, this proposed regulation would prohibit dual trading by floor brokers on a contract market after April 17, 1977, or such later date as the Commission may determine in connection with a particular plan, unless a plan of that contract market for recording to permit reconstruction of the sequence of futures transactions has been declared effective by the Commission.

[3] One commentator has suggested that an oral hearing is mandatory with respect to the proposed rules. Such a requirement is not contained in either the Commodity Exchange Act or other federal law.

The Commission's oral hearing will commence at 10:00 a.m. on March 15, 1976, in Washington, D.C. at a location to be announced. The Commission will receive oral and written testimony from interested persons concerning dual trading by floor brokers and futures commission merchants. Although the Commission has determined to permit dual trading, subject to regulations to be promulgated, the Commission, exercising its ongoing powers under § 4j of the Act, is interested in testimony from those who believe that dual trading should be banned or severely restricted.[4] The Commission also seeks specific comment on the rules proposed on December 12, 1975. 40 FR 58660 (December 18, 1975). The Commission is particularly interested in specific factual data from both proponents and opponents of dual trading. It is contended, for instance, that dual trading promotes liquidity. The Commission seeks factual data supporting this contention. Furthermore, the Commission seeks comment on how regulatory standards can be enforced without some method of reconstructing the sequence of transactions.

Persons interested in presenting testimony at the Commission's hearing should contact Ms. Jane Stuckey, Director, Office of the Secretariat, Commodity Futures Trading Commission, 1120 Connecticut Avenue NW., Washington, D.C. 20036, (202) 254–6314, before March 1, 1976. In addition, persons wishing to present testimony at the Commission hearing should forward a copy of their proposed testimony to Jane Stuckey by March 8, 1976. Oral presentations will be limited to 30 minutes and the Commission and its staff may question commentators at the conclusion of their prepared testimony. Comments received in response to the Commission's December 12th announcement will be made part of this rule making proceeding.

Dated: January 20, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76–2083 Filed 1–21–76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

PRODUCT SAFETY ADVISORY COUNCIL

Meeting

Notice is given that a meeting of the Product Safety Advisory Council will be held on Tuesday, February 3, 1976 (9 a.m. to 6 p.m.) and Wednesday, February 4, 1976 (9 a.m. to 4 p.m.) in the 6th Floor Conference Room, 1750 K Street NW., Washington, D.C.

The Advisory Council has been established pursuant to section 28 of the Consumer Product Safety Act (Pub. L. 92–573, 86 Stat. 1230; 15 U.S.C. 2077). The Act provides that the Commission may consult with the Council before prescribing a consumer product safety rule or taking other action under the Act.

The agenda for this meeting will include on February 3, 1976, from 9 a.m. to Noon an orientation session for new members and election of a Co-Chairperson. The afternoon of February 3, beginning at 1 p.m. and continuing until 6 p.m., will be devoted to meetings of individual subcommittees on the following subjects: (1) Education and Information, (2) State Relations and Legislation, (3) Enforcement and Surveillance; (4) Standards, and (5) Bans and Recalls.

The agenda for February 4, 1976, will include subcommittee reports to the full Council, followed by discussion of policy issues relating to (1) the export of products which present a substantial product hazard under section 15 of the Consumer Product Safety Act, and (2) consumer considerations with respect to government regulations; i.e., "how safe is safe enough". On Wednesday, the Council will also be briefed by staff on two consumer product safety standards which the Commission will soon propose, dealing with architectural glazing material and bookmatches.

Persons wishing to make oral or written presentations to the Committee, should notify the Secretary of the Consumer Product Safety Commission at least five days in advance of the meeting. The meeting is open to the public; however, space is limited. Further information concerning this meeting and final agenda may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, phone (202) 634–7700.

Dated: January 20, 1976.

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

[FR Doc.76–2061 Filed 1–21–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 481–6]

REGISTRATION OF A PESTICIDE PRODUCT

Consideration of Data by the Administrator in Support of an Application

The Environmental Protection Agency (EPA) is responsible for administering programs for the regulation of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.). This statute was comprehensively amended by the Federal Environmental Pesticide Control Act of 1972 (Pub. L. 92–516, 86 Stat. 973, hereinafter referred to as the "1972 FIFRA"). On November 28, 1975, the President signed into law H.R. 8841 (Pub. L. 94–140), a bill which amended the 1972 FIFRA in a number of important respects.

Among the amendments to the 1972 FIFRA accomplished by H.R. 8841 was an amendment to section 3(c)(1)(D), a section which imposes important restrictions on the Administrator's consideration, in support of a registration application, of data previously submitted by another applicant for registration. The amendments contained in H.R. 8841 were effective immediately upon enactment. Thus, all applications for registration granted on or after that date were subject to the provisions of section 3(c)(1)(D) as amended by H.R. 8841. As it is apparent that Congress did not intend the amendments to section 3(c)(1)(D) contained in H.R. 8841 to cause any interruption in the Agency's registration program, this notice announces the changes which the amendments have accomplished to the previously established procedures for implementing section 3(c)(1)(D).

At the same time, this notice announces certain other changes in the Agency's section 3(c)(1)(D) procedures which were brought about by other events which occurred prior to November 28, 1975, the date of enactment of H.R. 8841. For the most part, changes in this latter category were accomplished in the rulemaking proceeding which culminated on July 3, 1975, with the publication of regulations implementing section 3 of the 1972 FIFRA. As is developed more fully below, the Agency has been following the practice of communicating changes in this latter category to affected applicants for registration by letter, on a case by case basis. These changes are reiterated in this Notice in order to communicate them generally to all applicants for registration, and to the public at large. It is the Agency's hope that by so doing it will be able to proceed with future registration actions in an orderly and efficient manner, avoiding delays caused by repetitious correspondence with individual applicants.

As is also discussed more fully below, the Agency is in the process of developing regulations dealing comprehensively with the many issues raised by section 3(c)(1)(D). These regulations will, of course, incorporate the changes in section 3(c)(1)(D) procedures accomplished by H.R. 8841 and the other events which preceded the enactment of H.R. 8841. Another purpose served by the present notice is to invite comment from the pesticide industry, user groups, and the public at large concerning the content of these regulations, and the issues which must be resolved prior to their promulgation.

I. *Background.* Section 3(c)(1)(D) of the 1972 FIFRA provided that each applicant for registration shall file:

> If requested by the Administrator, a full description of the tests made and the results thereof upon which the claims are based, except that data submitted in support of an application shall not, without permission of the applicant, be considered by the Administrator in support of any other application for registration unless such other applicant shall have first offered to pay reasonable compensation for producing the test data to be relied upon and such data is not protected from disclosure by Section 10(b). If the parties cannot agree on the

[4] Several commentators proposed, through written submission, that dual trading be banned.

amount and method of payment, the Administrator shall make such determination and may fix such other terms and conditions as may be reasonable under the circumstances. The Administrator's determination shall be made on the record after notice and opportunity for hearing. If the owner of the test data does not agree with said determination, he may, within thirty days, take an appeal to the federal district court for the district in which he resides with respect to either the amount of the payment or the terms of payment, or both. In no event shall the amount of payment determined by the court be less than that determined by the Administrator.

On November 19, 1973, EPA partially implemented section 3(c)(1)(D) by publishing in the FEDERAL REGISTER (38 FR 31862) a document entitled: "Consideration of Data by the Administrator in Support of Applications: Interim Policy" (hereinafter "Interim Policy Statement"). The Interim Policy Statement implemented the portion of section 3(c)(1)(D) which limits consideration by the Administrator of data submitted in support of a previous application, but it did not implement the portion concerning determinations by the Administrator of the amount and method of compensation. The Interim Policy Statement established the following procedures: each application for registration submitted to EPA on or after November 19, 1973, must contain an express written offer to pay reasonable compensation for the use of test data submitted to the Agency in support of an application for registration for the first time on or after October 21, 1972 (the effective date of the 1972 FIFRA). Further, each applicant was required, by paragraph 2, to either: (a) submit all required supporting data; (b) refer to other readily available data, either in other applications or the open literature; or (c) request that registration proceed "on the basis of use patterns, efficacy and safety previously established under FIFRA." Upon receipt of an application, notice of the application was to be published in the FEDERAL REGISTER. The Interim Policy Statement prescribed a form and procedure for filing claims for compensation. If a claim was filed against an application proceeding under paragraph 2(a) or 2(b), the application would nonetheless be processed without delay and determination of any claims for compensation would be deferred. Applications proceeding under paragraph 2(c) were not to be processed for 60 days following FEDERAL REGISTER publication of notice of the application. If no claim was received within the 60 day period, the application would be processed. However, if a claim was received within that period, the applicant would be notified and was required to elect one of three options: (1) to submit a revised application under 2(a) or 2(b); (2) to concede that his application relied upon the data on which the claim was based, and to request that EPA process the application on that basis; or (3) request EPA approval to continue under 2(c) without reliance on the data on which the claim was based, but relying instead on other data specified by the applicant. When the applicant had selected his option, EPA would resume the processing of the application on the basis selected. Claims filed against 2(c) applications were set aside for adjudication at a later time, as was the case with claims filed against either 2(a) or 2(b) applications.

II. *Enactment of H.R. 8841.* Changes to Agency policy and procedure with respect to section 3(c)(1)(D) were accomplished by the Congress through enactment of H.R. 8841. Section 12 of that bill amended section 3(c)(1)(D) of the 1972 FIFRA to read as follows:

(D) If requested by the Administrator, a full description of the tests made and the results thereof upon which the claims are based, except that data submitted *on or after January 1, 1970,* in support of an application, shall not, without permission of the applicant, be considered by the Administrator in support of any other application for registration unless such other applicant shall have first offered to pay reasonable compensation for producing the test data to be relied upon and such data is not protected from disclosure by section 10(b). *This provision with regard to compensation for producing the test data to be relied upon shall apply with respect to all applications for registration or reregistration submitted on or after October 21, 1972.* If the parties cannot agree on the amount and method of payment, the Administrator shall make such determination and may fix such other terms and conditions as may be reasonable under the circumstances. The Administrator's determination shall be made on the record after notice and opportunity for hearing. If *either party* does not agree with said determination, he may, within thirty days, take an appeal to the Federal district court for the district in which he resides with respect to either the amount of the payment or the terms of payment, or both. *Registration shall not be delayed pending the determination of reasonable compensation between the applicants, by the Administrator or by the court.* (New language is in italic.)

These amendments make the following substantive changes in previous law and practice with respect to the section:

1. Data previously submitted to the Agency on or after January 1, 1970, is subject to section 3(c)(1)(D) rather than only data previously submitted to the Agency on or after October 21, 1972.

2. The provisions of section 3(c)(1)(D) apply to all applications for registration submitted to the Agency on or after October 21, 1972, rather than only those applications submitted to the Agency on or after November 19, 1973. Thus, any application still pending before the Agency which was submitted after October 21, 1972, but before November 19, 1973, is now subject to section 3(c)(1)(D).

3. The Administrator cannot delay registration of a pesticide pending the resolution of a claim for compensation.

4. All parties to the Administrator's determination on reasonable compensation are now given the same appellate rights in the courts. Previously, only the owner of the test data could appeal to a Federal district court, and the amount of payment determined by the court could not be less than that determined by the Administrator.

III. *Promulgation of New Regulations on the Registration of Pesticide Products.* On July 3, 1975, in accordance with section 3 of the FIFRA, as amended, the Agency published regulations on the registration, reregistration and classification of pesticides (40 FR 28242). These regulations became effective on August 4, 1975, and apply to all applications for registration either first submitted, or resubmitted, to the Agency after that date. As is more fully developed below, these regulations eliminated paragraph 2(c) of the Interim Policy Statement as an acceptable method of support for registration applications subject to these new regulations. Since August 4, 1975, the Agency, in accordance with sections 162.6(a)(5) of the regulations and 162.46(d) of the Registration Guidelines (40 FR 41788), has issued notices of deficiency for applications subject to the new regulations that were submitted utilizing the 2(c) method of support, and has instructed the applicant to explore other methods of support under the Interim Policy Statement that are still viable, i.e. submitting all supporting data [2(a)] or specific references to all supporting data [2(b)].

Under the 2(c) method of support an applicant did not identify the data upon which he relied to support his application, but instead requested that registration proceed "on the basis of use patterns, efficacy and safety previously established under the FIFRA." The new regulations clearly place the burden on the applicant to substantiate all claims made for the pesticide and to demonstrate that it will perform its intended function without causing unreasonable adverse effects on man or the environment (see secs. 162.6(b), 162.7(d), 162.8(a)). The regulations, at section 162.6(b)(1), provide that the applicant may meet this burden of proof by either submitting all the necessary data along with the application, or by referencing data previously submitted to the Agency in support of another registration. Thus, applicants subject to the new regulations have two options, which in effect are the 2(a) or 2(b) methods of support under the Interim Policy Statement. Additionally, it should be noted that the new regulations establish data requirements which go beyond the data requirements under previous law. Accordingly, even if the 2(c) method of support had not been eliminated as an acceptable method of support under the new regulations, there would necessarily be a considerably time period before any use patterns could be considered "established" under the new regulations.

Moreover, there were further reasons for eliminating 2(c) as an acceptable method of support for applications subject to the new regulations. In order to fulfill certain statutory mandates under the 1972 FIFRA, the Agency must be able to identify specifically all the data relied upon to support each application. The

2(c) method of support of the Interim Policy made it difficult—if not impossible—to identify all the data relied upon to support a specific application. Such identification is necessary not only for the purposes of section 3(c)(1)(D) of the Act, but also to satisfy the Congressional directives in sections 10(b) (concerning trade secrets and confidential information) and 3(c)(2) (concerning availability to the public of data relied upon in registration). Section 3(c)(1)(D) prohibits reliance by the Administrator, without permission of the owner, on data within the scope of both sections 10(b) and 3(c)(1)(D). Section 10(b) of the Act prohibits the Administrator from releasing to the public certain information,[1] ministrator, except as provided by section 10, to make available to the public the data relied upon to register a pesticide product.[2] Section 162.7(f) of the new while section 3(c)(2) requires the Administrator to make available to the public the data relied upon to register a pesticide product.[2] Section 162.7(f) of the new regulations implements section 3(c)(2) of the Act by providing as follows:

(f) *Disposition of Materials Submitted in Support of Registration.* The test data and other information submitted in support of the registration application shall become a part of the official file of the Agency for that registration. Except as provided by section 3(c)(1)(D) and section 10 of the Act, within 30 days after the registration of a pesticide, the data called for in the registration statement together with such other scientific information as the Administrator deems relevant to his decision shall be made available for public inspection.

Thus, it is absolutely essential for EPA to be able to identify all of the data relied upon in support of each application which is subject to the new regulations. The Interim Policy Statement, however, frankly acknowledged that "in the case of a product proceeding to registration under 2(c), it may be impossible to determine . . . what specific data if any were considered by EPA in support of the application for registration." Because the 2(c) method of support prevents the discharge of important obligations under the Act, it was eliminated by the new regulations as an acceptable method of support for applications for registration subject to the new regulations.

IV. *Current Procedures for Implementing 3(c)(1)(D).* In summary, the publication of the new section 3 regulations on July 3, 1975, and the enactment of H.R. 8841 on November 28, 1975, have accomplished changes in the Agency's procedures under section 3(c)(1)(D), as set out in the Interim Policy Statement. Until modified by the promulgation of new regulations, the Agency procedures for implementing section 3(c)(1)(D) shall be as set forth in the Interim Policy Statement, with the modifications accomplished by the section 3 regulations and H.R. 8841. These modifications are as follows:

(1) All applications for registration submitted to the Agency after October 21, 1972, and not approved on or before November 28, 1975, must contain an express, written offer to pay reasonable compensation to the extent provided under section 3(c)(1)(D) for use of any test data submitted to EPA in support of an application for registration for the first time on or after January 1, 1970.

(2) Each applicant subject to the new registration regulations must proceed under either the 2(a) or 2(b) method of support of the Interim Policy Statement i.e., he must submit all the necessary supporting data [2(a)], or specific references to all supporting data [2(b)].

(3) Unless specifically requested by the applicant in writing, the Administrator will not defer action on any registration application ending the resolution of any claim for compensation.

As provided in the Interim Policy Statement, the Agency will publish a notice of receipt of every application for registration in the FEDERAL REGISTER. After publication of this notice in the FEDERAL REGISTER, the Administrator will make available a list of the data citations of all applicants, in order to provide an opportunity for the assertion of claims for compensation and the assertion of claims that data are entitled to protection under section 10 of the Act. The Administrator shall allow a reasonable period of time (not less than thirty days) after publication of the FEDERAL REGISTER notice for inquiries and any assertion of claims that data are entitled to protection under section 10. The Administrator shall treat a request to rely on data with respect to which a claim of confidentiality under section 10 is made in the same manner as a request for disclosure of such data. Thus, in such circumstances, the Administrator shall determine as quickly as possible whether the data are subject to protection under section 10 and shall notify the claimant and the applicant of his determination. If the Administrator determines that the data are not subject to protecion under section 10, the application will not be approved in reliance upon such data until the claimant has been afforded an opportunity to seek judicial review of the determination as set forth in section 10(c) of the FIFRA.

V. *Development of Regulations; Public Comment.* The Agency is currently developing regulations to fully implement section 3(c)(1)(D). These regulations will incorporate the changes accomplished by the new amendments and the section 3 regulations, and other changes which the Agency believes necessary to implement section 3(c)(1)(D) in an efficient and cost effective manner. However, before such regulations can be promulgated, additional procedures newly required by H.R. 8841 must be followed. The relevant provisions of H.R. 8841 in this regard are as follows:

(1) Section 2 of H.R. 8841 amends section 25(a) of the 1972 FIFRA to require the Agency to formally submit proposed and final regulations under the Act to the Secretary of Agriculture for review and comment. Section 2 further requires public notification of referral to the Secretary and publication of any comments of the Secretary and the response of the Administrator thereto in the FEDERAL

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[1] Section 10 of the amended FIFRA provides:

"(a) In General—In submitting data required by this Act, the applicant may (1) clearly mark any portions thereof which in his opinion are trade secrets or commercial or financial information and (2) submit such marked material sepaartely from other material required to be submitted under this Act.

(b) Disclosure—Notwithstanding any other provision of this Act, the Administrator shall not make public information which in his judgment contains or relates to trade secrets or commercial or financial information obtained from a person and privileged or confidential, except that, when necessary to carry out the provisions of this Act, information relating to formulas of products acquired by authorization of this Act may be revealed to any Federal agency consulted and may be revealed to any Federal agency consulted and may be revealed at a public hearing or in findings of fact issued by the Administrator.

(c) Disputes—If the Administrator proposes to release for inspection information which the applicant or registrant believes to be protected from disclosure under subsection (b), he shall notify the applicant or registrant, in writing, by certified mail. The Administrator shall not thereafter make available for inspection such data until thirty days after receipt of the notice by the applicant or registrant. During this period, the applicant or registrant may institute an action in an appropriate district court for declaratory judgment as to whether such information is subject to protection under subsection (b)."

[2] Section 3(c)(2) of the amended FIFRA provides in part:

". . . Except as provided by subsection (c)(1)(D) of this section and section 10, within 30 days after the Administrator registers a pesticide under this Act he shall make available to the public the data called for in the registration statement together with such other scientific information as he deems relevant to his decision."

REGISTER, with the publication of the proposed or final regulation.[3]

(2) Section 6 of H.R. 8841 amends section 25(a) of the FIFRA to require the Administrator to furnish a copy of any proposed and final regulation to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate at the same time as a copy of the regulation is provided to the Secretary of Agriculture.[4]

(3) Section 7 of H.R. 8841 amends section 25 of the 1972 FIFRA to require the Administrator to submit a copy of any proposed or final regulation to a Scientific Advisory Panel for review and comment, within the same time period as provided for the comments of the Secretary of Agriculture. The comments of the Scientific Advisory Panel and the response of the Administrator must be published in the FEDERAL REGISTER in the same manner as provided for publication of the comments of the Secretary of Agriculture, and the response of the Administrator thereto.[5]

Because of these new procedural requirements, it is reasonable to anticipate that it will be some time before the Agency will be in a position to promulgate these new regulations governing section 3(c)(1)(D). However, in order to facilitate the development of these new regulations, the Agency has concluded that copies of the current draft should be made available to interested persons, upon request. The Agency cautions that this draft represents the Agency's preliminary conclusions, and that it should not be regarded as a proposed regulation within the meaning of section 25(a) of FIFRA as amended by H.R. 8841.

Requests for copies of the draft regulations should be made to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460. Interested persons are invited to submit such written comments as they deem appropriate which pertain to these draft regulations. Comments should be submitted in triplicate to the address provided above. 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 p.m., Monday through Friday.

Dated: January 16, 1976.

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

[FR Doc.76-2008 Filed 1-21-76;8:45 am]

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[3] Section 2 of H.R. 8841 provides as follows:

Sec. 2. (a) Section 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is amended—

(1) By inserting "(1)" immediately after "(a)";

(2) By inserting ", in accordance with the procedure described in paragraph (2)," immediately after "is authorized" in the first sentence; and

(3) By adding the following new paragraph at the end thereof:

"(2) Procedure—"(A) Proposed Regulations—At least 60 days prior to signing any proposed regulation for publication in the Federal Register, the Administrator shall provide the Secretary of Agriculture with a copy of such regulation. If the Secretary comments in writing to the Administrator regarding any such regulation within 30 days after receiving it, the Administrator shall publish in the Federal Register (with the proposed regulation) the comments of the Secretary and the response of the Administrator with regard to the Secretary's comments. If the Secretary does not comment in writing to the Administrator regarding the regulation within 30 days after receiving it, the Administrator may sign such regulation for publication in the Federal Register any time after such 30-day period notwithstanding the foregoing 60-day time requirement.

"(B) Final Regulations—At least 30 days prior to signing any regulation in final form for publication in the Federal Register, the Administrator shall provide the Secretary of Agriculture with a copy of such regulation. If the Secretary comments in writing to the Administrator regarding any such final regulation within 15 days after receiving it, the Administrator shall publish in the Federal Register (with the final regulation) the comments of the Secretary, if requested by the Secretary, and the response of the Administrator concerning the Secretary's comments. If the Secretary does not comment in writing to the Administrator regarding the regulation within 15 days after receiving it, the Administrator may sign such regulation for publication in the Federal Register at any time after such 15-day period notwithstanding the foregoing 30-day time requirement.

"(C) Time Requirements—The time requirements imposed by subparagraphs (A) and (B) may be waived or modified to the extent agreed upon by the Administrator and the Secretary."

"(D) Publication in the FEDERAL REGISTER—The Administrator shall, simultaneously with any notification to the Secretary of Agriculture under this paragraph prior to the issuance of any proposed or final regulation, publish such notification in the Federal Register."

(b) Section 21(a) of such Act is amended by inserting the following immediately before the period: "in accordance with the procedure described in section 25(a)."

[4] Section 6 of H.R. 8841 provides as follows:

Section 6. Section 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is amended by adding a new paragraph (3) at the end thereof as follows:

"(3) Congressional Committees—At such time as the Administrator is required under paragraph (2) of this subsection to provide the Secretary of Agriculture with a copy of proposed regulations and a copy of the final form of regulations, he shall also furnish a copy of such regulations to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate."

[5] Section 7 of H.R. 8841 provides as follows:

Sec. 7. Section 25 of the Federal Insecticide, Fungicide, and Rodenticide Act is amended by the addition at the end thereof of the following new subsection (d):

"(d) Scientific Advisory Panel—The Administrator shall submit to an advisory panel for comment as to the impact on health and the environment of the action proposed in notices of intent issued under section 6(b) and of the proposed and final form of regulations issued under section 25(a) within the same time periods as provided for the comments of the Secretary of Agriculture under such sections. The time requirements for notices of intent and proposed and final forms of regulation may not be modified or waived unless in addition to meeting the requirements of section 6(b) or 25(a), as applicable, the advisory panel has failed to comment on the proposed action within the prescribed time period or has agreed to the modification or waiver. The comments of the advisory panel and the response of the Administrator shall be published in the FEDERAL REGISTER in the same manner as provided for publication of the comments of the Secretary of Agriculture under such sections. The panel referred to in this subsection shall consist of seven members appointed by the Administrator from a list of 12 nominees, six nominated by the National Institutes of Health, and six by the National Science Foundation. The Administrator may require such information from the nominees to the advisory panel as he deems necessary, and he shall publish in the FEDERAL REGISTER the name, address, and professional affiliations of each nominee. Each member of the panel shall receive per diem compensation at a rate not in excess of that fixed for GS-18 of the General Schedule as may be determined by the Administrator, except that any such member who holds another office or position under the Federal Government the compensation for which exceeds such rate may elect to receive compensation at the rate provided for such other office or position in lieu of the compensation provided by this subsection. In order to assure the objectivity of the advisory panel, the Administrator shall promulgate regulations regarding conflicts of interest with respect to the members of the panel."

FEDERAL COMMUNICATIONS COMMISSION

AM MODULATION MONITOR

Notice of Determination

The Office of the Chief Engineer by letter to Time and Frequency has made a determination concerning the use of AM modulation monitors with regard to their use with an off-the-air signal. This letter is being publicized for the information and guidance of others having similar requirements.

TIME & FREQUENCY TECHNOLOGY, INC.,
3000 Olcott Street,
Santa Clara, Calif. 95051.
Attention: Mr. Richard Walsworth, Vice President, Engineering.

GENTLEMEN: This refers to your letter dated November 6, 1975, in reference to your Model 753 AM broadcast modulation monitor, which may be used either connected directly to the associated transmitter, or with the Model 753 receiver for operation with an off-the-air signal. The Model 754 is a plug-in accessory for the Model 753.

In Docket 18360 of October 16, 1968, the Commission isued a Notice of Inquiry on the matter of technical standards for off-the-air monitoring by means of RF amplifiers. The responses which offered comment on technical standards were inadequate to provide a reasonable basis for rulemaking, and some responses pointed out that there were problems with interference, propagation, etc., which might make it impossible to develop

practicable rules for such installations. Accordingly, no further action has been taken on the subject.

The existing rules were developed specifically for the case where the monitor is directly connected to the transmitter. Although the Commission has granted type approval on several monitors having sufficient sensitivity for off-the-air operation, these monitors have been tested only for compliance with the standards set out in §§ 73.50, 73.332, and 73.694. In each case the grant has included the following statement:

This type approval concerns compliance of this equipment with the provisions of Section 73.50 only under conditions which are presumed to exist when the observed signal is obtained by direct connection to the transmitter—that this signal is delivered to the input terminals of the monitor with the relative amplitudes and phases of carrier and side bands unaltered, and is uncontaminated by extraneous noise or by other signals.

In effect, the statement was intended to indicate that no determination was made as to the acceptability of the equipment for use with off-the-air signals; there are no technical standards in the Rules for such operation.

Moreover, the Commission has not proposed nor adopted technical standards for RF amplifiers or receivers intended to drive monitors with off-the-air signals.

There are many stations monitoring off-the-air signals with type approved monitors in conjunction with RF amplifiers of other manufacture. The Commission has not required any of these to be validated, other than by the normal proof of performance tests made at the transmitter, with the monitor relocated there.

Under the circumstances, we consider it inequitable to require testing of the overall performance of such systems as the combination of two units such as your Models 753/754, when only one of the two is the actual monitor covered by type approval. That is, if the basic monitor complies with the requirements of Part 73, the additional effect of the circuits in the RF amplifier or receiver will be ignored providing the connection or non-connection of the accessory does not impair the basic monitor.

Where the monitor incorporates the receiver as a permanently connected part, to be used whether connected to the transmitter or operated from off-the-air signals, it should be understood that the overall instrument must comply with the technical standards of Part 73.

Your letter included some specific questions. The answers to these are as follows:

1. Where an equipment consists of a monitor and a completely separate receiver or RF amplifier, the Commission will not require specifications or test data for the latter, nor will it require submission of the latter for testing.

2. Where the accessory is a device that plugs into the basic monitor, but has completely separate circuitry and power supply, the policy stated above will apply.

3. Where the accessory derives power from the power supply of the basic monitor, or loads in any way the circuits of the monitor, the specifications of the accessory must be furnished, and its submission for testing with the monitor will be required. Evaluation of the accessory will be limited to the effects due to the loading which it imposes on the basic monitor.

4. For FM and TV monitors, the accessory is considered a receiver, and must be certificated under Part 15. A grant of certification will be issued concurrently with the grant of type approval.

5. With regard to § 73.50(b)(1) as to indication of carrier level, we recognize that adequate AGC is a requisite for off-the-air operation, and indication of carrier level changes is necessary both in proof of performance and normal operation. The monitor should be provided with a meter to show variations in carrier level during proof of performance tests and transient variations in carrier level during normal off-the-air operation. The former can be attained by disabling the AGC circuit during proofs. The latter will be assured if the time constant of the AGC is long enough so that transient variations of carrier level are indicated until the AGC resets the gain; basically this merely would require an averaging AGC with a time constant of a few seconds minimum. Other means with equivalent effect may be acceptable.

If you have any further questions, we will be pleased to answer them.

Sincerely yours,

RAYMOND E. SPENCE,
Chief Engineer.
FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-1939 Filed 1-21-76;8:45 am]

CABLE TV TECHNICAL ADVISORY COMMITTEE REPORT

Notice of Availability

JANUARY 7, 1976.

The Commission announces the availability of Volume II of the *Cable Television Technical Advisory Committee Report to the Federal Comunications Commission*, FCC Report No. FCC-CTB-75-01, May 1975, from the National Technical Information Service, Springfield, VA. The above report consists of two volumes: I—Steering Committee Summarization of Basic Report, II—Basic Report (in three parts). Order information is as follows:

Title: Cable Television Technical Advisory Committee Report to the Federal Communications Commission, FCC Report No: FCC-CTB-75-01, Released: May, 1975, Volume II: Basic Report (Parts 1, 2, & 3).

Publisher: National Technical Information Service (NTIS), Springfield, VA 22151.

	Part 1: Panels 1-4	Part 2: Panels 5-7	Part 3: Panels 8-9
NTIS order No.	PB247808/AS	PB247809/AS	PB247810/AS
Cost:			
Paper	$9.25	$10.00	$9.25
Microfiche	2.25	2.25	2.25

Delivery: 4-6 weeks.

Please order directly from NTIS.

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

[FR Doc.76-1941 Filed 1-21-76;8:45 am]

PRIVATE MICROWAVE ADVISORY COMMITTEE

Meeting

JANUARY 12, 1976.

In preparation for the 1979 World Administrative Radio Conference (WARC), the Private Microwave Advisory Committee, headed by Thomas L. Johnson, will hold its next meeting on January 29, 1976, in Washington, D.C. The meeting will be held in Conference Room 8210, Federal Communications Commission, 2025 M Street, N.W., 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.

The public may participate by presenting oral or written statements.

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

[FR Doc.76-1940 Filed 1-21-76;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1479-R]

GLOBAL FORWARDING CO., INC.

Order of Revocation

On January 12, 1976, Global Forwarding Co., Inc., 1121 Walker Street, Suite 1701, Houston, Texas 77002, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1479-R for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), Section 5.01(b), dated June 30, 1975;

It is ordered, that Independent Ocean Freight Forwarder License No. 1479-R issued to Global Forwarding Co., Inc., be and is hereby revoked effective January 31, 1976, without prejudice to reapply for a license in the future.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served upon Global Forwarding Co., Inc.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.76-1988 Filed 1-21-76;8:45 am]

[INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE NO. 1523]

LANDAIR CORP.

Order of Revocation

By letter dated December 16, 1975, Blanche E. Miller, Vice President of

Landair Corp., Post Office Box 19837, Columbus, Ohio 43219, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1523 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before January 15, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Landair Corp. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (revised) Section 5.01(c) (dated 6/30/75);

It is ordered, that Independent Ocean Freight Forwarder License No. 1523, issued to Landair Corp., be returned to the Commission for cancellation.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1523 be and is hereby revoked effective January 15, 1976.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served upon Landair Corp.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.76-1989 Filed 1-21-76;8:45 am]

U.S. ATLANTIC & GULF/AUSTRALIA–NEW ZEALAND CONFERENCE AND PACIFIC COAST–AUSTRALASIAN TARIFF BUREAU

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 11, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by: Stanley O. Sher, Esq., Billig, Sher & Jones, P.C., Suite 300, 1126–16th Street, NW., Washington, D.C. 20036.

Agreement 10214 would permit the U.S. Atlantic & Gulf Australia-New Zealand Conference and the Pacific Coast-Australasian Tariff Bureau to ". . . meet together from time to time for the purpose of exchanging information and discussing matters of mutual interest including but not limited to self-policing, cargo inspection and enforcement, cargo movements and routings, modes and frequency of service required by the shipping public, costs of service, rates, rules and tariff practices relating to or connected with the transporting, receiving, handling, storing and delivery of cargo, U.S. inland rates and practices, interchange with connecting land carriers, positioning, detention and other intermodal aspects of their respective operations and general economic conditions affecting the Trade. Neither party shall be under any obligation to exchange information."

By Order of the Federal Maritime Commission.

Dated: January 19, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-1987 Filed 1-21-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-401]

ARKANSAS POWER AND LIGHT CO.

Proposed Changes in FPC Rate Schedules

JANUARY 14, 1976.

Take notice that on December 30, 1975, Arkansas Power and Light Company (Company) tendered for filing proposed changes in two of the Company's rate schedules:

1. Arkansas Power & Light Company Rate Schedule FPC No. 67
2. Arkansas Power & Light Company Rate Schedule FPC No. 52

Both of these schedules are contracts between the Company and the Arkansas Electric Cooperative Corporation (AECC). The Company states that the changes in FPC No. 67 include the addition of three points of delivery, an increase in capacity at fifteen other points of delivery, and the abandonment of two points of delivery. The Company further states that the changes in FPC No. 52 include an increase in capacity at two points of delivery.

Some of the changes are not proposed to take effect until June 1, 1976. For these reasons, the Company requests waiver of the Commission's ninety day rule on filings.

The Company states that due to a difficulty in making accurate estimates on the billing effect of these changes, no billing data was filed. The Company requests waiver of the Commission's Regulations concerning this proposed filing.

A copy of the filing has been mailed to AECC.

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 27, 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.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1886 Filed 1-21-76;8:45 am]

[Docket No. ER76-445]

BOSTON EDISON CO.

Tariff Change

JANUARY 14, 1976.

The Federal Power Commission issues notice that Boston Edison Company (Edison) on January 2, 1976, tendered for filing amendments to its all requirements contracts for resale service to bring its fuel clause into compliance with Commission Order No. 517. The affected customers and the FPC rate schedule designations of their contracts are as follows:

Customers:	*F.P.C. rate schedule No.*
Concord	47
Norwood	48
Reading	49
Wellesley	51

Edison requests that the changes be allowed to become effective on January 1, 1976.

Edison asserts that the changes would bring its fuel clause into full compliance with Commission Regulations. The base cost of fuel is revised to reflect fuel costs for the 12 months ending December 31, 1975 and the basic energy charge is revised to roll in the increases in base fuel costs. The new fuel clause eliminates the two month lag in recovery of fuel costs Edison also proposes a temporary surcharge to recover unbilled fuel costs resulting from the switch from two month lagging to current month billing of fuel costs.

Any persons desiring to be heard or to make any protest with reference to said filing, should, on or before January 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commissoin'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 participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The documents filed by Public Service are on file with the Commission and available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1888 Filed 1-21-76;8:45 am]

[Dockeet No. RP73-65; PGA No. 76-2a]

COLUMBIA GAS TRANSMISSION CORP.

Order Accepting for Filing Proposed PGA Rate Change, Granting Waiver, Granting Intervention, and Denying Request for Suspension and Hearing

JANUARY 14, 1976.

On December 1, 1975, Columbia Gas Transmission Corporation (Columbia) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. The proposed changes would increase PGA rates by $43,199,552 annually to recover increases in the cost of gas purchased from Columbia's pipeline suppliers. Columbia has requested that the proposed changes be made effective January 15, 1976.

On December 19, 1975, Columbia tendered for filing substitute tariff sheets[1] amending its December 1 filing so as to request a PGA rate increase of $41,738,063. Cloumbia states that the amendatory filing reflects recent modifications in the rates of its pipeline suppliers. Columbia requests that the Commission grant such waiver of its Rules and Regulations as to permit the substitute tariff sheets to be effective January 15, 1976.

Public notice of the December 1 filing was issued on December 8, 1975, with protests or petitions to intervene due on or before December 29, 1975. Public notice of the amendatory filing of December 19 was issued on January 2, 1976, with protests or petitions to intervene due on or before January 13, 1976.

On December 16, 1975, UGI Corporation, a wholesale customer of Columbia, filed a protest and petition to intervene. UGI Corporation disputes the basis upon which the rate increase has been calculated and requests that the rate increase be suspended for one day and that the matter be set for hearing.

On December 17, 1975, the Public Service Commission of West Virginia filed a notice of intervention.

In computing the subject PGA increase Columbia utilized as a calculation period the 12-month period ended April 30, 1975, this being the calculation period of its last semiannual PGA increase that was filed July 1, 1975 and which became effective September 2, 1975. Although the PGA clause in Columbia's tariff combines both producer and pipeline purchases to determine one system-wide average cost of gas, pipeline supplier costs may be tracked as here at times other than the semiannual PGA rate change filings. In support of the calculation period used, Columbia states as follows:

Although Section 20.3 of the Purchased Gas Adjustment provisions of Columbia's FPC Gas Tariff, Original Volume No. 1, states: "The term Calculation Period as used herein shall be the twelve-month period ending not more than three months preceding the filing date of a change in rates under the provisions of the Purchased Gas Cost Adjustment", Columbia believes that since the sole purpose of the instant filing is to "track" the aforementioned pipeline supplier rate changes, it would be inappropriate to utilize an updated Calculation Period which would result in the tracking of supplier producer cost changes and would, therefore, be in conflict with Part 154.38(d)(4)(iv) of the Commission's Regulations under the Natural Gas Act as prescribed by Commission Order No. 452 issued April 14, 1972.

Upon review of Columbia's PGA clause we find the only use of the term "calculation period" to be in Section 20.4 entitled *"Computation of Purchased Gas Cost Adjustment Effective March 1, and September 1"*, this section being applicable to Columbia's semiannual PGA rate changes. Section 20.1(a) applicable to other than semiannual rate changes is silent as to the calculation period and merely provides as follows:

Rate changes shall be computed and filed to be effective on March 1 and September 1 of each year or may be computed and filed when increased pipeline supplier rates not included in the previous semiannual rate equate to an increase in gas costs of at least one cent (1¢) per Mcf of annual sales.

Furthermore, we find Columbia's choice of calculation period to be consistent with the designed purpose of Columbia's PGA clause as most recently amended in Docket No. RP74-82. By order issued July 7, 1975, in that docket, the Commission approved PGA revisions designed to, *inter alia*, (1) limit Columbia's filing for pipeline increases when such increases amount to at least 1¢ per Mcf of annual sales and (2) permit Columbia to recover the increase in its actual cost of gas purchased resulting from the change in mix of its supply. We find that, in the case of Columbia, use of the same calculation period as used in Columbia's last semiannual filing provides a reasonable basis for deriving PGA rate changes for supplier pipeline increases so as to exclude the effect of supplier producer cost changes.

In its protest and petition to intervene, UGI Corporation relies upon the following grounds for relief:

A preliminary examination of the subject filing indicates that the proposed PGA increase which Columbia seeks to put into effect may well have been calculated on a basis which the passage of time may have rendered inappropriate and that it may, therefore, be unjust, unreasonable, unduly discriminatory or preferential; that it should be suspended for a single day and made the subject of a hearing. The sheer magnitude of the increase ($43,000,000 annually) also suggests in itself the need for greater than ordinary scrutiny of the basis upon which it has been determined.

Notwithstanding UGI Corporation's rather general allegations, our review, as previously discussed, revealed no impropriety in Columbia's basis for calculating the proposed PGA change.

Accordingly, we shall deny UGI Corporation's request for suspension and hearing and shall accept the proposed PGA rate change for filing and permit it to become effective January 15, 1976.

Our review indicates that UGI Corporation and the Public Service Commission of West Virginia (Petitioners) have sufficient interests in this proceeding so as to warrant intervention.

The Commission finds: (1) Good cause exists to accept for filing the revised tariff sheets listed in footnote 1 and to permit them to become effective January 15, 1976.

(2) Good cause exists to grant Columbia's request for waiver of the Commission's Regulations so as to permit the requested effective date.

(3) Good cause exists to allow Petitioners to intervene in this proceeding.

(4) Good cause does not exist to grant UGI Corporation's request for suspension and hearing.

The Commission orders: (A) The revised tariff sheets listed in footnote 1 are hereby accepted for filing and permitted to become effective January 15, 1976.

(B) Columbia's request for waiver of the Commission's Regulations so as to permit the requested effective date is hereby granted.

(C) UGI Corporation's request for suspension and hearing is hereby denied.

(D) Petitioners are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY KIDD PEAK,
Acting Secretary,

[FR Doc.76-1889 Filed 1-21-76;8:45 am]

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[1] Substitute Twenty-Sixth Revised Sheet No. 16 and Substitute Tenth Revised Sheet No. 64A to FPC Gas Tariff, Original Volume No. 1.

[Docket No. ER76-413]

DUKE POWER CO.

Fuel Adjustment Clause Filing

JANUARY 14, 1976

Take notice that on January 2, 1976, the Duke Power Company (Company) tendered for filing a revised supplement to the Interconnection Agreement between Yadkin, Inc., and Company, dated June 14, 1961 and designated as Duke Power Company Rate Schedule FPC No. 11.

Company states that this filing modifies the fuel cost adjustment clause as of January 1, 1976, in the Service Schedule F, Supplement No. 6 to Rate Schedule FPC No. 11 to conform to the Commission's Order No. 517 issued in Docket No. R-479.

Company further states that copies of Service Schedule F and Company's transmittal letter have been mailed to the Power Superintendent of Yadkin, Inc.

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 Commissions rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1891 Filed 1-21-76;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 13, 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, 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 February 2, 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 publis inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1885 Filed 1-21-76;8:45 am]

[Docket No. CI76-306]

B. J. HICKMAN OIL OPERATING

Application

JANUARY 14, 1976.

Take notice that on December 12, 1975, B. J. Hickman Oil Operating (Applicant), Post Office Box 130, Kimball, Nebraska 69145, filed in Docket No. CI76-306 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the sales of natural gas to Cities Service Oil Company (Cities Service), from a well in Sec. 1, T11N, R56W, Rush Creek Field, Weld County, Colorado, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it purchased the subject well from Baden Oil Company on June 30, 1975, and that the well has not produced natural gas since October 1, 1974. Applicant alleges that to produce gas from the well, it would be necessary to reperforate the sands, chemically treat the well under pressure, and install a downhole pumping unit with a string of rods. In addition, it is alleged that a pumping unit and engine must be installed. Applicant estimates that the total cost of the down hole reworking and equipment would be between $25,000 and $40,000. Applicant states that the contract of July 20, 1955, provides for the gas to be sold at 12 cents per Mcf at 16,400 psia and that at that price the reworking of the well would not be economical.

Applicant requests permission and approval to abandon the sales to natural gas pursuant to the said contract so that it may renegotiate the price at which it sells gas to Cities Service. The application notes that Cities Service has not indicated its concurrence in the proposed abandonment.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 30, 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 permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1887 Filed 1-21-76;8:45 am]

[Docket No. ER76-407]

ILLINOIS POWER CO.

Modification to Interconnection Agreement

JANUARY 14, 1976.

Take notice that on December 31, 1975 Illinois Power Company (IP) tendered for filing Modification No. 1, dated December 23, 1975, to the Interconnection Agreement, dated August 19, 1974, between IP and the City of Mascoutah (Mascoutah). IP states that the Modification provides:

(i) an increase of the reservation charge for Short-Term Firm Capacity from 10 cents to 11 cents per day or 50 cents to 55 cents per week for each kilowatt of power reserved.

(ii) an increase of the reservation charge for Maintenance Power from 8 cents to 9 cents per day or 40 cents to 45 cents per week for each kilowatt of power reserved. If power is curtailed due to unforeseen events by the supplying party, the reservation charge shall be reduced by 9 cents per day for each kilowatt so curtailed, but not more than 45 cents per week per kilowatt.

IP states the 55 cents per kilowatt per week for Short-Term Capacity maintains a differential between Firm Capacity and Maintenance Power identical to that existing under the original agreement. This differential is to compensate for the reserve component included in furnishing firm capacity.

IP proposes an effective date of September 1, 1975 for the Modification.

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 Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 26, 1976. Protests will be considered by the Commision 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.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1892 Filed 1-21-76;8:45 am]

[Docket No. ER76-441]

ILLINOIS POWER CO.

Filing Amendment No. 1 to Interchange Agreement

JANUARY 14, 1976.

Take notice that Illinois Power Company (Illinois Power) on January 5, 1976, tendered for filing proposed Amendment No. 1 to the Interchange Agreement dated March 15, 1973 between Iowa-Illinois Gas and Electric Company (IIGE) and Illinois Power. Amendment No. 1 revises the demand rates for Short-Term Firm and Short-Term Non-Firm Power by five cents per kilowatt-week in Service Schedules E and F. Also filed was a certificate of concurrence by IIGE.

The parties propose to modify the rate under Subsection a) of Section E4.01 of Service Schedule E (Short-Term Firm Power) from 50¢ per week per kilowatt to 55¢ per week per kilowatt.

In addition, the parties propose to modify the rate under Subsection a) of Section F4.01 of Service Schedule F (Short-Term Non-Firm Power) from 40¢ per week per kilowatt to 45¢ per week per kilowatt. Provision is also made for reducing said reservation charge in the event that it becomes necessary to curtail delivery.

The parties have requested that Amendment No. 1 revising Service Schedules E and F be permitted to become effective February 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 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 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1893 Filed 1-21-76;8:45 am]

[Docket No. E-6943]

INTERIOR DEPARTMENT AND SOUTHWESTERN POWER ADMINISTRATION

Request for Extension of Confirmation and Approval of Rate Schedule

JANUARY 14, 1976.

Take notice that on December 30, 1975, the Department of the Interior, acting on behalf of the Southwestern Power Administration requested an extension of the confirmation and approval of the present rate for Narrows Dam power and energy to Tex-La Electric Cooperative, Inc., for an additional period not to exceed 90 days from December 31, 1975.

By letter dated October 30, 1975, the Department of the Interior requested that the confirmation and approval of the present rate for Narrows Dam power and energy to Tex-La be extended for a period not to exceed 90 days from September 30, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed by February 13, 1976. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1890 Filed 1-21-76;8:45 am]

[Docket No. RP74-26 (AP76-2)]

LOUISIANA NEVADA TRANSIT CO.

Proposed Changes in FPC Gas Tariff

JANUARY 14, 1976.

Take notice that Louisiana-Nevada Transit Company (LNT) on December 29, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Volume 1. LNT states that the proposed changes are to reflect advance payments tracking as provided in the Settlement Agreement approved by Commission Order dated April 1, 1975 in Docket No. RP74-26. LNT states that the change provides for an adjustments of 1.37¢ per Mcf.

LNT states that copies of the filing were served upon the company's jusidictional customer and the Arkansas 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, 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 27, 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.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1894 Filed 1-21-76;8:45 am]

[Docket No. ER76-410]

LOUISIANA POWER & LIGHT CO.

Fuel Clause Tender

JANUARY 14, 1976.

Take notice that on December 30, 1975, Louisiana Power & Light Company (LP&L) tendered for filing pursuant to Section 35.14 of the Commission's regulations under the Federal Power Act, as amended by Order No. 517, a revised fuel cost adjustment clause applicable to the following rate schedules which LP&L has on file with the Commission:

Customer:	*FPC rate schedule No.*
Dixie Electric Membership Corporation	34
Pointe Coupee Electric Membership Corporation	35
Washington-St. Tammany Electric Cooperative, Inc	37
Cajun Electric Power Cooperative, Inc	42

LP&L states that the proposed fuel cost adjustment clause will not result in any change in revenues received by it

from sales of electricity under such rate schedules.

LP&L has requested waiver of the requirements of Section 35.13 of the Commission's regulations regarding submittal of comparative billing information. LP&L has also requested waiver of the notice requirements of Section 35.3 of the Commission's regulations, so as to permit its proposed fuel cost adjustment clause to become effective as of January 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.18 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 27, 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.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1895 Filed 1-21-76;8:45 am]

[Docket No. E-7201]

INTERIOR DEPARTMENT AND SOUTHWESTERN POWER ADMINISTRATION

Request for Extension of Confirmation and Approval of Rate Schedule

JANUARY 14, 1976.

Take notice that on January 2, 1976, The Department of the Interior, acting on behalf of Southwestern Power Administration (SPA) filed a request for the Federal Power Commission to extend the confirmation and approval of a contract rate of compensation in the amount of $1,030,000 annually for a period of six months, beginning December 31, 1975, through June 30, 1976, for the power and energy generated at the Sam Rayburn Dam Project.

The Federal Power Commission, in Docket No. E-7201, by its order issued March 5, 1971, confirmed and approved through December 31, 1975, rates and charges of SPA for the sale of all electric power and energy generated at the Sam Rayburn Dam Project to the Sam Rayburn Electric Cooperative, Inc., in the amount of $1,030,000 per year. SPA has prepared a rate and repayment study which indicates the need for an increase in the rate for the sale of such power and energy if it is to meet the repayment obligation on the Sam Rayburn Dam Project in accordance with the provisions of Section 5 of the Flood Control Act of 1944. In order to allow interested parties to participate in the rate determination process, SPA scheduled a hearing for November 20, 1975. The Cooperative has requested that the hearing be rescheduled for January 20, 1976.

SPA believes that an extension of approval of the current rate for the sale of power generated at the Sam Rayburn Project is warranted because of the time necessary to prepare and conduct the hearing and the rescheduling of the hearing at the Cooperative's behest.

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 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed by February 13, 1976. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1903 Filed 1-21-76;8:45 am]

[Docket No. E-9536]

THE MONTANA POWER CO.

Application Seeking Disclaiming of Jurisdiction or, in the Alternate, Approval of Acquisition of Facilities

JANUARY 14, 1976.

Take notice that on January 5, 1976, The Montana Power Company ("Applicant") filed an application seeking a Commission order disclaiming jurisdiction over the acquisition of approximately 350 miles of a 100 kv transmission line from the Chicago, Milwaukee, St. Paul and Pacific Railroad or, in the alternative, the issuance by this Commission of an order approving the acquisition under Section 203 of the Federal Power Act.

Applicant is incorporated under the laws of the State of Montana and is engaged in the electric utility business in the central and western portions of the State as well as in Yellowstone Park, Wyoming. Its principal business office is located at Butte, Montana.

The facilities being acquired consist of approximately 350 miles of 100 kv line extending from Two Dot near Harlowton in central Montana to East Portal, Montana near the Idaho border. Approximately 247 miles of the line is located on the Railroad's right-of-way and some 103 miles is located off the right-of-way. The line was built by the Railroad and has been maintained and operated by the Railroad for the purpose of providing energy for the electrified operations of the Railroad. The power for that operation has been provided by the Applicant. The Railroad has determined that it is not feasible for it to continue its electified railway operations in Montana and has switched to diesel locomotives. The Applicant agreed to acquire the line and certain associated property rights for $3,250,000. The Applicant will use the line to deliver power to some 6,500 retail customers and to one cooperative which it has been serving from various taps along the Railroad's 100 kv line.

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 C.F.R. §§ 1.8, or 1.10). All such petitions or protests should be filed on or before February 6, 1976. Protests will be considered by the Commission 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 must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1898 Filed 1-21-76;8:45 am]

[Rate Schedule Nos. 25, *et al.*]

MURPHY OIL CORPORATION, ET AL.

Rate Change Filings Pursuant to Commission's Opinion No. 699-H

JANUARY 15, 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 interpreation 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 prson desiring to be heard or to make any protest with reference to said filings should on or before January 30, 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.

MARY KIDD PEAK,
Acting Secretary.

APPENDIX

Filing date	Producer	Rate Schedule No.	Buyer	Area
Jan. 2, 1976	Murphy Oil Corp., 200 Jefferson Ave., El Dorado, Ark. 71730.	25	Tennessee Gas Pipeline Co.	Texas Gulf Coast.
Jan. 5, 1976	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	77	El Paso Natural Gas Co.	Permian Basin.
Do	do	93	do	Do.
Jan. 8, 1976	American Petrofina, Inc., P.O. Box 2159, Dallas, Tex. 75221.	31	Cities Service Gas Co.	Hugoton-Anadarko.
Do	Appalachian Exploration & Development, Inc., P.O. Box 1473, Charleston, W. Va. 25325.	9	Columbia Gas Transmission Corp.	Appalachian Basin.

[FR Doc.76-1884 Filed 1-21-76;8:45 am]

[Docket No. ER76-406]

POTOMAC EDISON CO.

Filing of Fuel Cost Adjustment Provisions

JANUARY 14, 1976.

Take notice that on December 31, 1975, the Allegheny Power Service Corporation tendered for filing copies of amendments to the agreements between The Potomac Edison Company and the Borough of Chambersburg, and The Potomac Edison Company and the City of Hagerstown, stating that these amendments conform the fuel cost adjustment provision of each agreement to the requirements of Commission Order No. 517 in Docket No. R-479.

The requested effective date for the amendment applicable to Chambersburg is May 1, 1975, since that amendment was inadvertently omitted from the May 5, 1975, filing in Docket No. E-8878. The proposed effective date of the amendment affecting Hagerstown is January 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 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 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1899 Filed 1-21-76;8:45 am]

[Docket No. ER76-221]

POTOMAC EDISON CO.

Order Denying Rehearing

JANUARY 15, 1976.

On November 4, 1975, Potomac Edison Company (Potomac Edison) tendered for filing a proposed rate increase based on a test period consisting of the twelve months ending December 31, 1975. Potomac Edison proposed that the rate increase become effective on December 5, 1975.

Upon review of Potomac Edison's filing of November 4, 1975, we concluded that it was deficient with respect to certain requirements of the Commission's Regulations. Accordingly, the Commission Secretary, by letter dated November 20, 1975, informed Potomac Edison that its filing did not comply with § 35.13 (b) (4) (iii) of the Regulations in that Period I did not incorporate the most recent twelve consecutive months for which actual data are available. The actual data submitted were based on the 12 months ended December 31, 1974 and thus were over 10 months old when filed. The letter order required Edison to submit data revising Period I and II such that Period I ended no earlier than seven months prior to the date of filing. Potomac Edison was notified that a filing date would not be assigned to its submittal pending receipt of the requested data.

On December 18, 1975, Potomac Edison filed a petition for rehearing and reconsideration of the Commission's letter of November 20, 1875. Potomac Edison states that it could not complete the updated studies in time to submit a revised filing before February 2, 1976. The effective date of the revised filing, it argues, would be delayed at least 90 days beyond the originally requested effective date; costing Potomac Edison approximately $450,000 in lost revenues. In addition, the rates proposed yielded a test year return on common equity of only 12.14%, while the present rates will yield a negative return on common equity. For those reasons, Potomac Edison argues that good cause has been shown for waiver of the Commission's interpretation of the most-recent-twelve-months requirement. The Commission's action, Potomac Edison contends, is an unjust and unlawful confiscation of property resulting from the company's being forced to continue to serve its wholesale customers any longer than necessary for a return less than the embedded cost of debt, when utility expenses continue to rise. Moreover, Potomac Edison argues that the Commission's action constitutes the unlawful application of a rate regulation contrary to accumulated administrative experience under the regulation. Potomac Edison maintains that the Commission unlawfully retroactively applied a new policy to a rate prepared and filed on the basis of that regulation and the Commission's past consistent interpretation of that regulation.

Potomac Edison states that it began its preparation of the subject filing well before the Commission's new policy under Section 35.14 (b) (4) (iii), "as announced in *Interstate Power Company*, Docket No. ER76-70, Order of September 10, 1975." The Commission, Potomac Edison declares, is constrained to observe the precedent it has established by accepting such filings as this Company's with a Period I in excess of seven months prior to the filing date. Even if it had immediate knowledge of the policy with the issuance of the September 10, 1975 order in *Interstate*, compliance in two months with that standard was impossible. Morover, the Commission when departing from precedent, is bound to consider commitments based on previous rulings and to provide for an orderly and fair transition.

Furthermore, Potomac Edison contends that the fact that the Commission believes it necessary to amend its rules by its rulemaking in Docket No. RM76-6 [1] indicates their insufficency as a basis for changing the requirement at present. In addition, Potomac Edison declares that the procedure employed for amending the rules is lacking in the Commission's modified interpretation of the existing language.

Potomac Edison also points to the Commission's practice with respect to rate filings reflecting the inclusion of the component construction work in progress made after the issuance of its Notice of Rulemaking in Docket No. RM75-13. In *Philadelphia Electric Co.*,[2] as opposed to the instant case Potomac Edison argues, the Commission directed the rate applicant to observe the status quo pending the outcome of a rulemaking proceeding. Potomac Edison contends that the Commission now is making immediate and retroactive application of its proposed requirement, rather than observing the status quo until the rulemaking is effected.

Potomac Edison asserts that the subject regulation is not sufficiently ambiguous to embrace the Commission's new interpretation. In the context of § 35.13 (b) (4) (iii), "available", they contend, can only mean available for the preparation of the filing. Potomac Edison states that it is a question of fact whether its data submitted in this proceeding were the latest available for preparation of the filing. Potomac Edison then submits that the Commission must give notice and opportunity for hearing on any disputed question of fact and that to summarily dispose of a proceeding, there must be no facts at issue. Potomac Edison refers us to *Municipal Light Boards v. F.P.C.*,[3] wherein the Court stated that

[1] Notice of Proposed Rulemaking, issued September 3, 1975.

[2] Docket No. E-9388, order issued September 21, 1975.

[3] 450 F. 2d 1341, 1345 (D.C. Cir.) *cert. denied*, 405 U.S. 955 (1971).

a filing which is rejected is one that "patently is either deficient in form or a substantive nullity." In that the rulemaking proceeding in Docket No. RM76-6 is incomplete, the Commission is bound by its regulations.

With the foregoing support, Potomac Edison contends that it has had no opportunity to present evidence with regard to questions of fact and was given no notice that evidence would be required to show compliance with the filing requirements. Potomac Edison asserts that the year 1974 was the most recent twelve month period for which data were available. The Company disputes the Commission's contention in its November 20 letter order that the Period I data were out of date and asserts that its choice of Period I is the most up to date historical period appropriate for comparison with Period II, as well as being the most recent available to the Company at the time and that it is prepared to present evidence in support of its assertion if so permitted.

Finally, Potomac Edison argues that it has been substantially harmed by not having its rate filing accepted and that it has arguably met the requirements of our regulation so that a patent failure to conform to the filing regulations cannot be found.

During the year 1975, we have accepted electric rate filings utilizing Period I data for the twelve months ended December 31, 1974, as meeting the filing requirement of Section 35.13(b)(4)(iii) of the Regulations that such data be ". . . for the most recent twelve consecutive months for which actual data are available . . ." However, we realized in so doing that at some point in time data for the twelve months ended December 31, 1974, would eventually become stale and thus outside any reasonable interpretation of section 35.13(b)(4)(iii) of the Regulations which requires submission of the most recently available data. In *Interstate*[4] we were dealing with data that were 7½ months old and made the determination that such data were too stale to be "the most recently available" and therefore rejected Interstates's filing for failure to comply with Section 35.13(b)(4)(iii) of the Regulations. Since that action, we have consistently refused to accept rate filings containing Period I data which were more than seven months old.

In the instant proceeding, the Commission by letter dated November 20, 1975, assessed as deficient Potomac Edison's filing, which was tendered on November 4, 1975, because Period I data were over 10 months old. We therefore determined that the data were too stale to be the "most recently available," as required by section 35.13(b)(4)(iii) of the Regulations and told Potomac Edison that a filing date would not be assigned to its submittal until Edison submitted data revising Period I and Period II such that Period I ended no earlier than seven months prior to the date of filing. We find the action taken with respect to Potomac Edison's tender of filing to be consistent with the action taken with respect to *Interstate* as well as other similar filings.[5]

Potomac Edison's tendered filing uses a Period I ending over ten months prior to the data of filing which is several months more dated than certain of the other rejected filings. Contrary to Potomac Edison's implication, our policy does not require the latest data as of the moment of filing, so as to preclude a filing ever being fully in compliance. Rather, we have followed a policy since September of requiring that Period I end no more than seven months prior to the date of filing. Potomac Edison has the burden of updating its studies in the preparation of a filing in order to comport with the filing regulations. What is in dispute here is not a question of fact which requires a hearing for proper disposition. Nor are the merits of the rate application in dispute. It is the policy of this Commission to interpret the most recent available data requirement for Period I to mean data must be not greater than seven months removed from the filing date in order to be in substantial compliance with the filing requirements. As stated in *Municipal Light Boards*,[6] Potomac Edison has not presented new issues of fact or law which would require our granting waiver of our filing requirements. Therefore, we shall deny Potomac Edison's petition for rehearing of our November 20, 1975 letter order.

A "rejection" of a filing, . . . is more like a motion to dismiss on the face of the pleading, and indeed goes even beyond that. It is appropriate where the filing is so deficient on its face that the agency may properly return it to the filing party without even awaiting a responsive filing by any other party in interest.

It is "a peremptory form of response to filed tariffs" which classically is used not to dispose of a matter on the merits but rather as a technique for calling on the filing party to put its papers in proper form and order. (footnote omitted) . . .

The Commission finds: Good cause exists to deny Potomac Edison's petition for rehearing, as hereinafter ordered.

The Commission orders: (A) Potomac Edison's petition for rehearing is hereby denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-1905 Filed 1-21-76;8:45 am]

[4] *Interstate Power Company*, Docket No. ER76-70, order issued September 10, 1975.

[5] See *Montaup Electric Company*, ____ FPC ____, issued November 3, 1975, in Docket No. ER76-46; *Consumers Power Company*, ____ FPC ____, issued October 29, 1975, in Docket No. ER76-45; *Western Power Division, Central Telephone and Utilities Corporation*, ____ FPC ____, issued November 5, 1975, in Docket No. ER76-92; *Boston Edison Company*, ____ FPC ____, issued November 14, 1975, in Docket No. ER76-90; and *Toledo Edison Company*, ____ FPC ____, issued December 31, 1975, in Docket No. ER76-132.

[6] 450 F.2d 1341, 1346.

[Docket No. ER76-408]

SAN DIEGO GAS & ELECTRIC CO.

Rate Schedule

JANUARY 14, 1976.

Take notice that on December 31, 1975, San Diego Gas & Electric Company (San Diego), tendered for filing as an initial rate schedule an agreement to interchange non-firm energy with the City of Seattle, Washington, Department of Lighting.

San Diego states that non-firm energy exchanged under this agreement will be surplus to the needs of the supplying party, and rates will be as mutually agreed upon prior to delivery.

San Diego requests that the requirements of prior notice be waived, and that the Rate Schedule be given a retroactive effective date of October 8, 1975. San Diego states that waiver of the notice requirement will not affect purchasers under other rate schedules.

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 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK, *Acting Secretary.*

[FR Doc.76-1896 Filed 1-21-76;8:45 am]

[Docket No. CP66-269, et al.]

TENNESSEE GAS PIPELINE COMPANY, A DIVISION OF TENNECO INC.

Petition To Amend

JANUARY 14, 1976.

Take notice that on December 29, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP66-269, et al. a petition to amend the Commission's Opinion No. 667 and order issued October 24, 1973, in said docket pursuant to Section 7 of the Natural Gas Act by authorizing Petitioner to continue the operation of the revolving fund, as described in said opinion and order, until January 31, 1978, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner asserts that by the opinion and order of October 24, 1973, the Commission approved certain proposed stipulations relating to the leasesale transaction by which Amoco Production Company (Amoco) transferred certain gas reserves in the Bastian Bay field, onshore in Plaquemines Parish, Louisiana, to Petitioner. It is said that among the

provisions of Petitioner's Stipulation approved by the Commission's opinion and order was the creation of a revolving fund by Petitioner to be employed for contributions to producers for exploratory onshore drilling. Petitioner states that paragraphs 25 and 26 of said opinion and order summarized such provision as follows:

25. Tennessee commits itself to contribute $3,500,000 as a revolving fund to producers, including its affiliate Tenneco Oil Company, for exploration for gas production. The contributions will be only for prospects onshore and economically accessible to Tennessee's system. Tennessee shall endeavor to obtain a call on all gas so discovered but in any event shall require any producer when it commits funds to agree to sell a fair share to Tennessee. Any gas so committed to Tennessee's system will be on such pricing basis as is then allowed by the Commission and negotiated between Tennessee and the producer.

26. Tennessee is to account for the contributions in accordance with the provisions of the Uniform System of Accounts but shall not include any part of the contributions in its cost of service for rate making purposes. Producers are to repay the contributions in gas or in cash and Tennessee is to reinvest the amounts in contributions to producers. Tennessee may require the producers to repay the amount even if the exploratory drilling is not successful but is not obligated to require such repayment. Where repayment is made by an affiliate after an unsuccessful venture, Tennessee shall not be required to reinvest the repayment.

Petitioner alleges that the effect of Articles VI and VII of Petitioner's Stipulation was to provide for the expenditure of $3,500,000 by Petitioner in such fund during a 24-month period commencing with the month next succeeding the month in which the Commission's order of October 24, 1973, became final and non-appealable. Petitioner states that since the aforesaid order did not become final and non-appealable until January 7, 1974, the 24-month period for the creation of the revolving fund commenced on February 1, 1974, and will expire January 31, 1976.

Petitioner further states that it has not found sufficient onshore prospects to contribute the entire $3,500,000 during the 24-month period ending with January 1976; hence, it is requesting that the Commission amend its order of October 24, 1973, to provide for Petitioner to continue the operation of the revolving fund, as described in said order, until January 31, 1978.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 29, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1897 Filed 1-21-76;8:45 am]

[Docket No. ER76-414]

THE TOLEDO EDISON CO.

Notice of Fuel Adjustment Clause Filing

JANUARY 1, 1976.

Take notice that The Toledo Edison Company, on December 30, 1975, tendered for filing proposed changes to the Fuel Adjustment Clause in its F.P.C. Electric Tariff, Original Volume No. 1 applicable to sales to Municipalities for Resale.

Toledo Edison states that the Fuel Adjustment Clause in both Municipal Resale Service Rate-Large and Municipal Resale Service Rate-Small has been revised to comply with Commission Regulation 35.14 as amended by Order 517.

The proposed effective date for the municipalities of Bowling Green, Bryan, Montpelier, Napoleon, Pemberville and Woodville, Ohio is January 1, 1976. The municipalities of Bradner, Custar, Edgerton, Elmore, Genoa, Haskins, Oak Harbor and Pioneer, Ohio presently receive service under long term fixed contracts all of which expire in 1976. It is proposed that the revised fuel adjustment clause become effective as to these municipalities upon the expiration dates of their respective contracts.

Copies of the filing were served upon the public utility's fourteen (14) jurisdictional customers and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1900 Filed 1-21-76;8:45 am]

[Docket Nos. RP74-48 and RP75-3]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Tariff Filing and Report of Refund

JANUARY 14, 1976.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on December 22, 1975, tendered for filing certain revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2 to become effective February 1, 1975, April 1, 1975, July 1, 1975, August 1, 1975 and September 1, 1975. Transco states that these tariff sheets are filed in conformity with the Federal Power Commission's Order approving with conditions the settlement in the above-captioned dockets issued November 13, 1975. The rates effective February 1, 1975 and April 1, 1975 are the same as those contained in Appendices D and E of the settlement agreement while those effective July 1, 1975, August 1, 1975 and September 1, 1975 are advanced payment "tracking" filings under the settlement agreement and are the same tariff sheets filed by Transco on May 16, 1975, June 16, 1975, and July 16, 1975 which filings were rejected "without prejudice" by Commission Orders dated June 30, 1975, July 25, 1975 and August 29, 1975, respectively. The tariff sheets are subject to refund as to the reserved issues in Docket Nos. RP74-48 and RP75-3 and also the advance payment "tracking" increases shall be subject to refund as to that portion of such increase found by the Commission after hearing to be unjustified.

Transco states further that the filing contains a report of refunds distributed to Transco's customers of the difference between the amounts collected under the filed rates in Docket No. RP75-3 and the amounts due under the rates contained in the foregoing tariff sheets to reflect the settlement agreement in compliance with the Commission's Order approving the settlement.

The Company states that copies of the filing have been mailed to each of its jurisdictional customers, interested State Commissions and parties.

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 30, 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.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1901 Filed 1-21-76;8:45 am]

[Docket No. CP76-112]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Proposed Changes in FPC Rate Schedules

JANUARY 14, 1976.

Take notice that on December 15, 1975, Transcontinental Gas Pipe Line Cor-

poration (Transco) tendered for filing the following sheets to its FPC Gas Tariff, Original Volume No. 2:

Third Revised Sheet No. 483
Second Revised Sheet No. 484
Third Revised Sheet No. 490
Third Revised Sheet No. 491

Transco states that the subject filing reflects an additional point of delivery authorized by the Commission Order issued December 2, 1975, in Transco's Docket No. CP76-112, and that a copy of the instant filing has been served upon Consolidated Gas Supply Corporation.

The tariff sheets are proposed to become effective November 28, 1975, which is the date that service commenced under authorization of Temporary Certificate issued November 20, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 27, 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.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1902 Filed 1-21-76; 8:45 am]

[Docket No. ER76-415]

VIRGINIA ELECTRIC & POWER CO.

Notice of Fuel Clause Adjustment Filing

JANUARY 14, 1976.

Take notice that on December 31, 1975, Virginia Electric & Power Company tendered for filing proposed changes in its filed resale rate schedules, stating that the changes conform the Company's fuel adjustment clause to the regulations amended by Order No. 517, change the base cost of fuel and provide for a temporary surcharge to recover uncollected fuel expenses.

The Company requests that this filing become effective on the first day of the month following the month in which the Commission approves, if it does, the Settlement Agreements filed in Docket No. E-9147.

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 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1904 Filed 1-21-76;8:45 am]

[Docket No. CP75-20]

FLORIDA GAS TRANSMISSION CO.

Postponement of Prehearing Conference

JANUARY 16, 1976.

On January 15, 1976, Petroleum Management, Inc., *et al.*, filed a motion to extend the prehearing conference fixed by order issued January 12, 1976, as in the above designated proceeding.

Upon consideration, notice is hereby given that the prehearing conference in the above proceeding is postponed from January 20, 1976 to Thursday, January 22, 1976, at 2:00 p.m. (local time).

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-2011 Filed 1-21-76;8:45 am]

[Docket No. E-9092]

ARKANSAS-MISSOURI POWER CO.

Filing of Conforming Rate Schedules and Refund Report

JANUARY 16, 1976.

Take notice that on January 8, 1976, the Arkansas-Missouri Power Company (Ark.-Mo.) tendered for filing, in accordance with Ordering Paragraph (A) of the Order Approving Settlement Agreement Upon Conditions issued December 9, 1975, in the above-referenced docket, the following:

(a) Electric Resale Power Schedule (R-1), modified to reflect the Settlement Agreement Regarding Rates For Wholesale Service approved in that order.

(b) Electric Wheeling Service (W-1) modified to reflect the Settlement Agreement Regarding Rates For Transmission Service approved in that order.

(c) Billing determinates and comparative revenues under rates in effect prior to the proposed increase, and those approved in that order, for the test year ending May 31, 1974.

(d) Calculations of refunds of revenues collected in excess of the settlement rates together with interest calculated at the rate of 9 percent per annum.

Ark.-Mo. states that refunds of revenues collected in excess of the settlement rates approved by the Commission, together with interest at 9% per annum, are being concurrently mailed to the appropriate wholesale customers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before 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 application are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-2043 Filed 1-21-76;8:45 am]

[Docket No. ER76-318]

FLORIDA POWER CORP.

Correction

JANUARY 15, 1976.

Order Accepting Initial Interconnection Agreement for Filing, Instituting Section 206 Investigation, and Setting Prehearing Conference; Correction

DECEMBER 31, 1975.

Published January 9, 1976; 41 FR 1633.

Ordering Paragraph (C): Add "at 10:00 a.m.," after "January 22, 1976".

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-2042 Filed 1-21-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DANCE TOURING PROGRAM

Guidelines for Sponsors; Fiscal Year 1977

The following are guidelines for the Dance Touring Program of the National Endowment for the Arts, an independent agency of the Federal government which makes grants to organizations and individuals concerned with the arts throughout the United States. In general, all questions about the Dance Touring Program should be directed to your State Arts Agency or its delegated administrative organization. These agencies are listed in the following material.

Signed at Washington, D.C. on 14 January 1976.

MARCIA HOVEY,
Director, Program Information.

Introduction. A Dance Touring Program (DTP) was initiated in Fiscal Year 1968 as a pilot project. At that time four companies toured to eight communities in two states for a total of eight weeks. Since then the Program has grown with 91 companies touring in 52 states and jurisdictions for a total of 400 weeks during Fiscal Year 1976.

The DTP has fostered new sponsors for dance residencies, developed new audiences for American dance, and assisted those communities with a history of dance programs in presenting more of our nation's dance companies.

Integral to the success of the Program since its inception have been the State Arts Agencies (SAAs) without whose close involvement and active participation the Program could not have achieved its current success. In Fiscal

Year 1975, State Arts Agencies or their delegated organizations assumed primary responsibility for the administration of the Program. A listing of the State Arts Agencies or delegated organizations with whom sponsors and companies should deal is included in the Directory of Dance Companies.

Three basic elements contribute to a successful residency: (1) Detailed advance work which will prepare the community for the residency so that it may take full advantage of the activities offered; (2) Broad involvement of the community in the activities offered during the residency; (3) Taking advantage of the "residual" benefits of the engagement.

In order to allow each local sponsor the flexibility to tailor each residency to its own needs and resources, and to use its own criteria in selecting the dance companies it wishes to engage, there is no longer a listing of companies based on qualitative review. Rather, any company meeting the quantitative criteria outlined (page —) and meeting the qualitative judgments of the sponsor, may qualify for assistance. Sponsors, in other words, are given the responsibility for engaging companies on the basis of the sponsor's own qualitative selection.

Purpose. The primary purpose of the Dance Touring Program is to provide professional dance residencies to the largest possible segment of the American people. Through these residencies and imaginative planning on the part of the State Arts Agencies, sponsors, and companies, it is expected the following objectives will be achieved:

To develop new audiences for dance, and to expand the public's awareness and appreciation of dance.

To improve touring practices for both sponsors and companies.

Implementation

The Dance Touring Program, through the State Arts Agencies or their delegated administrative organizations (see the listing in the Directory of Dance Companies), assists sponsors in engaging professional dance companies for residencies of at least one-half week (two and one-half days). By encouraging residencies, both the sponsor and the company are allowed time to accomplish the purposes of the Program outlined above. The sponsor and the company are expected to evolve a schedule of activities which will involve the resident community as broadly as possible in the scheduled activities.

Residencies structured solely for the purpose of teaching a limited number of students will be considered contrary to the spirit of the program. The general procedures for the DTP are outlined below.

Funding assistance. The National Endowment for the Arts, through direct grants to the State Arts Agencies, will provide sponsors of professional dance company residencies with one-third (33⅓%) of the company's quoted minimum weekly or half-weekly fee. The Directory of Dance Companies is enclosed with these Guidelines. Additional copies are available from your State Arts Agency or the Endowment. The Directory includes information about companies which have met the quantitative criteria outlined on pages 4 and 5. Sponsors are free to engage any of the companies appearing in the Directory. (It should be noted that the administration of touring engagements for the American Ballet Theatre, The City Center Joffrey Ballet, and The New York City Ballet will continue to be handled directly by the Dance Program office of the Endowment because of the size and complexity of their touring activity. These companies are clearly marked in the Directory of Dance Companies.)

In order to provide the community with an in-depth exposure to dance, or a variety of dance experience, the sponsor is expected to engage at least two companies for a minimum of one-half week each, or in some cases one company for a minimum of one week, within the Fiscal Year 1977 (July 1, 1976—June 30, 1977).

No application for funding to the National Endowment for the Arts is involved. However, many State Arts Agencies do have formal application procedures which vary from one state to another. Sponsors should immediately check with their own SAA to determine appropriate application procedures. As part of any application procedure, however, the contract between company and sponsor must be filed with your SAA. Upon receipt of a contract (see "Contracting the Company" below) the State Arts Agency or designated agency will allocate the funds necessary for the residency on a first-come, first-served basis. The Program closes when all available funds have been allocated. It is impossible to set a firm date for this occurrence, but in the past all funds have been allocated by the late Spring (in this case, the Spring of 1976). The State Arts Agency will keep sponsors informed as funds become limited. Sponsors should confirm the availability of funds with their SAA before entering into a final contract with the companies.

Residencies taking place in the Summer of 1976 (after July 1) will be included in the Fiscal Year 1977 Program. However, because of Congressional appropriation procedures, payment for these engagements may be delayed. Therefore, both the company and the local sponsor should plan to defer receipt of Endowment funds until late Summer 1976. After that time sponsors may expect to receive the Endowment portion of the company fee from the Administrative Agency close to the time of the engagement.

The sponsor's State Arts Agency or its delegated administrative organization serves to promote the Program in general, to aid sponsors and companies participating in the Program, and to evolve and administer technical assistance programs, if available. These agencies are listed in a separate section in the accompanying *Director of Dance Companies.*

Each Sponsor should deal directly with the appropriate agency for all matters concerning the Dance Touring Program. Some State Arts Agencies are able to offer further financial assistance to sponsors within their state. This is often true if the sponsor faces unusual financial problems. Individual SAAs will be able to tell sponsors if this is the case in their state and, if so, how to make application.

Who May Be a Sponsor. Given the purposes of the Program, it is expected that sponsors will be community-oriented organizations or individuals with the capability of relating the activities of the companies in residence to the community visited through imaginative residency programming. Examples of sponsors who have participated in the past include colleges and universities, community arts councils, community service organizations, fraternal organizations, local dance companies or associations, parks and recreation departments, museums, private and public schools and school systems, community arts centers, theaters, orchestras, et cetera. Frequently a group of organizations will cooperate in sponsoring dance companies under this Program. Cooperative sponsorship permits greater impact in the community and a sharing of the financial obligations. Generally, sponsors are non-profit, tax-exempt organizations.

What Is A Residency? A one-week residency is defined as five and one-half working days. A one-half week residency is defined as two and one-half working days. Except in extreme circumstances sponsors are expected to engage at least two companies for one-half week each or, in some cases, one company for a minimum of one week. Residencies may be lengthened by one-day increments. It is expected that the company and the sponsor will involve broad segments of the community during the residency. Each company is unique in the services it offers to sponsors. Therefore, there are no set rules or regulations as to what activities a residency should include, though the sponsor and company are expected to arrive at an agreeable residency schedule which will best serve the needs of the community and the purposes of the Program.

The Program is designed to aid in touring engagements. A touring engagement is one which requires that the company remain overnight at the place of the residency rather than returning home each night. (The quoted touring engagement fees are based on figures which include lodging and transportation expenses.) Therefore, residences taking place within the immediate area of the company's home base are not eligible under this Program.

About the Companies. The companies available for touring under the DTP represent a great range in styles of and approaches to American dance. They vary from solo dance programs to companies

of over 70 dancers. Included in the accompanying Directory of Dance Companies is basic information about companies meeting the following quantitative criteria:

(1) The company must be a nonprofit, tax-exempt organization donations to which are deductible as charitable contributions under Section 170(c) of the Internal Revenue Code of 1954.

(2) The company must certify to the Endowment that it pays all professional performers, related or supporting staff, laborers and mechanics no less than the minimum compensation level as determined by the appropriate union in accordance with Part 505 of Title 29 of the Code of Federal Regulations, while on tour. The Company must also meet the applicable requirements of Title VI of the Civil Rights Act of 1964, and the Rehabilitation Act of 1973, as amended which bar discrimination in federally assisted projects on the basis of race, color, national origin, or handicap.

(3) The company must have performed at least 15 public appearances for which the dancers and staff were paid no less than the minimum compensation level as defined by the appropriate union during the 1974–75 season, and must be projecting at least 15 performances for the 1975–76 season.

(4) The company must have adequate management to provide potential tour sponsors with the necessary services to contract and carry out tour engagements.

(5) The company must have a history of sound administrative practices.

Sponsors are expected to develop and apply their own qualitative criteria in selecting companies. Such criteria should take into account the artistic quality, experience, style, repertory, size, and managerial stability of the company. Further, sponsors should seek to match the resources and available services of the companies with the needs and resources of the community.

Included in the Directory are lists of previous and current tour engagements for each company, and a listing of engagements currently taking place under FY 1976 Touring Program. Sponsors should, whenever possible, arrange to see companies in which they are interested, and to speak with sponsors who have previously engaged the company in order to make the most informed choices. This qualitative decision is the full responsibility of the sponsor. The success of each residency is dependent upon the sponsor's careful selection. (Companies have been asked to make available for sponsor inquiries complete lists of previous sponsorship including the address and phone number of the contact person.)

Contracting the Company. Sponsors should contact all companies in which they are interested and request the necessary additional information beyond that provided in the Directory. A dialogue between the sponsor and the company should be established in order to determine what services the company can offer, its technical needs, and so forth. The information in the Directory is meant only as an initial aid to sponsors, and should not be the sole basis upon which a sponsor makes his decision.

Sponsors are urged to discuss with the companies the details of the engagement (dates, types of activities desired, technical needs, et cetera) before making final choices.

As soon as contract discussions begin, the sponsor should:

Request a complete technical requirement sheet from the company, and

Provide the company with the technical details of his performance space.

This is necessary because each company is different in its technical requirements. Some companies carry all necessary technical materials, others carry only certain items, still others carry a minimum of equipment. In the past it has been found that misunderstandings are most frequent in this area.

In all discussions and agreements with the company, the sponsor should be sure to clarify all aspects of the engagement:

(1) The company's technical requirements in terms of equipment and personnel to be provided by the sponsor;

(2) The publicity services offered by the company including dates when publicity materials are to be available;

(3) The space needs for classes, rehearsals, and performances;

(4) Limitations on class size and level;

(5) The availability of the performance space for set-up and rehearsals, and the necessary free time before performance activities;

(6) The actual beginning and ending time of the residency;

(7) The total fee and schedule of payment;

(8) The local transportation needs and who is to provide them;

(9) The names, addresses and phone numbers of all key people associated with the company (company manager, booking manager, technical director, road manager), etcetera.

Clarity and completeness in all agreements will insure that the engagement will run smoothly.

Following these discussions, the sponsor must then enter into an agreement with the company he has decided to engage, with a signed copy of that agreement being sent by the dance company to the State Arts Agency or delegated organization for the purpose of committing Endowment funds (see Funding Assistance, page —). The State Arts Agency will accept the following agreements for the purpose of committing funds:

(1) A formal contract between the two parties (company and sponsor) including all items listed below.

(2) A letter of agreement including all items listed below.

(3) A "first priority" letter or contract including all items listed below. (If a sponsor is unable to execute either document #1 or #2 above because of a delay in budget approval or other internal funding problems which prevent committing funds to the engagement, the State Arts Agency will accept a letter or contract from the local sponsor which includes a clause certifying that, whether or not the sponsor's total budget is approved, the first monies received will be used for the engagements under the Dance Touring Program. The State Arts Agency can assist in the preparation of a "first priority," agreement.)

Items to be included in all letters, contracts, and agreements:

Name, address and phone number of the company.

Name, address and phone number of person actually in charge of scheduling details of the residency for the company.

Name, address and phone number of sponsor.

Name, address and phone number of person actually in charge of scheduling details of the residency for the sponsoring organization.

Fee for the engagement.

Specific dates and place of the engagement including beginning and ending times.

Name and address of the local sponsoring person or agency to whom the State Arts Agency should make checks payable for the Endowment share of the company fee.

Signatures of both parties (sponsor and company).

If either agreement No. 2 and No. 3 above is used, it should be followed by a complete contract as soon as possible. If the dates of the engagement change following filing of the contract, the State Arts Agency must be notified.

A clause may be included in contracts or letters of agreement stating that the National Endowment for the Arts will provide $_____ (appropriate amount of money, rounded to the nearest dollar) to the sponsor for the engagement.

NOTE: The company's fee quoted in the Directory is its minimum fee. The company and sponsor may arrive at a fee greater than this minimum fee, or may agree upon a percentage share of potential net income over and above the company's minimum fee. However, the Endowment's participation will remain at one-third of the company's quoted minimum fee. The remainder of the fee and all local costs are the responsibility of the sponsor. Sponsor's total costs depend upon the company's fee, the activities scheduled for the residency, the company's repertory, local labor costs, theater costs, advertising, and other factors. Therefore, the sponsor should determine his own local costs, and reach preliminary agreement concerning company requirements with the company manager before setting a budget.

The Dance Touring Program is structured around a system of certified minimum fees which the companies list in the Directory and to which they must adhere for similar engagements whether the engagements are supported under this Program or not. The reason for this is to avoid a situation in which a company would be asked to reduce its fee when performing in a simliar engagement without Endowment support.

REMINDER: Dance Touring Program funds will not be committed until a signed agreement is received by the State Arts Agency or delegated organization

and it has been determined that this agreement complies with the Dance Touring Program Guidelines. This includes compliance by the sponsor with the requirement that he engage at least two companies for a minimum of one-half week each or, in some cases, one company for a minimum of one week. If a waiver of this is requested, the sponsors should request this in writing and should have a written response from the State Arts Agency granting the waiver. The Program closes when all funds are committed. Therefore it is to the sponsor's advantage to complete all agreements as soon as possible. It is the company's responsibility to send completed agreements to the State Arts Agency. The sponsor should remind the company of this. Sponsors and companies will be notified whether or not funding is available.

Scheduling the Residency. The sponsor and the company in collaboration arrive at a mutually agreeable residency schedule. There are no set rules or requirements for the residency schedule other than the minimum residency length and the number of companies engaged, as stated above, though it is expected that the goals and purposes of the Program will be served by the schedule. Sponsors are encouraged to use the company as imaginatively as possible and to involve a broad spectrum of the community in the residency activities.

All engagements in a single city or contiguous communities may be construed as being part of community residency, and all participating sponsorship in a community may be construed as a single sponsor. For example, in a city with several colleges, a theater, and a dance organization, each of these groups may participate in the residency activities as arranged by the contracting sponsor and the company. This not only broadens the base of community participation, it pools the community resources necessary to present the residency. Questions regarding the definitions of a sponsor and a community should be directed to the State Arts Agency.

Local sponsors may set admission prices, class fees, ticket prices, and so forth, according to local conditions. (However, it is hoped no segment of the community will be prohibited from participation because of admission prices.)

Advance planning is the key to a successful residency. Sponsors and companies are urged to work out the residency schedule in detail well before the engagement is to begin. It is important, to avoid misunderstandings, that the residency schedule in written form be approved by both sponsor and company. This schedule should include the type of activity programmed, when and where it will take place, for what duration of time, for whom it is being presented, and how many people will participate. All residency activities of companies and company members, both professional and social, should be limited to those agreed to in writing between the company manager and the local sponsor.

Sponsors should note that booking agents may be responsible only for procuring the engagements for the company and not for scheduling the details of the residency. Therefore, the sponsor should deal directly with the company in pursuing detailed arrangements if necessary.

Companies will make every attempt to be cooperative, but must know of their anticipated commitments well in advance in order to plan their schedule completely. (Sponsors should realize that, because of the time and energy involved in preparing for a concert performance, no further services should be expected of a company on full performance days unless the company manager agrees otherwise.),

Sponsors might find it helpful to contact previous sponsors of residency engagements to discuss what activities they found particularly successful. Companies will also be able to give the sponsor indications of what they are particularly qualified to do during a residency. Sponsors should take into consideration in their planning that dancing is a very strenuous activity and a company's effectiveness can be impaired if it is overscheduled. It might also be noted that most dancers need time for company classes each day, and that dancers are usually very hungry after performances. The latter can be a problem that should be anticipated particularly in locations where eating facilties close early. In addition, sponsors can frequency be of substantial aid to companies in helping them obtain reduced rates for accommodations in the sponsor's town.

Following the Residency. In order to remain responsive to the needs of the field, and to keep the Program relevant, each SAA will be asked to assemble statistical and evaluative information from each sponsor as part of the final reporting procedures. Information requested will include:

(1) The schedule of activities offered during each residency;

(2) Attendance at each activity, and a general description of the make-up of the participants (i.e. dance students, community residents, etcetera);

(3) Admission charge for each activity;

(4) The over-all budget for the residency, including total expenses and sources of income;

(5) A general description and evaluation of the successes and failures of the residency;

(6) Any suggestions or recommendations for improving the Program and better achieving the goals outlined for the Program.

Sponsors should plan to assemble this information so that it will be available to the State Arts Agency when requested.

Summary and Check List

(1) Notify your State Arts Agency of interest in participating in the Dance Touring Program. The address and phone number of the State Arts Agencies or designated administrative organizations are listed in the Directory of Dance Companies.

(2) Request more detailed information from those companies in which you are interested. (Please see Directory of Dance Companies which is enclosed. Additional copies of the Directory are available from your State Arts Agency.)

(3) Enter into discussions with the companies you select making sure to explain your requirements in terms of residency activities, your resources (performance areas, class spaces, etcetera), your responsibilities to the company, and so forth.

(4) Inform your State Arts Agency of those companies you plan to engage. Sponsors should check at this time to make sure funds are still available. This becomes particularly essential in the Spring as available funds become limited.

(5) Arrive at an agreement with the company, and have the company send a copy of the agreement signed by both parties to your State Arts Agency for the purpose of committing funds. The State Arts Agency will notify company and sponsor upon receipt of the contract whether or not funds are available.

(6) Well in advance of the engagement, arrive at a mutually agreeable schedule of activities with the company in writing, being sure to indicate all details of the engagement. Sponsors should begin to collect the informatiion requested for the final evaluation report.

(7) Following the residency, complete the evaluation requested by the State Arts Agency.

Reminder: Because of Congressional appropriation procedures, companies and sponsors should be prepared to defer receipt of Endowment funds for engagements taking place during the Summer of 1976 (after July 1, 1976). Funds will be released as soon as possible after July 1, but may not be available until late Summer.

Planning Schedule

Following is the Planning Schedule for the Dance Touring Program in Fiscal Year 1977 (July 1, 1976 through June 30, 1977).

November 1975–March 1976. Peak period for tour engagement booking activity. Sponsors should indicate to their State Arts Agency their interest in participating in the Program.

January 1976–April 1976. Agreements between sponsor and company should be finalized, with a copy of the signed agreement going to the Sponsor's State Arts Agency for the purpose of committing funds.

Early Spring, 1976. Funds begin to run out. Sponsors will be notified as funds become limited. When all funds are committed, the Program is closed.

July 1, 1976. Fiscal Year 1977 Program begins, i.e. actual engagements begin.

Late Summer, 1976. Endowment funds released to State Arts Agencies for payment to sponsors.

June 30, 1977. Fiscal Year 1977 Program ends.

In all published material and announce regarding residencies sponsored under the Dance Touring Program, including publicity and program material,

it is suggested that special notice be made that: "This engagement is supported in part by a grant from (name of State Arts Agency or administrative organization) with funds provided by the National Endowment for the Arts, a Federal Agency." If the State Arts Agency or administrative organization is also providing financial support for the residency, this statement should be altered to acknowledge that support as well.

STATE ARTS AGENCIES AND REGIONAL COORDINATORS LIST

ALABAMA STATE COUNCIL ON THE ARTS AND HUMANITIES

M. J. Zakrzewski, Executive Director, 229 Vespavia Circle, Birmingham, Alabama 35216, (205) 832–6758. Mrs. David Roberts III, Chairman.

ALASKA STATE COUNCIL ON THE ARTS

Roy H. Helms, Executive Director, 360 K Street, Suite 240, Anchorage, Alaska 99501, (907) 279–3824 or 272–5342. Mrs. Jean Mackin, Chairman.

AMERICAN SAMOA ARTS COUNCIL

Palauni M. Tuiasosopo, Chairman, Office of the Governor, Pago Pago, American Samoa 96799.

ARIZONA COMMISSION ON THE ARTS AND HUMANITIES

Mrs. Louise Tester, Executive Director, 6330 North Seventh Street, Phoenix, Arizona 85014, (602) 271–5884. Lewis Ruskin, Chairman.

THE OFFICE OF ARKANSAS STATE ARTS AND HUMANITIES

Dr. R. Sandra Perry, Executive Director, Old State Capitol, 300 West Markham, Little Rock, Arkansas 72201, (501) 371–2539 or 2530. Mrs. J. M. Llewellyn, Chairman.

CALIFORNIA ARTS COMMISSION

Susan Hooper Billstein, Executive Director, 808 "O" Street, Sacramento, California 95814, (916) 445–1530. Brock Peters, Chairman.

THE COLORADO COUNCIL ON THE ARTS AND HUMANITIES

Robert N. Sheets, Executive Director, 1550 Lincoln Street, Room 205, Denver, Colorado 80203, (303) 892–2617 or 2618. Robert B. Yegge, Chairman.

CONNECTICUT COMMISSION ON THE ARTS

Anthony S. Keller, Executive Director, 340 Capitol Avenue, Hartford, Connecticut 06106, (203) 566–4770. Mrs. Marcia P. Alcorn, Chairman.

DELAWARE STATE ARTS COUNCIL

Mrs. Sophie Consagra, Executive Director, Wilmington Tower, Room 803, 1105 Market Street, Wilmington, Delaware 19801, (302) 571–3540. John E. Derrickson, Chairman.

D.C. COMMISSION ON THE ARTS AND THE HUMANITIES

Leroy Washington, Acting Director, 1023 Munsey Building, 1329 E Street NW., Washington, D.C. 20004, (202) 347–5905 or 5906. Mrs. Vi-Curtis Hinton, Acting Chairman.

FINE ARTS COUNCIL OF FLORIDA

S. Leonard Pas, Jr., Executive Director, c/o Division of Cultural Affairs, Department of State, The Capitol Building, Tallahassee, Florida 32304, (904) 487–2980. Mr. Ira McKissick Koger, Chairman.

GEORGIA COUNCIL FOR THE ARTS

John Bitterman, Executive Director, 706 Peachtree Center, South Bldg., 225 Peachtree Street, NE., Atlanta, Georgia 30303, (404) 656–3990. Mrs. Charles Izabel Watkins, Chairman.

INSULAR ARTS COUNCIL OF GUAM

Mrs. Louis Hotaling, Director, P.O. Box EK (Univ. of Guam), Agana, Guam 96910, 729–2466. Joe R. San Agustin, Chairman.

HAWAII STATE FOUNDATION ON CULTURE AND THE ARTS

Alfred Preis, Executive Director, 250 South King Street, Room 310, Honolulu, Hawaii 96813, (808) 548–4145. Masaru Yokouchi, Chairman.

IDAHO STATE COMMISSION ON ARTS AND HUMANITIES

Miss Suzanne D. Taylor, Executive Director, c/o State House, Boise, Idaho 83720, (208) 384–2119. Arthur L. Troutner, Chairman.

ILLINOIS ARTS COUNCIL

Michele Brustin, Director, 111 North Wabash Avenue, Room 1610, Chicago, Illinois 60602, (312) 793–3520. Bruce Sagan, Chairman.

INDIANA ARTS COMMISSION

Janet Harris, Executive Director, Union Title Building, 155 East Market, Suite 614, Indianapolis, Indiana 46204, (317) 633–5649. Mrs. J. Irwin Miller, Chairman.

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KENTUCKY ARTS COMMISSION

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LOUISIANA STATE ARTS COUNCIL

Mrs. Edwin H. Blum, President, International House Building, Suite 804, 611 Gravier Street, New Orleans, Louisiana 70130, (504) 525–7241. Mrs. Earl K. Long, Chairman.

MAINE STATE COMMISSION ON THE ARTS AND THE HUMANITIES

Alden G. Wilson, Executive Director, State House, Augusta, Maine 04330, (207) 289–2724. Leonard M. Nelson, Chairman.

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James Backas, Executive Director, 15 West Mulberry, Baltimore, Maryland 21201, (301) 685–7470. Dr. Carl Bode, Chairman.

MASSACHUSETTS COUNCIL ON THE ARTS AND HUMANITIES

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E. Ray Scott, Executive Director, Executive Plaza, 1200 Sixth Avenue, Detroit, Michigan 48226, (313) 256–3735. Walter R. Boris, Chairman.

MINNESOTA STATE ARTS COUNCIL

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Mrs. Lida Rogers, Executive Director, P.O. Box 1341, 301 North Lamar Street, Jackson, Mississippi 39205, (601) 354–7336. Dr. W. D. McCain, Chairman.

MISSOURI STATE COUNCIL ON THE ARTS

Mrs. Emily Rice, Executive Director, 111 South Bemiston, Suite 410, St. Louis, Missouri 63105, (314) 721–1672. Stanley Goodman, Chairman.

MONTANA ARTS COUNCIL

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NEBRASKA ARTS COUNCIL

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NEVADA STATE COUNCIL ON THE ARTS

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NORTH CAROLINA ARTS COUNCIL

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VIRGINIA COMMISSION ON THE ARTS AND HUMANITIES

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VIRGIN ISLANDS COUNCIL ON THE ARTS

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Mrs. Lara Mulholland, Regional Coordinator, 11511 Links Drive, Reston, Virginia 22090, (703) 437-4019.

Southeastern States: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.

Charles Springman, Regional Coordinator, 630 North Blount Street, Raleigh, North Carolina 27604, (919) 832-0047.

South Central States: Arkansas, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, Texas.

Mrs. Frances T. Poteet, Regional Coordinator, 601 East Austin, #1410, Alamo, Texas 78516, (512) 787-6756.

North Central States: Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, South Dakota, Wisconsin.

Mrs. Bertha Masor, Regional Coordinator, 4200 Marine Drive, Chicago, Illinois 60613, (312) 525-6748, (312) 782-7858 (service).

Rocky Mountain States: Arizona, Colorado, Idaho, Montana, New Mexico, Utah, Wyoming.

Terry Melton, Regional Coordinator, 3404 Liberty Road South, Apt. #7, Salem, Oregon 97302, (503) 581-5264.

Pacific States: Alaska, California, Hawaii, Nevada, Oregon, American Samoa, Washington.

Dale Kobler, Regional Coordinator, P.O. Box 245, Sausalito, California 94965, (415) 322-0526.

[FR Doc.76-1925 Filed 1-21-76;8:45 am]

NATIONAL COUNCIL ON THE ARTS

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the National Council on the Arts will be held on February 6, 1976 from 9:00 a.m.-6:15 p.m. in the Columbia Plaza Building, 2401 E St. NW., Washington, D.C. and on February 7, from 9:00 a.m.-6:15 p.m. and February 8 from 9:00 a.m.-12:00 noon in the Virginia Suite of the Sheraton Park Hotel in Washington, D.C.

A portion of this meeting will be open to the public on February 7 from 9:00 a.m.-2:45 p.m. on a space available basis. Accommodations are limted. In the morning there will be a presentation by the Museum Program, policy discussions and a report on Regional Coordinators. In the afternoon there will be reports on City Spirit, Bicentennial Resources and on research.

The remaining sessions of this meeting on February 6 from 9:00 a.m.-6:15 p.m., February 7 from 2:45 p.m.-6:15 p.m. and February 8 from 9:00 a.m.-12:00 noon are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-1951 Filed 1-21-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-R 76-4]

RESPONSES TO SAFETY RECOMMENDATIONS

Receipt

The National Transportation Safety Board announces the receipt of the following letters responsive to certain aviation, highway, marine, and railroad safety recommendations previously made by the Board:

From the Federal Aviation Administration:

Re recommendations A-75-66 and 67, letter dated December 10, 1975. (See 40 FR 36628.) Concerning A-75-66, the FAA is issuing a General Aviation Inspection Aid under Supplement No. 4 of Advisory Circular 20-7M which will provide that emergency or quick-release doors on all acrobatic airplanes be inspected and actuated to assure proper operation at each 100-hour inspection. Re A-75-67, following FAA's evaluation of the feasibility of using the Citabria's left front side window as an alternate emergency exit, Bellanca Aircraft Corporation has prepared Service Letter No. 122 for immediate release. The letter provides for installation of emergency exit placards at the left front window exit of in-service Model 7 and 8 8KCAB aircraft. The alternate emergency exit will also be referred to in the Owner's Manual, according to FAA.

From the National Highway Traffic Safety Administration:

Re recommendations H-75-25 and 26, letter of January 2, 1976. (See 40 FR 51692.) Regarding H-75-25, which concerns the setting of guidelines for seat installation for aftermarket installers, NHTSA comments that, if a vehicle user orders and takes delivery on a vehicle without passenger seats, there is little that can be done under Federal law to prevent him from having anyone install seats that do not comply with any standards. The

subject accident report concerns the collision of a multipurpose passenger vehicle with a parked tractor-trailer, near El Centro, California, March 8, 1974. NHTSA concludes that, since there were no seats installed to begin with, the vehicle user "escapes the 'rendering inoperative' prohibition, and the standards themselves cease to operate after the first purchase for purposes other than resale." Re H–75–26, requesting research on crash dynamics for sideward-sitting occupants, NHTSA comments, "Our position is that forward or rear facing seats are the best way to protect motor vehicle occupants, in frontal or rear crash environments; therefore, from a regulation viewpoint, we do not believe that providing performance standards that might encourage side facing seats is in the best interest of safety."

From the U.S. Coast Guard:

Re recommendations M–74–22 through 24, letter of January 5, 1976. The recommendations were contained in marine casualty report USCG/NTSB–MAR–74–6, M/V VENUS explosion and fire on the St. Lawrence River, May 4, 1972. The Coast Guard indicates that it does not now have a base of data and information prerequisite to implementing these recommendations, aimed to improve safety in cargo tank cleaning, gas freeing, venting, and related operations. However, a task force has been assigned, according to the Coast Guard, to establish a data base on these tank vessel operations to identify areas where current regulatory and industry practices are inadequate or require modification, and to evaluate the Safety Board recommendations and recommend actions to correct or improve safety, regulatory, or industry practices where necessary.

From the Federal Railroad Administration:

Re recommendations R–75–15 (see 40 FR 27081), R–72–9, and R–74–9, letter of December 31, 1975. Concerning recommendation R–75–15, asking FRA to issue regulations to require railroads to institute formal locomotive cab managament procedures which will specify the duties of each crewmember and to insure appropriate crew action when the engineer does not function in a manner consistent with the safety of the train, FRA advises, "The Operating Rules Advisory Committee has developed and approved Rule 34 and recommended that FRA forward the draft to the Association of American Railroads and the American Short Line Railroad Association." Regarding reiterated recommendation R–72–9, asking regulations governing the use of radio in railroad operations, FRA encloses a copy of a notice of proposed rulemaking, which concerns radio standards and procedures, published August 11, 1975, at 40 FR 33682. Updating response to reiterated recommendation R–74–9, seeking regulations that will in effect prohibit the use of narcotics and intoxicants by employees for a specified period prior to their reporting for duty and while they are on duty, FRA notes that it has initiated a statiscal survey of accidents for which the use of alcohol or drugs was a factor. FRA states that the results showed the problem to be minor when compared to other accident causes, adding, "This does not imply that a danger does not exist but that the records fail to reflect a sizable volume." To improve the data base, FRA has included an accident causal code in the new Accident/Incident Reporting System. Many carriers now have programs designed to provide assistance to the problem drinking employee, and FRA will study these programs to measure their success and develop guidelines. "These continued efforts will provide the means to better evaluate what form of regulations may be required by FRA if it is determined that the voluntary approach is not resolving the situation," the letter concludes.

Responsive to the Safety Board's letter of July 22, 1975, requesting a status report on 25 specified Safety Board recommendations, the Federal Railroad Administration on January 5, 1976, furnished information on these recommendations which will be the subject of a joint FRA–NTSB meeting scheduled for February 10, 1976. The recommendations under consideration are: 71–R–6, 71–R–9, 71–R–47, R–72–1–2, R–72–1–3, R–72–8 through 10, R–72–3–11, R–72–3–14, R–72–2–20, R–72–1–26, R–72–1–30, R–72–5, 31, R–72–5–32 and 33, R–73–3, R–73–5, R–73–8 and 9, R–73–10, R–73–11, R–73–23, R–73–30, and R–73–38.

A $4.00 user-service charge will be made for each recommendation response letter, in addition to a charge of 10¢ per page for reproduction. Requests must be in writing, identified by report and/or recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633) 88 Stat. 2172 (49 U.S.C. 1906))

MARGARET L. FISHER,
Federal Register Liaison Officer.

JANUARY 19, 1976.

[FR Doc.76–1971 Filed 1–21–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–298]

NEBRASKA PUBLIC POWER DISTRICT

Notice of 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–46 issued to Nebraska Public Power District (the licensee), for operation of the Cooper Nuclear Station (the facility) located in Nemaha County, Nebraska.

The amendment would revise the provisions in the Technical Specifications relating to the limiting safety system setting for initiation of main steam line isolation valve closure from a low main steam line pressure signal in accordance with the licensee's application for amendment dated December 2, 1975.

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 23, 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 Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the intrest 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 Section 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 Mr. Gene Watson, Attorney, Barlow, Watson & Johnson, P.O. Box 81686, Lincoln, Nebraska 68501 and Mr. Arthur C. Gehr, Attorney, Smell & Wilmer, 400 Security Building, Phoenix, Arizona 85004, attorneys 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 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 application for amendment dated December 2, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Auburn Public Library, 1118 15th Street, Auburn, Nebraska 68305. The license amendment and the 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 14th day of January, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.76–1745 Filed 1–21–76;8:45 am]

[Docket No. 50-471]

BOSTON EDISON COMPANY, ET AL. (PILGRIM NUCLEAR GENERATING STATION, UNIT NO. 2)

Order and Evidentiary Hearing

It is ordered, That hearing herein will be resumed on January 26, 1976, at 1 p.m. in the Blue Room, Memorial Hall, 83 Court Street, Plymouth, Massachusetts, and that the hearing will continue during the following week beginning on February 2, 1976, at 11 a.m. in Courtroom 9A, Middlesex Superior Courthouse, 40 Thorndike Street, East Cambridge, Massachusetts.

It is further ordered, That MWF contentions 3 and 5 will not be heard at this session beginning January 26, 1976, but will be heard beginning February 17, 1976, at a place to be designated.

It is further ordered, That MWF contentions 2(a) (b), (d-f) and 3(c) are dismissed at the request of MWF.

Dated at Bethesda, Md., this 15th day of January 1976.

ATOMIC SAFETY AND LICENSING BOARD,
FREDERIC J. COUFAL,
Chairman.

[FR Doc.76-1974 Filed 1-21-76;8:45 am]

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to Facility Operating License No. DPR-26 issued to Consolidated Edison Company of New York, Inc. which revised Technical Specifications for operation of Indian Point Nuclear Generating Unit No. 2, located in Buchanan, Westchester County, New York. The amendment becomes effective as of its date of issuance.

This amendment revises the schedule for measurements with the movable incore instrumentation system for Indian Point Nuclear Generating Unit No. 2.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 9, 1976, (2) Amendment No. 17 to License No. DPR-26, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 14th day of January 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc.76-1975 Filed 1-21-76;8:45 am]

[Docket No. PRM-2-2]

LEBOEUF, LAMB, LEIBY & MACRAE

Denial of Petition for Rulemaking

On April 22, 1974, the law firm of LeBoeuf, Lamb, Leiby & MacRae, of Washington, D.C., filed a petition with the Atomic Energy Commission to amend 10 CFR 2.206, which allows any person to file a request for an order to modify, suspend or revoke a license or to take such other action as may be proper. The petition asked that persons requesting Commission action under 10 CFR 2.206 be required to comply with certain formal filing requirements in 10 CFR 2.708, and also support the request with factual affidavits showing personal or property injury. In addition, the petitioner suggested that personal notice of each request for Commission action under 10 CFR 2.206 be given each affected licensee, and that each such licensee be allowed to respond to the request. The petition would have thus formalized the procedure to be followed under 10 CFR 2.206 by the imposition of requirements that are used in adjudicatory proceedings. Finally, the petition noted the absence of standards to guide the staff in acting upon a request under 10 CFR 2.206.

The Nuclear Regulatory Commission considers that such formalization of procedures for requests made under 10 CFR 2.206 is not warranted. Such formalization would defeat the purpose for which 10 CFR 2.206 was promulgated—to provide a simple procedure for a person to request enforcement action or license modification based on facts brought to the Commission's attention, a practical recourse that existed but was not previously reflected in AEC regulations before the adoption of § 2.206 on April 5, 1974. It should be emphasized that the mere filing of a request for enforcement action or license modification under § 2.206 does not itself automatically initiate any proceeding. Only in instances where the Commission staff authorized to act upon § 2.206 requests decides, after careful evaluation of the facts, to proceed upon a request, is a notice of violation or an order to show cause issued pursuant to other rules in Subpart B of Part 2 (10 CFR 2.201, 2.202) which provide procedural safeguards and remedies adequate to protect the interests of licensees.

In responding to a request made pursuant to 10 CFR 2.206, the staff is guided by both general and specific standards provided in the Atomic Energy Act, in the Commission's regulations and in statements of Commission policy. Thus, in any given instance, the staff's exercise of discretion under 10 CFR 2.206 would be guided both by the overriding standard of adequate protection of public health and safety, which governs every action taken by the Commission, and by specific regulations or criteria, which will vary with the particular issues raised in a given request under 10 CFR 2.206. The staff's exercise of this discretion may be reviewed by the Commission, which will consider, *inter alia,* whether the staff correctly understood governing law, regulations and policy in reaching its judgment. Consolidated Edison Co. of New York (Indian Point, Units 1, 2 and 3), NRCI 75/8-173.

A demonstration of interest is required under 10 CFR 2.714 as a prerequisite to intervention in any subsequent proceeding that may be held based on the Commission staff evaluation of the facts. However, the Commission does not believe that a showing of interest should be required merely to bring alleged facts to the Commission's attention and initiate a staff evaluation of them. Furthermore, except in the case of clearly frivolous requests that can be quickly denied, it has been and will continue to be the Commission's practice to notify the affected licensee promptly of requests under § 2.206 as well as the disposition thereof. Having been so notified, the affected licensee is free to provide to the Commission any information bearing on the matter believed pertinent.

In view of the foregoing, the Commission has denied the petition for rulemaking on the grounds that no purpose would be served by additional formalization of procedures for persons to request an order to modify, suspend or revoke a license or to take such other action as may be appropriate.

A copy of the petition for rulemaking is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C. this 19th day of January 1976.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-1976 Filed 1-21-76;8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO. ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR-50 issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit 1, located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment clarifies certain figures and words in the Technical Specifications relating to Control Rod Group Withdrawal Limits.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 9, 1976, (2) Amendment No. 10 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 15th day of January, 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc.76-1977 Filed 1-21-76;8:45 am]

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK AND NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hebey given that the U.S. Nuclear Regulatory Commission (the Commisison) has issued Amendment No. 8 to Facility Operating License No. DPR-59 issued to the Power Authority of the State of New York and the Niagara Mohawk Power Corporation for operation of the James A. FitzPatrick Nuclear Power Plant, located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment modifies the license to authorize modifications that will improve the functioning of the Low Pressure Coolant Injection System (LPCIS) of the Emergency Core Cooling System (ECCS). This amendment is in partial response to the licensees' application dated January 6, 1976 which also referenced a previous letter dated July 24, 1975.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) application for amendment dated January 6, 1976, and referenced letter dated July 24, 1975, (2) Amendment No. 8 to License No. DPR-59, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Oswego City Library, 120 East Second Street, Oswego, New York.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 15th day of January, 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc.76-1978 Filed 1-21-76;8:45 am]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Provisional Operating License No. DPR-13 issued to Southern California Edison Company and San Diego Gas and Electric Company which revised Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit 1, located in San Diego County California. The amendment is effective as of the date of issuance.

The amendment incorporates requirements in the Technical Specifications for turbine deck load bearing test and visual inspection. These requirements result from the use of the new air pallet system for transporting the spent fuel shipping cash on top of the turbine deck.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Provisional Operating License in connection with this action was published in the FEDERAL REGISTER on December 8, 1975 (40 FR 57239). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 11, 1975, (2) Amendment No. 18 to License No. DPR-13, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the San Clemente Public Library, 233 Granada Street, San Clemente, California.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 15th day of January 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.76-1979 Filed 1-21-76;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

TRADE POLICY STAFF COMMITTEE

Requests for Views Regarding Trade Barriers of Certain Countries

The Trade Policy Staff Committee hereinafter referred to as the "TPSC") is seeking information and views with respect to trade barriers of particular countries. This material is needed to supplement the information that was received by the TPSC during the public hearings on international trade negotiations and the Generalized System of Preferences, that were held from June to August 1975, and the hearings on non-tariff measures, held in September 1975. Information and views that have been submitted to the TPSC previously need not be resubmitted.

The TPSC requests information and views regarding barriers to trade existing in the following countries:

Algeria	Korea (Rep. of)
Argentina	Madagascar
Bangladesh	Malawi
Bolivia	Malaysia
Botswana	Mauritius
Brazil	Mexico
Burma	Nicaragua
Chile	Nigeria
Colombia	Pakistan
Congo	Panama
Costa Rica	Peru
Dahomey	Philippines
Dominican Republic	Republic of China
Ecuador	Senegal
Egypt	Singapore
El Salvador	Sri Lanka
Ethiopia	Sudan
Gabon	Swaziland
Ghana	Tanzania
Guatemala	Thailand
Haiti	Togo
Honduras	Trinidad and Tobago
India	Tunisia
Indonesia	Turkey
Iran	Uganda
Iraq	Urugay
Israel	Venezuela
Ivory Coast	Yugoslavia
Jamaica	Zaire
Kenya	Zambia

With respect to each country listed above, the Committee would welcome submissions regarding barriers which create difficulties in the importation or sale of goods that are not the products of such country. Such submissions will be used in formulating U.S. negotiating positions.

Submissions should be as specific as possible. The products of concern should be identified, and the barriers complained of should be described with sufficient detail to identify them clearly. If appropriate and feasible, there should be suggested solutions to the problems described.

The Committee requests that such views and information be submitted as quickly as possible, in order to maximize their usefulness in the formulation of negotiating positions.

All submissions should be addressed to Chairman, Trade Policy Staff Committee, Office of the Special Representative for Trade Negotiations, Room 729, 1800 G Street, NW., Washington, D.C. 20506.

In accordance with the regulations of the TPSC, the Chairman of the TPSC shall exempt from public inspection information submitted in confidence, if he determines that the disclosure of such information is not required by law. A party requesting that the Chairman of the TPSC exempt from public inspection information submitted in writing shall clearly mark each page "submitted in confidence" at the top, and shall submit a non-confidential summary of the confidential information. Such person shall also provide the Chairman of the TPSC with a written explanation of why the material should be so protected.

The Chairman of the TPSC may deny a request that he exempt from public inspection any particular information, if he determines that such information is not entitled to exemption under law. In the event of such denial, the information will be returned to the person who has submitted it, with a statement of the reasons for the denial.

With the exception of information which is submitted and retained in confidence, as described in the preceding two paragraphs, an interested person may, upon request, inspect at the Office of the TPSC any written material which is submitted pursuant to this subpart.

ALLEN H. GARLAND,
Chairman,
Trade Policy Staff Committee.

[FR Doc.76-1875 Filed 1-21-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

AMERICAN STOCK EXCHANGE, INC.

Order Approving Fees for Transfer From Unlisted to Listed Status

JANUARY 16, 1976.

On November 24, 1975 the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, New York 10006, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The proposal contained an amendment to Section 113 of the Amex *Company-Guide* which increases the fees charged to a company for transferring from unlisted to listed status from $1,000 to $4,500.

Notice of the proposed amendment to the *Company Guide* together with the terms of substance of the proposal was given by publication of a Commission Release (Securities Exchange Act Release No. 34-11869, November 26, 1975) and by publication in the FEDERAL REGISTER (40 Fed. Reg. 57402, December 9, 1975). Public comments were invited until the thirtieth day after publication in the FEDERAL REGISTER.

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 of the Act.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on November 24, 1975, be, and hereby is, approved.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-1952 Filed 1-21-76;8:45 am]

FLEMING BERGER FUND, INC.

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 16, 1976.

Notice is hereby given that Fleming Berger Fund, Inc. ("Applicant"), 899 Logan Street, Denver, Colorado 80203, a Delaware corporation, registered as an open-end, diversified management investment company under the Investment Company Act of 1940 ("Act"), filed an application on December 12, 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 as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant was incorporated on November 12, 1968, under the laws of the State of Delaware and subsequently filed a notification on Form N-8A as an open-end, non-diversified management investment company and registration statements on Form N-8B-1 and Form S-5. On September 30, 1975, pursuant to an Agreement and Plan of Reorganization, Applicant sold its assets to The One Hundred Fund, Inc., in exchange for shares of common stock of The One Hundred Fund, Inc., which shares were thereupon distributed to the shareholders of Applicant in liquidation thereof. Applicant is dormant, having no assets and engaging in no business activities, and has, effective November 10, 1975, filed a Certificate of Dissolution with the Secretary of State of Delaware.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 10, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed

to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon 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 notice of further developments 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.76–1953 Filed 1–21–76;8:45 am]

[File No. 500–1]

GAC CORP. AND GAC PROPERTIES CREDIT INC.

Suspension of Trading

JANUARY 16, 1976.

The common stock of GAC Corporation being traded on the New York Stock Exchange, Midwest Stock Exchange, Pacific Coast Stock Exchange, PBW Stock Exchange and Boston Stock Exchange, the voting preference $1.00 series stock of GAC Corporation being traded on the PBW Stock Exchange, the convertible preferred $1.06 cumulative stock of GAC Corporation being traded on the New York Stock Exchange and PBW Stock Exchange, the preferred $6.50 series cumulative stock of GAC Corporation being traded on the PBW Stock Exchange, the 5⅞% convertible subordinated debentures due 1994 of GAC Corporation being traded on the New York Stock Exchange; the 11% senior debentures due 1977 of GAC Properties Credit Incorporated being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of GAC Corporation and GAC Properties Credit Incorporated 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 exchanges 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 18, 1976 and continuing through January 27, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretray.

[FR Doc.76–1954 Filed 1–21–76;8:45 am]

MAGELLAN FUND, INC. ET AL.

Filing of Application for an Order of Exemption Pursuant to Section 17(b) of the Act and for an Order Pursuant to Section 17(d) of the Act and Rule 17d–1 Thereunder

JANUARY 16, 1976.

Notice is hereby given that an application was filed on August 18, 1975, and an amendment thereto on November 24, 1975, by the following person: Magellan Fund, Inc. ("Magellan") and Essex Fund, Inc. ("Essex"), open-end, diversified management investment companies registered under the Investment Company Act of 1940 (the "Act"); Fidelity Management & Research Company ("Fidelity"), the investment adviser to, and a shareholder of, Everest and Convertible; and Edward C. Johnson, 3rd. ("Johnson"), 35 Congress Street, Boston, Masaschusetts 02109, the controlling shareholder of Fidelity and a shareholder of Magellan and Essex (collectively referred to as "Applicants"). The application requests an order of the Commission, pursuant to Section 17(b) of the Act, exempting the merger of Essex into Magellan from the provisions of Section 17(a) of the Act and an order of the Commisison, pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder, permitting Fidelity and Johnson to participate, as principals, in the merger of Essex into Magellan. All interested persons are referred to the application on file with the Commisison for a statement of the representations contained therein, which are summarized below.

Magellan was organized in 1962, and, as of September 30, 1975, had 338,064 shares outstanding and net assets of $5,361,112. Essex was organized in 1961 and, as of September 30, 1975, had 1,913,674 shares outstanding and net assets of $13,484,898. The investment objective of both Magellan and Essex is capital growth.

Both Magellan and Essex employ Fidelity, a wholly-owned subsidiary of FMR Corp., as its investment adviser. The Board of Directors and principal officers of Magellan and Essex are identical. Accordingly, Magellan and Essex may be deemed to be under common control. Johnson is Chairman of the Board and the Chief Executive Officer of Magellan and Essex, a director and the Chief Executive Officer of Fidelity and FMR Corp., and the owner of more than 50 percent of the voting securities of FMR Corp. Section 2(a)(3) of the Act, in pertinent part, defines an affiliated person of another person to include any person directly or indirectly controlling, controlled by, or under common control with such other person, any officer or director of such other person, and any investment adviser if such other person is a registered investment company. Johnson and Fidelity, therefore, are affiliated persons of both Magellan and Essex, and Magellan and Essex may be deemed to be affiliated persons of each other.

Fidelity presently owns 53,067 shares of Magellan and 21,556 shares of Essex. These securities had a value, as of September 30, 1975, of approximately $841,536 and $151,905, respectively and constituted approximately 16 percent and 1 percent of the respective outstanding voting securities of Magellan and Essex. Johnson owns, beneficially and of record, 20,698 shares of Magellan and 14,925 shares of Essex.

Magellan and Essex propose to enter into an Agreement of Merger pursuant to which Essex will be merged into Magellan in accordance with Massachusetts law. Magellan will be the surviving corporation and the separate corporate existence of Essex will cease.

Shortly before the effective date of the merger, Magellan and Essex will distribute to their shareholders a dividend consisting of substantially all of their net taxable investment income. In addition, Essex will distribute substantially all of its then undistributed net taxable long-term capital gains. On the effective date of the merger, the outstanding shares of Essex held by each stockholder of record will be converted into that number of full and fractional shares of Magellan having an aggregate net asset value equal to the value of such stockholder's pro rata interest in the net assets of Essex. The net asset values of Magellan and Essex, for purposes of the exchange, will be determined as of the close of business on the effective date of the merger.

The Agreement of Merger and other matters incidental thereto have been approved by the Boards of Directors of Magellan and Essex and must be further approved by the vote of at least two-thirds of the outstanding voting securities of both Magellan and Essex. Shareholders of Magellan and Essex will also be asked to approve a new advisory and service contract between Fidelity and Magellan. The present Magellan contract provides for a base fee of 0.8 percent with performance adjustments, measured over a 36 month period, ranging up to plus or minus 0.4 percent. The present Essex contract provides for a base fee of 0.5 percent with performance adjustments, measured over a 12 month period, ranging up to 0.2 percent. Neither the present Magellan nor the present Essex contract contain guarantees limiting the expenses payable by the funds. The proposed new advisory and service contract between Fidelity and Magellan provides for a base fee of 0.8 percent with performance adjustments, commencing one year after approval of the contract and measured over a 36 month period, ranging up to plus or minus 0.2 percent. The proposed new

contract would also contain an expense limitation guarantee, applicable to the present fiscal year ending May 31, 1976, pursuant to which Fidelity would reimburse Magellan, up to the amount of Fidelity's advisory fee, to the extent that the expenses of Magellan exceed 1½ percent of Magellan's average net assets up to $30 million and 1 percent of average net assets in excess of that amount. The merger of Essex into Magellan is conditioned upon approval by both Magellan and Essex shareholders of the new advisory and service contract.

As of September 30, 1975, Magellan and Essex had, respectively, net unrealized gains (losses) of $372,966 and ($7,684) and capital loss carryforwards of $3,003,000 and $15,379,000. No adjustments in the aggregate net asset values of Magellan and Essex will be made to compensate shareholders for any potential Federal income tax impact which may result from the differences between Magellan and Essex in the percentage of their unrealized capital gains and tax loss carryforwards to their net assets. Applicants assert that an adjustment is not appropriate in view of the uneven impact of any adjustment on individual shareholders because of different holding periods, tax bases and tax rates and because there is no assurance that tax loss carryforwards can be utilized before they expire.

SECTION 17(a)

Section 17(a) of the Act, in pertinent part, provides that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, knowingly to sell or purchase from such registered company any security or other property. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act. Applicants request an order of the Commission exempting from the provisions of Section 17(a) of the Act the proposed merger of Essex into Magellan and the exchange of shares of Essex for shares of Magellan by Fidelity and Johnson in connection with the merger.

Applicants assert that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned. Shares of Magellan will be issued to Essex shareholders of the basis of the respective net asset values of Magellan and Essex determined at the same point in time. Applicants assert that Fidelity and Johnson will be treated no differently than all other shareholders of Essex. Applicants believe that the consummation of the proposed merger will result in certain economies of operation through the reduction of certain expenses, such as auditing fees, filing fees, custodial fees and the expenses of preparation of proxy statements and shareholder reports. The aggregate expenses of consummating the merger of Magellan and Essex are estimated to be $41,800. Magellan and Essex will each bear their own expenses attributable to the merger. Expenses deemed common to the transaction will be apportioned on the basis of the relative net assets of Magellan and Essex. FMR has agreed to assume $15,000 of the expenses of the merger. That sum is to be allocated between Magellan and Essex on the basis of their actual and accrued expenses.

Applicants assert that all the portfolio securities of Essex will be acceptable to and retained by Magellan, subject to normal investment changes. Applicants state that the investment policies and restrictions of Magellan and Essex are substantially identical and that the investment objectives of both Funds are identical.

SECTION 17(d) AND RULE 17d–1

Rule 17d–1, adopted by the Commission pursuant to Section 17(d) of the Act, provides in pertinent part, that no affiliated person of any registered investment company and no affiliated person of such a person, acting as principal, shall participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which such registered company is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by an order. A joint enterprise or other joint arrangement as used in this rule is any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company or a controlled company thereof and any affiliated person of such registered investment company, or any affiliated person of such a person, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking. In passing upon such application, the Commission will consider whether the participation of such registered company in such joint enterprise or joint arrangement on the basis proposed is consistent with the policies, provisions and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Because Johnson and other officers and employees of Fidelity, in their capacity as officers of the Funds, proposed the merger and the new service and advisory contract to the directors of Magellan and Essex, and because Fidelity and Johnson will vote their shares in the Funds in favor of the merger and, if the merger is approved, exchange their shares of Essex for shares of Magellan, Fidelity and Johnson might be deemed to be participants in the merger with Everest and Convertible, and thus, subject to the provisions of Section 17(d) of the Act and Rule 17d–1 thereunder.

Applicants assert that the proposed merger is consistent with the provisions, policies and purposes of the Act. Applicants further assert that the participation of Fidelity and Johnson, as shareholders of Essex, in the proposed merger will be on the same basis, i.e., net asset value, as all other shareholders of Essex.

Notice is further given that any interested person may, not later than February 10, 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 reasons 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 personallyo rbymail(aietaoinhs(if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 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 10, 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 postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–1955 Filed 1–21–76;8:45 am]

[Release No. 34–12020; Filed No. SR–NYSE–75–12]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on November 4, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

STATEMENT OF THE PROPOSED RULE CHANGES

Rule 5. Section 1. Eligible Securities may only be those issues of securities (i) which when deposited with the Corporation may lawfully, as determined by

the Corporation on advice of legal counsel satisfactory to the Corporation, be the subject of transfer [and pledge] by book-entry pursuant to applicable provisions of law and (ii) for which there is a transfer agent in the United States. The Corporation shall accept an issue of securities as Eligible Securities only upon a determination by the Corporation that it has the operational capability and can obtain information regarding the security necessary to permit it to provide its services to Participants and Pledgees when securities of such issue are deposited. The timing of additions of such issues shall be on a nondiscriminatory basis consistent with the Corporation's objective to provide the maximum practical degree of service in facilitating the prompt and orderly settlement of securities transactions.

* * * * *

Rule 6. Subject to the provisions of these Rules and the Procedures, t[T]he Corporation, acting in accordance with duly authorized instructions from the Participant or Participants and the Pledgee or Pledgees, if any, having an interest in the transaction, shall accept Eligible Securities from Participants for deposit with the Corporation; effect transfers by a Participant of its Deposited Securities to another Participant or Participants; effect pledges by a Participant of its Deposited Securities to a Pledgee or Pledgees and effect the release of such pledges, *provided that the Corporation has not designated such Deposited Securities as ineligible for pledge through its facilities;* deliver to a Participant or its designee a Participant's Deposited Securities registered (*i*) in the name of and endorsed by the Corporation's nominee or (*ii*) in the name of such Participant or its designee, *provided, however, that the Corporation shall not at any time be obligated to deliver Deposited Securities in the form specified in clause* (*i*); deliver dividends, distributions, rights, securities, proxy material and other property or documents received by the Corporation in respect of a Participant's Deposited Securities or Pledged Securities; disburse money to, and receive money from, Participants and Pledgees on behalf of other Participants or Pledgees in connection with related securities transactions; and acting on its own or by appropriate instruction, provide to Participants and Pledgees information and statements of account regarding their business with the Corporation. Such transactions shall be effected in accordance with the By-Laws, these Rules and the Procedures.

The Corporation may also provide such other services as are consistent with the purposes and powers of the Corporation; provided, however, that the Corporation shall not initiate any change in the nature of, or any service other than, the services specified in the first paragraph of this Rule 6 without first notifying the Securities and Exchange Commission thereof.

Any or all Deposited Securities or Pledged Securities may be required by the Corporation to be removed from a Participant's or Pledgee's account with the Corporation by physical withdrawal of certificates representing such securities when the Corporation in its discretion deems such removal necessary or expedient.

If the Corporation or its nominee is unable to exercise voting rights as contemplated by the Procedures as to all Deposited Securities and Pledged Securities of a given Eligible Security due to limitations imposed by law or the issuer on the exercise of voting rights by the Corporation's nominee, the Corporation shall have no obligation to Participants or others to provide for the exercise of any such voting rights.

In consideration of the Corporation's delivery to a Participant or its designee of the Participant's Deposited Securities registered in the name of and endorsed by the Corporations' nominee, the Participant shall indemnify the Corporation and any nominee of the Corporation in the name of which such securities are registered against all loss, liability and expense which they may sustain, without fault on the Corporation's part, as a result of such securities being reigstered in the name of such nominee, including (a) assessments, (b) losses, liabilities and expenses arising from claims of third parties and from taxes and other governmental charges, (c) related expenses in respect of any such securities, (d) the inability of any person entitled to exercise any rights in respect of such securities (including, but not limited to, voting rights, dissenters' rights, rights to purchase other securities or exchange or conversion rights) so to exercise such rights or exercise such rights on a timely basis and (e) the inability of any such person entitled to dividends or other distributions in respect of such securities to obtain such dividends or other distributions or to obtain such dividends or other distributions on a timely basis.

* * * * *

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes is as follows:

3. *Purpose of Proposed Rule Changes.* The purpose of the proposed rule changes is to address legal problems associated with the addition of certain issues of securities to the list of Eligible Securities as such term is defined in the Rules of The Depository Trust Company (DTC), a wholly-owned subsidiary of the New York Stock Exchange, Inc. (Exchange). The rule changes result in the imposition on DTC Participants of certain liabilities which could otherwise be incurred by DTC and the limitation of the services DTC would offer in respect of certain securities, if deemed necessary.

It is believed that DTC Participants which today hold such securities in "street name" are now subject to "service" limitations and potential liabilities similar to those which would result from the proposed solutions. Accordingly, Participants should not be adversely affected by the proposed solutions and would obtain certain benefits as a result of DTC making available some service in respect of such securities.

The first amendment to paragraph 1 of Rule 6 subjects to DTC's Rules and Procedures DTC's obligation to accept Eligible Securities for deposit.

The second amendment to paragraph 1 of Rule 6 gives DTC the right to deny Participants the ability to pledge certain securities issues, without denying book-entry transfer service, if for example DTC determined that foreign law applicable to issuers incorporated in foreign jurisdictions did not recognize book-entry pledges as valid or could not determine that such pledges would be valid, in which event the Participant could withdraw and physically pledge the securities.

The third amendment to paragraph 1 of Rule 6 would give DTC the right to deny withdrawals of certain securities in nominee name (COD Withdrawals) if for example DTC determines that as a result of COD Withdrawals it would be unable to ascertain the quantity of the security registered in DTC's nominee's name and thereby be unable to comply with laws and regulations, particularly foreign laws and regulations, which might impose restrictions on the number of shares or percentage of an issue which may be held by any one registered owner in which event the Participant would be limited to withdrawing certificates in the name of a designated person or withdrawing deposited certificates prior to reregistration.

New paragraph 4 of Rule 6 would eliminate DTC's obligation in respect of certain securities to provide for the exercise of voting rights if DTC determines that as registred owner it has only limited voting rights in respect of an issue, e.g. DTC's nominee is the record owner of 100,000 shares of an issue, but the issuer's charter does not permit a record owner to vote more than 300 shares.

New paragraph 5 of Rule 6 would require a Participant to indemnify DTC against any loss DTC might incur in respect of withholding taxes, assessments or other liabilities relating to securities registered in nominee name which were the subject of a COD Withdrawal by the Participant. (DTC's rules now require the Participant to indemnify DTC for such matters as to securities credited to the Participant's account.)

In line with the second amendment to paragraph 1 of Rule 6, clause (i) of Rule 5, Section 1 would be amended to delete the reference to the requirement that Eligible Securities may lawfully be the subject of pledge by book-entry.

4. *Basis Under the Act for Adopting the Proposed Rule Changes.*

(a) Not Applicable.

(b) The proposed rule changes relate to the Exchange's wholly-owned subsidiary, DTC. The rule changes relate to DTC's carrying out the purposes of Sec-

tion 17A of the Securities Exchange Act of 1934 in that the number of issues of securities qualifying as DTC Eligible Securities are increased thereby permitting Participants to deposit such securities in DTC and avoid the necessity for physical delivery of such securities in the settlement of securities transactions.

(c) Not Applicable.

5. *Comments Received from Members, Participants or Others on Proposed Rule Changes.* Comments have been solicited, but none have been received.

6. *Burden on Competition.* None. On or before March 1, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule 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 12, 1976.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 15, 1976.

[FR Doc.76-1961 Filed 1-21-76;8:45 am]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JANUARY 16, 1976.

On November 3, 1975, the New York Exchange, Inc. (the "NYSE") Eleven Wall Street, New York, New York 10005, filed with the Commission, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, a proposed change in the rules of the NYSE. The rule change, as amended by the NYSE on January 8, 1976, would add to Rule 345 of the NYSE a requirement that no member or member organization shall employ any person not otherwise required to be registered with and approved by the Exchange prior to obtaining the approval of the Exchange if the member or member organization knows, or in the exercise of reasonable care should know, that such person is subject to a statutory disqualification as defined in Section 3(a)(39) of the Act.

Notice of the filing was published in the *SEC DOCKET* (Release No. 11807/November 6, 1975); the complete submission and a request for public comments were published in the FEDERAL REGISTER on November 13, 1975 (40 F.R. 52896). The period for public comment ended on December 13, 1975, and no comments were received.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NYSE.

It is therefore orderd, pursuant to section 19(b)(2) of the Act, that the proposed rule change, as amended, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A FITZSIMMONS,
Secretary.

[FR Doc.76-1956 Filed 1-21-76;8:45 am]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Changes Submitted by the New York Stock Exchange on Behalf of Stock Clearing Corporation With Respect to Its Rules 9 and 19 and Its Procedures Manual

JANUARY 16, 1976.

On October 21, 1975, The New York Stock Exchange, Inc. ("NYSE") on behalf of Stock Clearing Corporation ("SCC"), a wholly-owned subsidiary of the NYSE and a registered clearing agency, submitted proposed changes to SCC Rules 4, 9, and 19 and page 70 of its procedures manual pursuant to Rule 19b-4 under the Securities Exchange Act of 1934, 15 U.S.C. 78(s) ("the Act"). On January 14, 1976 the proposed changes to Rule 4 were formally withdrawn.

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, notice of the proposed rule changes was published in the FEDERAL REGISTER (40 Fed. Reg. 52775, November 12, 1975) and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 11806, November 6, 1975. No letters of comment were received.

As described in Securities Exchange Act Release No. 11806 the rule changes reflect SCC' policy of accepting reclamations from a receiving member or nonmember bank no later than 10:00 a.m. on the business day following delivery to such receiving member or non-member bank and reflect the fact that members of the American Stock Exchange, Inc. ("Amex") who are members of SCC are clearing members rather than associate members and deals further with the existence of dual memberships on the NYSE and Amex.

The Commission has reviewed the proposed rule change and finds that it is consistent with the requirements of the Act 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 as modified by the withdrawal of the proposed change to Rule 4, be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-1957 Filed 1-21-76;8:45 am]

[812-3745]

ONE WILLIAM STREET FUND, INC. AND THE LEHMAN CORP.

Filing of Application Pursuant to Rule 17d-1 for an Order of Exemption From the Provisions of Section 17(d) and Rule 17d-1 Thereunder

JANUARY 16, 1976.

Notice is hereby given that The One William Street Fund, Inc., One William Street, New York, New York 10004, a Maryland corporation registered under the Act as an open-end, diversified management company, and The Lehman Corporation, One South William Street, New York, New York 10004, a Delaware corporation registered under the Act as a closed-end, diversified management company (collectively, "Applicants"), filed an application on January 6, 1975, and amendments on March 12, 1975, and September 2, 1975, for an order of the Commission pursuant to Rule 17d-1 under the Act permitting Applicants to participate as joint insureds under the terms of a fidelity bond. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicants are currently insured under a 3-year fidelity bond (the "Existing Bond") which expires at the end of 1976. The bond also names, as insureds Lehman Brothers, Inc., and the following corporations, partnerships and other entities that are part of the Lehman Brothers, Inc. complex (collectively, "other insureds"), i.e., Lehman Brothers, Lehman Management Co., Inc., investment adviser to the Applicants, Lehman Commercial Paper, Inc., Gas Properties, Inc., Lehman Brothers International, Ltd., Lehman Bros. S.A., The Committee of Lehman Brothers, Inc. Employees Profit Sharing Plan, Lehman Ventures, Lehman Special Services, Inc., Lehman Brothers Limited, Lehman Government Securities, Inc., Albacorp., Inc., and Residual Ventures. Most of these other insureds are not persons of the types permitted by Rule 17g-1(b)(3) of the Act, effectively April 21, 1974, to be joint

insureds with a registered management investment company.

Subparagraph (k) of rule 17g–1 provides that agreements shall be brought into compliance with the rule at the next anniversary date of an existing fidelity bond but not later than one year from the effective date of the rule. Applicants have therefore, developed a plan pursuant to which they wish to provide and maintain a joint insured bond ("New Bond") which would cover Applicants and would otherwise meet the requirements of the rule. Applicants also wish to be able to continue to participate as insureds under the Existing Bond and, subject to the approval of their respective Boards of Directors at appropriate times in the future, under any renewal or extension of the Existing Bond or any similar bond obtained in substitution therefor.

Under the dual bonding arrangement proposed, the New Bond would provide primary coverage, and the liability of the insurance company under the Existing Bond would be secondary, with losses incurred by Applicants being payable under the Existing Bond only to the extent that they exceed the limits of coverage of the New Bond (hereafter, the "deductible" feature). The "dual bonding arrangement" has been approved by the Boards of Directors of each Applicant.

At the time the Existing Bond was last renewed, the total premium payable was allocated among the various insureds on the basis of the relative number of employees of each insured. Since the deductible, under the proposed arrangement, will not apply to insureds other than Applicants, each Applicant's share of the premium on the Existing Bond would be determined in a new manner. Whenever the Existing Bond would be renewed, Applicants would obtain a quotation from their insurer as to the estimated total cost to all insureds of renewing coverage provided by the Existing Bond if the deductible were applicable to all insureds. Applicants would then calculate, on the basis of their respective numbers of employees in relation to the total numbers of employees maintained by all insureds, the portion of the premium for this coverage (the "Quoted Bond") each would pay if that coverage were being obtained. Pursuant to the proposed arrangement, each Applicant's contribution to payment of the premium on the Existing Bond would be equal to its respective portion of the premium on the Quoted Bond.

Moreover, since a deductible in the amount of the New Bond would become applicable to the Existing Bond at a time when the term of the Existing Bond has not expired, and since the Applicants, during the remaining period, would be receiving less protection as a result of the deductible than would other insureds, Applicants have agreed with the other insureds that each Applicant will receive a refund of a portion of the premium each paid at the time the Existing Bond was last renewed. That refund will be calculated in the following manner.

Applicants have obtained an estimate of the cost to all insureds of a Quoted Bond for a three-year period. They also have determined, on the basis of the number of employees maintained by each Applicant relative to the total numbers maintained by all insureds, the portion of the total premium for the Quoted Bond each would pay were such coverage obtained for a 3-year period. The portion of the premium paid by each Applicant on the Existing Bond would, for purposes of the calculation, be divided into an expired part and an unexpired part. These parts would bear the same ratio to each other as the expired term bore to the unexpired term. The portion of the premium on the Quoted Bond each Applicant would pay also would be divided into two parts in the same manner. Each Applicant would be reimbursed by the other insureds in an amount equal to the difference between the part of the Existing Bond premium that each Applicant paid which is attributable to the unexpired term and the part each would pay under the Quoted Bond for coverage for the same period of time.

Applicants have also agreed with the other insureds that whenever the amount of coverage provided Applicants under the Existing Bond (or a substitute therefor) is changed during the term of the bond, whether due to a change in the amount of primary coverage or otherwise, the premium Applicants paid at the last renewal thereof will be adjusted in a manner similar to that by which Applicants propose to calculate the amount of the refund presently due them, as described above, and Applicants will receive from the other insureds, the difference, if any, between the amount so calculated and the amount which they actually paid.

The implementation of the plan outlined above would enable Applicants to comply with the provisions of Rule 17g–1 under the Act and, in addition, to maintain the amount of coverage presently available to Applicants as joint insured under the Existing Bond at the substantially reduced cost resulting from the joint coverage and broader sharing of premium cost under the Existing Bond.

Most of the other insureds under the Existing Bond are either affiliated persons or affiliated persons of an affiliated person of one or both of the Funds, typically because such other insureds are under common control with the Funds' investment adviser. Since the additional coverage provided by the Existing Bond would not satisfy the provisions of paragraph (b) of Rule 17g–1, the participation of these other insureds would not be exempted from Section 17(d) of the Act and the rules thereunder. However, because the proposed dual bonding plan outlined above would provide both the coverage required by Rule 17g–1 and additional coverage at a cost below that which Applicants would have to pay if they were to purchase the same coverage themselves, Applicants believe that the implementation of the plan as outlined is fair, equitable, and desirable for each of Applicants.

Rule 17d–1 under the Act provides, in pertinent part, that the Commission may, upon application, approve participation by an affiliated person or an affiliated person of an affiliated person of a registered investment company in a joint enterprise or other joint arrangement or profit-sharing plan, as defined in Rule 17d–1(c), after considering whether the participation of such registered investment company in such joint enterprise, joint arrangement or profit-sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Notice is further given that any interested person may, not later than February 10, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at their respective addresses stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following February 10, 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 notice of further developments 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.76–1958 Filed 1–21–76;8:45 am]

[812–3660]

PEACHTREE EQUITY SECURITIES, INC.

Filing of Application Pursuant to Section 6(c) of the Act for Order Granting Exemption From Rule 22c–1 Under the Act

JANUARY 16, 1976.

Notice is hereby given that Peachtree Equity Securities, Inc. ("Applicant"),

34 Peachtree Street, NW., Atlanta, Georgia 30303, registered under the Investment Company Act of 1940 (the "Act") as a diversified, open-end management investment company, filed an application on June 27, 1974, and Amended and Restated Applications (the "Application") on July 21, 1975, and December, 1975, pursuant to Section 6(c) of the Act for an order of the Commission exempting the secondary market operations of dealers in Applicant's shares from the provisions of Rule 22c–1(a) under the Act in order to permit trading in such shares at the bid and asked prices in the over-the-counter market. All interested persons are referred to the Application on file with the Commission for a statement of the representations therein, which are summarized below.

On July 17, 1973, Applicant sold 1,093,598 shares of Common Stock to an underwriting syndicate formed for the purpose of distributing its shares. The Applicant does not continuously offer its shares to the public for sale and does not issue new shares except in connection with its Dividend Reinvestment Plan, pursuant to which a nominal number of new shares are issued to the Dividend Reinvestment Agent for distribution to Applicant's shareholders. Even though Applicant does not continuously offer its shares, it does continuously offer to redeem its shars at the next computed net asset value as required by Rule 22c–1. Applicant's shares are also traded in the over-the-counter market at prices which vary from the next computed net asset value per share.

A shareholder wishing to redeem shares may do so by tendering the shares directly, or through any registered securities dealer, to the Bank of New York, the Applicant's redemption agent ("Redemption Agent"). The redemption price is the net asset value per share next determined after the initial receipt by either the Redemption Agent or the registered securities dealer of proper notice of redemption. Because the net proceeds to a shareholder from a redemption may be greater than or less than the net proceeds from a sale of the shares in the over-the-counter market, the Redemption Agent is irrevocably authorized in its discretion after the receipt of notice of redemption and upon the determination of the applicable redemption price, to check the over-the-counter market for the account of the redeeming shareholder if a price can be obtained which will return to such shareholder an amount in cash, net after deducting brokerage commissions, transfer taxes and other charges, equal to or in excess of the redemption price for such shares.

Rule 22c–1 under the Act provides that no registered investment company issuing any redeemable security, no person designated in such issuer's prospectus as authorized to consummate transactions 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 purchase or sell such security. For the purpose of the rule, the current net asset value of any such security is that computed on each day during which the New York Stock Exchange is open for trading, not less frequently than once daily as of the time of the close of trading on such Exchange.

A dealer purchasing or selling Applicant's shares at the current market price, and not at a price based on the next computed net asset value, may, therefore, be considered in violation of the Rule.

Applicant requests that such a dealer be exempted from the rule in connection with any transaction in Applicant's shares.

Applicant has applied to the NASDAQ Committee of the National Association of Securities Dealers, Inc. (the "NASD") to have Applicant's shares listed on the NASD Automated Quotation System ("NASDAQ") at the bid and asked prices, and the NASD has proposed an amendment to Schedule D of its By-laws which would permit the listing of Applicant's shares on NASDAQ. In connection with this listing of Applicant's shares, a symbol would appear next to the quotation of Applicant's shares on NASDAQ which would refer a broker or dealer making inquiry of the market in Applicant's shares to the NASD or NASDAQ code books. The code book would contain language stating, essentially, that the issuer is a registered investment company and that the shares are redeemable by the issuer at the net asset value next computed after proper notice. The code book would also direct a member's notice to the Board of Governor's interpretation with respect to the execution of retail transactions in the over-the-counter market which requires members and persons associated with members to use reasonable diligence to ascertain the best market for the security and to buy or sell in that market so that the price to the customer is as favorable as possible under the prevailing market conditions.

The listing of Applicant's shares on NASDAQ, Applicant asserts, will help to insure that customers receive the best possible price in the execution of their orders by making generally available the most widely disseminated and reliable quotations of Applicant's shares.

Existing shareholders of the Applicant will receive information regarding the various alternatives available to them in disposing of Applicant's shares, together with a discussion of each such alternative, in each regular quarterly mailing of Applicant. Such information and discussion will also be provided each new shareholder of the Applicant when share certificates are presented for transfer into the name of the new shareholder.

In Investment Company Act Release No. 5519, October 16, 1968, adopting Rule 22c–1, two specific purposes of the Rule were set forth:

(a) To eliminate or reduce so far as reasonably practicable any dilution in the value of outstanding redeemable securities of registered investment companies through (i) the sale of such securities at a price below their net asset value or (ii) the redemption or repurchase of such shares at a price above their net asset value.

(b) To eliminate or reduce so far as reasonably practicable other results, aside from dilution, which derive from the sale, redemption or repurchase of securities of registered investment companies and which are unfair to the holders of such outstanding securities, specifically, to eliminate or reduce (i) speculative trading practices which affect management's decision to invest what it believes to be speculators' money and (ii) the need for management to effect untimely liquidations upon redemption of speculators' securities.

Applicant contends that since it is not issuing shares, and will itself redeem shares in accordance with the rule, the secondary trading in its shares by dealers on the over-the-counter market will not result in any dilution of the interests of Applicant's shareholders. Applicant also claims that the secondary trading market in Applicant's shares will not encourage speculative trading practices because of the duties of brokers and dealers to their customers.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities or transactions from any provision or provisions of that Act or of any rule or regulation thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act. Applicant submits that the proposed exemption is reasonable and fair and is necessary and appropriate in the public interest and consistent with 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 10, 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 such person 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 addressed stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing

of the Application herein will be issued as of course following February 10, 1976, unless the Commisison thereafter orders a hearing upon the request or upon the Commisison's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-1959 Filed 1-21-76;8:45 am]

[70-5789]

PENNSYLVANIA ELECTRIC CO.

Notice of Proposed Issuance and Sale of Cumulative Preferred Stock at Competitive Bidding

JANUARY 16, 1976.

Notice is hereby given that Pennsylvania Electric Company ("Penelec"), 1001 Broad Street, Johnstown, Pennsylvania 15907, an electric utility subsidiary company of General Public Utilities Corporation ("GPU"), a registered holding company, has filed an application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 6(b) and 7 of the Act and Rule 50 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.

Penelec proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to 1,400,000 shares of its Cumulative Preferred Stock, __% Series L (the "New Preferred Stock"), subject to the receipt of certain shareholder approvals which are currently being sought. Terms of the New Prefered Stock provide that Penelec shall notify prospective bidders, not later than 72 hours prior to the time for receiving bids, of whether the New Preferred Stock will include a mandatory redemption provision, commencing not later than March 1, 1981, to retire annually on March 1 each year, commencing in the year specified in Penelec's notice, 5% the number of shares of the New Preferred Stock that are originally issued at $25 per share. All such shares are to be retired within 20 years from the date of commencement of the required redemption, if any. Terms of the New Preferred Stock will also provide that Penelec shall not refund the New Preferred Stock by the issuance of either new debt securities at a lower interest cost or other preferred stock at a lower dividend cost within five years of the issuance of the New Preferred Stock.

The dividend rate and optional redemption prices of the New Preferred Stock will be determined by competitive bidding. The bidding procedure will require that (1) the price per share (and the price at which each share shall be initially re-offered by the underwriters to the public) shall be $25, which is the part value of the New Preferred Stock, (2) the dividend rate for the New Preferred Stock be specified in such bids and be a multiple of 1/25 of 1%, and (3) the underwriting commission per share to be paid by Penelec to the successful bidders be specified in the bids. The bidding procedure will not establish a minimum or maximum dividend rate or commission within which bids may be considered.

The proceeds to be realized from the sale of the New Preferred Stock will be used for the payment of all of Penelec's short-term bank loans expected to be outstanding at the date of sale and to reimburse Penelec's treasury for funds previously expended therefrom for construction purposes. Penelec expects to have approximately $18,000,000 of bank loans outstanding immediately prior to the date of sale of the New Preferred Stock. The presently estimated cost of Penelec's 1976 construction program is approximately $135,000,000 (including allowance for funds used during construction).

Fees and expenses to be incurred by Penelec in connection with the issue and sale of the New Preferred Stock are estimated at $135,000, including legal fees of $34,000. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the proposed issuance and sale of the New Preferred Stock by Penelec and that no other 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 11, 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 such application-declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above stated address, and proof of service (by affidavit or, in the 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 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 Regulations, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-1960 Filed 1-21-76;8:45 am]

[Release No. IA-486]

INVESTMENT ADVISER FEES

Notice of Refund

The Securities and Exchange Commission has announced that it will refund annual assessments paid by registered investment advisers from 1971 through 1974. These fees were imposed by former Rule 203-3 (b), (c), (d) and (e) under the Investment Advisers Act of 1940, 17 CFR 275.203-3 (b), (c), (d), and (e) [1974], which was repealed by the Commission on March 29, 1974. 39 F.R. 12108.[1]

Former Rule 203-3(b) provided that every registered investment adviser should pay a $100 annual assessment to the Commission while its registration was effective. Rule 203-3(c) provided that any registered adviser who filed a notice of withdrawal on or before June 30 of any year should pay one-half the annual assessment for that year, while Rule 203-3(d) provided that any adviser who filed a notice of withdrawal after June 30 should pay the full assessment. Rule 203-3(e) provided that any adviser who failed to pay the assessment when due would be required to pay a late payment fee of $100.

The Commission will identify from its records and make refunds to those advisers and former advisers who paid annual fees pursuant to former Rules 203-3 (b), (c), (d) and (e); thus, it will ordinarily not be necessary for an adviser to make application for a refund. If any adviser or former adviser who paid an annual fee has not received a refund by February 15, 1976, he is requested to make inquiry at that time of the Office of the Comptroller, Securities and Exchange Commission, Washington, D.C. 20549.

Investment advisers should note that this action does not affect the fee imposed by Rule 203-3(a) under the Advisers Act, 17 CFR 275.203-3(a) [1975], and paid by advisers at the time of filing an application for registration under the Act, which fee has not been repealed by the Commission and which remains in effect.

By the Commission.

[SEAL] GEORGE A FITZSIMMONS, *Secretary.*

[FR Doc.76-1962 Filed 1-21-76;8:45 am]

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[1] See Investment Advisers Act Release No. 404, 4 SEC Docket 27 (March 29, 1974). Upon the repeal of former Rule 203-3(b), (c), (d) and (e), former subsection (f) of that rule was redesignated subsection (b).

[Release No. 34–12018; File No. S7–515]

SHORT SALES

Effectiveness of Amendments to Rule 10a–1 Under the Securities Exchange Act of 1934 as to Certain Securities

In Securities Exchange Act Release No. 11468 (June 12, 1975), [40 FR 25442, 6–16–75] the Commission announced the adoption of certain amendments to Rules 10a–1 and 10a–2 under the Securities Exchange Act of 1934 (the "Act") to provide for comprehensive regulation of all short sales of securities as to which last sale information is reported in the consolidated transaction reporting system ("reported securities") contemplated by Rule 17a–15 under the Act (the "consolidated system"), regardless of the market in which such short sales are effected, after such information "is made available" to vendors of market information on a real-time basis in accordance with the joint industry plan declared effective under Rule 17a–15.[1]

The Commission has been informed that last sale information with respect to reported securities included in Network A[2] of the consolidated system will become available on a real-time basis to certain vendors of market information[3] in the near future and that such vendors are likely to be capable of providing such information to their subscribers by means of interrogation devices on a real-time basis early in February, 1976 or sooner, although an additional period may be required for technical adjustments.[4]

Not all vendors of last sale information in reported securities, however, will be capable of proivding that data to their subscribers on a real-time basis on the same date.[5] Further, it appears that some persons who will be affected by the new provisions of Rule 10a–1 are not aware of the imminent effectiveness of paragraph (a) of the Rule. For these reasons, and to ensure that vendors of market information, self-regulatory organizations, brokers and dealers, and the public generally may be aware of a precise date on which the new provisions of the Rule will become applicable to short sales of reported securities, the Commission is publishing this release to clarify that, barring a subsequent delay, last sale data as to reported securities included in Network A of the consolidated system will be "made available" within the meaning of paragraph (a) of Rule 10a–1 on March 1, 1976.[6]

The Commission wishes to emphasize that, because certain vendors of market information[7] may not elect to provide real-time last sale information as to reported securities to their subscribers, and because delays in the transmission of last sale data caused by ticker lateness would prevent persons subject to paragraph (a) of Rule 10a–1 from being aware of the last sale "reported" in the consolidated system for purposes of compliance with the Rule, only interrogation devices which present last sale data as to reported securities on a real-time basis may be relied upon in ascertaining prices at which short sales are permissible under paragraphs (a)(1) and (2) and (e)(5) of the Rule.

Securities Exchange Act Release No. 11468 also solicited comment on certain proposed amendments to paragraphs (a)(1) and (e)(5) of Rule 10a–1 [40 FR 25494, 6–16–75]. The first amendment would broaden the "tick test" established in paragraph (a)(1) of the Rule to permit short sales of reported securities on "plus" and "zero plus" ticks determined either by reference to completed transactions reported in the consolidated system or by reference to completed transactions in the market in which the short sale is to be effected. The second amendment would permit, under stipulated conditions, brokers and dealers, other than registered specialists, exchange market makers, or Qualified Third Market Makers, to effect on an exchange a short sale of up to 1,000 shares of a reported security covered by paragraph (a) of Rule 10a–1 pursuant to a modified "equalizing exemption" under paragraph (e)(5) of the Rule. The Commission has not yet determined whether to adopt either of these amendments.

Effective March 1, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 14, 1976.

[FR Doc.76–1963 Filed 1–21–76;8:45 am]

[1] Rule 10a–1(a)(1) under the Act.

[2] Network A is defined in Section V(a)(i) of the joint industry plan filed with and declared effective by the Commission under Rule 17a–15 (File No. S7–433) (the "joint industry plan").

[3] These vendors are Bunker Ramo Corporation, Ultronic Systems Corporation, and Quotron Systems, Inc.

[4] The Commission is further informed that real-time last sale information as to Network B reported securities will become available approximately mid-February, 1976. Network B is defined in Section V(a)(ii) of the joint industry plan.

[5] Vendors other than the three noted above apparently have not yet commenced the testing procedures which are a prerequisite to the acquisition of real-time last sale dissemination capability.

[6] Since the equalizing provision contained in paragraph (e)(5) of Rule 10a–1 is only applicable to those securities covered by paragraph (a) of Rule 10a–1, paragraph (e)(5), by its terms, will not become effective until paragraph (a) of the Rule is operative.

[7] *E.g.*, AuTex, Inc.

DEPARTMENT OF LABOR

Wage and Hour Division

FULL-TIME STUDENTS EMPLOYED IN RETAIL AND SERVICE ESTABLISHMENTS

Certificates Authorizing Employment at Subminimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on the employment of full-time students (29 CFR Part 519), and Administrative Order 621 (36 FR 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates not less than 85 percent of the wage rates otherwise applicable under section 6 of the Act.

The establishments listed hereinafter are commercially operated motion picture theaters and drive-in motion picture theaters primarily engaged in the indoor and outdoor exhibition of motion pictures.

These certificates provide for monthly limitations on the percentage of hours of employment of full-time students at subminimum wage rates to the total hours of employment of all employees. The range of these limitations for each establishment is indicated in the following list.

The authority provided by any of these certificates was not effective before March 21, 1975, and expires not later than June 20, 1976, but in no instance does the effective period of any one certificate exceed one year.

ABC Cinema I & II: North Plaza Center, Brownsville, TX, 33 to 43 percent; University Square Shopping Center, College Station, TX, 23 to 57 percent; 3200 Highland Park Shopping Village, Dallas, TX; 44 to 63 percent; 9616 Sims, El Paso, TX, 33 to 69 percent; 606 Morgan Boulevard, Harlingen, TX, 53 to 75 percent; 2922 South Shepherd, Houston, TX, 29 to 53 percent; 2009 West Gray, Houston, TX, 38 to 59 percent; 1201 Westheimer, Houston, TX, 36 to 51 percent; 4940 Broadway, San Antonio, TX, 40 to 75 percent; 300 Wonderland, San Antonio, TX, 39 to 52 percent.

Abbey Theatre Company, 32800 Dolly Madison Drive, Madison Heights, MI, 41 to 48 percent.

Academy Cinema, 22 North Seventh Street, Minneapolis, MN, 56 to 78 percent.

Academy 6 Theatres, 6228 Greenbelt Road, Greenbelt, MD, 71 to 83 percent.

Alabama Theatre, 1006–46 North Memorial Parkway, Huntsville, AL, 33 to 49 percent.

Albany Theatre, 107 North Jackson Street, Albany, GA, 21 to 30 percent.

Albuquerque Cinema, 2268 Wyoming Boulevard, Albuquerque, NM, 43 to 58 percent.

Algiers Drive In Theatre, 7300 North Wayne Road, Westland, MI, 25 to 50 percent.

Alemda 4 Theatres, 800 Almeda Mall, Houston, TX, 61 to 73 percent.

Alondra 6 Theatres, 10802 Alondra Boulevard, Cerritos, CA, 62 to 68 percent.

Americana Theatre, 2200 Hancock Drive, Austin, TX, 50 to 64 percent.

Aquarius Theatres IV, 1500 South Pleasant Valley Road, Austin, TX, 54 to 66 percent.

Ardmore Drive In, 1500 Yost Boulevard, Braddock Hills, PA, 20 to 60 percent.

Arlington Theatre, 1025 North Arlington Avenue, Indianapolis, IN, 10 to 17 percent.

Associated Amusement, Inc., 35 East Wacker Drive, Chicago, IL, 25 to 30 percent.

Astro I & II Theatre, 291 Bypass at Cleveland Street, Greenville, SC, 48 to 63 percent.

Aurora Cinema, Inc., 35 East Wacker Drive, Chicago, IL, 25 to 30 percent.

Aurora Cinema I & II, 1300 Linden Avenue, Seattle, WA, 55 to 79 percent.

Avon Theatre, 426 North Water Street, Decatur, IL, 65 to 94 percent.

Baederwood Cinema, Baederwood Shopping Center, Jenkintown, PA, 46 to 71 percent.

Beaver Valley Cinema, 750 Beaver Valley Mall, Monaca, PA, 46 to 71 percent.

Beechmont Twin Theatre, 359 Beechmont Drive, Newport News, VA, 45 to 61 percent.

Belvidere Cinema, Belvidere Mall Shopping Center, Waukegan, IL, 55 to 72 percent.

Berwyn Theatre, 6404 West Cermak Road, Berwyn, IL, 32 to 45 percent.

Beverly Theatre: Columbus Square Shopping Center, Columbus, GA, 10 to 19 percent; 2513 North Knoxville, Peoria, IL, 49 to 71 percent.

Big Town Cinema, 1400 Big Town, Mesquite, TX, 38 to 73 percent.

Blue Ridge Cinema, Limited, 11910 East New 40 Highway, Independence, MO, 35 to 41 percent.

Bon Marche Theatre, 707 Lobdell Avenue, Baton Rouge, LA, 16 to 32 percent.

Bremen 1 & 2, 7001 West 159th Street, Tinley Park, IL, 41 to 75 percent.

Brookdale Theatre, 2501 County Road No. 10, Brooklyn Center, MN, 80 to 85 percent.

Brookdale East Cinema, 5801 John Martin Drive, Brooklyn Center, MN, 56 to 78 percent.

Brookfield Square Cinema, 95 North Moreland Road, Milwaukee, WI, 56 to 70 percent.

Brookhurst Theatre, 2299 West Ball Road, Anaheim, CA 33 to 45 percent.

Canal Road Drive-In, Canal Road and East 49th Street, Cleveland, OH, 20 to 60 percent.

Capital Plaza Cinema, 5420 Cameron Road, Austin, TX, 38 to 73 percent.

Capri-Cheri Theatres, 1008 Chestnut Street, Murray, KY, 62 to 80 percent.

Capri Cinema, 5304 Kingston Pike, Knoxville, TN, 35 to 58 percent.

Capri-70, 5308 Kingston Pike, Knoxville, TN, 35 to 58 percent.

Capri Terrace, 315 Mohican Drive, Knoxville, TN, 38 to 75 percent.

Capri Theatre, 2323 East Camelback Road, Phoenix, AZ, 50 to 75 percent.

Carolina Theatre, 1223 Main Street, Columbia, SC, 52 to 62 percent.

Carrollton 6 Theatres, 7828 Riverdale Road, New Carrollton, MD, 71 to 83 percent.

Castleton Square Cinema, 6020 East 82nd Street, Castleton, IN, 17 to 51 percent.

Catalina Theatre, 2320 North Campbell Avenue, Tucson, AZ, 57 to 68 percent.

Central City 4 Theatres, 155 Central City Mall, San Bernadino, CA, 55 to 73 percent.

Centre Theatre, 101 East Broadway, Salt Lake City, UT, 39 to 49 percent.

Chapel Hill Cinema, 200 Chapel Hill Mall, Akron, OH, 43 to 65 percent.

Chateau Theatre, 15 First Street SW., Rochester, MN, 66 to 95 percent.

Chicago Thetre, 175 North State Street, Chicago, IL, 21 to 43 percent.

Chouteau Cinema, Limited, 2815 North East Vivion Road, Kansas City, MO, 65 to 70 percent.

Cicero Outdoor Threatre, Monee, IL, 28 to 49 percent.

Cinema East, 4177 East Broad Street, Columbus, OH, 47 to 51 percent.

Cinema East Theatres: 320 North Rock Road, Wichita, KS, 65 to 82 percent; 9719 Candelaria NE., Albuquerque, NM, 35 to 48 percent.

Cinema I & II, 1010 South Main Street, Normal, IL, 61 to 73 percent.

Cinema I & II Theatre, 2604 Miller Trunk Highway, Duluth, MN, 55 to 84 percent.

Cinema I & II Twin Theatres, Mission Valley, Raleigh, NC, 48 to 64 percent.

Cinema I & II, Wesmark Plaza Shopping Center, Sumter, SC, 54 to 69 percent.

Cinema I & II, 2229 West Beauregard, San Angelo, TX, 47 to 70 percent.

Cinema I & II, 109 East Eighth Street, Tyler, TX, 20 to 61 percent.

Cinema 70 Theatre, Crossroads Center, St. Cloud, MN, 64 to 71 percent.

Cinemas III, Fort Steuben Mall, Steubenville, OH, 20 to 60 percent.

Cinema 22, 4013 William Penn Highway, Monroeville, PA, 20 to 53 percent.

Cinema World, 20 to 60 percent: 2206 West 15th Street, Erie, PA; Eastgate Shopping Plaza, Route 30, Greensburg, PA; Belleview Plaza Shopping Center, Route 51, Pleasant Hills, PA; Hickory Plaza, Route 18, Sharon, PA.

Cinemette East, I, II, III, IV, 200 Mall Circle Drive, Monroeville, PA, 20 to 56 percent.

Cine Royale Theatre, 912 Canal Street, New Orleans, LA, 10 to 44 percent.

Clifton Heights Cinema, 5250 Baltimore Avenue, Clifton Heights, PA, 46 to 71 percent.

Coliseum Cinema, 1800 Mercury Boulevard, Hampton, VA, 43 to 81 percent.

College Mall Cinema, East Third, Bloomington, IN, 28 to 71 percent.

Colonial Theatre, 105 East Street Road, Feasterville, PA, 19 to 31 percent.

Columbia City Cinema, 10205 Wincopin Circle, Columbia, MD, 47 to 71 percent.

Colvin Theatre, 1069 Kenmore Avenue, Kenmore, NY, 37 to 61 percent.

Conestoga 4 Theatres, #159 Conestoga Mall, Grand Island, NE, 69 to 86 percent.

Continental Theatre: 5825 Mosteller Drive, Oklahoma City, OK, 12 to 40 percent; 7650 East Skelly Drive, Tulsa, OK, 40 to 65 percent.

Copper Theatre, 5755 Wayzata Boulevard, Minneapolis, NM, 47 to 70 percent.

Coronet Theatre, Wheeling, WV, 10 to 48 percent.

Crocker Theatre, 96 South Grove Avenue, Elgin, IL, 52 to 84 percent.

Crownroads Mall Cinema, 6180 Broadway, Merrillville, IN, 17 to 58 percent.

Dearborn Drive-In, 26500 Ford Road, Dearborn Heights, MI, 17 to 58 percent.

Dearborn Entertainment Center, 24105 Michigan Avenue, Dearborn, MI, 28 to 56 percent.

Deerbrook Cinema, 180 South Waukegan Road, Deerfield, IL, 55 to 72 percent.

Delaware Cinema, 1118 Wheeling Avenue, Muncie, IN, 47 to 62 percent.

Detroit West Drive-In, 14350 West Eight Mile Road, Oak Park, MI, 17 to 58 percent.

Deville Cinema, 5100 I–55 North, Jackson, MS, 35 percent during any month.

Dort Mall Cinema, 3600 South Dort, Flint, MI, 53 to 73 percent.

Duke City Drive-In Theatre, Albuquerque, NM, 41 to 67 percent.

Dunes Cinema, 8090 Melton Road, Gary, IN, 28 to 71 percent.

Dutch Square Theatre, 340 Dutch Square Shopping Center, Columbia, SC, 51 to 60 percent.

Eastgate Cinema, 7150 East Washington, Indianapolis, IN, 17 to 58 percent.

Eastland Cinema, Hamilton & Refugee Road, Columbus, OH, 43 to 63 percent.

Eastland Mall Cinema, 1651 East Empire, Bloomington, IL, 55 to 72 percent.

Eastland I & II, Eastland Shopping Plaza, North Versailles, PA, 20 to 60 percent.

Eastland Theatre Company, 19340 Vernier Road, Harper Woods, MI, 17 to 25 percent.

Eastland Twin Theatre, Bartlesville, OK, 29 to 49 percent.

Eastmont 4 Theatres, 73rd Avenue & Bancroft, Oakland, CA, 49 to 74 percent.

East Towne Cinema, 83 East Towne Mall, Madison, WI, 56 to 70 percent.

Edens Theatre, 55 to 72 percent: 303 Skokie Highway and 285 Skokie Highway, Northbrook, IL.

El Camino Theatre, 2040 North Scottsdale Road, Scottsdale, AZ, 50 to 80 percent.

El Dorado Theatre, 5909 East Broadway, Tucson, AZ, 50 to 69 percent.

El Morro Theatre, 207 West Coal Avenue, Gallup, NM, 10 to 30 percent.

Esquire Theatre, 3419 Oak Lawn, Dallas, TX, 42 to 55 percent.

Evansville Drive-In Theatre, 4700 Morgan Avenue, Evansville, IN, 39 to 54 percent.

Everett Cinema I, II & III, 1512 South Broadway, Everett, WA, 55 to 79 percent.

Fairlane Theatre, Inc., 23830 Ford Road, Dearborn Heights, MI, 28 to 29 percent.

Fashion Square 4 Theatres, #4 Fashion Square Shopping Center, La Habra, CA, 59 to 75 percent.

Fashion Valley 4 Theatres, 110 Fashion Valley Shopping Center, San Diego, CA, 61 to 74 percent.

Fiesta Theatre, 210 Sixth Street, Pittsburgh, PA, 20 to 60 percent.

Fischer Theatre, 162 Vermillion, Danville, IL, 44 to 61 percent.

Florida Theatre, 1347 West 15th Street, Panama City, FL, 40 to 51 percent.

Ford City Cinema, 7601 South Cicero, IL, 55 to 72 percent.

Forum 6 Theatres, 2900 East Pioneer Parkway, Arlington, TX, 61 to 71 percent.

Fox Theatre: 712 East Walnut Street, Carbondale, IL, 27 to 54 percent; Champaign, IL, 29 to 40 percent; 4025 War Memorial Drive, Peoria, IL, 29 to 50 percent; 2445 South MacArthur Boulevard, Springfield, IL, 35 to 51 percent; 375 North Maple, Ann Arbor, MI, 31 to 51 percent; 411 West Front, Missoula, MT, 58 to 66 percent; 1660 Route #33, Union, NJ, 18 to 38 percent; U.S. #1 near Gills Lane, Woodbridge, NJ, 13 to 45 percent; 201 Winrock Center, Albuquerque, NM, 43 to 79 percent; 2715 West Market, Fairlawn, OH, 36 to 62 percent; 6757 Airport Boulevard, Austin, TX, 58 to 76 percent; 1111 Geronimo, El Paso, TX, 45 to 62 percent; 4215 19th Street, Lubbock, TX, 56 to 72 percent; 6602 Blanco Road, San Antonio, TX, 54 to 74 percent; 1230 North 233, Provo, UT, 39 to 56 percent; 5001 Highland Drive, Salt Lake City, UT, 33 to 47 percent.

Fox Theatre, 1607 Main Street, Columbia, SC, 52 to 60 percent.

Fulton, 101 Sixth Street, Pittsburgh, PA, 20 to 60 percent.

Galleria Cinema, 5015 Westheimer Road, Houston, TX, 38 to 73 percent.

Galvez Cinema I, II & III, 6302 Broadway, Galveston, TX, 38 to 73 percent.

Gamecock Theatre, Parkland Shopping Center, Cayce, SC, 69 to 76 percent.

Gateway Plaza Cinema, 3684 College Street, Beaumont, TX, 38 to 73 percent.

Gateway Theatre, 119 Sixth Street, Pittsburgh, PA, 20 to 60 percent.

Gentilly Woods Cinema, 4339 Chef Mentuer Highway, New Orleans, LA, 58 to 78 percent.

Glendale Cinema, 28 to 71 percent: 5988 North Rural and 6100 North Keystone, Indianapolis, IN.

Georgia Theatre: 2210 North Druid Hills Road, NE., Atlanta, GA, 48 to 57 percent; 113–13th Street, Columbus, GA, 15 to 28 percent.

Granada Theatre, 6427 North Sheridan Road, Chicago, IL, 29 to 41 percent.

Grand Theatre, 202 South Front Street, Mankato, MN, 49 to 72 percent.

Great Western Cinema, 340 Wilson Road, Columbus, OH, 43 to 65 percent.

Green Acres Cinema, State & Hemmeter Road, Saginaw, MI, 53 to 73 percent.

Greenway 3 Theatres, 5 Greenway Plaza East, Houston, TX, 61 to 73 percent.

Greenwood Cinema, Route 31 & West, Greenwood, IN, 28 to 71 percent.

Gulfgate Texas Cinema I & II, Gulfgate Mall, Houston, TX, 38 to 73 percent.

Halsted Outdoor Theatre, 138th & Halsted Street, Riverdale, IL, 54 to 77 percent.

Hammond Outdoor Theatre, 7849 Indianapolis Boulevard, Hammond, IN, 43 to 63 percent.

Har Mar Cinema, 2100 North Snelling, Roseville, MN, 56 to 78 percent.

Hay Theatre, 411 St. Germain Street, St. Cloud, MN, 63 to 76 percent.

Highland Mall Cinema, 523 Highland Mall, Austin, TX, 38 to 73 percent.

Highland Park Cinema, 1385 Deerfield Road, Highland Park, IL, 55 to 72 percent.

Hiland Theatre, 4804 Central Avenue SE., Albuquerque, NM, 31 to 59 percent.

Ben Hill Twin Theatre, 3642 Campbellton Road, Atlanta, GA, 65 to 84 percent.

Hillcrest Theatres, Hillcrest Shopping Center, Spartanburg, SC, 38 to 50 percent.

Hodge Theatre, 200 Plaza, Midland, TX, 45 to 60 percent.

Holywood Theatre, Fifth Avenue & Jay Street, La Crosse, WI, 52 to 58 percent.

Honey Creek Cinema, I–70 & U.S. 42 South, Terre Haute, IN, 28 to 71 percent.

Hornbeck-Penthouse Twin Theatre, Shawnee, OK, 42 to 51 percent.

Imperial Theatre, 745 Broad Street, Augusta, GA, 42 to 51 percent.

Independence Cinema, 114 West Maple, Independence, MO, 65 to 70 percent.

Indian Drive-In Theatre, 4141 North 27th Avenue, Phoenix, AZ, 55 to 74 percent.

Indian Hills Theatre, 8601 West Dodge Road, Omaha, NE, 52 to 70 percent.

I–70 Drive-In Theatre, 8701 East 40 Highway, Kansas City, MO, 29 to 71 percent.

Interstate 6 Theatres, 114 East Altamonte Drive, Altamonte Springs, FL, 58 to 74 percent.

Inwood Theatre, 5458 West Lovers Lane, Dallas, TX, 74 percent during any month.

Irving Cinema, 3601 Irving Mall, Irving, TX, 38 to 73 percent.

Island Auto Movie, 791 Thau Way, Alameda, CA, 10 to 26 percent.

Jackson Square Theatre, 2460 Terry Road, Jackson, MS, 35 percent during any month.

Jamestown Cinemas I and II, 500 Chautauqua Mall, Lakewood, NY, 38 to 62 percent.

Janaf Cinema, No. 6 Janaf Shopping Center, Norfolk, VA, 43 to 81 percent.

Jefferson Square Theatre, 1801 Main Street, Columbia, SC, 66 to 77 percent.

Kenwood I and II Theatre, Kenwood Shopping Center, Duluth, MN, 55 to 84 percent.

Kingswood Theatre Company, 2000 Woodward Avenue, Bloomfield Hills, MI, 13 to 17 percent.

Kokomo Mall Cinema, 1718 East Boulevard, Kokomo, IN, 17 to 58 percent.

Lake Air Cinema, 279 Lake Air Center, Waco, TX, 38 to 73 percent.

Lakehurst Cinema, Lakehurst Shopping Center, Waukegan, IL, 55 to 72 percent.

Lake Park Drive-In Theatre, 400 South 59 Lane, Kansas City, KS, 16 to 46 percent.

Lakeside Cinema, 3333 Vererans Highway, Metairie, LA, 58 to 79 percent.

Lake Theatre, 114 North Street, Fairmont, MN, 26 to 54 percent.

Lake Theatre, 1020 Lake Street, Oak Park, IL, 24 to 30 percent.

La Parisien Theatre, 29217 Ford Road, Garden City, MI, 34 to 42 percent.

Robert E. Lee, 133 Robert E. Lee Boulevard, New Orleans, LA, 42 to 55 percent.

Leo Theatre, 11849 Bustleton Avenue, Philadelphia, PA, 24 to 38 percent.

Livonia Cinema, 29584 Seven Mile Road, Livonia, MI, 53 to 71 percent.

Lobo Theatre, 3013 Avenue NE., Albuquerque, NM, 25 to 45 percent.

Loews Theatre: 1108 Canal Street, New Orleans, LA, 21 to 30 percent; Madison Square Shopping Center, Madison, TN, 10 to 35 percent; 81 Union Avenue, Memphis, TN, 11 to 28 percent; 415 Church Street, Nashville, TN, 15 to 40 percent; 2600 Franklin Road, Nashville, TN, 21 to 59 percent; 67 Town and Country, Houston, TX, 47 to 60 percent.

London Square Cinema, 3109 Mall Drive, Eau Claire, WI, 56 to 70 percent.

Los Altos Theatres, 4200 Wyoming Boulevard NE., Albuquerque, NM, 35 to 57 percent.

McCain Mall Cinema, McCain Shopping Center, North Little Rock, AR, 54 to 72 percent.

McClurg Court Theatre, 330 East Ohio Street, Chicago, IL, 17 to 25 percent.

McCreless Cinema, 1110 McCreless South Plaza, San Antonio, TX, 38 to 73 percent.

McKnight Cinemas I, II, III, 7219 McKnight Road, Pittsburgh, PA, 20 to 60 percent.

Macomb Cinema, Gratiot and Masonic Boulevard, Roseville, MI, 53 to 73 percent.

Madison Theatre, 502 Main Street, Peoria, IL, 48 to 51 percent.

Madison Square 4 Theatres, 6049 Madison, Carmichael, CA, 53 to 65 percent.

Mann Cinema, 708 Hennepin, Minneapolis, MN, 56 to 78 percent.

Mansfield Drive-In Theatre, West and East, 2935 East Seminary Drive, Fort Worth, TX, 11 to 42 percent.

Maple Hill Cinema, 5290 West Main Street, Kalamazaoo, MI, 53 to 73 percent.

Marbo Twin Drive-In Theatre, Marietta, GA, 12 to 31 percent.

Martin Theatre, 2807 East South Boulevard, Montgomery, AL, 49 to 62 percent; Gillionville Road, Albany, GA, 21 to 36 percent; Kingsport Mall Shopping Center, Kingsport, TN, 22 to 31 percent.

Mayland Cinema, 5900 Mayfield Road, Mayfield Heights, OH, 43 to 65 percent.

Meadowdale Cinema, Meadowdale Shopping Center, Carpentersville, IL, 55 to 72 percent.

Medallion Theatre, 125 Medallion Center, Dallas, TX, 36 to 69 percent.

Mellett Mall Cinema, 4080 Tuscarawas Street, Canton, OH, 43 to 63 percent.

Mercury Theatre, 16850 Schaefer Road, Detroit, MI, 11 to 16 percent.

Mercury Theatre Cinema, 6901 Pearl Road, Middleburgh Heights, OH, 43 to 65 percent.

Merrimon Theatre, 675 Merrimon Avenue, Asheville, NC, 26 to 52 percent.

Metro Cinema 1 and 2, 4620 North University, Peoria, IL, 52 to 72 percent.

Meyrland Cinema, 4848 Jackwood Road, Houston, TX, 38 to 73 percent.

Midway Theatre, 721 East State Street, Rockford, IL, 29 to 38 percent.

Millcreek Cinema, I, II, and III, 860 Millcreek Mall, Erie, PA, 46 to 72 percent.

Mill Road Theatre, 6530 North 76th Street, Milwaukee, WI, 37 to 55 percent.

Monroe Theatre, 3813 William Penn Highway, Monroeville, PA, 20 to 60 percent.

Mounds Mall Cinema I and II, 2101 State Road, Anderson, IN, 17 to 58 percent.

Mount Prospect Cinema, 827 East Rand Road, Mount Prospect, IL, 55 to 72 percent.

National Hills Theatre, 2701 Washington Road, Augusta, GA, 43 to 57 percent.

National I and II Theatres, 3512 South Staples, Corpus Christi, TX, 50 to 62 percent.

Nora Cinema, 1300 East 86th Street, Indianapolis, IN, 33 to 66 percent.

Norshor Theatre, 211 East Superior Street, Duluth, MN, 61 to 69 percent.

Norstar Theatre, 22 West Seventh Street, St. Paul, MN, 45 to 79 percent.

Northcross 6 Theatres, 2525 Anderson Lane, Austin, TX, 61 to 73 percent.

Northeast Cinema, Roosevelt Boulevard and Welch Road, Philadelphia, Pa, 46 to 71 percent.

Northgate Cinema, Northgate Mall, Decatur, IL, 55 to 72 percent.

Northgate Theatre, Northgate Shopping Center, Durham, NC, 48 to 64 percent.

Northgate Theatre, 9355 Dyer, El Paso, TX, 42 to 62 percent.

North Hills Theatre, 4801 McKnight Road, Pittsburgh, PA, 20 to 46 percent.

Northland Cinema, Morse and Karl Road, Columbus, OH, 43 to 65 percent.

Northland Theatre Company, 15600 Joseph L. Hudson Drive, Southfield, MI, 28 to 33 percent.

Northline Cinema, 700 Northline Mall, Houston, TX, 38 to 73 percent.

Northpark Cinema III and IV, 1100 Northpark Center, Dallas, TX, 38 to 73 percent.

Northpark West Cinema I and II, 1100 Northpark Center, Dallas, TX, 38 to 73 percent.

North Riverside, Harlem Avenue and Cermak Road, North Riverside, IL, 55 to 72 percent.

North Star Cinema, 700 North Star Mall, San Antonio, TX, 38 to 73 percent.

Northtown Cinema, 599 Northtown Drive, NE., Blaine, MN, 56 to 78 percent.

Northtown 6 Theatres, LBJ and Webb Chapel Road, Dallas, TX, 61 to 73 percent.

North Twin Drive-In Theatre, 5012 North Highway "A", Riverside, MO, 19 to 55 percent.

Northwest 4 Theatres, 800 Northwest Mall, Houston, TX, 61 to 73 percent.

Northwest Munci Cinema, Wheeling Avenue, Muncie, IN, 28 to 71 percent.

Northwood Hills 4 Theatres, 8120 Spring Valley Road, Dallas, TX, 61 to 73 percent.

Oakridge 6 Theatres, 913 Blossom Hill Road, San Jose, CA, 60 to 72 percent.

Oakview Theatre, 801 Apache Mall Shopping Center, Rochester, MN, 63 to 82 percent.

Oakwood Cinema, 197098 West Bank Expressway, Gretna, LA, 58 to 79 percent.

Old Orchadd Theatre Company, 28123 Orchard Lake Road, Farmington Hills, MI, 26 to 29 percent.

Opera House Cinema, 1700 South University Boulevard, Fort Worth, TX, 38 to 73 percent.

Orange 6 Theatres, 2320 North Orange Mall, Orange, CA, 60 to 78 percent.

Orpheum Cinema, 910 Hennepin, Minneapolis, MN, 56 to 78 percent.

Orpheum St. Paul Cinema, 21 West Seventh Street, St. Paul, MN, 56 to 78 percent.

Overlake Cinema, 14505 North East 20th Street, Bellevue, WA, 55 to 79 percent.

Paddock Hills Cinema, Hiway 67 & Parker Road, Florissant, MO, 57 to 60 percent.

Padoroma Pictures, Inc., 1289 West 86th Street, Indianapolis, IN, 56 to 67 percent.

Palace Theatre: 435 Main Street, Peoria, IL, 32 to 61 percent; 1102 Tower Avenue, Superior, WI, 47 to 62 percent.

Paramount Theatre: 23 East Galena Street, Aurora, IL, 49 to 76 percent; 213 North Schnyler Avenue, Kankakee, IL, 73 to 76 percent; 814 Ryan Street, Lake Charles, LA, 40 to 68 percent; 125 Fourth Avenue NE., Austin, MN, 57 to 73 percent; 915 St. Germain Street, St. Cloud, MN, 59 to 72 percent; 115 East Capitol, Jackson, MS, 35 percent during any month; 713 Congress, Austin, TX, 35 percent during any month.

Parmatown Cinema, 8141 West Ridgewood Drive, Parma, OH, 43 to 65 percent.

Pekin Mall Cinema, 3500 East Court, Pekin, IL, 54 to 72 percent.

Penthouse Theatres I and II, 7420 North Wayne Road, Westland, MI, 55 to 64 percent.

Perring Plaza, 8730 Satry Hill Road, Baltimore, MD, 47 to 71 percent.

Pershing Theatre, 2905 Pershing Drive, El Paso, TX, 34 to 76 percent.

Playhouse Cinema, 1200 Sam Houston Drive, Victoria, TX, 47 to 65 percent.

Plaza Erie, 800 West Erie Plaza, Erie, PA, 18 to 27 percent.

Plaza North Theatre, 1551 Niagara Falls Boulevard, Tonawanda, NY, 33 to 56 percent.

Plaza Theatre: 4509 Johnston, Lafayette, LA, 21 to 30 percent; 1847 Larpenteur, Maplewood, MN, 69 to 89 percent; Asheville, NC, 27 to 40 percent.

Plaza III Theatre, 1323 Main Street, Columbia, SC, 39 to 50 percent.

Plitt Century Plaza Theatres 1 and 2, 2040 Avenue of the Stars, Los Angeles, CA, 37 to 53 percent.

Plitt Michigan Theatre Corporation: 357 South Woodward, Birmingham, AL; 63 percent during any month; G–4226 East Court Street, Burton, MI, 35 to 43 percent; 19269 Mack Avenue, Grosse Pointe Woods, MI, 14 to 25 percent.

Plitt Theatres, Inc: 300 River Oaks, Calumet City, IL, 21 to 43 percent; 5635 West Belmont Avenue, Chicago, IL, 10 to 48 percent; 160 North Dearborn Street, Chicago, IL, 24 to 60 percent; 5216 West Lawrence Avenue, Chicago, IL, 43 to 64 percent; 45 West Randolph Street, Chicago, IL, 32 to 44 percent; 6320 North Western Avenue, Chicago, IL, 10 to 48 percent; Theodore Street and Larkin Avenue, Cresthill, IL, 40 to 60 percent; 7230 West North Avenue, Elmwood Park, IL, 34 to 46 percent; Oakbrook Theatre, Oakbrook, IL, 10 to 56 percent; 226 North Main Street, Rockford, IL, 53 to 60 percent; 202 North Genesee Street, Waukegan, IL, 59 to 67 percent; 2117 Woodward Avenue, Detroit, MI, 10 to 19 percent.

Plymouth Meeting Cinema, Germantown Pike at Pennsylvania Turnpike, Plymouth Meeting, PA, 46 to 71 percent.

Pontiac Cinema, 315 North Telegraph Road, Pontiac, MI, 53 to 73 percent.

Preston 2 Theatres, 4011 Villanova, Dallas, TX, 61 to 73 percent.

Primier Theatre, Neshaminy Mall, Cornwells Heights, PA, 15 to 23 percent.

Promenade I and II, 400 Westwood Shopping Center, Richardson, TX, 69 to 88 percent.

Puente Hills 6 Theatres, 600 Puente Hills Mall, Industry, CA, 62 to 68 percent.

Quail Creek Cinema, 808 Shreveport-Barksdale Road, Shreveport, LA, 58 to 79 percent.

Quo Vadis Theatres I and II, 7420 North Wayne Road, Westland, MI, 56 to 64 percent.

Radio City Theatre Company, 22857 Woodward Avenue, Ferndale, MI, 27 to 32 percent.

Randhurst Cinema, 999 Elmhurst Road, Mount Prospect, IL, 62 to 72 percent.

Reding 4 Theatre, Esplanade Village Shopping Center, Oklahoma City, OK, 35 to 57 percent.

Regency Theatre, 2749 Parleys Way, Salt Lake City, UT, 47 to 77 percent.

Renton Village Cinema, 25 South Grady Way, Renton, WA, 60 to 79 percent.

Rialto Theatre, 84 Forsyth Street NW., Atlanta, GA, 10 to 23 percent.

Rialto Theatre, 100 East Second, Casper, WY, 30 to 51 percent.

Richland Mall Cinema, 575 Stumbo Road, Mansfield, OH, 43 to 65 percent.

Ridge Plaza Cinema, 5900 West Ridge Road, Gary, IN, 17 to 58 percent.

Ridge Road Drive-In, Ridge Road at Cline, Griffith, IN, 17 to 58 percent.

Ridglea Theatre, 6025 Camp Bowie, Fort Worth, TX, 39 to 58 percent.

Ritchie 3 Cinemas, Inc., 6637 Ritchie Highway, Glen Burnie, MD, 56 to 75 percent.

Riverdale Twin Theatre, 2011 Cunningham Drive, Hampton, VA, 42 to 59 percent.

Riviera Theatre, 449 Wabasha, St. Paul, MN, 47 to 77 percent.

Roosevelt Theatre, 110 North State Street, Chicago, IL, 40 to 59 percent.

Rosemead 4 Theatres, 3558 Rosemead Road, Rosemead, CA, 62 to 69 percent.

Saenger Theatre, 1111 Canal Street, New Orleans, LA, 10 to 28 percent.

St. Louis Park Cinema, 4835 Minnetonka Boulevard, Minneapolis, MN, 56 to 78 percent.

Saratoga 6 Theatres, 650 El Paseo De Saratoga Mall, San Jose, CA, 60 to 72 percent.

Seminary South Cinema I and II, 800 Seminary South Shopping Center, Fort Worth, TX, 38 to 73 percent.

Senate Theatre, 509 East Monroe Street, Springfield, IL, 28 to 43 percent.

Serramonte 6 Theatres, 4915 Junipero Serra Boulevard, Colma, CA, 57 to 73 percent.

Seventh Street Theatre, 3128 West Seventh Street, Fort Worth, TX, 40 to 53 percent.

Shoregate Cinema, 29430 Lakeshore Boulevard, Willowick, OH, 43 to 63 percent.

Showcase Twin Theatre, 5370 Cache Road, Lawton, OK, 16 to 62 percent.

Showplace 4, 6707 South University, Lubbock, TX, 73 to 90 percent.

Six Flags Cinema I and II, Six Flags Mall, Arlington, TX, 38 to 73 percent.

66 Lyons, Drive-In, 5900 South La Grange Road, La Grange, IL 17 to 58 percent.

63rd Street Drive-In Theatre, 63rd Street and James A. Reed Road, Kansas City, MO, 18 to 69 percent.

Somerset Cinema, 2601 West Big Beaver Road, Troy, MI, 53 to 73 percent.

Sooner Twin Drive-In Theatre, Midwest City, OK, 24 to 49 percent.

Southdale Cinema, 3455 West 69th Street, Edina, MN, 56 to 78 percent.

Southgate Cinema, 5390 Northfield Road, Maple Heights, OH, 43 to 65 percent.

Southland Theatres, Inc., 23000 Eureka Road, Taylor, MI, 30 to 34 percent.

Southroads Cinema, 5301 East 41st Street, Tulsa, OK, 37 to 64 percent.

Southtown Cinema, 7801 Pennsylvania Avenue South, Bloomington, MN, 56 to 78 percent.

Southtown Mall Cinema, 7800 South Anthony Boulevard, Fort Wayne, IN, 28 to 71 percent.

Southtown Twin Theatres, 815 St. Joseph Drive, St. Joseph, MI, 62 to 80 percent.

South Twin Drive-In Theatre, 119th I–35, Olathe, KS, 19 to 43 percent.

Southwood Theatre, 1423 West Ben White Boulevard, Austin, TX, 66 to 70 percent.

Southwyck 7 Theatres, 2040 Reynolds Road, Toledo, OH, 69 to 80 percent.

Spartan Twins, 3100 East Saginaw Road, Lansing, MI, 44 to 66 percent.

Speedway Cinema, 5692 Crawfordsville Road, Speedway, IN, 28 to 71 percent.

Springfield Cinema, Franconia and Loisdale Roads, Springfield, VA, 43 to 81 percent.

Spring Mall Theatre, 4200 South 76th Street, Greenfield, WI, 10 to 54 percent.

Squirrel Hill Theatre, 5824 Forward Avenue, Pittsburgh, PA, 16 to 35 percent.

Stanley Theatre, 207 Seventh Street, Pittsburgh, PA, 20 to 46 percent.

Starlite Drive-In, Oaklawn, IL, 17 to 58 percent.

State Drive-In Theatre, Inc., 5033 State Avenue, Kansas City, KS, 32 to 59 percent.

State Lake Theatre, 180 North State Street, Chicago, IL, 48 to 61 percent.

State Theatre: 35310 Michigan Avenue, Wayne, MI, 37 to 53 percent; 116 Walnut Street, Mankato, MN, 56 to 67 percent; 805 Hennepin, Minneapolis, MN, 56 to 78 percent; 719 Congress, Austin, TX, 42 percent during any month; 312 Eau Claire Street, Eau Claire, WI, 25 to 43 percent.

Stockdale Village Theatre, 5430 Stockdale Highway, Bakersfield, CA, 10 to 29 percent.

Strand St. Paul Cinema, 448 Wabasha, St. Paul, MN, 56 to 78 percent.

Strand Theatre: 630 Crockett, Shreveport, LA, 37 percent during any month; 13 East Tenth Street, Erie, PA, 20 to 50 percent.

Studio Cinema, Oak Lawn, IL, 54 to 72 percent.

Terrace Drive In Theatre, Albuquerque, NM, 40 to 59 percent.

Terrace Theatre: 3001 Skidaway Road, Savannah, GA 49 to 72 percent; 30400 Plymouth Road, Livonia, MI, 34 to 37 percent.

Town and Country Theatre, 2340 North Hickory Road, Mishawaka, IN, 44 to 70 percent.

Town and Country Cinema, 100 Robinwood Avenue, Columbus, OH, 43 to 65 percent.

Town and Country 6 Theatres, 666 Town and Country Shopping Village, Houston, TX, 61 to 73 percent.

Town East Cinema, Town East Mall, Mesquite, TX, 38 to 73 percent.

Towne Theatre Company, 26300 Greenfield Road, Oak Park, MI, 34 to 36 percent.

Tradewinds Cinema, 1425 Irving Park Road, Hanover Park, IL, 55 to 72 percent.

Treehouse Cinema, 1100 Treehouse Shopping Center, Dallas, TX, 38 to 73 percent.

Trolley Theatres, Inc., 321 Trolley Square, Salt Lake City, UT, 55 to 65 percent.

Truman Corners Cinema, 12208 South 71 Highway, Grandview, MO, 64 to 66 percent.

Twin Drive-In Theatre Corporation, 1320 North Highway 291, Independence, MO, 36 to 55 percent.

Tyler Theatre, 111 South Broadway, Tyler, TX, 27 to 46 percent.

UA Fashion Place Cinema 1, 2, 3 and 4, 6215 Fashion Place, Murray, UT, 61 to 71 percent.

University City Cinema, 480 Ackerman Road, Columbus, OH, 43 to 65 percent.

University 4 Theatres: 1255 F University Mall, Carbondale, IL, 29 to 54 percent; University Avenue and Lake Street, Madison, WI, 69 to 80 percent.

Upper Valley Cinema, 950 Upper Valley Mall, Springfield, OH, 43 to 65 percent.

Utah I and II Theatre, 148 South Main Street, Salt Lake City, UT, 52 to 60 percent.

Vali-Hi Drive In Theatre, 11260 Hudson Road, Lake Elmo, MN, 10 to 70 percent.

Valley Forge Cinema, Valley Forge Plaza, King of Prussia, PA, 46 to 71 percent.

Valley View Cinema, 1178 Valley View Mall, Dallas, TX, 38 to 73 percent.

Varsity 6 Theatres, 11301 Nebraska Avenue, Tampa, FL, 58 to 74 percent.

Varsity Theatre, 2402 Guadelupe, Austin, TX, 46 to 57 percent.

Victoria Theatre, Wheeling, WV, 10 to 50 percent.

Video I and II, Las Cruces, NM, 60 to 76 percent.

Video Twin Theatre: Enid, OK, 24 to 49 percent; 38th & Cache Road, Lawton, OK, 21 to 48 percent.

Viewmont Cinema, Viewmont Mall Shopping Center, Scranton, PA, 46 to 71 percent.

Villa Plaza Cinema I and II, 10501 Davisson Road, Tacoma, WA, 60 to 79 percent.

Villa Theatre, 3092 Highland Drive, Salt Lake City, UT, 27 to 40 percent.

Village Cinema, 40 South Garnett Road, Tulsa, OK, 37 to 64 percent.

Village Theatre, Inc.: 2830 West Maple Road, Troy, MI, 37 to 41 percent; 700 Fort Couch Road, Pittsburgh, PA, 20 to 50 percent; 2412 West University Boulevard, Houston, TX, 42 to 60 percent.

Village 3 Theatres, Mobile, AL, 30 percent during any month.

Virginia Theatre, 705 Lee Street, Charleston, WV, 10 to 40 percent.

Walnut Hill, Diamond Hill Road, Woonsocket, RI, 12 to 30 percent.

Walnut Plaza Cinema, 40th & Walnut Streets, Philadelphia, PA, 46 to 71 percent.

Warner-Pittsburgh, 336 Fifth Avenue, Pittsburgh, PA, 20 to 60 percent.

Warren Cinema, 13861 East Eight Mile, Warren, MI, 53 to 73 percent.

Washington Square Cinema, 10202 East Washington Street, Indianapolis, IN, 17 to 58 percent.

Washington Theatre, 425 Hampshire, Quincy, IL, 13 to 34 percent.

Watts Mill Cinema Limited, 103rd & State Line, Kansas City, MO, 65 to 70 percent.

Wayne Drive In I and II, 38547 Michigan Avenue, Wayne, MI, 45 to 55 percent.

Wedgwood Theatre, 5298 Trail Lake Drive, Fort Worth TX, 10 to 28 percent.

Western Plaza Cinema, 14 Western Plaza, Amarillo, TX, 51 to 73 percent.

Western Woods Cinema, 6552 Glenway Avenue, Cincinnati, OH 43 to 65 percent.

Westgate Abilene Cinema, 100 West Gate Shopping Center, Abilene, TX 51 to 73 percent.

Westgate Cleveland Cinema, 3221 Westgate, Fairview Park, OH, 43 to 65 percent.

Westgate Racine Cinema, 5101 Washington Avenue, Racine, WI 60 to 70 percent.

West Towne Cinema, 85 West Towne Mall, Madison, WI, 56 to 70 percent.

Westown Ultravision Theatre, 7600 Kingston Pike, Knoxville, TN, 60 to 70 percent.

Wichita Theatre, 921, Indiana, Wichita Falls, TX, 37 percent during any month.

Willow Creek Theatre, 360 South Creekside Drive, Palatine, IL, 55 to 72 percent.

Wilshire Theatre, 6106 East Mockingbird Lane, Dallas, TX, 33 to 51 percent.

Winchester Theatre, Lubbock, TX, 50 to 63 percent.

Woodfield Theatres No. 1 and No. 2, 700 Woodfield Drive, Schaumberg, IL, 50 to 63 percent.

Wood Plaza Theater Corporation, 1601 Irving Street, Rahway, NJ, 17 to 51 percent.

Woods Theatre, 54 West Randolph Street, Chicago, IL, 17 to 27 percent.

World Cinema, 16 North Seventh Street, Minneapolis, MN, 56 to 78 percent.

World-East Theatre Company, 5154 Wilson Mills Road, Richmond Heights, OH, 56 to 65 percent.

World St. Paul, Cinema, 494 Wabasha, St. Paul, MN, 56 to 78 percent.

World-West Theatre Company, 3780 Rock River Drive, Cleveland, OH, 44 to 50 percent.

Wyandotte Theatre, 132 Elm Street, Wyandotte, MI, 29 to 32 percent.

Wyoming Cinema, East End Boulevard, Wilkes Barre, PA, 46 to 71 percent.

York Plaza, 6376 York Road, Baltimore, MD, 47 to 71 percent.

Yorktown Cinema, 97 Yorktown Shopping Center, Lombard, IL, 55 to 72 percent.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at subminimum wage rates is necessary to prevent curtailment opportunities for employment and the hiring of full-time students at subminimum wage rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate.

The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR Part 528. Any person aggrieved by the issuance of these certificates may seek a review or reconsideration thereof on or before March 8, 1976.

Signed at Washington, D.C., this 19th day of January 1976.

ARTHUR H. KORN,
Authorized Representative of the Administrator.

[FR Doc.76-1981 Filed 1-21-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 956]

ASSIGNMENT OF HEARINGS

JANUARY 16, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 8973 Sub-39, Metropolitan Trucking, Inc., now assigned February 2, 1976, at New York, N.Y. will be held in Room 238, Court Room A, Court of Claims, 26 Federal Plaza.

MC 140962, Philip Antonucci dba Anty Trucking, now assigned February 3, 1976, at New York, N.Y. will be held in Room 238, Court Room A, Court of Claims, 26 Federal Plaza.

MC 141009, McClenton Transportation Corp., now assigned January 19, 1976, at Kansas City, Mo., is cancelled and application dismissed.

MC 130302, Eastern Ski Tours, Inc., now assigned February 2, 1976, at Philadelphia, Pa., is postponed to February 17, 1976, at Philadelphia, Pa. (4 days), at 9:30 a.m. Local Time; in a hearing room to be later designated.

MC 33446 (Sub-No. 3), The Redifer Bus Company, now assigned February 18, 1976, at Cleveland, Ohio, is postponed indefinitely.

MC 140818, Grayline of Seattle, Inc., now assigned February 23, 1976, at Olympia, Wash., is postponed to March 15, 1976 (1 week), at Olympia, Wash., in the Rose Room, 2nd Floor, Annex Building, 516 North Washington Street.

MC 123407 Sub-239, Sawyer Transport, Inc., MC 108676 Sub-82, A. I. Metler Hauling and Rigging, Inc., and MC 115311 Sub-181, J & M Transportation Co., Inc., now assigned February 6, 1976, at Chicago, Illinois, will be held in Room 1614, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 30844 Sub-542, Kroblin Refrigerated Express, Inc., now assigned February 9, 1976, at Chicago, Illinois, will be held in Room 1614, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 128543 Sub-10, Cresco Lines, Inc., now assigned February 10, 1976, at Chicago, Illinois, will be held in Room 1614, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 141106, C. E. Riemer, dba Riemer's Marina, now assigned February 4, 1976, at Chicago, Illinois, will be held in Room 1614, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 126276 Sub-133, Fast Motor Service, Inc., now assigned February 3, 1976, at Chicago, Illinois, will be held in Room 1614, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 127042 Sub-160, Hagen, Inc., now assigned February 12, 1976, at Chicago, Illinois, will be held in Room 1614, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 87379 Sub-No. 18, C. H. Hooker Trucking Co., now being assigned March 1, 1976, (2 days), at Columbus, Ohio in Room 235, Federal Building & U.S. Courthouse, 85 Marconi Boulevard.

MC 33511 (Sub-No. 2), Johnstone Machinery Movers, Inc., now being assigned March 3, 1976 (3 days), at Columbus, Ohio, in Room 235, Federal Building and U.S. Courthouse, 85 Marconi Boulevard.

No. 35479, Southern Railway Company, Et. Al. v. Seaboard Coast Line Railroad Co., Et Al. continued to March 8, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.76-1997 Filed 1-21-76;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption No. 10]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO., ET AL.

Exemption Under Provision of the Mandatory Car Service Rules

It appearing, That the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 397, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44 ft. 6 in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

The Atchison, Topeka and Santa Fe Railway Company, Reporting Marks: ATSF.
Atlanta and Saint Andrews Bay Railway Company, Reporting Marks: ASAB.
The Baltimore and Ohio Railroad Company, Reporting Marks: BO.
Bangor and Aroostook Railroad Company, Reporting Marks: BAR.
Bessemer and Lake Erie Railroad Company, Reporting Marks: BLE.
Burlington Northern Inc., Reporting Marks: BN-CBQ-GN-NP-SPS.
The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, Reporting Marks: CNJ.
The Chesapeake and Ohio Railway Company, Reporting Marks: CO.
Chicago and North Western Transportation Company, Reporting Marks: CGW-CMO-CNW-FDDM-MSTL.
Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Reporting Marks: MILW.
Chicago, Rock Island and Pacific Railroad Company, Reporting Marks: RI-ROCK.
Chicago, West Pullman & Southern Railroad Company, Reporting Marks: CWP.
The Denver and Rio Grande Western Railroad Company, Reporting Marks: DRGW.
Erie Lackawanna Railway Company, Reporting Marks: DL&W-EL-ERIE.
[1] Illinois Terminal Railroad Company, Reporting Marks: ITC.
Louisville, New Albany & Corydon Railroad Company, Reporting Marks: LNAC.
[1] Norfolk and Western Railway Company, Reporting Marks: N&W-NKP-P&WV-VGN.
Missouri-Kansas-Texas Railroad Company, Reporting Marks: MKT.
Missouri Pacific Railroad Company, Reporting Marks: CEI-MI-MP-TP.
Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees, Reporting Marks: NH-NYC-PAE-PC-P&E-PRR.
St. Louis-San Francisco Railway Company, Reporting Marks: SLSF.
Soo Line Railroad Company, Reporting Marks: SOO.
Southern Railway System, Reporting Marks: CG-NS-SA-SOU.
Union Pacific Railroad Company, Reporting Marks: UP.
Western Maryland Railway Company, Reporting Marks: WM.

Effective 11:59 p.m., January 9, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., January 9, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-2000 Filed 1-21-76;8:45 am]

[Corrected Exemption No. 104, Amdt. No. 1, Ex Parte No. 241]

MANDATORY CAR SERVICE RULES

Exemption

Upon further consideration of Corrected Exemption No. 104 issued October 7, 1975.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Corrected Exemption No. 104 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to *expire April 30, 1976.*

This amendment shall become effective January 15, 1976.

Issued at Washington, D.C., January 13, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-1999 Filed 1-21-76;8:45 am]

[Amdt. No. 5 to Revised I.C.C. Order No. 126 Under Revised Service Order No. 994]

PENN CENTRAL

Rerouting Traffic

To all railroads: Upon further consideration of Revised I.C.C. Order No. 126 (Penn Central, Robert W. Blanchette,

[1] addition.

Richard C. Bond and John H. McArthur, Trustees) and good cause appearing therefor:

It is ordered, That:

Revised I.C.C. Order No. 126 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

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

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 15, 1976, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

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

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-2001 Filed 1-21-76;8:45 am]

[Notice No. 167]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

DECEMBER 22, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before February 11, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76250. By order entered January 16, 1976 the Motor Carrier Board approved the transfer to Nowadnick and Sons, Inc., doing business as Northwest Transportation & Warehouse Company, Tacoma, Washington, of the operating rights set forth in Certificate No. 339 (Sub-No. 11), issued by the Commission February 3, 1970, to Lincoln Moving & Storage Company, Inc., Seattle, Wash., authorizing the transportation of used household goods, between specified counties in Washington, subject to certain restrictions. George H. Hart, 1100 IBM Building, Seattle, Washington 98101, attorney for applicants.

No. MC-FC-76255. By order of January 16, 1976 the Motor Carrier Board approved the transfer to A. Dane Dunham, doing business as Dunham Transfer & Storage, 132 South Downs Avenue, Ridgecrest, Calif. 93555, of that portion of Certificate No. MC-133226 Sub 1 issued by the Commission, March 25, 1970, to Tennis Harrold, doing business as Tennis Transfer and Storage Co., authorizing the transportation of used household goods, between China Lake, Calif., on the one hand, and, on the other, points in Kern and Los Angeles Counties, Calif.

No. MC-FC-76278. By order entered January 16, 1976 the Motor Carrier Board approved the transfer to Elva J. Gosser, doing business as Will-Go Tours Club, Lancaster, Mo., of the operating rights set forth in License No. MC-130277, issued August 27, 1975, to Elva J. Gosser and Maxine H. Willier, doing business as Will-Go Tours Club, Lancaster, Mo., authorizing operations as a broker at Lancaster, Mo., in connection with the transportation by motor vehicle in interstate or foreign commerce, of passengers and their baggage, in the same vehicle with passengers, in charter and special operations, in round-trip sightseeing or pleasure tours, beginning and ending at a described area in Missouri and extending to points in the United States (except Alaska and Hawaii). Vance R. Frick, 213 West Washington St., Kirksville, Mo. 63501, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-1998 Filed 1-21-76;8:45 am]

[Notice No. 6]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JANUARY 16, 1976.

The fololwing applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has ben assigned for oral hearing.

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 2900 (Sub-No. 282), filed December 5, 1975. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Peachtree City, Ga., as an off-route point in connection with applicant's presently authorized regular routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Jacksonville, Fla.

No. MC 4405 (Sub-No. 525), filed November 21, 1975. Applicant: DEALERS TRANSIT, INC., 2200 E. 170th St., P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Leonard L. Bennett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over iregular routes, transporting: (1) *Trailers, trailer chassis, semi-trailers, semi-trailer chassis* (other than those designed to be drawn by passenger automobiles), in initial movements, in truckaway and driveaway service, from Chowchilla, Calif., to points in the United States (except Alaska and Hawaii); (2) *trailer converter dollies, truck and trailer bodies, cargo containers*, designed to be fastened or mounted on specially-built chassis or cargo carrying vehicles, *and trailer parts and accessories therefore* (except commodities moved in bulk), from Chowchilla, Calif., to points in the United States (except Alaska and Hawaii); and (3) *tractors*, in secondary movements in driveaway service only, when drawing commodities named in (1) above, moving in initial driveaway service, from Chowchilla, Calif., to points in Arizona, Nevada, Oregon, and Vermont.

NOTE.—Common control may be involved. If a hearing is deemd necessary, the applicant requests it be held at Chicago, Ill.

No. MC 14781 (Sub-No. 12), filed December 5, 1975. Applicant: GOTTRY CORP., 999 Beahan Road, Rochester, N.Y. 14624. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* the transportation of which, because of size and weight, requires special equipment or special handling and those self-propelled articles included within road building construction equipment, each weighing 15,000 lbs. or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Niagara, Erie, Cattaraugus, Chautauqua, Orleans, Genessee, Wyoming, and Allegany Counties, N.Y., and in Warren and McKean Counties, Pa., on the one hand, and, on the other, points in Ohio and the lower peninsula of Michigan. The purpose of this filing is to eliminate the gateway at Erie County, Pa.; and (2) *commodities* the transportation of which because of size and weight, requires special equipment or special handling and those self-propelled articles included within road building construction equipment, each weighing 15,000 lbs. or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in New York within the New York, N.Y., commercial zone, on the one hand, and, on the other, points in New York on and west of a line beginning at the International Boundary line between the United States and Canada and extending southerly along Interstate Highway 81 to its intersection with New York Highway 12 near Watertown, N.Y., thence along New York Highway 12 through Utica, N.Y., to its intersection with Interstate Highway 81, and thence along Interstate Highway 81 to the New York-Pennsylvania State Boundary line. The purpose of this filing is to eliminate the gateway at Monroe County, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo or Rochester, N.Y.

No. MC 21227 (Sub-No. 11), filed November 7, 1975. Applicant: MIDLAND TRUCK LINES, INC., 311 Marion Street, St. Louis, Mo. 63104. Applicant's representative: John E. Burruss, Jr., Central Trust Building, P.O. Box 1069, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), (1) Between Kingdom City, Mo., and Reform, Mo.: From Kingdom City, Mo., over U.S. Highway 54 to junction Missouri Highway 94, thence over Missouri Highway 94 to junction Callaway County Route D, thence over Callaway County Route D to junction Callaway County Route O, thence over Callaway County Route O to junction Callaway County Route CC, thence over Callaway County Route CC to Reform, Mo., and return over the same route, serving the intermediate points of Wainwright, Tebbetts, Mokane, and Portland, Mo., and the offroute point of the facilities of the Union Electric Company at or near Reform, Mo., (2) Between junction Missouri Highway 94 and Callaway County Route CC and Reform, Mo.: From junction Missouri Highway 94 and Callaway County Route CC over Callaway County Route CC to Reform, Mo., and return over the same route, serving the intermediate point of Steedman, Mo., and the off-route points of the facilities of the Union Electric Company at or near Reform, Mo., (3) Between junction U.S. Highway 54 and Callaway County Route O and junction Callaway County Route O and Callaway County Route CC: From junction U.S. Highway 54 and Callaway County Route O over Callaway County Route O to junction Callaway Route CC, and return over the same route serving no intermediate points, and serving the termini for the purpose of joinder only.

(4) Between junction U.S. Highway 54 and Callaway County Route C and junction Callaway County Route C and Missouri Highway 94: From junction U.S. Highway 54 and Callaway County Route C over Callaway County Route C to junction Missouri Highway 94, and return over the same route, serving no intermediate points and over the same route, serving no intermediate points and serving the termini for the purpose of joinder only; (5) Between junction Interstate Highway 70 and Callaway County Route D and junction Callaway County Route D and Callaway County Route O: From junction Interstate Highway 70 and Callaway County Route D over Callaway County Route D to junction Callaway County Route O, and return over the same route serving Readsville, Mo., as an intermediate point and the termini for the purpose of joinder only; (6) Between junction Interstate Highway 70 and Missouri Highway 19 and junction Missouri Highway 94 and Callaway County Route D: From junction Interstate Highway 70 and Missouri Highway 19 over Missouri Highway 19 to junction Missouri Highway 94, thence over Missouri Highway 94 to junction Callaway County Route D, and return over the same route, serving Rhineland, Mo., as an intermediate point and the termini for the purpose of joinder only; and (7) Between junction of Callaway County Route D and Callaway County Route K and junction Montgomery County Route K and Missouri Highway 19: From junction Callaway County Route D and Callaway County Route K over Callaway County Route K and its continuation as Montgomery County Route K to junction Missouri Highway 19, and return over the same route, serving no intermediate points and serving the termini for the purpose of joinder only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at the same time and on a consolidated record with similar applications filed by Niedergerke Truck Line, Inc., MC 59306 (Sub-No. 4); Midland Truck Lines, Inc., MC 21227 (Sub-No. 11); Orscheln Bros. Truck Lines, Inc., MC 49387 (Sub-No. 45); Scheer Transfer Company, MC 3978 (Sub-No. 6); and St. Louis-Kansas City Express, Inc., MC 32838 (Sub-No. 16), at Jefferson City, St. Louis, or Kansas City, Mo.

No. MC 29537 (Sub-No. 7), filed December 1, 1975. Applicant: R. H. CRAWFORD, INC., 425 Poplar Street, Hanover, Pa. 17331. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over iregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery, and food business houses (except in bulk), between New Freedom and Shrewsbury, Pa., and points in Shrewsbury Township (York County), Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania,

Rhode Island, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Harrisburg, Pa., or Washington, D.C

No. MC 33037 (Sub-No. 20), filed December 11, 1975. Applicant: STUDER TRUCK LINE, INC., Beattie, Kans. 66406. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the terminal site of Agrico Chemical Company, at or near Falls City, Nebr., to points in Iowa, Missouri, and Kansas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 34027 (Sub-No. 9), filed December 8, 1975. Applicant: GEETINGS, INC., 214 South Clark, P.O. Box 82. Pella, Iowa 50219. Applicant's representative: Larry D. Knox, 9300 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Newton, Iowa, and Pella, Iowa, serving no intermediate points: From Pella over Iowa Highway 163 to Monroe, Iowa, thence over Iowa Highway 14, to Newton, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa.

No. MC 35469 (Sub-No. 45) (Correction), filed June 16, 1975, published in the FEDERAL REGISTER issue of August 7, 1975, and republished as corrected this issue. Applicant: MODERN TRANSFER CO., INC., P.O. Box 2008, Allentown, Pa. 18105. Applicant's representative: Christian V. Graf, 407 North Front St., Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), (1) Between Youngstown, Ohio, and Baltimore, Md., serving no intermediate points: From Youngstown, Ohio, over Ohio State Highway 7 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 70, thence over Interstate Highway 70 to Baltimore, Md., and return over the same route; and (2) Between Pittsburgh, Pa., and Baltimore, Md., serving intermediate and off-route points in Pennsylvania in the Counties of Allegheny, Washington, Fayette, Westmoreland, Armstrong, Butler, and Beaver bounded by a line drawn through the following points: Independence, Claysville, Marianna, Brownsville, Scottdale, Mt. Pleasant, New Alexandria, Saltsburg, Avonmore, Mateer, Cadogan, Butler, Frisco, Beaver Falls, and Smiths Ferry: (A) From Pittsburgh over Interstate Highway 376 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 70, thence over Interstate Highway 70 to Baltimore, Md., and return over the same route; and (B) From Pittsburgh, Pa., over U.S. Highway 30 to junction Interstate Highway 70, thence over Interstate Highway 70 to Baltimore, Md., and return over the same route.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. The purpose of this filing is to eliminate the gateway Allentown, Pa. If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 45736 (Sub-No. 50), filed December 10, 1975. Applicant: GUIGNARD FREIGHT LINES, INC., P.O. Box 26067, Highway 21 North, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing materials, siding and siding materials*, from Charleston, S.C., to points in Alabama and points in Florida west of the Apalachicola River.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at (1) Charleston, S.C., (2) Charlotte, N.C., or (3) Washington, D.C.

No. MC 51146 (Sub-No. 455), filed December 11, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precast concrete products*, from points in Wisconsin, to points in Illinois, Iowa, and Michigan; and (2) *return of refused or rejected shipments of commodities named in (1) above*, from points in Illinois, Iowa, and Michigan, to points in Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 56276 (Sub-No. 2), filed December 9, 1975. Applicant: DOMINIC A. SHIPPOLE, doing business as STAR MOTOR LINES, Salisbury Crag, Worcester, Mass. 01609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Massachusetts, Connecticut, and Rhode Island.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Worcester or Boston, Mass.

No. MC 59306 (Sub-No. 4), filed November 7, 1975. Applicant: NIEDERGERKE TRUCK LINE, INC., 107 West Fourth Street, Fulton, Mo. 65251. Applicant's representative: John E. Burruss, Jr., Central Trust Building, P.O. Box 1069, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and household goods), (1) Between New Bloomfield, Mo., and Reform, Mo:. From New Bloomfield, Mo. over U.S. Highway 54 to junction Missouri Highway 94, thence over Missouri Highway 94 to junction Callaway County Route D, thence over Callaway County Route O to junction Callaway County Route CC, thence over Callaway County Route CC to Reform, Mo. and return over the same route, serving the intermediate points of Wainwright, Tebbetts, Mokane, and Portland, Mo., and the off-route point of the facilities of the Union Electric Company at or near Reform, Mo. (2) Between junction Missouri Highway 94 and Callaway County Route CC and Reform, Mo.: From junction Missouri Highway 94 and Callaway County Route CC over Callaway County Route CC to Reform, Mo., and return over the same route, serving the intermediate point of Steedman, Mo., and the off-route points of the facilities of the Union Electric Company at or near Reform, Mo. (3) Between junction U.S. Highway 54 and Callaway County Route O and junction Callaway County Route O and Callaway County Route CC: From junction U.S. Highway 54 and Callaway County Route O over Callaway County Route O to junction Callaway Route CC, and return over the same route serving no intermediate points, and serving the termini for the purpose of joinder only.

(4) Between junction U.S. Highway 54 and Callaway County Route C and junction Callaway County Route C and Missouri Highway 94: From junction U.S. Highway 54 and Callaway County Route C over Callaway County Route C to junction Missouri Highway 94, and return over the same route, serving no intermediate points and serving the termini for the purpose of joinder only; (5) Between junction Interstate Highway 70 and Callaway County Route D and junction Callaway County Route D and Callaway County Route O: From junction Interstate Highway 70 and Callaway County Route D over Callaway County Route D to junction Callaway County Route O, and return over the same route serving Readsville, Mo., as an intermediate point and the termini for the purpose of joinder only; (6) Between junction Missouri Highway 19 and Missouri Highway 94 and junction Missouri Highway 94 and Callaway County Route D: From junction Missouri Highway 19 and Missouri Highway 94 over Missouri Highway 94 to junction Callaway County Route D, and return over the same route, serving Rhineland, Mo., as an intermediate point and the termini for the purpose of joinder only; (7) Between junction of Callaway County Route D and Callaway County Route K and junction Montgomery County Route K and

Missouri Highway 19: From junction Callaway County Route D and Callaway County Route K over Callaway County Route K and its continuation as Montgomery County Route K to junction Missouri Highway 19, and return over the same route, serving no intermediate points and serving the termini for the purpose of joinder only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jefferson City, St. Louis, or Kansas City, Mo.

No. MC 73134 (Sub-No. 2), filed December 11, 1975. Applicant: SUPREME EXPRESS AND TRANSFER CO., 3311 Chouteau, St. Louis, Mo. 63103. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Non-alcoholic beverages*, in containers, from Warrenton, Mo., to points in Iowa, Indiana, Illinois, Kansas, Nebraska, Oklahoma, Arkansas, Tennessee, Kentucky, and Ohio, under a contiuing contract or contracts with Warrenton Products, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or St. Louis, Mo.

No. MC 85811 (Sub-No. 8) (Amendment), filed August 15, 1975, published in the FEDERAL REGISTER issue of September 11, 1975, republished as amended this issue. Applicant: AMSCO TRANSPORTATION, INC., 10560 Mykawa Road, P.O. Box 33280, Houston, Tex. 77033. Applicant's representative: Alfred M. Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite and facilities of National Pipe and Tube Company located at Liberty County, Tex., to points in Alabama, Arizona, Arkansas, Colorado, Florida, Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Utah; and (2) *materials, equipment, and supplies* used in the manufacture, processing, and distribution of iron and steel articles (except commodities in bulk), from points in Alabama, Arizona, Arkansas, Colorado, Florida, Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Utah to the plantsite and facilities of National Pipe and Tube Company, located in Liberty County, Tex., restricted in parts (1) and (2) above to traffic originating at and destined to the named plantsite and facilities of National Pipe and Tube Company and the named states.

NOTE.—The purpose of this republication is to broaden the application by the addition of the return movement as indicated in part (2). If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 94350 (Sub-No. 360), filed December 11, 1975. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable tobacco barns*, from Dunn, N.C., to points in Alabama, Florida, Georgia, Kentucky, Maryland, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.

No. MC 106497 (Sub-No. 126), filed Dec. 12, 1975. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 912 (Bus. Rte 1–44 east), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 112, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, in truck-away or tow-away service, from the plantsite and warehouse facilities of the J. H. Holland Co., located at or near Norman, Okla., to points in the United States (including Alaska, but excluding Hawaii and Oklahoma).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Oklahoma City, Okla.

No. MC 106775 (Sub-No. 38) (Amendment), filed September 8, 1975, published in the FEDERAL REGISTER issue of October 2, 1975, republished as amended this issue. Applicant: ATLAS TRUCK LINE, INC., P.O. Box 9848, Houston, Tex. 77015. Applicant's representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except commodities in bulk), from the plantsite and facilities of National Pipe and Tube Company, located at Liberty County, Tex., to points in the United States (except Alaska, Hawaii, and Texas); and (2) *materials, equipment, and supplies* used in the manufacture, processing, and distribution of iron and steel articles, (except commodities in bulk), from points in the United States (except Alaska, Hawaii, and Texas) to the plantsite and facilities of National Pipe and Tube Company located Liberty County, Tex., restricted in parts (1) and (2) above to traffic originating at and destined to the named plantsite and facilities of National Pipe and Tube Company and the named states.

NOTE.—The purpose of this republication is to amend the requested authority in this proceeding. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Houston or Dallas, Tex.

No. MC 107295 (Sub-No. 794), filed December 8, 1975. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Newark, Ohio, to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 108341 (Sub-No. 43), filed December 8, 1975. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building parts, and materials, accessories, and supplies* used in the installation, erection, and construction of buildings, building panels, and building parts (except commodities in bulk), from the facilities of Butler Manufacturing Company located at or near Laurinburg, N.C., to points in that part of the United States on and east of the western boundaries of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.

No. MC 108393 (Sub-No. 100), filed December 10, 1975. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas appliances and equipment, materials and supplies*, used in the manufacture, distribution and repair of electrical and gas appliances, (1) between St. Paul, Minn., on the one hand, and, on the other, Tecumseh, Mich., and Marion, Ohio; and (2) between Evansville, Ind., and Fort Smith, Ark., on the one hand, and, on the other, Tupelo, Miss., under a continuing contract or contracts with Whirlpool Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 108587 (Sub-No. 20), filed September 8, 1975. Applicant: SCHUSTER EXPRESS, INC., 48 Norwich Avenue, Colchester, Conn. 06415. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Lackawanna and Luzerne Counties, Pa., on the one hand, and, on the other, points in Connecticut, Massachusetts, points in Rhode Island on U.S. Highway 1 (portions formerly Alter-

nate U.S. Highway 1), from the Massachusetts-Rhode Island State line to the Rhode Island-Connecticut State line, and points in Rhode Island on U.S. Highways 6 and 44 and Rhode Island Highway 3. The purpose of this filing is to eliminate the gateway of New York, N.Y., (2) *general commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Lackawana and Luzerne Counties, Pa., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J. The purpose of this filing is to eliminate the gateway of Newark, N.J.

NOTE.—If a hearing is deemed necessary, applicant does not state a location.

No. MC 110144 (Sub-No. 17), filed December 8, 1975. Applicant: JACK C. ROBINSON, doing business as ROBINSON FREIGHT LINES, 3600 Paper Mill Road, P.O. Box 10234, Knoxville, Tenn. 37919. Applicant's representative: Warren A. Goff, 5100 Poplar Avenue, Suite 2008, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission and commodities requiring special equipment), between points in Tennessee on and east of U.S. Highway 27, on the one hand, and, on the other, points in Hamblen County, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Morristown, Tenn.

No. MC 110817 (Sub-No. 20), (Amendment), filed November 3, 1975, published in the FEDERAL REGISTER issue of December 4, 1975, republished as amended this issue. Applicant: E. L. FARMER & COMPANY, a Corporation, P.O. Box 3512, Odessa, Tex. 79760. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* (except commodities in bulk), from the plantsite and facilities of National Pipe and Tube Company, located in Liberty County, Tex., to points in the United States (except Alaska, Hawaii, and Texas); and (2) *materials, equipment and supplies*, used in the manufacture, processing and distribution of iron and steel articles (except commodities in bulk), from points in the United States (except Alaska, Hawaii, and Texas), to the plantsite and facilities of National Pipe and Tube Company located in Liberty County, Tex., restricted in parts (1) and (2) above to traffic originating at and destined to the named plantsite and facilities of National Pipe and Tube Company.

NOTE.—The purpose of this republication is to broaden the scope of the application. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Dallas, Tex.

No. MC 111729 (Sub-No. 595), filed December 3, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park, N.Y. 10040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in courier service (except household goods, commodities in bulk, explosives, articles of unusual value, and commodities which because of their size and weight require special equipment); and *commercial papers, documents and written instruments*, as are used in the business of banks and banking institutions, between points in Colorado and Wyoming. Restrictions: (1) No service shall be provided for the transportation of packages weighing more than 50 pounds and each package or article shall be considered a separate and distinct shipment; and (2) No service shall be provided for the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location, on any one day.

NOTE.—Applicant holds contract authority in MC 112750 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 113624 (Sub-No. 71), filed November 28, 1975. Applicant: WARD TRANSPORT, INC., P.O. Box 735, Pueblo, Colo. 81001. Applicant's representative: Alvin J. Meiklejohn, Jr., 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: *Fertilizer solutions*, in bulk, in tank vehicles, from Grant, Nebr., to points in Colorado, Kansas, Oklahoma on and north of Interstate Highway 40, points in South Dakota west of the Missouri River, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113651 (Sub-No. 187), filed December 11, 1975. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities*, exempt from economic regulation of Section 203 (b)(6) of the Act, when transported in mixed loads with bananas, from Gulfport, Miss., to points in North Dakota, South Dakota, Wisconsin and Nebraska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113678 (Sub-No. 616), filed December 4, 1975. Applicant: CURTIS, INC, 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Pueblo, Colo., to points in Delaware, New Jersey, New York and Pennsylvania.

NOTE.— If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 113843 (Sub-No. 227), filed December 10, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products*, from Pittsburgh, Pa., to points in Connecticut, Massachusetts, New Hampshire, Maine, New Jersey, New York, Rhode Island, Vermont, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Nebraska, Colorado, Iowa, Missouri, Kansas and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 113843 (Sub-No. 228), filed December 10, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Francis P. Barrett, 60 Adams Street, Milton, Mass. 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned foodstuffs*, from Baltimore and Havre de Grace, Md. and points in that part of Delaware, Maryland and Virginia on and south of U.S. Highway 40 and east of the Susquehanna River and Chesapeake Bay, to points in Maine, Massachusetts, Michigan, Minnesota, Missouri, Connecticut, Kentucky, Indiana, Illinois, Iowa, Kansas, New Hampshire, Nebraska, Wisconsin, Vermont, North Dakota, South Dakota and Rhode Island; and (2) *fresh and frozen poultry, fresh and frozen seafood, and frozen fruits and vegetables*, from Baltimore, Md.; the District of Columbia, Hampton and Richmond, Va.; Huntington, W. Va. and points in Delaware, Maryland, and Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, to points in Arkansas, Colorado, Connecticut, Illinois, Iowa, Indiana, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New York, New Hampshire, Pennsylvania, Rhode Island, Tennessee, Vermont, Wisconsin, North Dakota, South Dakota, Oklahoma, Ohio, West Virginia, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requsets it be held at Washington, D.C.

No. MC 113855 (Sub-No. 338), filed December 11, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road S.E., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Denver, Colo., to points in the United States, including Alaska but not Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Spokane, Wash.

No. MC 114604 (Sub-No. 37), filed December 8, 1975. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, Ga. 30050. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, related advertising material, and empty malt beverage containers*, between Memphis, Tenn., and the facilities of Thomas Beverage Company, located in Carroll, Clayton, Cobb, De Kalb, Douglas, Fulton, Haralson and Rockdale Counties, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 114604 (Sub-No. 38), filed December 8, 1975. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, Ga. 30050. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, related advertising material and empty malt beverage containers*, between Winston-Salem, N.C., and the facilities of Thomas Beverage Company, located in Carroll, Clayton, Cobb, DeKalb, Douglas, Fulton, Haralson and Rockdale Counties, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 115821 (Sub-No. 18), filed December 12, 1975. Applicant: FRANK BEELMAN, doing business as BEELMAN TRUCK CO., St. Libory, Ill. 62282. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fly ash*, in bulk, in tank vehicles, from East Alton, Ill., to points in Indiana, Kentucky, Arkansas, Tennessee and Missouri (except those points located on and south of U.S. Highway 36, on and east of U.S. Highway 63, on and north of U.S. Highway 60); and (2) wood chips, in bulk, from Hoyleton, Ill., to the plantsite of Westvaco Corp. located at Wickliffe, Ky.

NOTE.—If a hearing is deemed necessary, the applicant does not specify location.

No. MC 115841 (Sub-No. 511), filed December 5, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 200, 105 Vulcan Road, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Booker, Tex., to points in California, Arizona, Oregon and Washington, restricted to traffic originating at Booker, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Las Vegas, Nev., or San Francisco, Calif.

No. MC 116004 (Sub-No. 36), filed December 12, 1975. Applicant: TEXAS-OKLAHOMA EXPRESS, INC., P.O. Box 47112, Dallas, Tex. 75247. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Refined copper* (except commodities in bulk), from the plantsite of ASARCO, INC. located at or near Amarillo, Tex., to points in the Uinted States (except Alaska and Hawaii); and (2) *materials and supplies*, used in the manufacture and distribution of refined copper (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to the plantsite of ASCARCO, INC. located at or near Amarillo, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Oklahoma City, Okla.

No. MC 116474 (Sub-No. 35), filed December 11, 1975. Applicant: LEAVITTS FREIGHT SERVICE, INC., 3855 Marcola Road, Springfield, Oreg. 97477. Applicant's representative: David C. White, 2400 SW. Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Treated poles*, from the plantsite of J. H. Baxter & Co., located at or near Eugene, Oreg., to points in Idaho, under a continuing contract or contracts with J. H. Baxter & Co.; and (2) *treated poles, piling, lumber, laminated beams and arches*, from the plantsite of Pacific Wood Treating Corp., located at or near Ridgefield, Wash., to points in California, Nevada and Oregon, under a continuing contract or contracts with Niedermeyer-Martin Co.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 117068 (Sub-No. 58), filed December 9, 1975. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Silos, silo loading and unloading devices, waste storage tanks, livestock feeding systems, and parts and accessories*, from Sand Springs, Okla., to points in the United States (except Alaska and Hawaii), including ports of entry on the International Boundary line between the United States and Canada located in Washington, Idaho, Montana, North Dakota, Minnesota, and Michigan, restricted to traffic moving on self-unloading equipment; and (2) *materials and supplies*, used in the manufacture of the commodities named in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Sand Springs, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Washington, D.C.

No. MC 118806 (Sub-No. 44), filed December 11, 1975. Applicant: ARNOLDS BROS. TRANSPORT, LTD., 739 Lagimodiere Blvd., Winnipeg Manitoba, Canada R2J OT8. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rolling mill rolls*, from Lima, Ohio, to the ports of entry on the International Boundary Line between the United States and Canada, located at or near Pembina, N. Dak., and Noyes, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 118959 (Sub-No. 134), (Correction), filed November 24, 1975, published in the FEDERAL REGISTER issue of January 8, 1976, republished as corrected this issue. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crated cabinets, vanities and cases*, from the facilities of Kitchen Kompact, Inc., located at or near Jeffersonville, Ind., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies*, used in the manufacture and distribution of crated cabinets, vanities, and cases (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to the facilities of Kitchen Kompact, Inc., located at or near Jeffersonville, Ind.

NOTE.—The purpose of this republication is to indicate the docket number which was previously omitted. Applicant holds contract carrier authority in MC 125664, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky.

No. MC 119988 (Sub-No. 89), filed December 8, 1975. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products and materials, equipment and supplies*, utilized in the manufacture thereof, between the plantsites and storage facilities of International Paper Co., located at or near Springhill, La., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 14271, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 121046 (Sub-No. 6), filed December 11, 1975. Applicant: B. A. MILLER & SONS TRUCKING CO., INC., P.O. Box 41, East Street, Liberty Center, Ohio 43532. Applicant's representative: David A. Turano, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles*, from the facilities of Napco Plastics Company, located at Napoleon, Ohio, to points in the Lower Peninsula of Michigan, Indiana and Illinois; (2) *materials, equipment and supplies*, used in the manufacture and distribution of plastic articles, from points in the Lower Peninsula of Michigan, Indiana and Illinois to the facilities of Napco Plastics Company, located at Napoleon, Ohio, restricted to traffic originating at and destined to the named facility.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 123383 (Sub-No. 75), filed December 5, 1975. Applicant: BOYLE BROTHERS, INC., 941 South 2nd Street, Camden, N.J. 08103. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plasterboard joint system, and materials, supplies and products*, used in the installation, application, and distribution thereof, (1) from Milford, Va., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania and (2) *rejected and refused shipments*, from points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania, to Milford, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123407 (Sub-No. 279), filed December 10, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Windows, doors, building woodwork and materials and accessories*, used in the installation thereof, from Rantoul, Ill., to points in the United States (except Alaska and Hawaii); and (2) *materials*, used in the manufacture and distribution of the commodities described above, from points in the United States (except Alaska and Hawaii), to Rantoul, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 280), filed December 12, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and poultry feed* (except in bulk, in tank or hopper vehicles), from Chicago Heights, Ill., to points in Missouri, Washington, Idaho, and California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago or Flossmoor, Ill.

No. MC 124078 (Sub-No. 674), filed December 5, 1975. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ground clay*, in bulk, in tank vehicles, from Ripley, Miss., to West Helena, Ark.; and (2) *vegetable oils, animal fats and blends of vegetable oils and animal fats*, from Chattanooga, Tenn., to points in Louisiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 124947 (Sub-No. 45), filed December 8, 1975. Applicant: MACHINERY TRANSPORTS, INC., P.O. Box 417, Stroud, Okla. 74079. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hydraulic hoists, hydraulic cylinders, grain handling equipment, and gas burners;* and (2) *parts, attachments, and accessories*, for the commodities in (1) above, from Eaton, Colo., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo.; Chicago, Ill., or Washington, D.C.

No. MC 125724 (Sub-No. 3), filed September 8, 1975. Applicant: SINGER TRANSPORT, INC., S-3030 Baker Road, Orchard Park, N.Y. 14127. Applicant's representative: William J. Hirsch, 43 Court Street, Suite 1125, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Antifriction devices, articles used in the manufacture and distribution of anti-friction devices, and incidental office supplies, equipment and records*, between the plantsites, storage facilities, customers and sources of supply, of Marlin-Rockwell Company Division of TRW Inc., located at points in Connecticut, Georgia, Massachusetts, New York, New Jersey, Ohio, Pennsylvania, North Carolina and West Virginia, under a continuing contract with Marlin-Rockwell Company Division of TRW Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 126243 (Sub-No. 15), filed December 10, 1975. Applicant: ROBERT'S TRUCKING CO., INC., Highway 271 South, Poteau, Okla. 74953. Applicant's representative: Prentiss Shelley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex and liquid foam rubber*, in bulk, in shipper owned trailers, from Poteau, Okla., to Lewisville, Monticello and Hope, Ark.; Des Moines, Iowa; Lincoln, Nebr., and Hillsboro and Marlin, Tex.

NOTE.—Applicant holds contract carrier authority in MC 140849, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., Little Rock, Ark., or Washington, D.C.

No. MC 127042 (Sub-No. 164), filed December 12, 1975. Applicant: HAGEN, INC., P.O. Box 98—Leeds Station, (3232 Highway 75 N.), Sioux City, Iowa 51108. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Personal care products, toilet preparations, health aids, and cleaning, washing, scouring and buffing compounds* (except commodities in bulk), (1) from Danville, Ill., to points in Arizona, California, Colorado, Kansas, Missouri, Nebraska, Idaho, Nevada, Oregon, Utah and Washington; and (2) from Fort Madison, Iowa to Denver, Colo. and points in Idaho, Kansas, Missouri and Nebraska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either at either Chicago, Ill. or Washington, D.C.

No. MC 127371 (Sub-No. 3), filed November 24, 1975. Applicant: LITTLE PRINCESS TRUCK RENTALS, INC., 7 Juanita Avenue, Huntington, N.Y. 11743. Applicant's representative: Jessel Rothman, 170 Old Country Road, Mineola, N.Y. 11501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail hardware stores, paychecks, store records, documents and papers, between Melville, Port Chester, Scarsdale, Nanuet, Fishkill and Peekskill, N.Y., on the one hand, and, on the other, Para-

mus, Watchung, Somerville, North Brunswick, East Brunswick, Lodi, and Middletown, N.J., under a continuing contract or contracts with Pergament Distributors, Inc.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 128205 (Sub-No. 23), filed Dec. 8, 1975. Applicant: BULKMATIC TRANSPORT COMPANY, a Corporation, 12000 S. Doty Avenue, Chicago, Ill. 60628. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, (1) from Toledo, Ohio, to Chicago and Naperville, Ill.; (2) from Augusta, Mich., to Chicago, Ill.; (3) from Fostoria, Ohio, to Chicago, Ill.; and (4) from Ligonier, Ind., to Chicago, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128273 (Sub-No. 214), filed Dec. 1, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, Jr., 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged lubricants, antifreeze, and automotive chemicals*, from points in Sedgwick County, Kans.; points in Cook, DuPage, Will and Lake Counties, Ill.; points in Harris, Fort Bend, Brazoria, Galveston, Chambers and Jefferson Counties, Tex.; and points in Pennsylvania and West Virginia, to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Kansas City, Mo.

No. MC 134038 (Sub-No. 5), filed December 5, 1975. Applicant: MAJORS TRANSIT, INC., P.O. Box 7, Caneyville, Ky. 42721. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Hartford, Ky., and Owensboro, Ky. in connection with carrier's presently authorized regular route operations, serving no intermediate points: From Hartford over U.S. Highway 231 to Owensboro and return over the same route, alternate route for operating convenience only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Bowling Green, Ky.; Nashville, Tenn. or Louisville, Ky.

No. MC 134219 (Sub-No. 9), (Correction), filed November 13, 1975, published in the FEDERAL REGISTER issue of December 18, 1975, republished as corrected this issue. Applicant: GEORGE V. D'AGOSTINO, dba AIRLIN TRUCKING CO., Foot of Cutter Dock Road, Woodbridge, N.J. 07095. Applicant's representative: Thomas F. X. Foley, 744 Broad Street, Suite 2005, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Artificial fireplace logs, materials and supplies*, used in the manufacture of artificial fireplace logs, between the plantsites and warehouses of Eastern Firelog, Division of P & M Lumber Products Corp., located at Fairless Hills, and Cornwells Heights (Commonwealth), Pa. and Trenton and North Brunswick, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, District of Columbia and Nashua, N.H., under a continuing contract with Eastern Firelog, Division of P & M Lumber Products Corp., Fairless Hills, Pa.

NOTE.—The purpose of this republication is to indicate the locations of the plantsites and warehouses of Eastern Firelog, Division of P & M Lumber Products Corp. which was previously omitted. Applicant holds common carrier authority in MC 134743, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Newark, N.J.

No. MC 134323 (Sub-No. 79), (correction), filed November 24, 1975, published in the FEDERAL REGISTER issue of December 24, 1975, republished as corrected this issue. Applicant: JAY LINES, INC., 720 North Grand, P.O. Box 4146, Amarillo, Tex. 79105. Applicant's representative: Gailyn L. Larsen, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Welding equipment, materials and supplies;* and (2) *equipment, materials and supplies*, used in the manufacture and distribution thereof, between the plantsite and storage facilities of Union Carbide Corporation located at or near Niagara Falls, N.Y. and Ashtabula, Ohio, on the one hand, and, on the other, points in Alabama, Mississippi, Louisiana, Arkansas, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Nevada, Arizona, California, Oregon, and Washington, under a continuing contract, or contracts with Union Carbide Corporation.

NOTE.—The purpose of this republication is to indicate Ashtabula, Ohio as the origin point which was previously omitted. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Loncoln, Nebr.

No. MC 135284 (Sub-No. 4), filed December 10, 1975. Applicant: FLEETWOOD TRANSPORTATION CORP., 520 North Seventh Ave., Scranton, Pa. 18503. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is dealt in by wholesale, retail and chain grocery and food business houses (except commodities in bulk), between Columbus, Ohio, on the one hand, and, on the other, points in Ohio, Michigan, Pennsylvania, West Virginia, Kentucky and Indiana, under a continuing contract or contracts with Agfoods, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135340 (Sub-No. 4), filed November 28, 1975. Applicant: C. A. WALKER TRUCK LINES, INC., 1518 North Santa Fe Avenue, Chillicothe, Ill. 61523. Applicant's representative: Michael F. Sheehan, Jr., One East Wacker Drive, Suite 2530, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Seneca, Ill., to points in Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 135797 (Sub-No. 46), filed December 8, 1975. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cypert, 108 Terrace Drive, Route 1, Box 6A28, Lowell, Ark. 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polystyrene shapes and forms, and disposable plastic tableware*, from the plantsite and warehouses of the Mobil Chemical Company, located at or near Temple, Tex., to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Tulsa, Okla.

No. MC 135874 (Sub-No. 51), filed November 24, 1975. Applicant: LTL PERISHABLES, INC., 550 E. 5th Street So., South St. Paul, Minn. 55075. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Meats, meat products, and frozen foods;* (b) *cheese, yogurt, sauerkraut, pickles, candy, butter, oleomargarine, dips, salads, salad dressing, seafoods, and yeast*, when moving in mixed shipments with 1(a) above, from Omaha, Nebr. to points in Iowa, Kansas, Minnesota, Missouri, Wisconsin, and Illinois (except points in the Chicago, Ill. Commercial Zone); and (c) *canned goods* when moving in mixed shipments with 1(a) above, from Omaha, Nebr. to points in Kansas and Missouri; and 2(a) *Pizza*

crusts, pizza ingredients and pizza mix, from Omaha, Nebr. to points in Minnesota, restricted in 1 (a), (b) and (c) and 2(a) to traffic originating at Omaha, Nebr. and its Commercial Zone and destined to named States.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No MC 136246 (Sub-No. 10), filed December 12, 1975. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, Nebr. 68979. Applicant's representative: Arlyn L. Westergren, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Grain bins, metal buildings, grain handling equipment, and materials and equipment,* used in the erection of grain bins and metal buildings, from the plantsite and facilities of Hymark Industries, Inc., at or near Henderson, Nebr., to points in the United States (except Alaska and Hawaii); and (2) *augers and grain handling equipment,* from Clay Center, Kans., to the facilities of Hymark Industries, at or near Henderson, Nebr., under contract with Hymark Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 136343 (Sub-No. 65), filed December 11, 1975. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Spheres, highway marking strip glass, ballotini and glass,* crushed, ground or powdered, from the facilities of Potters Industries, Inc., located at Cleveland, Ohio, to points in Pennsylvania, New York, New Jersey, Maryland, Delaware, West Virginia, Virginia, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Kentucky, and the District of Columbia; and (2) *materials and supplies* used in the manufacture and sale of glass spheres (except in bulk, in tank vehicles), from points in the above destinations, to the facilities of Potters Industries, Inc., located at Cleveland, Ohio.

NOTE.—Applicant holds contract carrier authority in MC 96098 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 136343 (Sub-No. 66), filed December 11, 1975. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paper and paper products,* from the facilities of Westvaco Corporation, located at Tyrone, Pa., to points in Nebraska, Illinois, Indiana, New Hampshire, Georgia, Tennessee, Kentucky, Alabama, and Maryland.

NOTE.—Applicant holds contract carrier authority in MC 96098 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 136532 (Sub-No. 4), filed December 10, 1975. Applicant: LOYD SIMPSON, doing business as LOYD SIMPSON TRUCKING, 125 Houston Street, Durant, Okla. 74701. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Nursery pots, nursery sleeves, and nursery paint,* and (2) *flowers* partially exempt from economic regulation under the provisions of Section 203(b)(6) of the Interstate Commerce Act in mixed loads with regulated commodities, from points in Texas to San Francisco, and Half Moon Bay, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif., or Oklahoma City, Okla.

No. MC 136553 (Sub-No. 36), filed December 8, 1975. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Salt,* from Seneca, Ill., to points in Wisconsin; and (2) *dry fertilizer and dry fertilizer materials,* from Seneca, Ill., to points in Iowa, Wisconsin, Indiana, and points in Michigan on and west of U.S. Highway 27 and on and south of Interstate Highway 96.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 136605 (Sub-No. 6) (Correction), filed October 9, 1975, published in the FEDERAL REGISTER issue of October 31, 1975, republished as corrected this issue. Applicant: DAVIS BROS. DIST., INC., 2024 Trade Street, P.O. Box 1027, Missoula, Mont. 59801. Applicant's representative: W. E. Seliski (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber, plywood and particleboard* (except commodities in bulk, in tank vehicles), between points in Montana and ports of entry on the International Boundary Line between the United States and Canada at or near Roosville, Port of Piegan, Sweetgrass, Port of Scobey and Raymond, Mont., restricted to traffic moving in foreign commerce.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Missoula, Billings, Great Falls, or Helena, Mont.

No. MC 138018 (Sub-No. 26), filed December 5, 1975. Applicant: REFRIGERATED FOODS, INC., 1420 33rd Street, P.O. Box 1018, Denver, Colo. 80201. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Filters,* from points in Dade County, Fla., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 138026 (Sub- No. 5), filed December 8, 1975. Applicant: LOGISTICS EXPRESS, INC., doing business as LOGEX, Etiwanda & Slover Avenues, Fontana, Calif. 92335. Applicant's representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Gaseous methane,* in bulk, in tube trailers, from the plantsite of Union Carbide Corporation-Linde Division, at Ontario, Calif., to the plantsite of Union Carbide Corporation-Linde Division, at Houston, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 138941 (Sub-No. 13), filed December 12, 1975. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir Street, Pomona, Calif. 91766. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30321. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from Dallas, Tex., to points in California, under a continuing contract or contracts with Mobil Chemical Company, Plastics Division.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 139269 (Sub-No. 7), filed December 8, 1975. Applicant: C. P. CRASKA, INC., 207 Cosby Manor Road, Utica, N.Y. 13502. Applicant's representative: Murray J. S. Kirshtein, 118 Bleecker Street, Utica, N.Y. 13501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular rotues, transporting: (1) *Meat, meat products, meat by products, dairy products, and meat packinghouse articles* as described in 61 M.C.C. 209 and 766 (except hides, skins and pieces thereof), (2) *frozen foods;* and (3) *foodstuffs,* in vehicles equipped with mechanical refrigeration, between points in New Jersey, on the one hand, and, on the other, points in New York.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jersey City, N.J., or New York, N.Y.

No. MC 139495 (Sub-No. 117), filed Dec. 8, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 E. 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquettes* from Jacksonville, Tex., and Paris, Ark., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 140615 (Sub-No. 8), filed December 5, 1975. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1064, Wisconsin Rapids, Wis. 54494. Applicant's representative: Dennis C. Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unedible food products* in vehicles equipped with mechanical refrigeration, from Hainesport, N.J., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Newark, N.J., or Philadelphia, Pa.

No. MC 140972 (Sub-No. 2), filed December 8, 1975. Applicant: DONALD D. BRADER, doing business as DON BRADER TRUCKING, 905 South 29th Ave., Yakima, Wash. 98902. Applicant's representative: Charles C. Flower, 303 East "D" Street, Suite 2, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime sludge*, in bulk, from points in Yakima County, Wash., to points in Idaho and Oregon.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Yakima or Seattle, Wash., or Portland, Oreg.

No. MC 141137 (Sub-No. 4), filed December 5, 1975. Applicant: R & R TRUCKING COMPANY, INC., P.O. Box 292, Granville, Mich. 49418. Applicant's representative: Peter W. Steketee, 950 Union Bank Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is marketed by home products distributors, between Ada, Mich., on the one hand, and, on the other, points in Arlington, Tex., Atlanta, Ga., Dayton and Secaucus, N.J., and Denver, Colo.; and (2) *empty containers, pallets, similar shipping devices and damaged, rejected or returned merchandise*, from points in (1) above, to Ada, Mich., under a continuing contract or contracts with Amway Corporation, of Ada, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Grand Rapids or Lansing, Mich.

No. MC 141253, filed August 15, 1975. Applicant: CORNUCOPIA, INC., Rt. #4 West Boise, Boise, Idaho 83702. Applicant's representative: Vernon K. Smith, 1900 Main Street, Boise, Idaho 83706. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment); and (2) *agricultural commodities* otherwise exempt from economic regulation under Section 203 (b) (6) of the Interstate Commerce Act when transported at the same time and in the same vehicle with the commodities in (1) above, between points in Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 141344 (Sub-No. 2), filed December 11, 1975. Applicant: ALLEN TRANSPORT CORPORATION, Route 4, Box 155-C, Glen Allen, Va. 23060. Applicant's representative: Malcolm M. Christian, 415 Mutual Bldg., 909 East Main Street, Richmond, Va. 23219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* which because of oversize and weight or excess dimension, require the use of special equipment and *materials and supplies* which are incidental to those commodities, including special packaging and crating, between points in Hanover, Charles City, Prince George, Dinwiddie, Chesterfield, Powhatan, Goochland and Henrico Counties, Va., Richmond, Petersburg, Hopewell and Colonial Heights, Va., on the one hand, and, on the other, points in North Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Richmond, Va., or Washington, D.C.

No. MC 141345 (Sub-No. 1) (Amendment), filed November 25, 1975, published in the FEDERAL REGISTER issue of December 31, 1975, republished as amended this issue. Applicant: JOSEPH DUBIN TRUCKING CORPORATION, 477 Leonard Street, Brooklyn, N.Y. 11222. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Juvenile furniture and baby wheel goods*, from Brooklyn, N.Y. to Fairfield County, Conn., Philadelphia, Pa. and points in Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union Counties, N.J.; and points in Nassau, Suffolk, and Westchester Counties, N.Y.

NOTE.—The purpose of this republication is to include (3) addition counties as destination points. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Newark, N.J.

No. MC 141473 (Sub-No. 2) (Correction), filed November 7, 1975, published in the FEDERAL REGISTER issue of December 18, 1975, as MC 141510, republished as corrected this issue. Applicant: VAN'S BUILDERS SUPPLY, INC., 1422 Western Avenue, Las Vegas, Nev. 89102. Applicant's representative: James E. Barfield, 128 South Fourth Street, Las Vegas, Nev. 89101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet rock, gypsum and gypsum products*, from points in Clark County, Nev., to points in Los Angeles, Orange, Riverside, San Bernardino, San Diego, Ventura, and Santa Barbara Counties, Calif.

NOTE.—The purpose of this republication is to change docket number MC 141510 to MC 141473 (Sub-No. 2).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Las Vegas, Reno, Nev. or Los Angeles, Calif.

No. MC 141524, filed November 13, 1975. Applicant: K. W. NEUMEYER, doing business as K W TRANSPORTATION COMPANY, Highway 72, Council Hill, Okla. 74428. Applicant's representative: K. W. Neumeyer, P.O. Box 68, Council Hill, Okla. 74428. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, between Council Hill, Okla., and Joplin, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Council Hill, Bixby, or Tulsa, Okla.

No. MC 141599, filed December 8, 1975. Applicant: MOUNTAIN PACIFIC TRANSPORT (EDMONTON), LTD., 241 Schoolhouse Street, Coquitlan, B.C., Canada. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, between ports of entry on the International Boundary line between the United States and Canada located at or near Eastport, Idaho and Orville, Wash., the one hand, and, on the other, points in Idaho and Montana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 141601, filed December 10, 1975. Applicant: ARROW DRIVEAWAY, INC., 100 Pavonia Ave., Jersey City, N.J. 07302. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* equipped with power units (except automobiles), in driveaway service, between points in New York, New Jersey, Connecticut, Pennsylvania, Wilmington, Del., Baltimore, Md., and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Newark, N.J.

No. MC 141602, filed December 4, 1975. Applicant: AUTO & TRUCK FORWARDING, INC., 1989 Marina Blvd., San Leandro, Calif. 94577. Applicant's representative: Thomas M. Pauszek, 620 W. Ireland Road, South Bend, Ind. 46614. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, truck chassis and truck trailers* in initial movements, in driveaway service,

from the plantsite of the Peterbilt Motors Company, located at Newark (Alameda County), Calif., to points in Alaska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 141632, filed December 15, 1975. Applicant: W. G. BOYKIN, doing business as B & B TRUCKING COMPANY, P.O. Box 127, Delta City, Miss. 39061. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, in bulk (except in tank vehicles), from Jackson and Vicksburg, Miss., to points in Louisiana and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss.

No. MC 141635, filed December 15, 1975. Applicant: LAVERNE GIBSON, doing business as LAVERNE GIBSON SERVICE CO., 110 Highway 43, P.O. Box 1123, Henderson, Tex. 75652. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, shavings, sawdust and bark*, from points in Texas to Springhill, La.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 141641, filed December 11, 1975. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 717, Marshall, Mo. 65340. Applicant's representative: Donald L. Stern, 530 Univac Bldg., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, explosives, commodities which because of size or weight require the use of special equipment, and meats, meat products, meat by-products and articles distributed by meat packinghouses as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from the facilities of Acme Fast Freight, Inc., located at North Haven, Conn.; Baltimore, Md.; Boston, Springfield, and Worcester, Mass.; North Bergen, N.J.; Buffalo, New York City, Syracuse, and Troy, N.Y.; Allentown, Harrisburg, and Philadelphia, Pa.; Pawtucket, R.I., and the District of Columbia to Denver, Colo.; Minneapolis, Minn.; Kansas City, Mo.; Omaha, Nebr.; Oklahoma City, Okla.; Dallas and Fort Worth, Tex. and Milwaukee, Wis., restricted to traffic originating at the facilities of Acme Fast Freight, Inc., and to traffic moving on bills of lading issued by Acme Fast Freight, Inc.

NOTE.—Applicant holds contract carrier authority in MC 136168 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

PASSENGER APPLICATIONS

No. MC 114824 (Sub-No. 2), filed November 26, 1975. Applicant: McNAUGHTON BUS LINES LIMITED, P.O. Box 70, Newbury, Ontario, Canada NOL 1ZO. Applicant's representative: S. Harrison Kahn, Investment Building, Suite 733, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in chartered and special operations, beginning and ending at ports of entry on the International Boundary line between the United States and Canada and extending to points in the United States, including Alaska but excluding Hawaii. Restriction: The transportation authorized herein is restricted to foreign commerce only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 141600, filed December 8, 1975. Applicant: BARKER'S SCHOOL BUS SERVICE, INC., 2323 W. 47th Avenue, Gary, Ind. 46408. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in round trip charter operations, beginning and ending at points in Lake, LaPorte, and Porter Counties, Ind. and extending to points in Ohio, Kentucky, Illinois, Missouri, Michigan, and Wisconsin, restricted to service to be performed in school bus type vehicles.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Gary, Ind., or Chicago, Ill.

WATER APPLICATION

No. W–407 (Sub-No. 4), filed December 4, 1975. Applicant: SHAVER TRANSPORTATION CO., 4900 N.W. Front Avenue, Portland, Oreg. 97210. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in transportation, (a) by towing vessels in the performance of *general towage;* and (b) by non-self-propelled vessels with the use of separate towing vessels in the transportation of *commodities generally*, between ports and points along the Columbia, Snake, and Clearwater Rivers, from Big Eddy, Oreg. on the Columbia River, to Priest Rapids Dam, Wash. on the Columbia River, a point 3 miles above the mouth of the Grande Ronde River on the Snake River in Idaho, and Hog Island on the Clearwater River in Idaho (approximately 8½ miles from the confluence of the Snake River and Clearwater River).

NOTE.—Applicant states it intends to tack the requested authority with its existing authority in its Fifth Amended Certificate issued November 3, 1953 at Big Eddy, Oreg. to extend its operations to ports and points below the Columbia River and its tributaries below and including Big Eddy, Oreg. (except the Willamette River above Newberg, Ohio). Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–1784 Filed 1–20–76;8:45 am]

federal register

THURSDAY, JANUARY 22, 1976

PART II:

INTERSTATE COMMERCE COMMISSION

Standards for Determining Rail Service Continuation Subsidies

■

Miscellaneous Avoidable Costs

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 293 (Sub-No. 2)]

PART 1125—STANDARDS FOR DETERMINING RAIL SERVICE CONTINUATION SUBSIDIES

Miscellaneous Avoidable Costs; Amendments

On February 25, 1974, the Director of the Rail Services Planning Office (the "Office") of the Interstate Commerce Commission (the "Commission") issued a notice of proposed rulemaking and order (39 FR 7182) pursuant to section 205(d)(3) of the Regional Rail Reorganization Act of 1973 (the "Act"), 45 U.S.C. 715(d)(3) which provides that the Office shall:

> * * * within 180 days after the date of enactment of this Act, determine and publish standards for determining the "revenue attributable to the rail properties", the "avoidable costs of providing service", and "a reasonable return on the value", as those phrases are used in section 304 of this Act, after a proceeding in accordance with the provisions of section 553 of title 5, United States Code.

The notice set forth a proposed Part 1125 to Title 49 of the Code of Federal Regulations, containing Standards for defining the quoted terms. The Office issued the Standards on July 1, 1974 (39 FR 2429). On July 30, 1974, the Office announced that petitions seeking amendment of the Standards would be accepted (39 FR 28196).

Following an in-depth analysis of the petitions and of the knowledge gained from the testing of the Standards, the Office published revised Standards on January 8, 1975 (40 FR 1624). Since the revised Standards reflected significant changes from the original version, the Office invited additional comments. Following analysis of the additional comments, the Office issued Miscellaneous Amendments to the Standards on March 28, 1975 (40 FR 14186).

On December 10, 1975, the Office published an amendment to the Standards setting forth a new paragraph to be added to § 1125.5. The new paragraph was incorrectly identified in the Notice and Order as § 1125.5(1); the proper designation for the new paragraph should have been § 1125.5(n). The Office invited comments on the amendment, to be filed by January 7, 1976, and it ordered that the amendment take effect January 22, 1976. The Office noted that, if comments requiring change in the amendment were received, it would be modified at a future date.

Positions of the Parties and Discussion

The amendment, which is the subject of this proceeding was intended specifically to establish a proper method for the treatment of the costs of liability protection covering operations of branch lines not included in the Final System Plan. Uncertainty concerning the proper treatment of liability insurance costs for such lines had arisen as a result of the failure of the Standards specifically to address the problem. The Office, therefore, issued an amendment which would deal with the problem by making liability insurance costs avoidable costs of providing service over subsidized lines. However, the amendment was broadly worded to include not only insurance costs, but also other directly attributable costs not otherwise covered by the Standards.

Only fourteen comments were filed in response to the Office's invitation. A full review of the submissions received indicates that the approach adopted by the Office may have done more to generate uncertainty than to resolve it. Concern was voiced that the opening created by the amendment could have a harmful effect on the negotiations now underway between potential subsidizers and potential operators of service over branch lines since an unlimited number of categories of costs could be included in the proposed "miscellaneous avoidable costs" account, some of which had been specifically excluded in earlier reports. Therefore, the Office has decided to rescind the amendment and promulgate new amendments in its place. The new amendments are limited in scope and relate only to the proper treatment of costs incurred in the provision of liability protection plus the addition of an account which was inadvertently omitted in earlier reports.

Several of the submissions received by the Office interpreted the Notice, particularly its call for an alternative amendment, to be a general invitation for the submission of amendments of any nature. The Office considered only those amendments which dealt with the liability issue. Amendments dealing with unrelated matters will be reviewed, and, if necessary, a subsequent proceeding will be conducted to further amend the Standards. The Office believes that consideration of additional amendments at this time would hamper the negotiations now underway.

The submissions dealing expressly with the insurance problem covered a full spectrum of viewpoints ranging from approval of the amendment as originally proposed to contentions that no allowance should be provided for liability insurance premiums as avoidable costs. Those making the latter argument based their position on the grounds that the payment by shippers of existing freight rates should entitle the subsidizer to be held harmless from liability. Some contended that inclusion of an allowance for such costs in the subsidy standards as avoidable costs of service continuation on light-density lines would produce unjust, unreasonable, or preferential charges. The general level of the freight rate structure is intended to cover all cost elements, including insurance. The fact that it does not have this effect when applied to the light-density lines excluded from the Final System Plan resulted in the need for a subsidy program. Were the Office to exclude from the Standards all cost elements which are considered in establishing freight rates, the obvious effect would be to reduce the spread between costs and reevenues to zero, thereeby nullifying the need for a subsidy preogram.

There was some concern voiced regarding the liability of the subsidizer for accidents which occur outside the physical boundaries of the branch and involving freight which originated or terminated on the branch. It is the intent of the Standards that liability of the subsidizers be confined to accidents actually occurring on the subsidized line.

Several submissions contained comments suggesting methods for determining how the actual cost of liability insurance for the branch lines should be determined. These comments suggested that the subsidizer pay an additional cost based on either ton-miles; the ratio of the branch line track miles to the carrier's entire system miles; or the revenues received from the branch. The Office views its responsibility as defining where the liability should fall and believes that it should be left to the parties to negotiate the best method for determining how to apportion the costs of liability insurance. The Office has previously ruled on the liability issue by including the accounts to which such costs would be assigned as avoidable costs. The sole issue remaining is whether alternative methods of covering this liability should be included in the Standards.

Obviously, insurance is one way of covering the subsidizer's liability. However, the record indicates that the cost of insurance without a deductible would be prohibitive and that the existence of a deductible, even in a nominal amount, is a burden some potential subsidizers cannot assume because of the uncertainty involved. As a result, Consolidated Rail Corporation has developed a program to cover the liability of those lines over which it will provide service. The program would establish a surcharge based on a percentage of revenues attributed to each subsidized line. The surcharge from each of the subsidized lines to be operated by ConRail would be paid into a special reserve fund. ConRail will obtain coverage for all of the branch lines which it agrees to operate by extending its own catastrophe policy to include coverage for the States or other subsidizers. The resultant additional premium cost would be paid out of the special reserve fund. In addition, a supplemental policy will be taken out by ConRail to cover all of the subsidized lines which it operates. This additional policy will have deductible in the $100,000 range and will provide coverage up to the $2 million deductible of ConRail's general liability policy. The premium cost for this additional policy would also come out of the special reserve fund. The remainder of the special reserve fund would be available to cover any deductible expenses incurred in the operation of the subsidized lines. If claims exceed this reserve, ConRail will cover them with its funds. At the beginning of each year, ConRail would take into consideration any such amounts expended during the prior year plus interest, and the percentage of revenue paid into the fund would be ad-

justed to yield a fund equal to the previous year's costs. While the Office is not adopting this approach as a mandatory solution, it does believe that the concept has merit if the details can be agreed to by the parties involved. Consequently, the Office is amending the standards to include provision for both an insurance and a casualty reserve account.

As a result, *Account 414—Insurance* is being added to the accounts included in § 1125.5(c)(14) to provide for the assignment of insurance premiums on a direct basis to the branch. The Office has been able to identify two types of premiums which would be chargeable to this account. First, most railroads purchase so-called "catastrophe" insurance to cover potential liability. These policies generally have a substantial deductible in the $1 million to $2 million range. To the extent that the cost of this coverage is increased by the operations of subsidized lines, the increase should be treated as an avoidable cost. Second, it appears that an additional policy covering the difference in the substantial deductible contained in the "catastrophe" policies and a significantly lesser amount will be available through companies which traditionally have underwritten short line railroads. The premiums for such insurance should also be treated as an avoidable cost.

The Standards are also being amended to permit the establishment of a "Casualty Reserve Account" and to allow the payments to it to be considered as avoidable losses. The intent of establishing such an account is to transfer the subsidizer's liability for *Account 415—Clearing wrecks; Account 416—Damage to property; Account 417—Damage to livestock on the right-of-way; Account 418—Loss and damage—Freight; and Account 420—Injuries to persons* from the subsidizer to the railroad. By payment into the new account the subsidizer would be held harmless in the accounts cited above. Accordingly, the Casualty Reserve Account will be established as § 1125.5(n) of the Standards.

During the Office's review of the record, it was discovered that *Account 420—Injuries to persons* was inadvertently omitted during the development of the present standards. It has been the Office's consistent position that the liability for casualty losses lies with the subsidizer as witnessed by the assignments of costs directly related to *Accounts 415—Clearing wrecks; 416—Damage to property; 417—Damage to livestock on right-of-way; and 418—Loss and damage.* Accordingly, *Account 420—Injuries to persons* will be added to the accounts included in § 1125.5(c)(14).

Contentions raised by the parties and not specifically addressed herein have nevertheless been considered and determined to be without merit.

The amendments promulgated herein shall take effect January 22, 1976. Since the new amendments reflect change in the amendment published December 10, 1975, the Office will entertain comments filed on or before March 1, 1976.

PARTIES FILING PETITIONS

GOVERNMENT

Federal—Office of the Public Counsel.

State—Commonwealth of Pennsylvania Department of Transportation, Michigan Department of Highways and Transportation, New Jersey Department of Transportation, New York State Department of Transportation.

BUSINESS

Air Products and Chemical Company, Frigid Foods Products Company.

ORGANIZATIONS

Cass City Rail Users, Railroad Task Force for Northeast Region.

RAILROADS

Association of American Railroads; Consolidated Rail Corporation; Detroit, Toledo and Ironton Railroad Company.

CONCERNED CITIZENS

Mr. C. Richard Marshall, Mr. James E. Smith.

In consideration of the foregoing: *It is ordered,* That the amendment published December 10, 1975, setting forth a new § 1125.5(n) (identified as § 1125.5(l) in the Notice of December 10, 1975) of Subchapter B of Chapter X of Title 49 of the Code of Federal Regulations is hereby rescinded.

It is further ordered, That Part 1125 of Subchapter B of Chapter X of Title 49 of the Code of Federal Regulations, be amended by making the changes set forth below to the Standards adopted on January 8, 1975, and amended on March 28, 1975.

And it is further ordered, That this order shall become effective January 22, 1976.

[SEAL] ROBERT L. OSWALD,[1]
Secretary.

§ 1125.5 [Amended]

1. Delete § 1125.5(c)(14) and substitute the following new paragraph:

(14) *Account 411—Other expenses; Account 414—Insurance; Account 415—Clearing wrecks; Account 416—Damage to property; Account 417—Damage to livestock on the right-of-way; Account 418—Loss and damage—Freight; Account 420—Injuries to persons; Account 421—TOFC/COFC terminals; Account 422—Other highway transportation expenses; Account 390—Operating joint yard and terminals—Dr.; Account 391—Operating joint yard and terminals—Cr.; Account 412—Operating joint tracks and facilities—Dr.;* and *Account 413—Operating joint tracks and facilities—Cr.* The costs assigned under these accounts shall be the actual branch costs assigned on a direct basis.

2. Add the following new paragraph (n) to § 1125.5:

(n) *Casualty Reserve Account.* The costs assigned under this account shall be any payments mutually agreed to by the person offering the subsidy and the railroad for the purpose of holding the subsidizer harmless from any liability under *Account 415—Clearing wrecks; Account 416—Damage to property; Account 417—Damage to livestock on right-of-way; Account 418—Loss and damage—Freight; Account 420—Injuries to persons.* Such costs may include a reasonable fee to cover the cost of administering the fund.

[FR Doc.76-2055 Filed 1-21-76;8:45 am]

[1] Present: Alan M. Fitzwater, Director, Rail Services Planning Office, to whom the matter under consideration in this docket has been assigned.

federal register

THURSDAY, JANUARY 22, 1976

PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner, Federal Housing Administration

■

MOBILE HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration), Department of Housing and Urban Development

[24 CFR Parts 282 and 283]

[Docket No. R-76-340]

MOBILE HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

Proposed Rules

Title VI of the Housing and Community Development Act of 1974, the National Mobile Home Construction and Safety Standards Act of 1974, Pub. L. 93-383, 42 U.S.C. 5401 et seq., hereafter the "Act", authorizes the Secretary of the Department of Housing and Urban Development to promulgate Federal mobile home construction and safety standards and to issue rules and regulations to ensure adequate administration and enforcement of such standards.

HUD has promulgated Federal mobile home construction and safety standards (Standards) pursuant to the requirements of the Act. The Standards were published in the FEDERAL REGISTER on September 2, 1975 (40 FR 40261) and amended on September 10, 1975 (40 FR 42077) to correct wind zone and roof load maps. A notice of proposed rulemaking was published on November 11, 1975 (40 FR 52706) making corrections to and proposing further amendments to the standards. The standards as amended and corrected were published on December 18, 1975 (40 FR 58752).

To ensure enforcement and effective administration of the standards, the Department proposes to promulgate, pursuant to section 625 of the Act, the following rules and regulations for administration and enforcement of the Standards.

Part 282—Procedural Regulations. This part is divided into five subparts as discussed below:

Subpart A sets forth the organization of the Office of Mobile Home Standards, created as a subordinate unit to the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner. The major areas of responsibility of this office are the direction and coordination of the planning, development, and promulgation of federal mobile home construction and safety standards. This office also has the responsibility for developing and promulgating and administering methods for inspection and testing to determine compliance with such standards, investigating mobile home defects, supervising notification and repair, and developing and disseminating consumer information on mobile homes.

Subpart A includes the definitions of the various words and phrases used throughout Part 282. The definitions of imminent safety hazard and defect differ slightly from the definitions provided in the Act. The definitions used, however, are consistent with the usage of the words and phrases throughout the Act and were adopted with a definition of the term "noncompliance" to make the terms easy to understand and use and to ensure that the procedural and enforcement regulations are understood.

Subpart B contains the rules generally applicable to the transaction of all official business with the Department under the Act. Additionally, this subpart contains the rules governing the form of official communications, service of process on foreign manufacturers and importers, and the public availability of information received by the Department pursuant to the Act.

Subpart C sets forth the procedures that apply to the formulation, issuance, amendment, and revocation of rules. It provides for participation by the public in the promulgation of rules and regulations. Any interested person may participate in the process of formulating, amending or repealing a rule by submitting comments in writing containing information, views or arguments. Additionally, interested persons may petition the Secretary, in writing, to reconsider a final rule, provided the petition is received not later than 30 days after publication of the rule in the FEDERAL REGISTER.

Subpart D sets forth the procedures for administrative hearings and investigations as well as rules governing the conduct of such proceedings. These procedures and rules, as appropriate, apply whenever the Secretary contemplates injunctive action under section 612(a); whenever the Secretary contemplates making an administrative determination of imminent safety hazard, defect, or noncompliance under section 615(e); whenever there is a question as to who should bear the responsibility for correction under section 615(g); whenever the Secretary contemplates rejecting a State's enforcement plan under section 623(d); and whenever the Secretary contemplates withdrawal of approval of a State plan under section 623(f); and whenever in accordance with section 614(c) of the Act the Secretary holds hearings and conducts inspections and investigations. All hearings under this subpart shall be public, unless, for good cause, the Secretary determines it is in the public interest that the hearings should be closed.

Where appropriate, general notice of a hearing under this subpart shall be provided, to the extent practicable, to interested persons. Direct notice shall be sent by certified or registered mail to the parties involved in the hearing.

Hearings shall be stenographically or mechanically reported and transcribed and all witnesses shall testify under oath or affirmation.

After completion of a hearing, the HUD presiding officer shall make an initial decision on that matter in question. The Presiding officer's decision shall be final unless reversed or modified by the Secretary within 30 days.

Subpart E sets forth the procedures to be followed in arriving at a determination that a mobile home fails to comply with an applicable standard or that a defect exists that constitutes an imminent safety hazard. It also sets out the procedures to be followed by manufacturers in providing notification and correction whenever such actions are required pursuant to administrative determination or upon determination of defect by one manufacturer.

This subpart does not preclude a manufacturer from fulfilling its obligation to a purchaser under any contract or applicable law in those cases where the manufacturer, in good faith, determines that there exists a problem which is unique to a single mobile home. However, the subpart does apply where an imminent safety hazard or defect which could have been required to be corrected under the Act and which is unique to a single mobile home is not corrected at the manufacturer's expense under any contract or applicable law. Also, in the event that it later determined that the imminent safety hazard, defect or noncompliance is not unique to a single mobile home, the manufacturer shall be responsible for complying with the notification procedures and, where appropriate, with the correction provision of this subpart.

Every manufacturer is required by this subpart to furnish formal notification of any defect in a mobile home produced by such manufacturer which he determines, in good faith, relates to a federal mobile home construction and safety standard or which constitutes an imminent safety hazard to the purchaser of such mobile home, except that the formal notification requirements may be waived by the Secretary upon receipt of satisfactory assurance that the manufacturer: has identified all affected mobile home units which have been sold to purchasers, dealers, and distributors; has made the correction, at his expense, on all affected mobile homes; and has correctly repaired the units.

In accordance with the Act, this subpart requires the manufacturer to correct at his expense: (1) Any imminent safety hazard which can be related to an error in design or assembly of the mobile home by the manufacturer, including an error in design or assembly of any component or system incorporated in the mobile home by the manufacturer; and (2) any defect which presents an unreasonable risk of injury or death to occupants of the affected mobile home(s) and which can be related to an error in design or assembly of the mobile home by the manufacturers, including an error in design or assembly of any component or system incorporated in the mobile home by that manufacturer.

Where states are not involved, the Secretary will make determinations that result in notification and correction requirements, and the Secretary will be responsible for supervising all enforcement activities.

However, upon the Secretary's approval or conditional approval of a state enforcement plan under section 623 of the Act, as implemented by Subpart B of Part 283, the State Administrative Agency shall assume the responsibilities of the Secretary under this subpart E, except with respect to imminent safety hazards, defect or noncompliances which

the State Administrative Agency has reason to believe exist in mobile homes manufactured in other states. In carrying out its notification and correction responsibilities, the State Administrative Agency shall provide the opportunity for presentation of views, in the same manner as the Secretary, whenever the State Administrative Agency contemplates making an administrative determination of imminent safety hazard, defect, or noncompliance, and whenever there is a question as to whether the manufacturer should bear the cost of correction. To the extent that hearings are required, the Secretary or the State Administrative Agency, as appropriate, shall conduct such hearings in accordance with this subpart. All determinations are subject to appeal to the Secretary on the record.

In the development of these proposed regulations HUD consulted with two agencies that have similar or overlapping proposed rules or regulations concerning mobile homes. One such agency was the National Highway Traffic Safety Administration (NHTSA) which had proposed defect notification regulations implementing the 1974 amendments to the National Motor Vehicle Safety Act (Pub. L. 93-492 15 U.S.C. 1411-1420), an act similar to the mobile home legislation. The other agency consulted was the Federal Trade Commission (FTC), concerning potential conflicts between Title VI and the proposed FTC Trade Regulation Rule (TRR) on mobile home sales and service. The proposed TRR was published in the FEDERAL REGISTER on May 29, 1975 (40 FR 2334). The Department envisions further consultations with the FTC to ensure consistency and to eliminate overlapping requirements.

Part 238—Mobile Home Enforcement Regulations. Prior to and during the development of this Part 283, the Department consulted with and had discussions with various state enforcement agencies, private inspection agencies, manufacturers, consumers, and the National Conference of States on Building Codes and Standards (NCSBCS). On the basis of these discussions and internal evaluations, HUD has determined that the most effective means of enforcing the Standard is to utilize to the maximum extent possible the capabilities of the various state agencies and private engineering and inspection firms. These will be monitored by HUD or its contract agent.

States and private organizations will apply to and be accepted by the Secretary to act as primary inspection agencies (PIAs). As set forth in greater detail below, the PIAs will be responsible for approval and continuing surveillance of the mobile home manufacturing process. The actions of PIAs will be monitored by HUD or its contract agent and by approved States.

HUD is presently contemplating entering into a contract with NCSBCS under which NCSBCS will carry out monitoring of the actions of PIAs. In so doing, NCSBCS will utilize the personnel of approved and conditionally approved States to the extent that those States provide personnel. NCSBCS as the agent of HUD and the approved States, will collect fees for the monitoring activities of the states and will distribute the fees to the states in proportion to their participation in the enforcement program. HUD will monitor the performance of PIAs, the monitoring teams composed of NCSBCS and state personnel, and the states to ensure adequate and uniform enforcement of the Standards.

The regulations, as written, apply only to mobile homes manufactured on or after June 15, 1976. Any units manufactured and labeled under any applicable regulation prior to the above stated date may be sold and are not covered by this Act. Additionally, used mobile homes, additions to mobile homes manufactured after June 15, 1976, which were not part of the contemporaneous sale and any detached structure (i.e., carports, cabanas, etc.) are not covered by these regulations. These regulations do not include provision for enforcement of the standard with respect to mobile homes either imported into or exported from the United States, nor to mobile homes designed and manufactured with more than one separate living unit (i.e., duplex and multifamily units).

Section 610(a) of the Act prohibits the importation into the United States after the effective date of the Standard, June 15, 1976, of any mobile home which does not comply with the Standard. Section 610(b) provides for the issuance of joint HUD-Treasury Department Regulations to authorize the importation of new and used mobile homes into the United States. In this connection, the Department has consulted with the Bureau of Customs of the Treasury Department and as stated below plans to issue proposed regulations for comment in the near future.

Mobile homes imported for delivery to purchasers in the United States are required tn conform to the Standard. However, the enforcement program required by Part 283, of this chapter, does not apply to such homes. The Department will promulgate rules and regulations for the labelling of imported mobile homes and is interested in receiving suggestions for the procedures to be used in labelling imported mobile homes.

Mobile homes intended for export are not required to contain a certification of conformance with the Standard in the form of a permanently affixed label or tag. Section 610(b)(5) of the Act, however, does require that the manufacturer place a label or tag on the outside of the wrapping of the mobile home to be exported stating that it is intended solely for export. Although the Act does not authorize the Department directly to regulate the construction of these units, suggestions are requested as to the precautions which might be taken to prevent mobile homes manufactured for export from being distributed and sold in the United States. At the same time, the Department is interested in receiving suggestions as to the handling of factory inspections where mobile homes are being manufactured for export.

The various subparts, of this Part 283, that establish the specifics to implement the proposed enforcement program are discussed below:

Subpart A contains a general description of the program features. The purpose of this subpart is to establish basic policies and inspection procedures to be followed in mobile home manufacturing plants. This assures that all mobile homes manufactured and sold for use in the United Sttes are certified to be in conformance with all applicable Federal construction and safety standards. It establishes the procedures for carrying out the monitoring for such inspection and certification.

Subpart B sets forth the requirements with respect to a State Administrative Submission for those states which desire to assume responsibility for enforcement of the standard.

Administrative submissions shall be submitted to the Director, Office of Mobile Home Standards and shall include a plan which shall, among other things provide for (1) enforcement of the standards; (2) effective investigation of all possible noncompliances, defects, and imminent safety hazards which arise in mobile homes being manufactured in the state or located in state after manufacture; (3) the determination by the State Administrative Agency of the existence of noncompliances, defects, and imminent safety hazards; (4) the imposition under state authority of civil and criminal penalties equal or substantially similar to those set out under section 611 of the Act; (5) provide that notification and correction procedures, when required, will be carried out in accordance with this Chapter; (6) setting monitoring fees in accordance with HUD guidelines; provide for participation in the fee distribution system established by HUD or its contract agent; (7) the handling of consumer complaints related to the Act in a manner consistent with this Chapter. As indicated in § 283.103(b), a state plan may be accepted conditionally for a period not to exceed two years, when all of the required provisions of the state plan are met except for any or all of the following: (1) Provisions of right of entry; (2) imposition of civil and criminal penalties; (3) provision for the setting of monitoring fees in accordance with HUD guidelines. States may also undertake: (1) The monitoring of dealers' lots within the state for transit damage, seal tampering, and dealer performance; (2) approvals of all alterations made to labelled mobile homes by dealers in the state; (3) monitoring the installation of mobile homes set up in the state; (4) monitoring by the state, in coordination with HUD's contract agent, of primary inspection agencies; (5) education and training programs for local government officials.

The extent of any state's participating in any or all of these activities will be considered when deteringing the amount to be distributed to that state in accordance with the fee distribution program

established by HUD. Although, not considered in determining the amount of fees to be distributed under the fee distribution system, states are urged to undertake inspection of used mobile homes and the regulation of mobile home transportation, to provide full consumer protection and assurances of mobile home safety.

Subpart C contains requirements for acceptance of state or private inspection and engineering organizations as PIA's. There are three types of PIAs: those which provide design evaluation and approval (DAPIAs), those which provide manufacturing plans evaluation and approval (PAPIAs), and those which provide ongoing inspection of the manufacturing process (IPIAs). An applicant may be approved as any or all of the three types of PIA, except that a PIA which acts as a PAPIA must also act as either a DAPIA or an IPIA. This subpart sets out the responsibilities of the PIAs. Basically, they are responsible for assuring that manufacturers are producing mobile homes which conform to the Federal standards and for providing labels for the mobile homes.

States and private organizations whose submissions under this subpart are acceptable shall be granted provisional acceptance. Final Acceptance shall be conditioned upon adequate performance, which will be determined through monitoring of the actions of the primary inspection agencies.

States which have approved State Administrative Agencies (SAA) may, if approved, act as the exclusive IPIA within the State. States which act as PIAs but do not have an approved SAA may not act as the exclusive IPIA in the State.

A party whose submission is determined by the Department to be adequate prior to June 15, 1976, shall be granted provisional acceptance until December 15, 1976, or for a six month period from the date of such determination.

A party that has been approved as a primary inspection agency under the Title I program is granted provisional acceptance, which the Department determines to be adequate as of the effective date of these regulations, until December 15, 1976. All provisionally accepted PIA's shall be subject to careful monitoring by an approved State Administrative Agency (SAA) and HUD or its proposed contract agent (NCSBCS). Final acceptance as an authorized PIA shall be contingent upon satisfactory performance as reported by the monitoring agency. Authorized PIA's may be required to furnish additional evidence of their capability as a result of the monitoring.

Before the Federal standards take effect, the States have established and enforced their own mobile home standards. This has caused substantial confusion in the mobile home industry because either standards or enforcement programs have conflicted thereby causing extra expenses to be incurred when mobile homes moved from State to State. The existence of a national standard and a national enforcement program will alleviate this problem. However, States have substantial expertise in the area of mobile home standards and enforcement which should not go to waste. The Department is attempting to maximize the participation of States in the enforcement of the standards. In particular, the Department is proposing a program of joint monitoring teams to be made up of personnel from approved and conditionally approved States. These teams will be coordinated by HUD's contract agent and will monitor the activities of the primary inspection agencies. This will provide the States with an effective means of asuring that mobile homes manufactured in other States conform to the standards.

Subpart D sets out the responsibility of manufacturers for assuring that all mobile homes which they produce for sale in the United States are in conformance with the standard. In order to provide such assurance each manufacturer must retain the services of a design approval primary inspection agency (DAPIA), a plant approval inspection agency (PAPIA), and a production inspection agency (IPIA). Additionally, the manufacturer is responsible for carrying out any corrective actions, including notification and correction which may be required under this Chapter and shall cooperate fully in any investigation by HUD, a State, or a primary inspection agency into the question of whether a noncompliance, defect, or imminent safety hazard may exist in a mobile home produced by the manufacturer.

Subpart E sets out the responsibilities of mobile home dealers under the Act and these regulations.

No dealer shall sell, lease, or offer for sale or lease any mobile home manufactured on or after June 15, 1976, unless the mobile home is in conformance with applicable standards. Compliance with the standards shall be indicated by the presence of a label set out in this Chapter, and the dealer may rely on the presence of that label unless the dealer knows or has reason to know in the exercise of due care that a mobile home is not in conformance with the standards. Whoever violates this prohibition on sale, lease, and offer for sale or lease, shall be subject to the civil and criminal penalties of section 611 of the Act. This prohibition does not apply to used mobile homes, regardless of the date of manufacture, and it does not apply to mobile homes manufactured prior to June 15, 1976. The Act and these regulations place no restrictions on the sale of such mobile homes.

Dealers must certify that, to the extent the dealer is responsible, the mobile home being sold conforms to the Standard.

Dealers are also responsible to call to the attention of the manufacturer any noncompliance, defect, or imminent safety hazard, that they believe is present in any mobile home in their possession.

Subpart F contains the procedures for monitoring of PIAs. This monitoring primarily will be performed by joint monitoring teams; but where the teams cannot perform the required monitoring of the PIA, said monitoring shall be performed by the Secretary or HUD's contract agent. Approved states may also carry out monitoring, except that they may not monitor their own activities if they act as PIAs.

Subpart G provides for HUD oversight of all the activities of State Administrative Agencies, HUD's Contract Agent, and Primary Inspection Agencies. To ensure consistent enforcement of the Standards, it also, provides a mechanism for the Department from time to time to issue enforcement bulletins.

Subpart H sets out the reporting requirements. The majority of the information is required for inclusion in the Department's Annual Report to the Congress. The Department has had considerable internal discussion on the form and frequency of reports and data collection techniques. It is not yet satisfied that the reporting system herein proposed is the best possible system. The Department will continue to consider improvements thereto and welcomes suggestions and recommendation to that effect.

Interested persons are invited to participate in the making of the proposed rule by submitting such written comments or suggestions as they may desire. Communications should identify the subject matter by the above title and area affected and should be submitted to the Rules Docket Clerk, Office of General Counsel, Department of Housing and r-ban Development, 451 Seventh Street SW., Room 10245, Washington, D.C. 20410. All communications received on or before February 23, 1976, will be considered before action is taken on these proposals (Part 282 and Part 283).

Comments received after that date shall be considered only as time permits, or shall be considered as petitions for future rulemaking.

All written comments except those determined to be exempt by the Department under the Freedom of Information Act and the National Mobile Home Construction and Safety Standards Act of 1974, shall be available for examination by the public at the above address.

The Department has determined that these regulations do not constitute a major Federal action significantly affecting the quality of the human environment. Accordingly, a finding of inapplicability of environmental impact has been prepared and is available for inspection by the public during regular business hours in Room 6262, 451 Seventh Street SW., Washington, D.C.

This notice of proposed rulemaking is issued under the authority of section 7 (d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); Title VI, Housing and Community Development Act of 1974, 42 U.S.C. 5401.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107. An Economic Impact Statement is available for public inspection in the Office of

General Counsel, Rules Docket Clerk, Department of Housing and Urban Development, Washington, D.C.

Issued at Washington, D.C. on January 14, 1976.

DAVID S. COOK,
Assistant Secretary-Commissioner, Housing Production and Mortgage Credit.

PART 282—PROCEDURAL REGULATIONS

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AUTHORITY: (Secs. 602, 604, 606, 607, 612, 613, 614, 615, 625, 88 Stat. 700, 701, 702, 703, 705, 706, 707, 709, 713, 42 U.S.C. 5401, 5403, 5405, 5406, 5411, 5412, 5413, 5414, 5424; Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); Title II, Housing and Community Development Act of 1974, 42 U.S.C. 5401)

Subpart A—Authority and Organization

§ 282.1 Scope of authority and purpose.

(a) The National Mobile Home Construction and Safety Standards Act of 1974 (Title VI of Pub. L. 93-383, 80 Stat. 700, 42 U.S.C. 5401, et seq.) (hereinafter referred to as the Act), requires the Secretary of the Department of Housing and Urban Development to establish Federal mobile home construction and safety standards and to issue regulations to carry out the purpose of the Act. The standards promulgated pursuant to the Act appear at Part 280 of this Chapter II, and apply to all mobile homes manufactured for sale in the United States on or after the effective date of the standards (June 15, 1976).

(b) The Secretary is also authorized by the Act to conduct inspections and investigations necessary to promulgate or enforce the standards, to determine that a mobile home fails to comply with an applicable standard or contains a defect or an imminent safety hazard, and to direct the manufacturer to furnish notification thereof, and in some cases, to remedy the defect or imminent safety hazard. The purpose of these regulations is to prescribe procedures for the implementation of these responsibilities of the Secretary under the Act.

§ 282.2 Delegation of authority.

(a) The Secreary has delegated to the Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner all of the authority to exercise the power and authority vested in the Secretary under the Act except the authority to sue and be sued.

(b) The Secretary has further authorized the Assistant Secretary to redelegate any of the delegated authority to employees of the Department.

§ 282.3 Establishment of office.

There is established, as a unit subordinate to the Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner, the Office of Mobile Home Standards.

§ 282.4 Director.

The Office of Mobile Home Standards is headed by the Director, who shall be named by the Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner.

§ 282.5 Principal divisions.

The following Divisions have been established with the Office of Mobile Home Standards:

(a) Standards Coordination and Liaison Division.

(b) Enforcement and State Liaison Division.

(c) Investigation and Data Collection Division.

§ 282.6 Separability of provisions.

If any clause, sentence, paragraph, or part of these regulations shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined by its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 282.7 Definitions.

As used in this part 282, the term—

"Act" means the National Mobile Home Construction and Safety Standards Act of 1974, Title VI of the Housing and Community Development Act of 1974 (42 U.S.C. 5401 et seq.);

"Alteration" means the replacement, addition, modification or removal of any equipment or installations which may affect the construction, fire safety, occupancy, plumbing, heat-producing or electrical system or the functioning thereof, but does not mean the replacement of free-standing appliances requiring plug-in to an electrical receptacle;

"Component" means any part, material or appliance which is built in as an integral part of the mobile home;

"Cost information" means information submitted by a manufacturer under section 607 of the Act with respect to alleged cost increases resulting from action by the Secretary, in such form as to permit the public and the Secretary to make an informed judgment on the validity of the manufacturer's statements. Such term includes both the manufacturer's cost and the cost to retail purchasers;

"Date of manufacture" means the date on which the label, specified in § 283.211 (c), is affixed to the mobile home as it leaves the assembly;

"Dealer" means any person engaged in the sale, leasing, or distribution of new mobile homes primarily to persons who in good faith purchase or lease a mobile home for purposes other than resale, including any distributor, as defined herein, who sells, leases, or distributes a new mobile home to such a person;

"Defect" means any failure to comply with an applicable Federal mobile home construction or safety standard that renders the mobile home or any part thereof not fit for the ordinary use for which it was intended;

"Department" means the Department of Housing and Urban Development;

"Director" means the Director of the Office of Mobile Home Standards;

"Distributor" means any person engaged in the sale and distribution of mobile homes for resale;

"Imminent safety hazard" means a hazard that presents an imminent and unreasonable risk of death or severe personal injury that may or may not be related to a failure to comply with an applicable Federal mobile home construction or safety standard;

"Manufacturer" means any person engaged in manufacturing or assembling mobile homes, including any person engaged in importing mobile homes for resale;

"Mobile home" means a structure, transportable in one or more sections,

which when erected on site measures eight body feet or more in width and thirty-two body feet or more in length, built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein;

"Mobile home construction" means all activities relating to the assembly and manufacture of a mobile home including but not limited to those relating to durability, quality, and safety;

"Mobile home safety" means the performance of a mobile home in such a manner that the public is protected against any unreasonable risk of the occurrence of accidents due to the design or construction of such mobile home, or any unreasonable risk of death or injury to the user or to the public if such accidents do occur;

"Noncompliance" means a failure of a mobile home to comply with a Federal mobile home construction or safety standard which is not so serious as to constitute a defect or an imminent safety hazard;

"Primary inspection agency (PIA)" means a state or private organization that has been accepted by the Secretary for certification of mobile homes in accordance with the requirements of Part 283 of this Chapter; there are three types of PIA: A Design Approval PIA (DAPIA), Plant Approval PIA (PAPIA), and a Production Inspection PIA (IPIA); an organization may act as one or more of these types, except that every PAPIA must act also as either a DAPIA or an IPIA;

"Purchaser" means the first person purchasing a mobile home in good faith for purposes other than resale;

"Secretary" means the Secretary of Housing and Urban Development or the Secretary's designee;

"Standard" means a Federal mobile home construction or safety standard promulgated pursuant to section 604 of the Act;

"State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa;

"State administrative agency" means an agency of a State which has been approved or conditionally approved to carry out the State plan for enforcement of the standards pursuant to section 623 of the Act and Subpart B of Part 283.

"United States district courts" means the Federal district courts of the United States and the United States courts of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

Subpart B—Formal Procedures

§ 282.101 Scope.

This subpart contains rules of procedure generally applicable to the transaction of official business under the National Mobile Home Construction and Safety Standards Act of 1974, including the rules governing public availability of information.

§ 282.102 Form of communications.

Any communication in writing relating to official business (including formal documents) shall be on opaque and durable paper not larger than 9 by 14 inches in size. Tables, charts, or originals of other documents that are attached to communications shall be folded to this size, if possible. The left margin of communications shall be at least 1½ inches wide, and if a communication is bound, it shall be bound on the left side. All copies submitted shall be legible.

§ 282.103 Address of communications.

Unless otherwise specified, communications shall be addressed to the Director, Office of Mobile Home Standards, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

§ 282.104 Subscription of communications.

Each communication shall be signed in ink and shall disclose the full legal name and address of the person signing it and, if he is an agent, of his principal.

§ 282.105 Language of communications.

Communications and attachments thereto shall be in English. Any matter written in a foreign language will be considered only if accompanied by a translation into English. A translation shall bear a certificate by the translator certifying that he is qualified to make the translation; that the translation is complete except as otherwise clearly indicated; and that it is accurate to the best of the translator's knowledge and belief. The translator shall sign the certificate in ink and state his full legal name, occupation, and address.

§ 282.106 Service of process on foreign manufacturers and importers.

(a) *Designation of agent for service.* Any manufacturer, before offering a mobile home for importation into the United States, shall designate an agent upon whom service of all processes, notices, orders, decisions, and requirements may be made for and on behalf of such manufacturer as provided in section 612 (e) of the Act and in this section. The agent may be an individual, a firm, or a domestic corporation. Changes in the designation of agents shall be made in accordance with the provisions of § 282.106(b).

(b) *Form and contents of designation of agent.* The designation shall be in writing, dated, and signed by the manufacturer and the designated agent. The designation shall be made in legal form required to make it valid and binding on the manufacturer under the laws, corporate by-laws, or other requirements governing the making of the designation by the manufacturer at the place and time where it is made, and the person or persons signing the designation shall certify that it is so made. The designation shall disclose the full legal name, principal place of business, and mailing address of both the manufacturer and the designated agent.

(c) *Method of service.* Service of any process, notice, order, requirements, or decision specified in section 612(e) of the Act may be made by registered or certified mail addressed to the agent, with return receipt requested, or in any other manner authorized by law. If service cannot be effected on the designated agent for any reason, service may be made to the Secretary by registered or certified mail.

§ 282.107 Public information.

(a) General. The provisions of 24 CFR Part 15 covering the production or disclosure of material or information shall apply to this Part 282, except as otherwise provided in paragraphs (b) and (c) of this section. For the purpose of carrying out the provisions of the Act, the Secretary may also make available to the public—

(1) Any information which may indicate the existence of an imminent safety hazard, or

(2) Any information which may indicate the failure of a mobile home to comply with applicable mobile home construction and safety standards, or

(3) Such other information as the Secretary determines is necessary to carry out the functions of the Secretary under the Act.

(b) *Information submitted in opposition to action of the Secretary under section 607(a) of the Act.*

(1) Any information submitted by a manufacturer in opposition to any action of the Secretary under the Act on the grounds of cost or for any other reason, shall be available to the public unless the manufacturer establishes to the satisfaction of the Secretary that such information contains a trade secret or that public disclosure of any portion of such information would put the manufacturer at a substantial competitive disadvantage. Where the information submitted is a trade secret or where disclosure of any portion of the information would put the manufacturer at a substantial competitive disadvantage, the Secretary may disclose the information in such combined or summary form as not to disclose the trade secret or the identity of any individual manufacturer.

(2) Notice of the availability of any information submitted under section 607 (a) of the Act shall be published in the FEDERAL REGISTER promptly after its receipt.

(c) Any information obtained by the Secretary pursuant to section 614 of the Act which contains or relates to a trade secret, or any information, the disclosure of which would put the person furnishing such information at a substantial competitive disadvantage, may not be disclosed unless the Secretary determines that it is necessary to carry out the purposes of the Act.

Subpart C—Rules and Rulemaking Procedures

§ 282.201 Scope and purpose.

This subpart prescribes procedures that apply to the formulation, issuance, amendment and revocation of rules pursuant to the National Mobile Home Construction and Safety Standards Act of 1974.

§ 282.202 Regulatory docket.

Information and data deemed relevant by the Secretary relating to rulemaking actions, including notices of proposed rulemaking, comments received in response to notices, petitions for rulemaking and reconsideration, denials of petitions for rulemaking and reconsideration, and final rules are maintained by the Rules Docket Clerk, Department of Housing and Urban Development, 451 Seventh Street SW., Room 10245, Washington, D.C. 20410. All communications with respect to rulemaking shall be sent to the Rules Docket Clerk at the above address.

§ 282.203 Initiation of rulemaking.

(a) The issuance, amendment or repeal of any rule may be proposed upon the initiative of the Secretary or upon the petition of any interested person showing reasonable grounds therefor.

(b) Petitions for rulemaking by interested persons. (1) Each petition filed under this subsection—(i) Shall set forth the text or substance of the rule or amendment proposed, or specify the rule that the petitioner seeks to have repealed, as the case may be; (ii) shall explain the interest of the petitioner in the action requested; (iii) shall contain any information and arguments available to the petitioner to support the action sought; and (iv) shall identify it as a petition for rulemaking submitted under this subpart.

(2) Unless the Secretary otherwise specifies, no public hearing, argument or other proceeding shall be held on a petition before its disposition under this subsection. If the Secretary determines that the petition contains adequate justification, the Secretary shall initiate rulemaking action under this subpart. If the Secretary determines that the petition does not justify rulemaking, the Secretary shall deny the petition and notify the petitioner.

§ 282.204 Notice of proposed rulemaking.

(a) A notice of proposed rulemaking shall be issued and interested persons invited to participate in the process of formulation of rules under applicable provisions of the Act, unless the Secretary, for good cause, finds that notice is impractical, unnecessary or contrary to the public interest, and incorporates that finding and a brief statement of the reasons therefor in the rule.

(b) Each notice of proposed rulemaking shall be published in the FEDERAL REGISTER, and shall include—

(1) A statement of the nature of the proposed rulemaking;

(2) A reference to the authority under which it is issued;

(3) A description of the subjects and issues involved or the substance and terms of the proposed rule;

(4) A statement of the time within which written comments must be submitted; and

§ 282.205 Participation by interested persons.

Any interested person may participate in the process of formulating, amending or repealing a rule by submitting comments in writing containing information, views or arguments.

§ 282.206 Petitions for extensions of time to comment.

A petition for extension of the time to submit comments must be received not later than 10 days before expiration of the time stated in the notice of proposed rulemaking. The filing of the petition does not automatically extend the time for petitioner's comments. Such a petition shall be granted only if the petitioner shows good cause for the extension, and if the extension is consistent with the public interest. If an extension is granted, it shall be granted to all persons, and notice thereof shall be published in the FEDERAL REGISTER.

§ 282.207 Contents of written comments.

All written comments shall be in English. It is requested, but not required, that 10 copies be submitted. Any interested person shall submit as part of his written comments all the material that he considers relevant to any statement of fact made by him. Incorporation of material by reference is to be avoided. However, if such incorporation is necessary, the incorporated material shall be identified with respect to document and page.

§ 282.208 Consideration of comments received.

All timely comments shall be considered before final action is taken on a rulemaking proposal. Comments filed late may be considered as far as practicable.

§ 282.209 Additional rulemaking proceedings.

The Secretary may initiate any further rulemaking proceedings that the Secretary finds necessary or desirable. For example, interested persons may be invited to make oral arguments, participate in conferences with the Secretary at which minutes are kept, to appear at public hearings presided over by officials designated by the Secretary at which minutes are kept, or to participate in any other proceeding to assure informed administrative action and to protect the public interest.

§ 282.210 Effective date of standards.

Each order establishing, amending or revoking a Federal mobile home construction and safety standard shall specify the date such standard is to take effect, which shall not be sooner than 180 days or later than one year after the date such order is issued, unless the Secretary finds, for good cause shown, that an earlier or later effective date is in the public interest, and publishes the reasons for such finding.

§ 282.211 Petitions for reconsideration of final rules.

(a) Definition. A petition for reconsideration of a final rule issued by the Secretary is a request in writing from any interested person which must be received not later than 30 days after publication of the rule in the FEDERAL REGISTER. The petition shall state that it is a petition for reconsideration of a final rule, and shall contain an explanation as to why compliance with the rule is not practicable, is unreasonable, or is not in the public interest. If the petitioner requests the consideration of additional facts, he must state the reason they were not presented to the Secretary within the prescribed time. Petitions received after 30 days, or those which meet the criteria of § 282.203(b) shall be treated as petitions for rulemaking.

(b) Proceedings on petitions for reconsideration. The Secretary may grant or deny, in whole or in part, any petition for reconsideration without further proceedings. The Secretary may issue a final decision on reconsideration without further proceeding, or may provide such opportunity to submit comments or information and data as the Secretary deems appropriate.

(c) Unless the Secretary determines otherwise, the filing of a petition under this section does not stay the effectiveness of the rule in question.

(d) The filing of a timely petition for reconsideration of any rule issued under this subpart postpones the expiration of the 60-day period in which to seek judicial review of the issuance of the rule in question as to the issues contested until 60 days after publication in the FEDERAL REGISTER of the Secretary's disposition of any timely petitions for reconsideration.

§ 282.212 Rulemaking on the basis of cost information submitted.

Whenever the Secretary proposes to establish, amend or revoke a standard on the basis of cost information submitted by a manufacturer in opposition to any action of the Secretary under section 604 or any other provision of the Act, the Secretary shall publish a notice of such proposed action and the reasons therefor in the FEDERAL REGISTER at least 30 days in advance of making a final determination in order to allow interested parties an opportunity to comment.

Subpart D—Hearings and Investigations

§ 282.301 Applicability and scope.

(a) There are specific provisions in the Act for opportunities to present views: Whenever the Secretary contemplates injunctive action under section 612(a); whenever the Secretary contemplates making an administrative determination of imminent safety hazard, defect, or noncompliance under section 615(e); whenever there is a question as

to who should bear the responsibility for correction under section 615(g); whenever the Secretary contemplates rejecting a State's enforcement plan under section 623(d); and whenever the Secretary contemplates withdrawal of approval of a State plan under section 623(f). The procedures of § 282.302 are applicable to hearings held pursuant to these provisions.

(b) Section 614(c) of the Act authorizes the Secretary to hold hearings and conduct inspections and investigations for the purpose of carrying out the provisions of the Act. The procedures of § 282.302 and § 282.303 respectively shall apply to such hearings and investigations.

(c) The procedures of § 282.302 are also applicable to hearings held by the Secretary whenever the suspension or disqualification of a primary inspection agency which has been granted final approval is recommended under § 283.205 of these regulations.

§ 282.302 Procedures for hearings for the presentation of views.

(a) *Policy.* All hearings under this subpart shall be public, unless, for good cause, the Secretary determines it is in the public interest that the hearings should be closed.

(b) *Notice.* Upon receipt of a request for the opportunity to present views pursuant to the Act, or upon a determination of the necessity to conduct a hearing, the Secretary shall set a date for the hearing and provide notice as follows:

(1) Where appropriate, general notice of a hearing under this subpart shall be provided, to the extent practicable, to interested persons. Direct notice shall be sent by certified or registered mail to the parties involved in the hearing.

(2) The notice, whether published or mailed, shall include a statement of the time, place and nature of the hearing; reference to the authority under which the hearing will be held; a statement of the subject matter of the hearing, the persons and issues involved; and a statement of the manner in which interested persons shall be afforded the opportunity to participate in the hearing.

(3) The notice shall designate the official who shall be the presiding officer for the proceedings and to whom all inquiries should be directed concerning such presentation.

(c) *Department representative.* The Department shall be represented by a Department hearing attorney designated by the General Counsel.

(d) *Reporting and transcription.* Hearings shall be stenographically or mechanically reported and transcribed under the supervision of the presiding officer. The original transcript shall be a part of the record and the sole official transcript.

(e) *Presentation and admission of evidence.* All witnesses shall testify under oath or affirmation which shall be administered by the presiding officer. Parties shall have the right to present such oral or documentary evidence and to conduct such cross-examination as the presiding officer determines is required for a full and true disclosure of the facts. The presiding officer shall receive relevant and material evidence, rule upon offers of proof and exclude all irrelevant, immaterial or unduly repetitions evidence. The presiding officer shall take all necessary action to regulate the course of the hearing to avoid delay and to prevent or restrain disorderly, dilatory, obstructionist or contumacious conduct or contentious language. The presiding officer may exclude the attorney or witness from further participation in the particular hearing and may render a decision adverse to the interests of the excluded party in his absence.

(f) *Decision.* After completion of the hearing, the presiding officer shall make and file an initial written decision on the matter in question. The decision shall include (1) a statement of findings, with specific references to principal supporting items of evidence in the record and conclusions, as well as the reasons or bases therefor, upon all of the material issues of fact, law or discretion presented on the record, and (2) an appropriate order. The presiding officer's decision shall be final unless reversed or modified within 30 days by the Secretary. Notice of the final decision shall be given in writing, and transmitted by registered or certified mail, returned receipt requested. The determination shall be conclusive.

§ 282.303 Investigations.

(a) In connection with a formal investigation or inquiry involving an alleged or suspected violation or threatened violation of the Act or rules and regulations, the Secretary may permit any person to file with the Secretary a signed statement setting forth facts and circumstances known to such person and relevant to the investigation or inquiry.

(b) Subpoenas in investigations. The Secretary may issue subpoenas relating to any matter under investigation for any or all of the following reasons:

(1) Requiring testimony to be taken by interrogatories or depositions.

(2) Requiring the attendance and testimony of witnesses at a specific time and place.

(3) Requiring access to, examination of, and the right to copy documents, books, records, and papers.

(4) Requiring the production of documents, books, records, and papers at a specific time and place.

(c) Investigational hearings. For the purpose of taking the testimony of witnesses and receiving documents and other data relating to any subject under investigation, hearings may be conducted by the Secretary in the course of any investigation. These hearings shall be stenographically or mechanically reported. Testimony of witnesses shall be under oath or affirmation. Unless the Secretary determines otherwise, these hearings shall be public.

(d) Rights of witnesses in investigations. (1) Any person compelled to testify or to submit data in connection with any investigation shall be entitled, on payment of lawfully prescribed costs, to purchase a copy of any data submitted by him and of his own testimony as stenographically or mechanically reported, except that in a nonpublic proceeding the witness may for good cause be limited to inspection of the official transcript of his testimony.

(2) Any witness compelled to appear in person in an investigational hearing may be accompanied, represented, and advised by counsel as follows:

(i) Counsel for a witness may advise his client, in confidence, and upon initiative of either himself or the witness, with respect to any question asked of his client; and if the witness refuses to answer a question, then counsel may briefly state on the record if he has advised his client not to answer the question and the legal grounds for such refusal.

(ii) Where it is claimed that the testimony or other evidence sought from a witness is outside the scope of the investigation, or it is claimed that the witness is privileged to refuse to answer a question or to produce other evidence, counsel for the witness may object on the record to the question or requirement and may briefly and precisely state the grounds therefor.

(iii) Objections interposed under the rules in this subpart will be continuing objections throughout the course of the proceedings, and repetitious or cumulative statement of an objection or of the grounds therefore, in such cases, is unnecessary and impermissible.

(iv) Counsel for a witness may not, for any purpose or to any extent not allowed by paragraphs (d)(1) and (2) of this section, interrupt the examination of the witness by making any objections or statements on the record. Motions challenging the authority of the Secretary to conduct the investigation or the sufficiency or legality of the subpoena must be addressed to the Secretary in advance of the proceeding. Copies of such motions may be filed with the presiding official at the proceeding as part of the record of the investigation, but no argument in support thereof will be allowed at the proceeding.

(v) Upon completion of the examination of a witness, counsel for the witness may request that on the record the presiding official permit the witness to clarify any of his answers in order that specified points of ambiguity, equivocation, or incompleteness may be corrected. The granting or denial or such request, in whole or in part, shall be within the sole discretion of the presiding official.

(vi) The presiding officer shall take all necessary action to regulate the course of the proceeding to avoid delay and to prevent or restrain disorderly, dilatory, obstructionist or contumacious conduct or contentious language. The presiding officer may exclude the attorney or witness from further participation in the particular investigation and may render a decision adverse to the interests of the excluded party in his absence.

(e) In the case of contumacy or refusal to obey a subpoena or order of the Secretary, the United States district

court within the jurisdiction of which an inquiry is carried on may issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Subpart E—Notification and Correction

§ 282.401 Scope and application.

(a) This subpart sets out procedures to be followed by the Secretary in determining the existence of the failure of a mobile home to comply with an applicable standard or the existence of a defect of an imminent safety hazard. It further sets out procedures to be followed by manufacturers in providing notification and correction whenever such actions are required pursuant to administrative determination or upon a determination by the manufacturer.

(b) This subpart does not apply where the manufacturer, in good faith, determines that a problem which is unique to a single mobile home, and corrects the problem at the manufacturer's expense.

(c) This subpart shall apply, however, where an imminent safety hazard or defect which could have been required to be corrected at the manufacturer's expense under § 282.405 and which is unique to a single mobile home is not corrected at the manufacturer's expense under any contract or applicable law. Also, in the event that it is later determined that the imminent safety hazard, defect or noncompliance is in fact not unique to a single mobile home, the manufacturer shall be responsible for complying with the notification and where appropriate, with the correction provisions of this Subpart E.

§ 282.402 Purpose.

The purpose of this subpart is to set forth procedures to ensure that notifications provide adequate information to owners and encourage owners of potentially defective or noncomplying mobile homes or items of mobile home equipment to have them inspected and, where necessary, remedied as quickly as possible.

§ 282.403 Notification pursuant to a manufacturer's determination.

Every manufacturer of mobile homes shall furnish notification of any defect or imminent safety hazard in any mobile home produced by such manufacturer.

(a) Imminent safety hazards. (1) A manufacturer who determines that an imminent safety hazard exists in any mobile home produced by such manufacturer shall report such imminent safety hazard to the Secretary within a reasonable time after its discovery, but in no event later than 3 days, and shall submit a plan for notification, and where applicable, correction of the imminent safety hazard for the Secretary's approval.

(2) The manufacturer may institute notification and correction procedures under § 282.406 simultaneously with reporting and submission of the plan to the Secretary.

(3) After any necessary consultation with the manufacturer, the Secretary shall approve the plan as submitted or make whatever modifications the Secretary deems necessary, and shall notify the manufacturer of such approval or modification. The manufacturer shall be responsible for carrying out the plan as approved or modified by the Secretary.

(b) Defects. (1) A manufacturer who determines that any mobile home produced by him contains a defect shall report such defect to the Secretary and submit a plan for notification, and where applicable, correction of the defect.

(2) The manufacturer may undertake the plan for notification and correction in accordance with § 282.406 simultaneously with reporting to the Secretary in those instances where the manufacturer wishes to correct the defect at no expense to the mobile home owners.

(3) After any necessary consultation with the manufacturer, the Secretary shall approve the plan as submitted, or make whatever modifications deemed necessary, and shall notify the manufacturer of such approval or modification. The manufacturer shall be responsible for carrying out the plan as approved or modified by the Secretary.

(c) The formal notification requirements which would result from a determination under this section may be waived by the Secretary upon receipt of satisfactory assurance from the manufacturer that—

(1) The manufacturer has identified all affected mobile home units which have been sold to purchasers, dealers and distributors;

(2) The manufacturer has performed the correction, at the manufacturer's expense, on all affected mobile homes; and

(3) The repairs, in the Secretary's judgment, are adequate to meet the problem.

§ 282.404 Notification pursuant to administrative determination.

(a) *Imminent safety hazards; preliminary procedure.* Immediately upon receipt of information which indicates that an imminent safety hazard may exist in a mobile home, but where such information by itself is not adequate to support an Initial Determination of imminent safety hazard under paragraph (b) of this section, the Secretary shall direct the manufacturer to furnish information with respect to the imminent safety hazard within a time prescribed by the Secretary. If the manufacturer fails to furnish information within such time or if, after a consideration of the manufacturer's response or other information, the Secretary is satisfied that an imminent safety hazard exists, the Secretary shall make an Initial Determination of imminent safety hazard pursuant to § 282.404(b).

(b) *Initial Determination of imminent safety hazard by the Secretary.* (1) Whenever the Secretary determines that there is probable cause to believe that an imminent safety hazard exists in a mobile home, the Secretary shall immediately notify the manufacturer of such Initial Determination and afford the manufacturer the opportunity to present views and evidence to establish that there is no such imminent safety hazard.

(2) Notice shall be sent by registered or certified mail, and shall include—

(i) The Initial Determination made by the Secretary;

(ii) The factual basis for the determination;

(iii) The date on which the determination was made;

(iv) The identifying criteria of the mobile homes affected.

The notice shall inform the manufacturer that the Initial Determination of the Secretary shall become final unless the manufacturer responds within 5 days after receipt of such notice and requests an opportunity to present views and evidence to rebut the Secretary's determination. The Secretary shall further notify the manufacturer as to whether such imminent safety hazard is one which the manufacturer may be required to correct at the manufacturer's expense pursuant to § 282.405. The manufacturer shall also be advised in the notice that any information upon which the Initial Determination has been based, such as test results and records of investigations, shall be available for inspection by the manufacturer.

(3) Promptly upon receipt of a manufacturer's request for an opportunity to present views in person a hearing shall be held pursuant to § 282.302.

(4) If after presentation of views the Secretary makes a Final Determination that there exists an imminent safety hazard, the Secretary shall direct the manufacturer to furnish notification and to submit a plan in accordance with § 282.406. The Secretary's order shall be published in the FEDERAL REGISTER.

(c) *Initial Determination of defect or noncompliance.* (1) Whenever the Secretary determines that there is probable cause to believe that a mobile home contains a defect or noncompliance, the Secretary shall notify the manufacturer within a reasonable time of such Initial Determination and afford the manufacturer the opportunity to present views and evidence to establish that there is no such defect or noncompliance.

(2) Notice shall be sent to the manufacturer by registered or certified mail and shall include—

(i) The final determination made by the Secretary;

(ii) The factual basis for the determination;

(iii) The date on which the determination was made;

(iv) The identifying criteria of the mobile homes affected.

The notice shall inform the manufacturer that the Initial Determination of defect or noncompliance shall become final unless the manufacturer responds within 5 days after receipt of such notice and requests an opportunity to present views and evidence to rebut the Secretary's determination. The manufacturer shall also be advised in the notice that

any information upon which the Initial Determination of noncompliance has been based, such as test results and records of investigations, shall be available for inspection by the manufacturer. The Secretary shall further notify the manufacturer as to whether such defect or noncompliance is one which the manufacturer may be required to correct at the manufacturer's expense pursuant to § 282.405.

(3) Promptly upon receipt of a manufacturer's request for an opportunity to present views in person, a hearing shall be held pursuant to § 282.302.

(4) If, after presentation of views, the Secretary makes a Final Determination that a defect or noncompliance exists, the Secretary shall direct the manufacturer to furnish notification and to submit a plan in accordance with § 282.406.

(5) Where the Secretary has evidence of the existence of a noncompliance in a mobile home and the noncompliance is of such a minor or technical nature that its existence will not contribute to the deterioration of the mobile home and will not interfere with the use and enjoyment of the mobile home, the Secretary may—

(i) Decline to make an initial determination under paragraph (c)(1) of this section; or

(ii) On the basis of information received concerning a noncompliance with respect to which an Initial Determination has been made, decline to make a Final Determination under paragraph (c)(4) of this section.

(d) The formal notification requirements which would result from a determination under this section may be waived by the Secretary upon receipt of satisfactory assurances from the manufacturer that—

(1) The manufacturer has identified all affected mobile home units which have been sold to purchasers, dealers and distributors;

(2) The manufacturer has performed the correction, at the manufacturer's expense, on all affected mobile homes; and

(3) The repairs, in the Secretary's judgment, are adequate to meet the problem.

§ 282.405 Responsibility for cost of correction under section 615(g) of the Act.

(a) A manufacturer required to furnish notification under § 282.403 or § 282.404 shall be responsible for correcting any imminent safety hazard which can be related to an error in design or assembly of the mobile home by the manufacturer, including an error in design or assembly of any component or system incorporated in the mobile home by the manufacturer.

(b) A manufacturer required to furnish notification under § 282.403 or § 282.404 shall be responsible for correcting any defect which presents an unreasonable risk of injury or death to occupants of the affected mobile home(s) and which can be related to an error in design or assembly of the mobile home by the manufacturer, including an error in design or assembly of any component or system incorporated in the mobile home by the manufacturer.

(c) Where the manufacturer questions whether the manufacturer shall bear the cost of correction, the Secretary shall provide an opportunity for interested persons to present oral and written views prior to the issuance of an order directing a manufacturer to remedy at no expense to the mobile home owner. The procedures of § 282.302 shall apply to any hearings which may be conducted under this section.

(d) Nothing in this section shall limit the rights of the purchaser or any other person under any contract or applicable law.

§ 282.406 Manufacturer's plan for notification and correction.

(a) A manufacturer which provides notice under § 282.403 and § 282.404 shall submit for the Secretary's approval that manufacturer's plan for carrying out notification, and where applicable, correction of imminent safety hazards and defects in mobile homes.

(b) Time and manner of notification. (1) Notification to purchasers of an imminent safety hazard shall be provided by the manufacturer within 5 days after receipt of the Secretary's order approving the manufacturer's plan for notification and remedy, except that the notification shall be furnished within a shorter period if the Secretary incorporates in the order a finding that such period is in the public interest.

(2) Notification of defects or noncompliances shall be provided to purchasers by the manufacturer within 10 days after receipt of the Secretary's order approving the manufacturer's plan for notification and remedy, except that the notification shall be furnished within a shorter period if the Secretary incorporates in the order a finding that such period is in the public interest.

(3) The plan shall provide for notification to be accomplished:

(i) By certified mail to the first purchaser (not including any dealer or distributor of such manufacturer) of each mobile home containing the imminent safety hazard, defect, or noncompliance, and any subsequent purchaser to whom any warranty provided by the manufacturer or required by Federal, State or local law on such mobile home has been transferred, to the extent feasible;

(ii) By certified mail to any other person who is a registered owner of each mobile home containing the imminent safety hazard, defect, or noncompliance and whose name has been ascertained pursuant to § 282.416;

(iii) By certified mail or other more expeditious means to the dealer(s) or distributor(s) of such manufacturer to whom such mobile home was delivered.

§ 282.407 Contents of notice.

The notice shall include the following:

(a) An opening statement: "This notice is sent to you in accordance with the requirements of the National Mobile Home Construction and Safety Standards Act of 1974."

(b) The following statement, as appropriate: (1) "(Manufacturer's name, or the Secretary) has determined that an imminent safety hazard exists in (identifying criteria of mobile home)."

(2) "(Manufacturer's name) has determined that a defect exists in (identifying criteria of mobile home)."

(3) "The Secretary has determined that (identifying criteria of mobile home) does not comply with an applicable Federal mobile home construction or safety standard".

(c) A clear description of the imminent safety hazard, defect, or noncompliance which shall include:

(1) How the imminent safety hazard, defect, or noncompliance was discovered;

(2) The location of the imminent safety hazard, defect, or noncompliance in the mobile home;

(3) A description of any hazards, malfunctions, deterioration or other consequences which may result from the imminent safety hazard, defect, or noncompliance;

(4) A statement of the conditions which may cause such consequences to arise; and

(5) Precautions, if any, that the owner should take to reduce the chance that the consequences will arise before the mobile home is repaired.

(d) An evaluation of the risk to mobile home occupants' safety reasonably related to such imminent safety hazard, defect, or noncompliance, including:

(1) The type of injury which may occur to occupants of the mobile home;

(2) The types of injuries which have occurred, including particularly any deaths which have resulted from the imminent safety hazard, defect or noncompliance;

(3) Whether there will be any warning that a dangerous occurrence may take place and what that warning would be.

(e) A statement of the measures needed to repair the imminent safety hazard, defect, or noncompliance, in accordance with whichever of the following is appropriate:

(1) Where the manufacturer must bring the mobile home into compliance with applicable standards and correct the imminent safety hazard or defect, or have the imminent safety hazard or defect corrected at no cost to the owner pursuant to § 282.405, the statement shall include—

(i) A statement that the correction will be made at the manufacturer's expense;

(ii) A general description of the work involved in repairing the imminent safety hazard or defect;

(iii) The manufacturer's estimates of the date on which the manufacturer's agents will repair the imminent safety hazard or defect;

(iv) The method by which the owner will be contacted further when the repair date is to be carried out;

(v) The manufacturer's estimate of the time reasonably necessary to per-

form the labor required to correct the imminent safety hazard or defect;

(vi) Any other information set out in the plan for notification which may be helpful to the owner.

(2) When the manufacturer does not bear the cost of repair, the notification shall include—

(i) A statement that the manufacturer is not required by the Act to remedy without charge;

(ii) A description, including approximate price, of all material that must be added or replaced;

(iii) A description of any modifications that must be made to existing materials;

(iv) A detailed description, including appropriate illustrations, of each step required for correction;

(v) The manufacturer's estimate of the time reasonably necessary to perform the labor required to correct the defect or noncompliance;

(3) Where a determination has been made that notifictaion is required, but a final determination has not been made as to the manufacturer's responsibility to bear the cost of correction, the Secretary may direct the manufacturer to issue a notification with a statement that the issue is being considered and, that a further notification will be sent when a determination has been made under § 282.405.

(f) A statement informing the owner that he may submit a complaint to the Secretary if the owner believes that—

(1) The notification or the remedy described therein is inadequate; or

(2) The manufacturer has failed or is unable to remedy the defect or noncompliance in accordance with his notification; or

(3) The manufacturer has failed or is unable to remedy within a reasonable time after the owner's first attempt to obtain remedy.

§ 282.408 Time for implementation of plan.

The manufacturer's plan shall provide for implementation of notification and correction actions as follows:

(a) Imminent safety hazards. Implementation of the plan for notification and correction shall be completed within 30 days from the date of discovery or Final Determination of an imminent safety hazard.

(b) Defects and Noncompliances. Implementation of the manufacturer's plan for notification and, if appropriate, correction shall be completed within 60 days from the date of discovery or Final Determination of defect or noncompliance.

(c) The Secretary may grant an extension of time for implementing the plan where the manufacturer shows good cause for the delay and the Secretary determines the extension is in the public interest. When the Secretary grants an extension, the Secretary shall notify the manufacturer and publish notice of such extension in the FEDERAL REGISTER. The manufacturer shall implement his plan for notification and correction as approved by the Secretary.

§ 282.409 Conformity to statutory requirements.

A notification which does not conform to the requirements of this subpart is a violation of the Act, and may subject the manufacturer to the civil and criminal penalties of section 611 of the Act.

§ 282.410 Replacement or repurchase of mobile home from purchaser.

Whenever an imminent safety hazard or defect which must be corrected by the manufacturer at his expense under § 282.405 is of such severity that it cannot be repaired within 30 days in the case of an imminent safety hazard, or within 60 days in the case of a defect as required by § 282.408, in accordance with section 615(i) of the Act, the Secretary may require—

(a) That the mobile home be replaced by the manufacturer with a mobile home substantially equal in size, equipment, and quality, and either new or in the same condition the defective mobile home would have been at the time of discovery of the imminent safety hazard or defect had the imminent safety hazard or defect not existed; or

(b) That the manufacturer take possession of the mobile home and refund the purchase price in full, less a reasonable allowance for depreciation based on actual use if the home has been in the possession of the owner for more than one year. Such depreciation shall be based upon a current appraisal, and shall not take into account damage or deterioration resulting from the imminent safety hazard or defect.

(c) In determining whether to order replacement or refund by the manufacturer, the Secretary shall consider:

(1) The threat of injury or death to mobile home occupants;

(2) Any costs and inconvenience to mobile home owners which will result from the lack of adequate repair within the specified period;

(3) The expense to the manufacturer;

(4) Any other relevant factors which may be brought to the attention of the Secretary.

(d) Where replacement or refund by the manufacturer is ordered under this Section, it shall be carried out within 30 days of the Secretary's order to replace the mobile home or refund the purchase price unless the Secretary, for good cause shown, grants an extension of time for implementation of such order and publishes notice of extension in the FEDERAL REGISTER.

§ 282.411 Repurchase from dealer or distributor and replacement of parts.

(a) Upon a Final Determination by the Secretary under § 282.404, or upon a determination by a court of competent jurisdiction that a mobile home does not comply with the standard or contains a defect which consitutes an imminent safety hazard after the sale of such mobile home by a manufacturer to a distributor or a dealer and prior to the sale of such mobile home by such distributor or dealer to a purchaser, the manufacturer shall have the option to either—

(1) Immediately furnish, at the manufacturer's expense, the purchasing distributor or dealer the required conforming part or parts or equipment for installation by the distributor or dealer on or in such mobile home, and shall reimburse such distributor or dealer for the reasonable value of such installation plus a reasonable reimbursement of not less than one per centum per month of the manufacturer's or distributor's selling price prorated from the date of receipt by certified mail of notice of noncompliance to the date such mobile home is brought into compliance with the standard; or

(2) Immediately repurchase, at the manufacturer's expense, such mobile home from such distributor or dealer at the price paid by such distributor or involved and a reasonable reimbursement of not less than one per centum per month of such price paid prorated from the date of receipt by certified mail of notice of the imminent safety hazard, defect or noncompliance to the distributor, or

(b) This section shall not apply to any mobile home purchased by a dealer or distributor which has been leased by such dealer or distributor to a tenant for purposes other than resale. In that instance the dealer or distributor has the remedies available to a purchaser under § 282.410.

§ 282.412 Supervision and monitoring of notification and correction actions.

(a) In the absence of a State plan providing for enforcement of notification and correction procedures of this Subpart E, the Secretary shall assume all responsibility for making administrative determinattions of imminent safety hazard, defect and noncompliance; for approving the manufacturer's plan for notification and correction; for monitoring the performance of the primary inspection agency which supervises the notification and correction campaign in accordance with § 283.211 of this chapter; and for assuring that the manufacturer has implemented the plan for notification and correction as approved.

(b) Upon the Secretary's approval or conditional approval of a state enforcement plan under section 623 of the Act, the State Administrative Agency shall assume the responsibilities of the Secretary under this Subpart E, except with respect to an imminent safety hazard, defect or noncompliance which the State Administrative Agency has reason to believe exists in mobile homes manufactured in other states. The State Administrative Agency shall asume these responsibilities with respect to all mobile homes manufactured in the state, regardless of where they are finally located.

(1) In carrying out its notification and correction responsibilities, the State Administrative Agency shall provide the opportunity for presentation of views whenever the State Administrative

Agency contemplates making an administrative determination of imminent safety hazard, defect, or noncompliance under § 282.404, and whenever there is a question as to whether the manufacturer should bear the cost of correction under § 282.405. To the extent that hearings are required, they shall be conducted by the State Administrative Agency in accordance with §§ 282.301 and 282.302.

(2) Where the head of the State Administrative Agency has issued a final determination under § 282.404, the manufacturer may appeal such decision to the Secretary. The Secretary's determination shall be based upon a review of the administrative record developed at the State Administrative Agency level, and the manufacturer shall not be entitled to a rehearing by the Secretary. The Secretary's determination on the appeal shall be conclusive.

(c) The State Administrative Agency for the state in which the mobile homes were manufactured, upon directing the manufacturer to furnish notification, and where applicable, correction, shall also direct the production inspection primary inspection agency (IPIA) for the factory in which the mobile homes were manufactured, as the manufacturer's agent, to supervise the notification and correction campaign. The State Administrative Agency shall monitor the performance of the PIA to ensure that the PIA is adequately performing its responsibilities for carrying out follow-up inspection in accordance with § 283.211 to assure compliance with the manufacturer's plan for notification and correction.

(d) The State Administrative Agency for the state in which the mobile homes were manufactured, in cooperation with the affected State Administrative Agencies, shall ensure that all mobile homes shipped into those states have been corrected. The State Administrative Agency of the state in which the mobile home is located shall be responsible for assuring that correction has been made properly.

§ 282.413 Consumer complaints.

(a) The State Administrative Agency shall be responsible for screening consumer complaints, as provided in § 283.196, and for monitoring the primary inspection agency's performance in investigating consumer complaints and supervising notification and correction activities resulting from consumer complaints. The State Administrative Agency shall also be responsible for making administrative determinations of imminent safety hazard, defect and noncompliances, including the holding of hearings under §§ 282.301 and 282.302 as appropriate.

(b) This subpart does not apply where the manufacturer, in good faith, determines that a consumer complaint involves a problem which is unique to a single mobile home and corrects the problem at the manufacturer's expense. When there is a consumer complaint where an imminent safety hazard or defect exists which should have been corrected at the manufacturer's expense under § 282.405 and which is unique to a single mobile home and is not corrected at the manufacturer's expense under any contract or applicable law this Subpart E does apply. Also, in the event that it is later determined that the imminent safety hazard, defect or noncompliance is in fact not unique to a single mobile home the manufacturer shall be responsible for complying with the notification and where appropriate, the correction provisions of this Subpart E.

§ 282.414 Notices, bulletins and other communications.

Each manufacturer shall, at the time of dispatch, furnish the Director with a copy of all notices, bulletins and other communications, including written communications as well as records of conversations, with any dealer or purchaser regarding a defect or noncompliance which exists in a mobile home produced by such manufacturer. Copies of any notices sent by a manufacturer to dealers or purchasers which relate to correction of a condition which has not been reported as a defect also shall be forwarded to the Secretary.

§ 282.415 Proof of correction.

Each manufacturer that performs notification and correction actions in mobile homes pursuant to this subpart E shall maintain in his files as proof of correction either: (a) Owner certification of correction, or (b) state certification of inspection of corrected mobile homes.

§ 282.416 Record of purchasers.

(a) Information requirements for first purchasers. (1) Every manufacturer of new mobile homes shall, for each unit manufactured after the effective date of these regulations, provide a booklet containing at least 5 detachable cards to be completed by dealers, purchasers, and subsequent purchasers at the time of sale of the mobile home. This booklet shall be contained in a sealed envelope, affixed to the interior of the mobile home, to be removed by the dealer at the time of sale to the mobile home purchaser. On the front of the envelope, in bold type, shall be printed the following language:

"Title VI of the Housing and Community Development Act of 1974 provides for protection to consumers of mobile homes, against defects and/or imminent safety hazards caused by product failure. In order to assure these protections can be provided, each mobile home owner must keep this booklet with his mobile home at all times and immediately after purchase of his mobile home, shall fill out, in its entirety, one of the detachable cards and mail immediately to the manufacturer of the mobile home".

(2) The detachable cards shall contain the following information:

(i) Name and address of the dealer or other person selling the mobile home to the purchaser;

(ii) Name and complete mailing address of the mobile home purchaser;

(iii) Address where the mobile home will be located, if not the same as item (ii);

(iv) Date of sale to the purchaser;

(v) Month, day and year of manufacture;

(vi) Identification number of the mobile home;

(vii) Model and/or type designation of the mobile home as provided by the manufacturer; and

(viii) A designation of the zones for which the mobile home is equipped, as set forth in § 280.305 of this chapter.

Additionally, the cards shall have the name and address of the manufacturer printed clearly on the reverse side and shall contain adequate postage or business reply privileges to ensure return to the manufacturer. The manufacturer shall have the responsibility for filing in the blanks on the cards for items (v), (vi), (vii), and (viii).

(3) Each distributor or dealer that sells a mobile home to a purchaser shall provide the information required on the card as set out in paragraph (a)(2) of this section, and shall mail it to the manufacturer at the time of sale, but in no event later than 15 days after the date of sale of the mobile home.

(4) Each manufacturer shall compile a monthly list of mobile homes sold in the preceding 30-day period. This list shall also show the total number of states where such mobile homes have been erected, how many mobile homes have been located in each State, and the names and addresses of all purchasers. The manufacturer must forward a copy of such lists to each State Administrative Agency where a mobile home sold by him has been erected. The information compiled on this list shall agree with the information obtained from the detachable cards forwarded by dealers and distributors to the manufacturer.

(b) Information requirements for subsequent purchasers. (1) Each manufacturer, to the maximum extent feasible, shal establish and maintain the names and addresses of any subsequent purchasers of mobile homes produced by that manufacturer. To assist the manufacturer in securing such information, each distributor or dealer shall, as to moblie homes built on or after June 15, 1976, that are resold through the facilities of such dealer or distributor, mail to the manufacturer of such mobile homes, within 15 days after the resale of the mobile home, the information specified in § 282.416(a)(1). The manufacturer then shall forward a list of any resale of mobile homes manufactured by him to each State Administrative Agency where such resale mobile home has been erected, whether such State is the same State as that of the initial purchaser of said mobile home, or a new State.

PART 283—MOBILE HOME ENFORCEMENT REGULATIONS

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AUTHORITY: Secs. 614, 615, 616, 623, and 625 of Title VI of the Housing and Community Development Act of 1974 (Pub. L. 93-383); 42 U.S.C. 5401, 5413, 5414, 5415, 5422, and 5424; 88 Stat. 707, 709, 711, 712, and 714; Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Subpart A—General

§ 283.1 Introduction.

This part applies to State and private organizations wishing to assist in enforcing compliance with Federal mobile home construction and safety standards established under the National Mobile Home Construction and Safety Standards Act of 1974. It also applies to mobile home manufacturers and dealers. Included are the administrative procedures for approval of States and private organizations as primary inspection agencies and for approval of State agencies to carry out enforcement of the standards under section 623 of the Act.

§ 283.2 Purpose.

(a) The purpose of this part is to establish the basic policies and procedures to be followed in mobile home manufacturing plants to assure that mobile homes manufactured in the United States for use in the United States conform to those standards, to provide for certification of such mobile homes, and to establish the procedures for carrying out and monitoring such inspection and certification.

(b) It is the policy of HUD to involve State agencies in the enforcement of the Federal mobile home standards to the maximum extent possible consistent with the capabilities of such agencies.

§ 283.3 Authority.

The procedures and requirements of this part are issued under the authority of Sections 614, 615, 616, 623, and 625 of Title VI of the Housing and Community Development Act of 1974 (Pub. L. 93-383); 42 U.S.C. 5413, 5414, 5415, 5422, and 5424; 88 Stat. 707, 709, 711, 712, and 714.

§ 283.4 Applicability.

(a) *States.* This Part applies to States that desire to assume responsibility for enforcement of the Federal mobile home construction and safety standards. They include requirements which must be met in order for state agencies to be approved by HUD under section 623(c) of the Act. They also include requirements for States wishing to act as primary inspection agencies, as defined in § 283.5, or to participate in monitoring activities under § 283.107.

(b) *Primary Inspection and Engineering Organizations.* This Part applies to each private inspection and engineering organization that wishes to qualify as a primary inspection agency under Subpart C.

(c) *Mobile Home Manufacturers.* This Part applies to all manufacturers producing mobile homes in the United States for sale in the United States. It includes:

(1) Inspection procedures to be carried out in the manufacturing plant(s);

(2) Procedures by which a manufacturer obtains approval of mobile home designs and specifications;

(3) Procedures by which a manufacturer obtains approval of manufacturing quality control and assurance programs;

(4) Procedures by which a manufacturer may obtain production inspections and certification labels for his mobile homes.

(d) *Mobile Home Dealers and Distributors.* This Part applies to any person selling, leasing, or distributing new mobile homes for use in the United States. It includes prohibitions of the sale of new mobile homes that have not been labeled pursuant to these regulations or that have been altered, damaged, or otherwise caused not to be in compliance with Federal mobile home standards. Also set out are procedures by which approval may be obtained for alteration of mobile homes prior to sale to purchasers.

§ 283.5 Definitions.

"Act" means the National Mobile Home Construction and Safety Standards Act of 1974, Title VI of the Housing and Community Development Act of 1974 (42 U.S.C. 5401 et seq.);

"Add-on" means any structure which, when attached to the basic mobile home unit, increases the area, either living or storage, of the mobile home;

"Administrative submission" means the application of any State organization which is submitted to the Secretary for approval as a State Administrative Agency under Subpart B;

"Alteration" means the replacement, addition, modification or removal of any equipment or installations which may affect the construction, fire safety, occupancy, plumbing, heat-producing or electrical system or the functioning thereof, but does not mean the replacement of free-standing appliances requiring plug-in to an existing receptacle of the proper configuration and rating;

"Certification Report" means a report submitted by a primary inspection agency (PIA) to the manufacturer and to HUD and its contract agent certifying that (a) a PIA has evaluated the manufacturer's design and has found it to be in compliance with the standards, and (b) that the PIA submitting the certification report has approved the manufacturer's quality control program, has inspected the manufacturer's facility, and has inspected a representative number of mobile homes as they were manufactured in the manufacturer's plant and found them to be in compliance with the standards. The report shall include a complete set of approved drawings, specifications, and engineering calculations which are kept up to date with approved engineering changes. It shall also include a copy of the manufacturer's quality assurance manual;

"Component" means any part, material or appliance which is built in as an integral part of the mobile home;

"Date of manufacture" means the date on which the label, specified in § 283.211(c), is affixed to the mobile home as it leaves the assembly line.

"Dealer" means any person engaged in the sale, leasing, or distribution of new mobile homes primarily to persons who in good faith purchase or lease a mobile home for purposes other than resale, including any distributor, as defined herein, who sells, leases, or distributes a new mobile home to such a person;

"Defect" means any failure to comply with an applicable Federal mobile home construction or safety that renders the

mobile home or any part thereof not fit for the ordinary use for which it was intended;

"Department" means the Department of Housing and Urban Development;

"Design" means drawings, specifications, sketches and the related engineering calculations, tests and data in support of the configurations, structures, and systmes to be incorporated in the mobile home models manufactured in a plant;

"Director" means the Director of the Office of Mobile Home Standards;

"Distributor" means any person engaged in the sale and distribution of mobile homes for resale;

"HUD" means the Department of Housing and Urban Development;

"Imminent safety hazard" means a hazard that presents an imminent and unreasonable risk of death or severe personal injury that may or may not be related to a failure to comply with an applicable Federal mobile home construction or safety standard;

"Joint monitoring team" means a monitoring team composed of personnel provided by the various State Administrative Agencies, or by HUD or its contract agent, operating under the aegis of HUD for the purpose of monitoring, or otherwise aiding in the enforcement of the Federal standards.

"Label" means the adhesive-backed, aluminum foil decal which is permanently affixed to each transportable section of each mobile home manufactured for sale in the United States, and which serves as the certification by the manufacturer of conformance with applicable Federal mobile home construction and safety standards in effect the date of manufacture (also see definitions under 24 CFR Part 280, 40 FR 58752, December 18, 1975;

"Manufacturer" means any person engaged in manufacturing or assembling mobile homes, including any person engaged in importing mobile homes for resale;

"Mobile home" means a structure, transportable in one or more sections, which when erected on site measures eight body feet or more in width, and thirty-two body feet or more in length, built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein;

"Mobile home construction" means all activities relating to the assembly and manufacture of a mobile home including but not limited to those relating to durability, quality, and safety;

"Mobile home safety" means the performance of a mobile home in such a manner that the public is protected against any unreasonable risk of the occurrence of accidents due to the design or construction of such mobile home, or any unreasonable risk of death or injury to the user or to the public if such accidents do occur;

"Model" means a specific design of mobile home(s) as designated by the manufacturer, which is based on width excluding expandable, tag along or add-on portions. A model normally consists of structural, plumbing, heating, air-conditioning (when appropriate), mechanical, and electrical systems which define methods of construction for a series or group of floor plans within the applicable width;

"Noncompliance" means a failure of a mobile home to comply with an applicable Federal mobile home construction or safety standard which is not so serious as to constitute a defect or an imminent safety hazard;

"Primary inspection agency (PIA)" means a State or private organization that has been accepted by the Secretary for certification of mobile homes in accordance with the requirements of Part 283; there are three types of PIA: a Design Approval PIA (DAPIA), a Plant Approval PIA (PAPIA), and a Production Inspection PIA (IPIA); an organization may act as one or more of these types, except that every PAPIA must act also as either a DAPIA or an IPIA;

"Purchaser" means the first person purchasing a mobile home in good faith for purposes other than resale;

"Quality assurance manual" means a manual, prepared by each manufacturer for each manufacturing plant and approved by a PAPIA which contains: a statement of the manufacturer's quality assurance program; a chart of the organization showing all personnel accountable for quality assurance; a list of tests and test equipment required; a station-by-station description of the manufacturing process; a list of inspections required at each station; and a list by title of personnel in the manufacturer's organization to be held responsible for each inspection;

"Red tag" means to attach a notice to a mobile home to indicate that it has been found to contain an imminent safety hazard, defect, or noncompliance with the Federal standards. The sale of a mobile home which has been red tagged shall constitute a violation of sections 610 and 611 of the Act;

"Secretary" means the Secretary of Housing and Urban Development or the Secretary's designee;

"Standard" means one or more of the Federal mobile home construction or safety standards promulgated pursuant to section 604 of the Act;

"State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa;

"State Administrative Agency" means an agency of a State which has been approved or conditionally approved to carry out the State plan for enforcement of the standards pursuant to section 623 of the Act and Subpart B;

"System" means a set or arrangement of materials or components to related or connected as to form an operating entity, i.e., heating, ventilating and air-conditioning systems, evaporative coolers;

"Submission" means the application of any State or private inspection and engineering organization which is submitted to the Secretary for approval as a primary inspection agency under Subpart C of these regulations;

"Title I" means Title I of the National Housing Act, 12 U.S.C. 1701, which authorizes HUD to insure loans made for the purchase of mobile homes that are certified as meeting HUD requirements for dwelling quality and safety.

§ 283.6 General program description.

(a) The Secretary, upon acceptance of submissions required by Subpart C of this part, shall authorize primary inspection agencies to carry out the following functions:

(1) Design approval of mobile home building designs (an agency which performs this function is hereafter referred to as a DAPIA);

(2) Plant approval of manufacturer's quality control and assurance programs and manufacturing process (an agency which performs this function is hereafter referred to as a PAPIA); and

(3) Production surveillance of the mobile home manufacturing process (an agency which performs this function is hereafter referred to as an IPIA).

(b) Mobile home manufacturers shall submit to primary inspection agencies:

(1) Mobile home building designs, and

(2) Quality control and assurance programs.

The design approval may be given by any DAPIA. Submittal of these designs and programs for approval affirms that the manufacturer will build to the designs and maintain the quality control and assurance program(s). Where a PAPIA is satisfied that a manufacturing plant is producing mobile homes in compliance with the standards, it shall issue a Certification Report for that manufacturing plant. It shall then obtain from the IPIA for the manufacturing plant enough labels to last the manufacturer until the IPIA begins production inspections, which the IPIA will do promptly upon issuance of the Certification Report by the PAPIA. The PAPIA shall inspect at least one mobile home through all of the operations in the manufacturer's plant before issuing the Certification Report. Labels shall not be provided or affixed to mobile homes where mobile homes being produced in any respect are not in conformance with the standards. Where a PAPIA is not satisfied with the quality of production in a manufacturing plant, it shall refuse to issue a Certification Report and shall withhold labels. Whenever a manufacturer wishes to make a change in a mobile home design or in a quality control and assurance program, the manufacturer shall obtain approval under § 283.211(e) or § 283.210.

(c) IPIAs shall carry out ongoing inspections of the manufacturing process in each mobile home manufacturing plant to assure that mobile homes being

produced conform to the approved design where the design is specific, and where the design is not specific, that they comply with the standards. IPIAs shall also control and provide labels for conforming mobile homes.

(d) Approved States and conditionally approved States may, and the Secretary and HUD's contract agent shall, monitor all aspects of primary inspection agency performance to ensure that each function is being satisfactorily performed. This monitoring shall take place both at the corporate or administrative headquarters of primary inspection agencies and in the plants for which the primary inspection agencies are responsible. If the monitoring party determines that the performance of a primary inspection agency is not adequate with respect to one or more functions for which it has been approved, the monitoring party shall recommend to the Secretary appropriate action(s) to be taken by the PIA or the Secretary to rectify the deficiencies. In cases where disqualification is determined by the Secretary to be appropriate, a primary inspection agency which has been granted final approval under § 283.204 will be entitled to a hearing in accordance with Subpart D of Part 282 and may be suspended pending the outcome of such hearing.

(e) A State may participate as a State Administrative Agency (SAA) or as a primary inspection agency (PIA) or as both an SAA and PIA. For the purposes of these regulations, the functions are separate and distinct. A State, therefore, shall apply separately to be approved for each function.

(f) HUD, through the use of joint monitoring teams, shall monitor the performance of primary inspection agencies. States which are approved as SAAs may, if they have qualified personnel, participate in the joint monitoring team program. No State may participate in a joint monitoring team acting within that State. As set out in § 283.107, an SAA may carry out monitoring within its state except with respect to those manufacturers or plants for which the State acts as a PIA.

(g) Primary inspection agencies may establish reasonable fees to be paid by manufacturers to compensate the PIAs for their activities. The reasonableness of the fees is subject to review by the Secretary, and the establishment of unreasonable or excessive fees shall result in disapproval of a PIA.

(h) Manufacturers shall pay certain fees to HUD or its contract agent to cover the cost of monitoring of PIAs. In States which do not have administrative submissions which have been approved by the Secretary, or whose administrative submissions have been conditionally approved, these fees shall be set by the Secretary. In States with approved plans, these fees shall be set by the States under guidelines established by the Secretary. These fees shall be distributed among the participating States based on (1) the number of new mobile homes which are finally put in place by the purchaser in each state, (2) the services provided by each state, and (3) the extent of participation of each State in the joint team monitoring program. Setting fees according to guidelines established by the Secretary and participating in the fee distribution system are conditions for state approval pursuant to section 623,c) (6) and (11) of the Act.

(i) Approved States, conditionally approved States, and primary inspection agencies shall have significant responsibilities with respect to mobile homes in which noncompliances, defects, or imminent safety hazards may exist. While there are certain differences in procedure depending upon whether the evidence indicating a possible noncompliance, defect, or imminent safety hazard is found during the manufacturing process or as a result of a consumer complaint or otherwise after the mobile home has left the manufacturing plant, approved States, conditionally approved States, and primary inspection agencies are responsible for cooperating in investigating suspected problems and making determinations of the existence of noncompliance, defects, or possible imminent safety hazards. Once the appropriate determinations are made either by the approved State, conditionally approved State, or by the Secretary, SAAs and primary inspection agencies are responsible for assuring that any necessary notification and correction procedures are carried out by the manufacturer.

(j) No mobile home manufactured in the United States on or after June 15, 1976, may be sold or leased or offered for sale or lease in the United States unless a label has been affixed to the mobile home in accordance with these regulations. This includes mobile homes started into production before June 15, 1976, but not completed prior to that date. This does not include units completed prior to June 15, 1976, and it does not include units completed by the manufacturer prior to June 15, 1976, but awaiting correction to any state or local standard in effect prior to that date. These restrictions apply to manufacturers, dealers, and all other persons who may engage in the sale, lease, or offering for sale or lease of mobile homes.

(k) Add-on's, regardless of dimensions, are covered by the standards and these regulations as follows:

(1) If an add-on is designed and produced as an integral section of a new mobile home and merely requires joining on-site to form the completed mobile home structure, the add-on is governed by the Federal standards as part of the mobile home and is subject to the full range of inspections and approvals required of mobile homes.

(2) If an add-on is not designed or produced as a section of a new mobile home but is added by the dealer or some other party not the manufacturer as part of a simultaneous transaction involving the sale of a new moble home, the add-on itself is not governed by the standards and is not subject to these regulations. However, the addition of the add-on must not affect the ability of the basic mobile home to comply with the standards. Any noncompliance in the basic mobile home caused by the addition of this type of add-on would subject the seller or lessor of the mobile home to criminal and civil penalties under the Act. While the standards do not now govern this type of add-on, HUD has the authority to do so and may do so in the future.

(l) Mobile homes designed and manufactured with more than one separate living unit are not covered by the standards or by these regulations.

Subpart B—State Administrative Agencies

§ 283.101 General.

A State which desires to assume responsibility for enforcement of the standards shall submit to the Secretary an Administrative Submission which includes a State plan for enforcement of such standards. A State whose Administrative Submission is approved or conditionally approved shall be responsible for working with primary inspection agencies acting within the State to assure that moble homes manufactured in the State comply with the standards and contain no defects or imminent safety hazards, and it shall be responsible for handling complaints made by consumers concerning mobile homes located within the State. These responsibilities shall be fulfilled by working with the primary inspection agencies which inspected or are inspecting mobile homes in which noncompliances, defects, or imminent safety hazards arise. The State plan shall set forth the procedures through which the State shall gather the information necessary to determine whether a noncompliance, defect, or imminent safety hazard exists and the procedures through which the State shall make determinations and shall assure that any necessary remedial actions are taken. The State plan shall indicate what responsibilities shall be assumed by the State Administrative Agency and what responsibilities shall be assumed by primary inspection agencies, and it shall indicate how any actions taken within the State or with respect to mobile homes manufactured in the State shall be coordinated so that the system will run smoothly and effectively. The requirements with respect to the State Administrative Submission are set out in this subpart. A State whose Administrative Submission is approved or conditionally approved under this subpart may also qualify to act as a primary inspection agency if it fulfills the requirements of Subpart C.

§ 283.102 Administrative submission format.

Administrative submissions must be submitted to the Director, Office of Mobile Home Standards, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, and include:

(a) A cover sheet which shall show the following:

(1) The name and address of the designated State agency,

(2) The name of the administrator in charge of the agency,

(3) A list of personnel who will carry out the State plan,

(4) The number of mobile home manufacturing plants presently operating in the State,

(5) The estimated total number of mobile homes manufactured in the State per year, and

(6) The estimated total number of mobile homes which will be set up in the State per year.

(b) An original and one copy of the State plan setting out all the information required in this subpart with appropriate cross-references to sections of these regulations, and

(c) A certification signed by the administrator in charge of the designated State agency stating that, if approved, the State plan as set out in the Administrative Submission will be carried out in full.

§ 283.103 State plan—required provisions.

(a) As a condition of approval by the Secretary, a State plan included in the Administrative Submission shall:

(1) Designate a State agency as the sole agency responsible for administering the plan throughout the State;

(2) Provide for the enforcement of the standards by providing for the effectively coordinated investigation of all possible noncompliances, defects and imminent safety hazards which arise in mobile homes being manufactured in the State or which are located in the State after manufacture and providing for the determination by the State Administrative Agency of the existence of noncompliances, defects, and imminent safety hazards and for the opportunity to present views in a manner similar to that set out in Part 282;

(3) Provide that personnel of the State Administrative Agency shall, under State law or as agents of HUD, have the right to enter and inspect all factories, warehouses, or establishments in the State in which mobile homes are manufactured;

(4) Provide for the imposition under State authority of civil and criminal penalties equal or substantially similar to those set out in section 611 of the Act;

(5) Provide that notification and correction procedures set out in Part 282 shall, when required, be followed by manufactures operating within the State, and that whenever the procedures are required, the State Administrative Agency shall, in cooperation with the appropriate primary inspection agency, assure that they are fully carried out;

(6) Provide for the setting of monitoring fees in accordance with guidelines to be established by the Secretary, except as set out in paragraph (b) of this section;

(7) Contain satisfactory assurances, in whatever form is appropriate under state law, that the State Administrative Agency has or will have the legal authority necessary to carry out the State plan;

(8) Contain satisfactory assurances that the State Administrative Agency has or will have, on its own staff or provided by other agencies of the State, the qualified personnel necessary to carry out the State plan; these assurances shall include the resumes of administrative personnel in policy making positions and of all inspectors and engineers employed by the SAA in carrying out the State plan; they shall also include a certification that none of the personnel which may be involved in carrying out the State plan in any way are subject to any conflict of interest of the type discussed in § 283.208 or otherwise;

(9) Include an estimate of the cost to the State of carrying out all activities called for in the State plan, which estimate shall be broken down by particular function and indicate the correlation between the estimate and the number of manufacturers in the State, the number of mobile homes manufactured in the State, and the number of mobile homes imported into the State for sale and use in the State; included with this estimate shall be (i) a description of current and past State activities with respect to mobile homes and any fees charged by the State with respect to those activities, and (ii) an estimate and justification of the amount which should be distributed to the State under the fee distribution system set out in § 283.6(h);

(10) Give satisfactory assurances that the State shall devote adequate funds to carrying out its State plan;

(11) Require manufacturers, distributors, and dealers in the State to make reports pursuant to section 614 of the Act and this chapter of these regulations in the same manner and to the same extent as if the State plan were not in effect;

(12) Provide that the State Administrative Agency shall make reports to the Secretary as required by this chapter in such form and containing such information as the Secretary shall from time to time require;

(13) Provide for participation in the fee distribution system described in § 283.6(h); and

(14) Provide for the handling of consumer complaints in a manner consistent with that set out in § 283.106.

(b) A State plan may be given conditional approval if all of the preceding subsection are met, except that right of entry required by paragraph (a)(3) of this section, the civil and criminal penalties required by paragraph (a)(4) of this section, or the fees required by paragraph (a)(6) of this section have not been established. In such a case, the State will not be considered approved under section 623 of the Act, but it will participate in all phases of the enforcement program as called for in its State plan. Conditional approval shall last a maximum of two years, by which time all requirements shall have been met for approval to be obtained.

(c) A State which desires to act also as the exclusive IPIA within the State shall include its fee schedule for such activities in its Administrative Submission. The fees shall be subject to HUD review to determine reasonableness.

§ 283.104 State plan—suggested provisions.

(a) The following are not required to be included in a State plan, but if they are, they will be taken into account in determining the amount to be distributed to the State under the fee distribution system described in § 283.6(h) (except where the State charges consumers or others for a particular service):

(1) Provision for monitoring of dealers' lots within the State for transit damage, seal tampering, and dealer performance generally. This program will function for two (2) years, after which an evaluation will be conducted to determine whether or not the program shall be continued;

(2) Provision of approvals of all alterations made to certified mobile homes by dealers in the State. Under this program, the State would assure that alterations did not result in the failure of the mobile home to comply with the standarsd;

(3) Provision for monioring of the installation of mobile homes set up in the State to assure that the homes are properly installed and, where necessary, tied down, but only in jurisdictions in which mobile home installation inspection or moritoring programs do not already exist;

(4) Provision for monitoring by the State, in coordination with HUD's contract agent, of primary inspection agencies acting in the State; and

(5) Provision for education and training programs for local government building officials covering such subjects as reporting formats and procedures, proper installation of mobile homes, inspection of alterations, and any aspects of these regulations.

(b) Inclusion of the following in the State plan is urged as necessary to provide full consumer protection and assurances of mobile home safety:

(1) Provisions for inspection of used mobile homes; and

(2) Provision for regulation of mobile home transportation.

§ 283.105 Reports.

The SAA approved under this subpart shall submit to HUD such reports as HUD may require, including specifically the following:

(a) The Quarterly Fire Report set out in § 283.701,

(b) The Quarterly Accidental Loss Report called for in § 283.702, and

(c) A monthly summary of reports submitted by the primary inspection agency (IPIA) to the State under § 283.703.

§ 283.106 Consumer complaints.

The program of handling consumer complaints set out in the State plan under § 283.103(a)(13) shall be consistent with that described in this section.

(a) The SAA shall review all consumer complaints concerning matters covered by or related to the Act to determine which complaints are related to noncompliance, defect, or imminent safety hazard and shall refer those complaints to

the primary inspection agency that provided the label for the affected mobile home under Subpart C.

(b) The SAA shall have the primary IPIA investigate the complaint and make any necessary inspections to determine whether or not a noncompliance, defect, or imminent safety hazard may exist. If it is determined that one may exist and that it is related to an error in design and the primary inspection agency did not perform the design approval, a copy of the complaint shall be forwarded to the Design Approval Primary Inspection Agency (See Subpart C) for resolution and to assure that necessary design changes are made. Where it has been determined by the primary inspection agency that a noncompliance, defect, or imminent safety hazard may exist, SAA shall promptly so inform the manufacture of the mobile home in question and the Secretary and shall take such actions as any be appropriate under § 282.412 (b). In order to assure that any actions required under Subpart E of Part 282, the SAA shall request the IPIA to provide, as promptly as possible, a report containing the following information:

(1) Description of the noncompliance, defect, or imminent safety hazard;

(2) A complete description of the recommended repairs necessary for correction;

(3) A complete listing of the homes which are believed to contain the noncompliance, defect, or imminent safety hazard, including a list of those inspected and determined to contain it.

(4) A final listing of the results of inspections of all of the affected mobile homes.

(c) A copy of the report shall be provided to:

(1) The SAA, if any, in the State in which the mobile home was manufactured;

(2) All SAA's in States which import units from the State in which the unit was manufactured;

(3) All other SAA's in States in which units are being manufactured by the manufacturer and might contain the same noncompliance, defect, or imminent safety hazard, and

(4) The Secretary.

(d) When a mobile home is located in a State which is not the State in which the unit was manufactured, the primary inspection agency which provided the label for the mobile home may, with the concurrence of the SAA of the State in which the mobile home was manufactured or of the Secretary in a nonparticipating State, designate a different primary inspection agency to perform such inspections as may be necessary for preparation of the report.

§ 283.107 State participation in monitoring of primary inspection agencies.

(a) A State Administrative Agency may provide personnel to participate in joint team monitoring of primary inspection agencies as set out in Subpart E. If an SAA wishes to do so, it must include in its Administrative Submission a list of what personnel would be supplied for the teams, their qualifications, and how many person-years the state would supply. All personnel will be subject to approval by HUD or its contract agent. A person-year is 2,080 hours of work.

(b) If an SAA wishes to monitor the performance of primary inspection agencies acting within the State, it must include in its Administrative Submission a description of how extensively, how often, and by whom it would be carried out. This monitoring shall be coordinated by HUD's contract agent with monitoring carried out by joint monitoring teams, and in no event shall a SAA provide monitoring where the State is also acting as a primary inspection agency.

§ 283.108 Inadequate administrative submissions.

If the Secretary determines that an Administrative Submission submitted under this subpart is not adequate, the designated State agency shall be informed of the additions and corrections required for approval. These shall be submitted within 30 days of receipt of such determination. If the subsequent administrative submission is inadequate or if the State fails to resubmit within the 30-day period, the Secretary shall notify the designated State agency that the administrative submission is not approved and that it has a right to a hearing on the disapproval in accordance with Subpart D of Part 282.

§ 283.109 Administrative submission approval.

The Secretary's approval or conditional approval of a State Administrative Submission shall qualify that State to perform the enforcement functions for which it has been approved. Where the Administrative Submission does not indicate the State interest to act as the exclusive IPIA for the State, the State is precluded from so acting for three years from the date of approval of the Administrative Submission.

§ 283.110 Withdrawal of State approval.

The Secretary shall, on the basis of reports submitted by the State, and on the basis of HUD or its contract agent's monitoring, make a continuing evaluation of the manner in which each state is carrying out its program for enforcing the Federal mobile home standard, and shall report the results of such evaluation to the appropriate committees of the Congress. Whenever the Secretary finds, after affording due notice and opportunity for a hearing in accordance with Subpart D of Part 282, that in the administration of the State program there is a failure to comply substantially with any provision of the Administrative Submission or that the Administrative Submission has become inadequate, the Secretary shall notify the State of withdrawal of approval or conditional approval of the State program. Upon receipt of such notice by the State, the State program shall cease to be in effect.

Subpart C—Primary Inspection Agencies

§ 283.201 General.

(a) This subpart sets out the requirements which must be met by States or private organizations which wish to qualify as primary inspection agencies under these regulations. It also sets out the various functions which will be carried out by primary inspection agencies.

(b) There are three types of primary inspection agencies: (1) Those which evaluate and approve mobile home designs (Design Approval Primary Inspection Agencies—DAPIAs), (2) those which evaluate and approve the mobile home manufacturers' quality control program and production process (Plant Approval Primary Inspection Agencies—PAPIAs), and (3) those which carry out ongoing inspection of the manufacturing process in each manufacturing plant (Production Inspection Primary Inspection Agencies—IPIAs). While these are separate functions for approval purposes, a PAPIA must act also as either a DAPIA or an IPIA. It is possible for a State or private organization to act only as a DAPIA, only as an IPIA, or as a PAPIA and either or both of the other two.

(c) States and private organizations whose submissions under this subpart are acceptable shall be granted provisional acceptance. Final acceptance shall be conditioned upon adequate performance, which will be determined through monitoring of the actions of the primary inspection agencies. Monitoring of all primary inspection agencies shall be carried out as set out in Subpart E.

(d) Any State which has an approved State Administrative Agency may, if approved as an IPIA, act as the exclusive IPIA within the State. States which act as PIAs but do not have an approved SAA may not act as the exclusive IPIA in the State.

§ 283.202 Submission format.

States and privat organizations which wish to act as primary inspection agencies must submit to the Director, Office of Mobile Home Standards, Department of Housing and Urban Development, 451 Seventh St. SW., Washington, D.C. 20410, a submission which includes the following:

(a) A cover sheet which shall show the following:

(1) Name and address of the party making the submission;

(2) The capacity (DAPIA, PAPIA, IPIA) in which the party wishes to be approved to act;

(3) A list of the personnel who will perform the various functions required under these regulations;

(4) The number of mobile home manufacturers and manufacturing plants for which the submitting party proposes to act in each of the capacities for which it wishes to be approved to act;

(5) The estimated total number of mobile homes produced by those manufacturers and in those plants per year;

(6) The number of years the proposed primary inspection agency has been

actively engaged in the enforcement of mobile home standards;

(7) A certification by the submitting party that it will follow the Federal mobile home construction and safety standards set out at 24 CFR Part 280 and any interpretations of those standards which may be made by the Secretary; and

(8) Whether the submitting party is approved to act as a primary inspection agency under the Title I program, and if so, in what capacity.

(b) A detailed description of how the submitting party intends to carry out all of the functions for which it wishes to be approved under this subpart, with appropriate cross-references to sections of this subpart, including examples and complete descriptions of all reports, tests, and evaluations which the party would be required to make. Where appropriate, later sections of this subpart identify particular items which must be included in the submission. HUD may request further detailed information, when appropriate. Parties approved as primary inspection agencies under the Title I program need submit only that information which was not submitted under Title I.

§ 283.203 Submittal of false information or refusal to submit information.

The submittal of false information or the refusal to submit information required under this subpart shall be sufficient cause for the Secretary to revoke or withhold acceptance.

§ 283.204 Submission acceptance.

(a) A party whose submission is determined by the Department to be adequate prior to June 15, 1976, shall be granted provisional acceptance until December 15, 1976, or for a six months period from the date of such determination.

(b) A party that has been approved as a primary inspection agency under the Title I program is granted provisional acceptance as of the effective date of these regulations, until December 15, 1976. Such a provisionally accepted primary inspection agency must make a submission which the Department determines to be adequate under § 283.202 in order to be eligible to obtain final acceptance by December 15, 1976.

(c) Final acceptance of a party to act as a primary inspection agency will be contingent upon adequate performance during the period of provisional acceptance as determined through monitoring carried out under Subpart E. Final acceptance shall be withheld if performance is inadequate.

(d) Continued acceptance as a primary inspection agency shall be contingent upon continued adequacy of performance as determined through monitoring carried out under Subpart E. If the Secretary determines that a primary inspection agency that has been granted final approval is performing inadequately, the Secretary shall suspend the approval, and the primary inspection agency shall be entitled to a hearing as set out in Subpart D of Part 282.

§ 283.205 Disqualification and requalification of primary inspection agencies.

(a) If the Secretary, based on monitoring reports or other reliable information, determines that a primary inspection agency which has been accepted under this subpart is not correctly carrying out one or more of the functions for which it has been accepted, the Secretary shall disqualify the primary inspection agency from carrying out any of the functions for which the determination is made. In so doing, the Secretary shall take into account the situations of any manufacturers for which the primary inspection agency is providing services and assure that the manufacturing process is not unnecessarily disrupted. Whenever the Secretary disqualifies a primary inspection agency under this section, the primary inspection agency shall have a right to a hearing under Subpart D of Part 282.

(b) A primary inspection agency which has been disqualified under paragraph (a) may resubmit a submission under § 283.202. The submission must include a full explanation of the facts which resulted in disqualification and a full explanation of how problems or inadequacies have been rectified.

§ 283.206 Background and experience.

All private organizations shall submit statements of the organizations' experience in the housing industry, including a list of housing products, equipment, and structures for which evaluation, testing and followup inspection services have been furnished. They shall also submit statements regarding the length of time these services have been provided by them. In addition, all submissions shall include a list of other products for which the submitting party provides evaluation, inspection, and listing or labeling services and the standard applied to each product, as well as the length of time it has provided these additional services.

§ 283.207 Personnel.

(a) Each primary inspection agency shall have qualified personnel capable of the functions for which the primary carrying out all of the functions for which the primary inspection agency is approved. Where a State intends to act as the exclusive IPIA in the State, it must show that it has adequate personnel to act throughout the State.

(b) Each submission shall indicate the total number of personnel employed by the submitting party, the number of personnel available for this program, and the locations of the activities of the personnel to be used in the program.

(c) Each submission shall include the name(s) and qualifications of the supervisor who will be directly responsible for the program.

(d) Each submission shall contain the information set out in paragraphs (d) (1) through (d) (9) of this section. Depending upon the functions (DAPIA, PAPIA, IPIA) to be undertaken by a particular primary inspection agency, some of the categories of personnel listed may not be required. In such cases, the submission should indicate which of the categories of information are not required and explain why they are not needed. The submission should identify which personnel will carry out each of the functions the party plans to perform. The categories are as follows:

(1) The names of engineers practicing structural engineering who will be involved in the evaluation, testing, or followup inspection services, and resumes of of their experience.

(2) The full names of engineers practicing mechanical engineering who will be involved in the evaluation, testing, or followup, inspection services and resumes of their experience.

(3) The full names of engineers practicing electrical engineering who will be involved in the evaluation, testing, or followup inspection services, and resumes of their experience.

(4) The full names of engineers practicing fire engineering who will be involved in the evaluation, testing, or followup inspection services, and resumes of their experience.

(5) The full names of all other engineers assigned to this program, the capacity in which they will be employed, and resumes of their experience.

(6) The full names of all full-time and part-time consulting architects and engineers, their registration, and resumes of their experience.

(7) The full names of inspectors and other technicians along with resumes of experience and a description of the type of work each will perform.

(8) A general outline of the applicant agency's training program for assuring that all inspectors and other technicians are properly trained to do each specific job assigned.

(9) The full names and qualifications of individuals serving on advisory panels that assist the applicant agency in making its policies conform with the public interest in the field of public health and safety.

(e) All information required by this section must be kept current. The Secretary shall be notified of any change in personnel or management or change of ownership or state jurisdiction within 30 days of such change.

§ 283.208 Conflict of interest.

(a) All submissions by private organizations shall include a statement that the submitting party is independent in that it does not have any actual or potential conflict of interest and is not affiliated with or influenced or controlled by any producer, supplier, or vendor of products in any manner which might affect its capacity to render reports of findings objectively and without bias.

(b) A private organization shall be judged to be free of conflicting affiliation, influence, and control if it demonstrates compliance with all of the following criteria:

(1) It has no managerial affiliation with any producer, supplier, or vendor, and is not engaged in the sale or promotion of any product or material;

(2) The results of its work do not accrue financial benefits to the organization via stock ownership of any producer, supplier or vendor of the products involved;

(3) Its directors and other management personnel and its engineers and inspectors involved in certification activities hold no stock in and receive no stock option or other benefits, financial, or otherwise, from any producer, supplier, or vendor of the product involved, other than compensation under section 283 of this subpart;

(4) The employment security status of its personnel is free of influence or control of any producer, supplier, or vendor; and

(5) It does not perform design approval services for any manufacturer whose design has been created or prepared by engineers of its organization or engineers of any affiliated organization.

(c) All submissions by States shall include a statement that personnel who will be in any way involved in carrying out the State plan are free of any conflict of interest. While the criteria set out in paragraphs (a) and (b) of this section relate to organizational affiliation, they indicate the questions to be considered in making this satement concerning individual personnel.

§ 283.209 Design Approval Primary Inspection Agency (DAPIA).

The DAPIA shall be responsible for evaluating all mobile home designs and assuring that they conform to the standards. A design approved by a DAPIA shall be accepted by all PAPIAs and IPIAs who deal with the design or mobile homes built to the design and by all other parties as being in compliance with the Federal standards. However, each design approved before June 15, 1976, shall be subject to design approval verification by HUD or its agent and all design approvals issued after June 15, 1976 shall be subject to random verification by HUD or its agent. Where two DAPIAs differ with respect to a design submitted to them for approval, where any other primary inspection agencies or other parties believe a design approval to be incorrect, and where the manufacturer questions a Deviation Report made by a DAPIA, the Party questioning the determination of the DAPIA which first approves or disapproves a design shall promptly so inform the Secretary and provide all information relevant to the question. The Secretary shall then evaluate the design to determine whether it complies with the standards. If the Secretary determines that the design complies with the standards, the Secretary shall so inform the manufacturer. If the Secretary determined that the design does not comply with the standards, the Secretary shall so inform the manufacturer and, the manufacturer shall be entitled to an opportunity to present views as set out in § 282.404.

(b) In evaluating designs, for compliance with the standards, the DAPIA will not allow any deviations from accepted engineering practice standards for design calculations or any deviations from accepted test standards, except that the DAPIA, for good cause, may request the Secretary to accept innovations which are not yet accepted practices.

(c) The DAPIA shall require the manufacturer to submit floor plans and model specific information for each mobile home model to be produced. It shall also require the submission of drawings, specifications, calculations, and test records of the structural, electrical and mechanical systems of each mobile home model to be produced. However, the manufacturer need not supply duplicate information where systems are common to several models. Each DAPIA shall develop and carry out procedures for evaluating original mobile home designs by requiring manufacturers to submit necessary drawings and calculations and carrying out such verifications and calculations as it deems necessary. Where compliance wtih the standards cannot be determined on the basis of drawings and calculations, the DAPIA shall carry out any necessary tests at its own facility, at separate testing facilities or at the manufacturer's plant.

(d) Deviation Report. After evaluating the manufacturer's design, the DAPIA shall furnish the manufacturer with a Deviation Report which specifies in detail, item by item with appropriate citations to the standards, the specific deviations in the manufacturer's design which must be rectified in order to produce mobile home which comply with the standards. The Deviation Report may acknowledge the possibility of alternative designs, tests, listings, and certification and state the conditions under which they will be acceptable. The Deviation Report shall, to the extent practicable, be complete in one writing for each design evaluated in order to avoid additional costs to the manufacturer.

(e) Design Approval. The DAPIA shall signify approval of a design by placing its stamp of approval or authorized signature on each drawing and each sheet of test results. The DAPIA shall clearly cross-reference the calculations and test results to applicable drawings. It shall indicate on each sheet how any deviations from the standards have been or shall be resolved. The DAPIA shall submit complete sets of approved drawings, calculations, and test results to:

(1) Each manufacturing plant which will use that design;

(2) Each PAPIA and IPIA which will deal with mobile homes built to that design;

(3) The State Administrative Agency, if any, of each State in which mobile homes will be manufactured to that design; and

(4) The Secretary and HUD's contract agent.

(f) Design Change Approval. The DAPIA shall have the final responsibility for approving all changes which a manufacturer wishes to make in a design approved by the DAPIA. An IPIA may provide provisional approval of a change, but this shall not be binding upon the DAPIA. In reviewing design changes, the DAPIA shall respond as quickly as possible to avoid disruption of the manufacturing process.

(g) Submission Requirements. To demonstrate the capability to carry out the functions set out in this section, each party wishing to be approved as a DAPIA shall submit a complete set of drawings, specifications, engineering calculations, and test reports, with respect to at least one mobile home design which it has approved, or if it has not approved a mobile home design, it shall submit a complete mobile home design (including all of the above information) which it has evaluated and a deviation report showing where that design is not in compliance with the standards. These materials shall be evaluated in detail by HUD, and all questions shall be resolved as a condition of HUD approval.

§ 283.210 Plant Approval Primary Inspection Agency (PAPIA).

(a) Each PAPIA shall, with respect to each manufacturing plant for which it is responsible, evaluate the quality control procedures followed by the manufacturer in the plant to determine whether those procedures require that each mobile home manufactured in the plant be inspected in its entirety by responsible personnel of the manufacturer so that the manufacturer can assure that each mobile home is being manufactured in conformance with the approved design, where the design is specific, and where the design is not specific, that it is being manufactured in conformance with the standards. The PAPIA shall coordinate its surveillance activities with the manufacturer's quality control program, and it shall require of the manufacturer a Quality Assurance Manual which is compatible with the PAPIA's surveillance program.

(b) Initial Comprehensive Factory Inspection. After the manufacturer has developed quality control procedures and a Quality Assurance Manual acceptable to the PAPIA, and prior to the issuance of any labels to the manufacturer, the PAPIA shall make a complete inspection of the manufacture of at least one mobile home through all of the operations in the manufacturer's plant. This inspection should be made by one or more qualified engineers who have studied the approved design and drawings and specifications, and an inspector who has been carefully briefed by the engineers on the restrictive aspects of the design. If any noncompliances are found during the inspection of the first unit, additional units shall be similarly inspected until the PAPIA is satisfied that the manufacturer is conforming to the approved drawings and his quality control procedures and is manufacturing mobile homes in conformance with the standards. The purpose of this initial factory inspection is to determine whether the manufacturer is capable of producing mobile homes in conformance with the approved drawings and specifications

and with the standard and to determine whether the manufacturer's quality control procedures will assure that such conformance continues.

(c) Certification Report. If, on the basis of the initial comprehensive factory inspection, the PAPIA determines that the manufacturer is performing adequately, the PAPIA shall prepare and submit to the manufacturer, to HUD, and to HUD's contract agent a Certification Report as described in this paragraph. The issuance of the Certification Report by the PAPIA shall authorize the IPIA to commence production surveillance functions under § 823.211 in the plant for which the report was issued and to issue a limited number of labels to be applied to mobile homes produced in that plant. The Certification Report shall include:

(1) A complete set of approved drawings, drawing changes, specifications, and calculations, each signed or stamped for approval by the DAPIA;

(2) The Quality Control Manual bearing the PAPIA's seal of approval;

(3) The serial numbers of mobile homes inspected;

(4) A full description of each method of compliance by the manufacturer so that HUD can determine by specifications given that the manufacturer is complying with the standards;

(5) An outline of exactly how the manufacturer is complying with the standards for the planning, fire safety, construction, heating, cooling and fuel burning systems of mobile homes;

(6) A list of alternate materials and methods of construction which have been evaluated, tested, and approved for that manufacturing plant;

(7) A certification that at least one mobile home has been fully inspected throughout all of its operations in the manufacturers' plant, that the manufacturer is performing in conformance with the approved drawings and quality control program, and the PAPIA is satisfied that the manufacturer can produce mobile homes in compliance with the standards on a continuing basis.

(d) Inadequate Manufacturer Performance. Where a PAPIA determines that the performance of a manufacturer is not adequate to justify the issuance of a Certification Report, the PAPIA shall obtain labels from the IPIA and provide complete inspections of each mobile home being produced, labeling only those determined to be in compliance with the standards. This procedure shall continue until the PAPIA determines that the manufacturer's performance is adequate to justify the issuance of a Certification Report.

(e) Submission Requirement. To demonstrate its capability to perform the functions set out in this section, each party wishing to be approved as a PAPIA shall submit to HUD a detailed description of how and with what personnel it will perform plant approvals, what it will do if it finds noncompliances in mobile homes produced by a manufacturer, and what it will do if it finds a manufacturer's production process or its workmanship unacceptable. A copy of an actual Certification Report should be submitted if available.

§ 283.211 Production Inspection Primary Inspection Agency (IPIA).

(a) After a PAPIA has issued a Certification Report for a manufacturing plant, an IPIA shall carry out ongoing inspections of the manufacturing process in the plant. There shall be no more than one IPIA in each manufacturing plant, and that IPIA shall be responsible for providing inspections for all mobile homes produced in the plant. The IPIA shall be responsible for assuring that every mobile home manufactured in the plant for sale or lease in the United States conforms to the standards, for investigating any suspected noncompliance, defect, or imminent safety hazard which arises in a mobile home manufactured in the plant (regardless of where the mobile home is located), for determining whether a noncompliance, defect, or imminent safety hazard may exist, for determining what other mobile homes manufactured in the plant may contain the same noncompliance, defect, or imminent safety hazard, and for assuring that any corrective action measures required of manufacturers are fully and correctly carried out.

(b) The IPIA shall carry out representative inspections of the manufacturing process throughout the production period to assure that the manufacturer's quality control procedures are being followed and to assure that mobile homes being manufactured are in accordance with the approved design, and where the design is not specific, that they conform to the Federal standards. In the course of each visit made to the factory, the IPIA shall make a complete inspection of every phase of production and of every visible part of every mobile home which is at each stage of production. The frequency of IPIA visits to each plant shall be such that it will assure that every mobile home is inspected at some stage in its production. It may be determined by dividing the number of assembly stations in the factory by the number of mobile homes produced in the factory per day. The figure which results, when reduced by one, represents the maximum allowable number of days between visitations. Where excessive numbers of noncompliances are found or where any significant number of defects or imminent safety hazards are found, the IPIA shall increase the frequency of these inspections. The IPIA shall establish thresholds at which it shall increase the frequency of inspections. The IPIA shall inspect materials in storage and test equipment used by the manufacturer at least once a month and more frequently if unacceptable conditions are observed.

(c) Labeling. (1) Labels required. (i) The IPIA shall provide the manufacturer with limited quantities of the labels described herein at each inspection visit. The number mobile homes expected to be completed by the manufacturer before the IPIA returns for its next inspection visit, except that no labels shall be issued for use while the IPIA is not present if the IPIA is not satisfied that the manufacturer can and is producing mobile homes which comply with the standards. Where necessary, the IPIA shall reclaim labels already given to the manufacturer.

(ii) A permanent label shall be affixed to each transportable section of each mobile home manufactured in the United States for sale or lease in the United States in such a manner that removal will damage the label so that it cannot be reused. This label is provided by the IPIA and is separate and distinct from the data plate which the manufacturer is required to provide under § 280.5 of the standards.

(iii) The label shall read as follows:

As evidenced by this label (number), (manufacturer), (state), (city), certifies that this mobile home was manufactured in accordance with the design approved by (DAPIA) in a plant certified by (PAPIA), under the surveillance of (IPIA), and to the best of its knowledge and belief is in conformance with the Federal Mobile Home Standards in effect on the date of manufacture (date). It has been designed and constructed to meet the requirements of wind zone (zone No.—PSF), roof load zone (zone) No.—PSF), and climatic zone (zone No.—). (Dealer, city, state) certified that this mobile home:

Has been sold for use in an area which lies in the wind, roof load, and climatic zones for which the mobile home has been certified by the manufacturer;

And (mark one):

☐ Has not been altered;

☐ Has been altered under a program of alteration inspections carried out by the State of _____ and is in compliance with the Federal mobile home standards;

☐ Has been altered by (Dealer) located in the State of _____ which does not have a program of alteration inspection. As altered, this mobile home is in conformance with the Federal mobile home standards.

(iv) The label shall be printed on adhesive backed aluminum foil, and adhesive backed aluminum foil overlays shall be provided for the manufacturer's name, the primary inspection agencies' names, and the various zones. The serial number and date of manufacture shall be typed or stamped on the label. If the outside surface of the mobile home unit is not suited to adhesive backed label application, an aluminum plate to which the adhesive backed label can be applied shall be permanently attached to the mobile home unit.

(v) The label shall be located at the tow bar end of each transportable section of the mobile home on the road side, approximately one foot up from the floor, and one foot in from the side, except where the road side of the transportable section will not be the exterior of the mobile home, in which case the label shall be similarly located on a side or end of the transportable section which will be the exterior of the mobile home. It shall be applied to the mobile home in the

manufacturing plant by the manufacturer, the IPIA, or the PAPIA.

(vi) The label shall be provided only by the IPIA except as provided in Section 283.210 under which the PAPIA may obtain labels from the IPIA and provide them to the manufacturer. The IPIA shall provide the labels in sequentially numbered series, using sequences of numbers designated by the Secretary.

(vii) Whenever the IPIA determines that a mobile home which has been labelled, but which has not yet been sold to a purchaser does not comply with the standards, the IPIA shall remove the label or shall red tag the mobile home. Only the IPIA and the manufacturer are authorized to remove labels.

(viii) Labelling requirements applicable to dealers are set out in Subpart E of this Part.

(2) Label Control. The labels used in each plant shall be under the direct control of the IPIA acting in that plant. They shall be provided to the manufacturer only by the IPIA, except when the PAPIA obtains labels from the IPIA under Section 283.210. The IPIA shall assure that the manufacturer does not use any other label to indicate compliance with the standards.

(i) The IPIA shall be responsible for obtaining labels from a label manufacturer. The labels shall meet the description set out in this section. The IPIA shall be responsible for assuring that the label manufacturer provides proper labels and for assuring that the label manufacturer does not provide labels directly to the manufacturer. If the label manufacturer fails to produce correct labels or allows labels to be released to parties other than the IPIA, the IPIA shall cease dealing with the label manufacturer.

(ii) The labels shall be shipped to and stored at the IPIA's label center nearest the manufacturer's plant. They shall be stored under strict security and inventory control. They shall be released only by the IPIA only to the PAPIA or to the manufacturer and only when the IPIA can assure that mobile homes to which they will be affixed will be in conformance with the standards.

(iii) The IPIA shall be able to account for all labels which it has obtained from the label producer through the date on which the mobile home is delivered to the purchaser.

(iv) The IPIA shall keep in its central record office a list of the serial numbers of labels received from the label producer and issued by the IPIA to each manufacturer's plant. A copy of this record shall be available to the Secretary upon request.

(v) Failure to maintain absolute control of labels through the date of mobile home delivery to the purchaser shall render the IPIA subject to disqualification under Section 283.205.

(d) Corrective Actions. The IPIA shall have the responsibilities set out in § 283.213 with respect to investigating possible noncompliances, defects, and imminent safety hazards. The IPIA shall maintain complete records of all investigations so that if a noncompliance, defect, or imminent safety hazard is found in a mobile home, the IPIA can determine which other mobile homes manufactured in the same plant might contain the same noncompliance, defect, or imminent safety hazard.

(1) When the IPIA finds a noncompliance, defect or suspected imminent safety hazard in a mobile home, it shall:

(i) Determine from its records which was the mobile home in which it had last inspected that characteristic of the mobile home and determined that the noncompliance, defect, or imminent safety hazard did not exist,

(ii) Determine the serial numbers of all mobile homes manufactured since the noncompliance, defect, or imminent safety hazard was known not to exist,

(iii) Require the manufacturer to correct all units still in the factory that contain the problem and to take appropriate action to prevent recurrence of the problem,

(iv) Assure that no mobile homes containing the problem are allowed to leave the factory,

(v) Determine whether any delivered units contain the problem, in which case notification will be required,

(vi) Determine whether the problem constitutes an unreasonable risk of injury or death to occupants of the affected home and can be related to an error in design or assembly of the mobile home by the manufacturer, in which case the IPIA shall so inform the manufacturer and tell him that correction of delivered units is required.

(vii) Arrange for inspection of delivered units as necessary, and

(viii) Review and approve the manufacturer's plan for notification and correction of the noncompliance, defect, or imminent safety hazard

(2) Where the manufacturer disagrees with the findings of the IPIA, the matter shall be referred by the IPIA to the State Administrative Agency, if any, or to the Secretary for further proceedings under Part 282. The IPIA shall not provide labels for suspected mobile homes which are not corrected as it believes they should be until the SAA or the Secretary determines that the manufacturer is correct and that the mobile homes are in compliance with the standard and contain no imminent safety hazards.

(3) Where the manufacturer agrees with the finding of the IPIA, where the manufacturer makes the finding itself, or where there has been a final determination of noncompliance, defect, or imminent safety hazard under Part 282, the IPIA shall supervise the actions taken by the manufacturer under that Part and shall assure that suggested or required repairs are correct and that all notifications required under Part 282 are carried out correctly.

(e) Design Changes. As set out in § 283.209, design changes shall be approved by the DAPIA which approved th approved design being changed. However, where the manufacturer faces an emergency or otherwise has an urgent need to make a design change, the manufacturer may obtain provisional approval from the IPIA in the plant if the DAPIA cannot be reached in time. The manufacturer may incorporate the provisionally approved design changes into the mobile home design. However, the DAPIA may disapprove the design changes, in which case any mobile homes manufactured under them must be repaired as necessary. The determination of unacceptability of the design change is subject to the determination and review procedures of Subpart D of Part 282. Design changes approved by the DAPIA shall be forwarded to the PAPIA for inclusion in the Certification Report.

(f) Permanent Records. The IPIA must maintain the following records as appropriate and make them available for HUD inspection.

(1) Records of all labels issued, applied, removed, and replaced by label number, mobile home serial number, mobile home type, manufacturer's name and dealer destination.

(2) Records of all inspections made at each manufacturer's plant on each mobile home serial number, each imminent safety hazard, defect, or noncompliance found and the serial numbers of all mobile homes believed to contain the same imminent safety hazard, defect, or noncompliance, and the action taken in each imminent safety hazard, defect, or noncompliance.

(3) Records of all inspections made at other locations of mobile homes identified by manufacturer and serial number, all mobile homes believed to contain the same imminent safety hazard, defect, or noncompliance and the action taken on each imminent safety hazard, defect, or noncompliance.

(4) All records must be traceable to specific mobile home serial numbers and through the manufacturer's records to purchasers and dealers.

(g) Reports. (1) Whenever the IPIA finds a noncompliance, defect, or imminent safety hazard in a mobile home governed by the standards, it shall complete and submit to the State Administrative Agency the report required by section 283.704.

(2) The IPIA shall extract pertinent data from its records and submit monthly reports to the State Administrative Agency of the State of manufacture, if there is one, or to the Secretary. These reports shall include:

(i) The number of mobile homes labeled during the month, broken down by type of home (single-wide, double-wide, etc.),

(ii) The number of inspection visits made to the factory,

(iii) The number of noncompliances, defects, or imminent safety hazards observed and the number of delivered units found to contain noncompliances, defects, or imminent safety hazards,

(iv) Brief narrative reports of corrective actions taken with respect to delivered units, and

(v) Brief narrative reports of consumer complaints received and actions taken by the IPIA.

(h) Submission Requirements. Each party applying to be approved as an IPIA shall include in its submission a detailed description of how it will perform the functions set out in this section. It shall include in its submission copies of any available inspection records and reports that will show how all units suspected of containing noncompliances, defects, or imminent safety hazards can be identified and traced. Finally, the submitting party shall include in its submission a commitment to carry out all of the functions required of it and to furnish labels in conformance with the requirements of this section.

§ 283.212 Right of entry and inspection.

Each primary inspection agency shall secure from each manufacturer and manufacturing plant under its surveillance an agreement that the Secretary, the State Administrative Agency and the primary inspection agency have the right to inspect the plant and its mobile home inspection, labeling, and delivery records at any reasonable time.

§ 283.213 Inspection responsibilities and coordination.

All primary inspection agencies shall be responsible for making such inspections as may be necessary to determine whether alleged noncompliances, defects, or imminent safety hazards exist in mobile homes subject to their surveillance and to determine the source of the problems. The DAPIA may be required to examine the designs in question. The PAPIA may be required to reexamine the procedures and processes which it has certified. The IPIA shall have primary responsibility for inspecting actual units produced and, where necessary, for inspecting units released by the manufacturer. All primary inspection agencies acting with respect to a particular manufacturer or plant shall act in close coordination so that all necessary functions are performed effectively and efficiently.

§ 283.214 Compensation from manufacturers.

Each primary inspection agency shall enter into agreement with each manufacturer for which the PIA provides services under this subpart. The agreement shall provide for reasonable compensation to be paid to the PIA by the manufacturer for the actions undertaken by the PIA. The fees to be charged and the type of fee scale to be used are left to the discretion of the manufacturer and the PIA, except that the overall charges must be reasonable.

Subpart D—Manufacturer's Requirements

§ 283.301 General.

Each manufacturer of mobile homes in the United States shall assure that all mobile homes which it produces for sale in the United States are in conformance with the standards. In order to provide such assurance, each manufacturer shall obtain the services of all three types of primary inspection agencies, as described in Subpart C. In return for the services which they provide, each manufacturer shall pay such fees as the primary inspection agencies may charge, including fees for inspections of mobile homes which have been released by the manufacturer. Whenever a suspected noncompliance, defect, or imminent safety hazard is found in a mobile home produced by a manufacturer, the manufacturer shall cooperate fully in any necessary investigations, shall assure that all mobile homes which it labels and releases are in conformance with the standards, and shall carry out such remedial actions as may be required under Subpart E of Part 282.

§ 283.302 Design approval.

(a) Each manufacturer must have every mobile home design approved by a DAPIA under § 283.209. The manufacturer is free to choose which DAPIA will evaluate and approve its designs. A manufacturer may obtain design approval from a single DAPIA regardless of the number of plants in which the design will be followed. A manufacturer may also obtain approval for the same mobile home design from more than one DAPIA. The choice of which DAPIA or DAPIAs to employ is left to the manufacturer.

(b) The manufacturer shall submit to the DAPIA such information as the DAPIA may require in order to carry out design approvals. This information shall, in all cases, include the following:

(1) Construction drawings and/or specifications showing structural details and layouts of frames, floors, walls and roofs, and chassis; material specifications, fasteners, framing details, door locations, etc. for each model, or width and length, proposed to be manufactured.

(2) Structural analysis and calculations, test data and/or other accepted engineering practices used by the manufacturer to validate the design,

(3) Complete heat loss calculations for each significant variation of home design,

(4) Floor plans showing room arrangement and sizes, window sizes, emergency exit and locations, fixed appliances, range hoods, and other standard-related aspects of the mobile home that can be shown on the floor plans,

(5) Diagrams of the fuel supply system, potable water system and drain, waste and vent system. The diagrams shall include details of type of materials used, types of fittings and methods of installing required safety equipment,

(6) Wiring diagrams, including electrical load and branch circuits calculations, a table of branch circuit protection provided, type of wiring material used and wiring methods,

(7) Details showing the design and construction of air supply and return systems,

(8) Details of chassis construction, components, connections and running gear including rated capacities of tires,

(9) A list of fixed and portable appliances furnished with the mobile home, including manufacturer's name, model or catalog designation and applicable minimum and maximum performance ratings and/or energy requirements,

(10) Manufacturer's installation instructions including complete specifications, and procedures for the erection and hook-up of the home at its permanent location, and

(11) Reports of all tests that were run to validate the conformance of the design to the standard.

(c) Manufacturers will be required to furnish supplementary information to the DAPIA if the design information is not complete or not in accordance with accepted engineering practice.

(d) When a manufacturer wishes to make a change in an approved design, the manufacturer shall obtain the approval of the DAPIA which approved the design which is being changed. Where a manufacturer is faced with an emergency or otherwise has an urgent need resulting from materials unavailability or the like to make a design change without delay, conditional approval of the design change may be obtained from the IPIA operating in the affected plant. However, this change approval is subject to concurrence by the DAPIA which approved the design being changed. If the DAPIA does not concur, corrections may be required in mobile homes built to the changed design. Whenever the DAPIA does not concur, the question shall be referred to the Secretary for resolution as set out in § 283.209.

§ 283.303 Plant approval.

(a) Each manufacturer shall obtain the services of a PAPIA as set out in § 283.210 for each manufacturing plant operated by the manufacturer. The approval of the PAPIA must be obtained before mobile homes subject to the standards are manufactured in the plant.

(b) The manufacturer shall submit to each PAPIA a copy of the quality Assurance Manual for the plants in which the PAPIA is providing services. The manual shall include the manufacturer's quality control program, an organization chart showing the accountability of the manufacturer's quality control personnel, a description of production tests and test equipment required for compliance with the standards, a station-by-station description of the manufacturing process, a list of quality control inspections required by the manufacturer at each station, and identification by title of each person in the manufacturer's employ who will be held accountable for each quality control inspection.

(c) Based on the Deviation Report issued by the PAPIA under § 283.210, the manufacturer shall make any corrections or adjustments which are necessary to obtain the PAPIA's approval.

(d) The manufacturer shall retain the services of the PAPIA as long as necessary until the PAPIA has approved the plant and is satisfied with the capacity of the manufacturer to produce mobile

homes in conformance with the standards. Where the manufacturer believes the PAPIA is incorrect in determining that a noncompliance exists, the manufacturer may so inform the Secretary and request a determination under § 282.404.

§ 283.304 Production surveillance.

(a) Each manufacturer shall obtain the services of an IPIA as described in § 283.211 for each plant in which it is producing mobile homes.

(b) The manufacturer shall obtain labels for its mobile homes from the IPIA in each manufacturing plant, and it shall fill out the labels in full as its certification that the mobile homes to which the labels are affixed conform with the standards.

(c) The manufacturer shall not sell a mobile home manufactured on or after June 15, 1976, unless the mobile home is labelled pursuant to § 283.211. A mobile home was manufactured on or after June 15, 1976, if it was completed on or after that date, regardless of when the mobile home started into production. However, a mobile home will be considered to have been manufactured prior to June 15, 1976, if it was completed prior to that date and is awaiting correction to any state or local standard in effect prior to that date. This prohibition on sale does not apply to used mobile homes, regardless of the date of manufacture. Where the manufacturer believes the IPIA's determination of noncompliance to be incorrect, he may so inform the Secretary and request a determination under § 282.404.

§ 283.305 Corrective actions.

Each manufacturer shall be responsible for carrying out any corrective actions, including notifications and corrections, which may be required under Subpart E of Part 282, and the manufacturer shall cooperate fully in any investigations by HUD or by primary inspection agencies into the question of whether a noncompliance, defect, or imminent safety hazard may exist in a mobile home produced by the manufacturer.

Subpart E—Dealer's Responsibilities

§ 283.401 General.

No dealer shall make use of any means of transportation or communication affecting interstate or foreign commerce or the mails to sell, lease, or offer for sale or lease any mobile home manufactured on or after June 15, 1976, unless the mobile home is in conformance with applicable standards. Compliance with the standards shall be indicated by the presence of a label set out in § 283.211, and the dealer may rely on the presence of that label unless the dealer knows or has reason to know in the exercise of due care that a mobile home is not in compliance with the standards. Whoever violates this prohibition on sale, lease, and offer for sale or lease, shall be subject to the civil and criminal penalties of section 611 of the Act. This prohibition does not apply to used mobile homes, regardless of the date of manufacture, and it does not apply to mobile homes manufactured prior to June 15, 1976. The Act and these regulations place no restrictions on the sale of such mobile homes. The date of manufacture of a mobile home is the date that the home was completed by the manufacturer, as further described in § 283.6(j).

§ 283.402 Dealer certifications.

The dealer is responsible for completing the dealer certification set out in § 283.211 for every mobile home which the dealer sells. In so doing, the dealer certifies that the mobile home, to the extent the dealer is responsible, continues to conform to the standards. This certification shall be completed before sale is made final and before the mobile home is delivered.

(a) When the dealer completes the certification, the dealer certifies that to the best of its knowledge the mobile home is being sold for use in an area which is within the wind, roof load, and the mobile home has been certified by the mobile home manufacturer as indicated on the label.

(b) When the dealer completes the certification, the dealer shall mark the appropriate space concerning alterations by the dealer. The space may be marked by an adhesive backed aluminum foil tab or by any other sort of permanent mark that the dealer wishes to use. If the dealer has made no alterations, the dealer shall mark the appropriate space. If the dealer has made or intends to make alterations, the dealer shall determine whether the the state where the dealer is located has a program of alteration inspections. If the state has such a program, the dealer shall contact the state administrative agency to obtain such an inspection and shall mark the appropriate space. Where the state does not have such a program, the dealer shall mark the appropriate space and make monthly reports to the SAA of alterations performed.

§ 283.403 Completion of information card.

Whenever a dealer sells a mobile home that was manufactured on or after June 15, 1976, the dealer shall complete and send to the manufacturer of the mobile home the information card called for in § 282.416. This requirement applies regardless of whether the mobile is new or used. The dealer shall obtain from the buyer of the mobile home the information necesary to complete the information card.

§ 283404 Defective mobile homes.

(a) If a dealer has in its possession a mobile home which the dealer believes may contain a noncompliance, defect, or imminent safety hazard, the dealer shall contact the manufacturer of the mobile home and supply it with any information on which the dealer bases its belief. If the manufacturer does not perform to the dealer's satisfaction by carrying out the remedial actions called for in § 282.411, or by certifying to the dealer that there is no noncompliance, defect, or imminent safety hazard, the dealer shall refer the complaint to the State administrative Agency of the State where the dealer is located for further action. The dealer shall not sell, lease, or offer for sale or lease the suspect mobile home until required remedial action has been taken and all questions have been resolved.

(b) Where the dealer receives notification that a mobile home in its possession contains a noncompliance, defect, or imminent safety hazard, the dealer shall not sell the mobile home and shall contact the manufacutrer to obtain remedial action under § 282.411.

Subpart F—Monitoring of Primary Inspection Agencies

§ 283.501 General.

The actions of all primary inspection agencies shall be monitored by HUD or its contract agent to assure the continuing adequacy of their performance. This monitoring shall be carried out primarily through joint monitoring teams made up of personnel supplied by State Administrative Agencies and by HUD or its contract agent. Monitoring parties shall make recommendations to HUD with respect to the continued acceptance of primary inspection agencies. Determinations by HUD with respect to the acceptance or continued acceptance of a primary inspection agency shall be final.

§ 283.502 Participation in monitoring.

(a) Joint Monitoring Teams. (1) HUD or its contract agent shall develop and coordinate joint monitoring teams which shall be made up of qualified personnel provided by State Administrative Agencies and by HUD or its contract agent. HUD or its contract agent shall determine whether personnel are qualified.

(2) The joint monitoring teams will operate generally on a regional basis. To the extent possible, the teams shall be scheduled such that personnel provided by a State Administrative Agency will be monitoring operations in mobile home plants from which mobile homes are shipped into their State.

(3) Personnel from a State Administrative Agency shall not participate on joint monitoring teams operating within their State.

(4) States are encouraged but not required to participate on joint monitoring teams.

(b) State Monitoring. A State may carry out monitoring of primary inspection agencies acting within the State, except that if the State is acting as a primary inspection agency, it may not monitor its own activities. Where a State wishes to carry out monitoring activities, it shall do so in coordination with HUD and its contract agent. To the extent that the State is performing adequate monitoring, the frequency of joint team monitoring may be reduced to a minimum of one visit per year consistent with the requirements of § 283.503.

§ 283.503 Frequency and extent of monitoring.

The actions of all primary inspection agencies shall be monitored at a frequency adequate to assure that they are performing consistently as required. Every aspect of the primary inspection agencies' performance shall be monitored.

(a) Frequency of Monitoring. The performance of each primary inspection agency shall be monitored during its period of provisional acceptance by a complete review of its records and, in the case of PAPIAs and IPIAs, by a complete inspection of the operations of at least one manufacturing plant which it has approved or in which it is operating. After the initial inspection, the performance of each primary inspection agency shall be monitored by a minimum of one visit and an average of four per year to each manufacturing plant for which it is responsible and a minimum of one review per year of the records of the primary inspection agency. The actual number of visits and reviews per year shall depend upon the adequacy of the primary inspection agencies' performance.

(b) Review of Staff Capability. The monitoring party shall review the staffing capability of each primary inspection agency's staff to perform the functions it is expected to perform.

(c) Review of Interpretations. The monitoring party shall review all records of interpretations of the standards made by the primary inspection agency to determine whether they are consistent and to determine whether there are any conflicts which must be referred to the Secretary for determination.

(d) DAPIA. Monitoring parties shall review every mobile home design approved by a DAPIA prior to June 15, 1976, and they shall review approved designs on a random basis thereafter.

(e) PAPIA. In the course of manufacturing plant visits, the monitoring parties shall review the correctness of each Certification Report issued by each PAPIA, and they shall assure that the Certification Reports remain current.

(f) IPIA. The monitoring parties shall assure that the IPIAs are carrying out all the functions for which they have been accepted. In particular, they shall assure that the IPIAs are carrying out the required number of inspections and are maintaining complete label control as required by § 283.211.

(g) Corrective Actions. The monitoring parties shall review the corrective action records of the manufacturers and of the primary inspection agencies closely to determine whether the primary inspection agencies have been carrying out their responsibilities with respect to corrective actions.

§ 283.504 Compensation to State for personnel supplied.

Approved States which provide personnel through their State Administrative Agencies to participate on joint monitoring teams shall be compensated by HUD or its contract agent in an amount to be determined by the Secretary.

Subpart G—Departmental Oversight

§ 283.601 General.

HUD will monitor the performance of State Administrative Agencies, HUD's Contract Agent, and primary inspection agencies as follows:

(a) HUD shall review State Administrative Agency reports to ensure that States are taking appropriate actions with regard to the enforcement of the Standards and with respect to the functions for which they are approved under these regulations.

(b) HUD shall review monitoring reports submitted by its contract agent to determine that it is performing in accordance with the contract between that agency and HUD.

(c) HUD shall make random visits for the purpose of monitoring the activities of State Administrative Agencies, primary inspection agencies, and its contract agent.

(d) HUD shall make random verifications of the engineering accuracy of certification reports and all other appropriate reports.

§ 283.602 Enforcement bulletins.

(a) In the event that there arise inconsistencies in the enforcement of the standards or that the various primary inspection agencies are interpreting the designs differently, the Secretary shall examine the situation in question and make a determination as to the appropriate course of action to be followed. The Secretary's determination shall be final and conveyed in writing to the concerned parties.

(b) Whenever the Secretary makes such a determination, the Secretary shall issue an Enforcement Bulletin to all concerned parties. The primary purposes of such bulletins shall be to clarify aspects of Parts 282 and 283 of these regulations.

§ 283.603 Determinations and hearings.

The Secretary shall make all the determinations and hold such hearings as are required by these regulations.

Subpart H—Format of Reports

§ 283.701 Quarterly fire report.

State administrative agencies shall gather the information they receive on mobile home fires that occur in the state during each quarter. In order to adapt the information to the HUD computer program it shall be furnished by all States in the format specified by the Secretary. The Report shall include all information from all fire reports during the quarter. The Mobile Home Fire Report shall be submitted by each state to the Secretary fifteen days after the end of each calendar quarter. The format for each individual fire report is attached as Form MHS–1. Reports should be summarized before reporting to the Secretary.

§ 283.703 Monthly enforcement reports.

State administrative agencies shall summarize the information from the IPIA's labelling records, inspection records, records of mobile homes suspected of being defective and reports of consumer complaints investigated and submit it in the format of Part B of Form MHS–3. The tabulated report shall be accompanied by a narrative report summarizing corrective action taken with respect to mobile homes in manufacturing plants and to all delivered mobile homes suspected of being defective and consumer complaints investigated. Part C of Form MHS–3 provides for reporting of a pending litigation, a settlement or a judicial decision. A narrative discussion must also be included with the reporting under Part C. The information required to be supplied by the IPIA shall be submitted by the IPIA to the State Administrative Agency by the tenth day of the month following the report month for State review, approval and submission to the Secretary by the fifteenth day of the month.

§ 283.704 Reporting on noncompliances, defects and imminent safety hazards.

Primary inspection agencies (PIA's) shall report, by manufacturer, all noncompliances, defects, and imminent safety hazards as they conduct manufacturing plant inspections. PIA's shall also report whether the noncompliance, defect, or imminent safety hazard is a design error or a manufacturing deficiency, the serial number of the mobile home involved and whether the mobile home is still in the plant or has been delivered. The regulation code index sheets will be provided to PIA's so that the particular portion of the Federal standard involved in the noncompliance, defect, or imminent safety hazard can be specifically identified on the Input Reporting Form. PIA's shall provide these forms to HUD as they are completed rather than hold them until a specified time each month. Reporting should be done on Form MHS–4. These forms shall be sent to state administrative agencies for their use as necessary before they are sent to the Secretary.

§ 283.705 Reports to HUD on notification and corrective actions.

(a) Each manufacturer shall submit, not more than 25 working days after the

close of each calendar quarter, a quarterly report to the Secretary on notification and correction of imminent safety hazards, defects, and noncompliance conducted by such manufacturer.

(b) Each report shall contain the total number of the manufacturer's mobile homes by model, type, and size classification produced or imported during that quarter.

§ 283.702 Quarterly accidental losses—other than fire.

State administrative agencies shall, on a quarterly basis, report information gathered on mobile home accidental losses (other than fire) on the Form MHS–2 attached. In order to adapt the information to the HUD computer program it shall be furnished by all States in the format specified by the Secretary. The report form shall be submitted to the Secretary by the fifteenth day of the month following the end of each calendar quarter.

(c) The following information shall be included in the quarterly reports, under the numbers and headings indicated, with respect to each notification or notification and correction campaign.

(1) Notification campaign number.

(2) Date owner notification commenced and date completed.

(3) Number and serial numbers of all mobile homes involved in notification or notification and correction campaign(s), to be updated as such information becomes available.

(4) Number of mobile homes known or estimated to contain the imminent safety hazard, defect, or noncompliance.

(5) Number of mobile homes inspected by or at the direction of the manufacturer.

(6) Number of inspected mobile homes found to contain the imminent safety hazard, defect, or noncompliance.

(7) Number of mobile homes for which corrective measures have been completed.

(8) Number of mobile homes which could not be repaired adequately in the 30 or 60 day period for correction, or such longer period as permitted.

(9) Number of mobile homes replaced or for which reimbursement has been made.

(10) Number of mobile homes determined to be unreachable for inspection due to exportation, theft, or for other reasons (specify).

(d) If the manufacturer determines that the original answers for paragraphs (c)(3) and (4) of this section are incorrect, revised figures and an explanatory note shall be submitted. If the nature of the problem prevents determination of the number of inspected mobile homes that are defective, the manufacturer shall submit a brief explanation. Answers to paragraphs (c)(5) through (10) of this section shall be cumulative totals. The format for collecting this data is shown in Form MHS–5.

HUD FORM NO. MHS-1 December 1975 — U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT — HPMC- FEDERAL HOUSING ADMINISTRATION — OMB NO. Approval Expires

QUARTERLY SURVEY OF MOBILE HOME FIRE LOSSES

PART A - GENERAL INFORMATION

1. Where is (was) this mobile home located?
   1. City or town: _____
   2. County: _____
   3. State: _____
   4. Zip Code: _____

2. What type of area is(was) this mobile home located in?
   1. ☐ Urban
   2. ☐ Suburban
   3. ☐ Rural

3. Is this mobile home located in a
   1. ☐ Mobile Home Park
   2. ☐ Private Lot

4. Is (was) the head of the household of the family living in this mobile home. . .
   1. ☐ Young (20 to 34 years old)
   2. ☐ Middle Aged (35 to 55 years old)
   3. ☐ Elderly (over 55 years old)
   4. ☐ An individual living alone(regardless of Age)

5. Are (were) the occupants of this mobile home buying or renting the unit?
   1. ☐ Buying (owner)
   2. ☐ Renting

6a. What size is (was) this mobile home?
   1. ☐ Single Wide; dimensions _____ ft. by _____ ft.
   2. ☐ Double Wide; dimensions _____ ft. by _____ ft.
   3. ☐ Expandable; dimensions _____ ft. by _____ ft.

6b. How many stories are (were) in this unit?
   1. ☐ Single Story; height _____ ft.
   2. ☐ Multistoried (including Stacked); height _____ ft.

7. What is (was) the major type of heating equipment used in this mobile home?
   1. ☐ Central warm-air furnace (gas or oil).
   2. ☐ Central electric furnace.
   3. ☐ Built-in electric units (baseboard).
   4. ☐ Individual electric room (space) heaters
   5. ☐ Other (Describe in Comments section).
   6. ☐ None

8. Do (did) the plumbing facilities in this mobile home include inside running water in the kitchen, bathroom and commode (flush toilet)?
   1. ☐ Yes
   2. ☐ No
   3. ☐ Don't know

9. What is (was) the age of this mobile home.
   1. ☐ Less than 1 year.
   2. ☐ 1 to 2 years
   3. ☐ 3 to 5 years
   4. ☐ More than 5 years

10. Under which Code was this mobile home constructed?
   1. ☐ NFPA 501B/ANSI A119-1
   2. ☐ Federal Standard
   3. ☐ Other (Specify) _____
   4. ☐ None

PART B - DETAILS OF THE FIRE

11. What was the condition of this mobile home prior to the fire?
   1. ☐ Good
   2. ☐ Fair
   3. ☐ Poor

12. How was the fire discovered?
   1. ☐ By Occupant
   2. ☐ By Neighbor
   3. ☐ By Passerby
   4. ☐ By Smoke Detector
   5. ☐ Heat detector
   6. ☐ Automatic Alarm
   7. ☐ Sprinkler System
   8. ☐ Other (Specify) _____

13. In what room or area did the fire start?
   1. ☐ Living room
   2. ☐ Kitchen
   3. ☐ Bedrooms
   4. ☐ Bathrooms
   5. ☐ Heater room
   6. ☐ Hallway
   7. ☐ Closet
   8. ☐ Outside
   9. ☐ Other (Specify) _____

(continue at top of next column)

14a. Did the fire have electrical origin?
   1. ☐ Yes (Complete Item 14b.)
   2. ☐ No (Skip to Item 15a.)

14b. *If fire was of electric origin* -- Was . .

	In Walls (1)	At Connections (2)	Exposed Cords (3)
1. ☐ Copper wiring initially involved?	☐	☐	☐
2. ☐ Aluminum Wiring initially involved?	☐	☐	☐
3. ☐ Wall receptacle initially involved?			
4. ☐ Wall switch initially involved ?			
5. ☐ Defective appliance initially involved ?			
6. ☐ Appliance worn out inservice initially involved ?			
7. ☐ Appliance improperly used by occupant initially involved ?			
8. ☐ Heat tape initially involved ?			
9. ☐ Outside conductors initially involved ?			
10. ☐ Grounding equipment initially involved ?			
11. ☐ Lighting initially involved ?			
12. ☐ Other (Specify) _____			

15a. Did the fire have heating or cooking equipment, or appliance origin ?
   1. ☐ Yes (Complete Item 15b.)
   2. ☐ No (Skip to Item 16.)

15b. *If fire was of heating or cooking equipment, or appliance origin* -- Was one of the following items initially involved ?

	Natural Gas (1)	LP. Gas (2)	Fuel Oil (3)	Elec. Energy (4)	Defective Equipment (5)	Improper Operation (6)
1. ☐ Furnace	☐	☐	☐	☐	☐	☐
2. ☐ Space Heater	☐	☐	☐	☐	☐	☐
3. ☐ Water Heater	☐	☐	☐	☐	☐	☐
4. ☐ Fireplace	☐	☐			☐	☐
5. ☐ Kitchen Range	☐	☐		☐	☐	☐
6. ☐ Containers		☐	☐		☐	
7. ☐ Valves	☐	☐	☐		☐	☐
8. ☐ Piping System	☐	☐	☐		☐	
9. ☐ Venting System	☐	☐	☐		☐	
10. ☐ Dishwasher				☐	☐	
11. ☐ Refrigerator	☐			☐	☐	
12. ☐ Dryer	☐			☐	☐	
13. ☐ Washing Machine				☐	☐	
14. ☐ Other (Specify)	☐	☐	☐	☐	☐	☐

16. Which of the following items caused the fire to ignite:
   1. ☐ Heater Surface ?
   2. ☐ Tobacco products and igniting material ?
   3. ☐ Flammable liquids ?
   4. ☐ Flammable gas ?
   5. ☐ Open flame devices ?
   6. ☐ Electric arc or spark ?
   7. ☐ Arson ?
   8. ☐ Other (Specify)

17a. Was an explosion involved ?
   1. ☐ Yes (Complete Item 17b.)
   2. ☐ No (Skip to Item 18.)

17b. *If an explosion was involved* -- Did it involve . .
   1. ☐ Undetected Inside gas leaks ?
   2. ☐ Undetected Outside gas leaks ?
   3. ☐ Gas allowed to escape intentionally ?
   4. ☐ Refilling LP gas containers ?
   5. ☐ Regulator or pilot failure ?
   6. ☐ Other (Specify)

(continue on reverse side)

Part II continued : - 2 -

18. What ignited first . . .
1. ☐ The furnishings ?
2. ☐ The walls or partitions ?
3. ☐ Heating or cooking fuel ?
4. ☐ Waste materials ?
5. ☐ Other (Specify) _____

19a. Did the fire spread or was it contained ?
1. ☐ Spread (Complete Item 19b.)
2. ☐ Contained (Skip to Item 20a.)

19b. *If the fire spread* - - Did the fire initially spread through combustible walls, partitions and insulation; furnishings; or wall covering ?
1. ☐ Walls, partitions and insulation
2. ☐ Wall coverings (wall paper, varnish, etc.)
(If 1 or 2 is checked, complete Items 19c and 19d.)
3. ☐ Furnishings (Skip to Item 19e.)

19c. *If fire spread through combustible walls, partitions and insulations, or wall covering* - - Did these items ignite first or were they a major factor in the fire spread ?
1. ☐ Ignited first
2. ☐ Major factor in speed of spread

19d. What class of finish are (were) walls, partitions, insulation and wall coverings ?
1. ☐ Identified as Class C Finish
2. ☐ Not identified
3. ☐ Plywood delaminated
4. ☐ Not applicable
(If any of above is checked skip to Item 20a.)

19e. *If fire spread through furnishings* - - Did these items ignite first or were they a major factor in the speed of the spread ?
1. ☐ Ignited first
2. ☐ Major factor in speed of spread

20a. Were there human factors that influenced the spread of the fire ?
1. ☐ Yes (Complete Item 20b.)
2. ☐ No (Skip to Item 21.)

20b. *If human factors influenced the spread of the fire* - - Which one of the following items was the most influential ?
1. ☐ Occupants asleep
2. ☐ Children unattended
3. ☐ Occupants handicapped
4. ☐ Occupant clothing ignited first
5. ☐ Occupants incapacitated
6. ☐ Poisonous fumes
7. ☐ Other (Specify) _____

21. Were there any personal injuries or deaths ?
1. ☐ Personal injuries Number _____
2. ☐ Deaths Number _____
3. ☐ None

22a. Were any of the occupants of this mobile home relocated to temporary housing because of the fire ?
1. ☐ Yes (Complete Item 22b.)
2. ☐ No (Skip to Item 23.)

22b. *If occupants were relocated* - - Were they relocated to a mobile home or standard home ?
1. ☐ Mobile home
2. ☐ Standard home
(If 1 or 2 above is checked complete Item 22c.)

22c. Is (was) this temporary housing provided by . . .
1. ☐ The Federal government
2. ☐ Local government
3. ☐ Other (Specify) _____

23. What do you estimate the percent of fire damage to this mobile home ?
1. ☐ 25 percent
2. ☐ 50 percent
3. ☐ 75 percent
4. ☐ 100 percent
5. ☐ Don't know

24. What do you estimate the dollar value of this mobile home prior to the fire $ _____ .00

(continue at top of next column)

25a. Is this mobile home . . .
1. ☐ Useable (STOP HERE)
2. ☐ Unuseable (Complete Item 25b.)

25b. *If this mobile home is unuseable* - - How was it disposed of ?
1. ☐ In junk yard
2. ☐ Left on site
3. ☐ Other (Specify) _____
4. ☐ Don't know

COMMENTS: _____

Name of person completing this report:

TELEPHONE		*Survey Month & Year*
Area Code	*Number*	

HUD FORM MHS -5 Dec. 1975

HUD FORM NO. MHS-2
December 1975

U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
HFMC - FEDERAL HOUSING ADMINISTRATION

OMB NO.
Approval Expires

QUARTERLY REPORT ON MOBILE HOME LOSSES

(Excluding Fire)

PART A - GENERAL INFORMATION

1. Where is (was) this mobile home located ?
   1. City or Town
   2. County
   3. State
   4. ZIP Code

2. What type of area is (was) this mobile home located in ?
   1. ☐ Urban
   2. ☐ Suburban
   3. ☐ Rural

3. Is (was) this mobile home located in a . .
   1. ☐ Mobile Home Park
   2. ☐ Private Lot

4. Is (was) the head of the household of the family living in this mobile home . . .
   1. ☐ Young (20 to 34 years old)
   2. ☐ Middle aged (35 to 55 years old)
   3. ☐ Elderly (over 55 years old)
   4. ☐ An individual living alone (regardless of age)

5. Are (were) the occupants of this mobile home buying or renting the unit ?
   1. ☐ Buying (owner) 2. ☐ Renting

6a. What size is (was) this mobile home ?
   1. ☐ Single wide; Dimensions: _____ft by _____ft.
   2. ☐ Double wide; Dimensions: _____ft. by _____ ft.
   3. ☐ Expandable; Dimensions: _____ft. by _____ ft.

6b. How many stories are (were) in this unit ?
   1. ☐ Single Story; Height: _____ft.
   2. ☐ Multistoried (incl., stacked); Height: _____ ft.

7. What is (was) the major type of heating equipment used in this mobile home ?
   1. ☐ Central warm air furnace (gas or oil)
   2. ☐ Central electric furnace
   3. ☐ Built-in electric units (baseboard)
   4. ☐ Individual electric room (space) heaters
   5. ☐ Other (Describe in Comments.)
   6. ☐ None

8. Do (did) the plumbing facilities in this mobile home include running water in the kitchen, bathrooms and commode (flush toilet) ?
   1. ☐ Yes 2. ☐ No 3. ☐ Don't know

9. What is (was) the age of this mobile home ?
   1. ☐ Less than 1 year
   2. ☐ 1 to 2 years
   3. ☐ 3 to 5 years
   4. ☐ More than 5 years

10. What type of placement was used in setting down this mobile home ?
   1. ☐ Blocks 2. ☐ Permanent foundation

11. What method was used to tie down this mobile home ?
   1. ☐ Frame type
   2. ☐ Over-the-top
   3. ☐ Both frame and over-the-top

12. Under which Code was this mobile home constructed ?
   1. ☐ NFPA 501B/ANSI A119.1
   2. ☐ Federal Standard
   3. ☐ Other (Specify) _____
   4. ☐ Unknown
   5. ☐ None

PART B - DETAILS OF ACCIDENT

13. What was the condition of this mobile home prior to the accident ?
   1. ☐ Good 2. ☐ Fair 3. ☐ Poor

14. What type of accident, excluding fires, damaged this mobile home ?
   1. ☐ Hurricane 4. ☐ Flood
   2. ☐ Tornado 5. ☐ Other (Specify) _____
   3. ☐ Hail _____

15. Did this accident cause the mobile home to be . .
   1. ☐ Blown off the foundation
   2. ☐ Parrellogrammed
   3. ☐ Hit by foreign material
   4. ☐ Other (specify) _____

16. What do you estimate the percent of damage to this mobile home ?
   1. ☐ 25 percent 4. ☐ 100 percent
   2. ☐ 50 percent 5. ☐ Don't know
   3. ☐ 75 percent

17. What do you estimate the dollar value of this mobile home prior to the accident. .
   $ _____ .00

18. Were there any personal injuries or deaths ?
   1. ☐ Personal injuries . . Number _____
   2. ☐ Deaths . . Number _____
   3. ☐ None

19a. Were any of the occupants of this mobile home relocated to temporary housing because of the accident?
   1. ☐ Yes (Complete Item 19b.)
   2. ☐ No (Skip to Item 20.)

19b. *If occupants were relocated* - - Were they relocated to a mobile home, standard home, or apartment ?
   1. ☐ Mobile home
   2. ☐ Standard home } (Complete Item 19c.)
   3. ☐ Apartment

19c. Is (was) this temporary housing provided by . .
   1. ☐ The Federal government
   2. ☐ Local government
   3. ☐ Other (Specify) _____

20a. Is this mobile home . .
   1. ☐ Usable (STOP HERE)
   2. ☐ Unusable (Complete Item 20b.)

20b. *If this mobile home is usable* - - How was it disposed of?
   1. ☐ In junk yard
   2. ☐ Left on site
   3. ☐ Other (Specify) _____
   4. ☐ Don't know

Comments: _____

Name of person completing this report:

TELEPHONE		*Survey Mo. & Yr.*
Area Code	*Number*	

HUD FORM NO. MHS-3
January 1976

U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
HPMC- FEDERAL HOUSING ADMINISTRATION

OMB NO.
Approval Expires

STATE ADMINISTRATIVE AGENCY
MONTHLY REPORT ON ENFORCEMENT OF MOBILE HOME STANDARDS

PART A - IDENTIFICATION

Month and Year:	State:	Name of person completing this report:	Title:	TELEPHONE		
				Area Code:	Number:	Extension:

PART B - MOBILE HOME INSPECTION AND INVESTIGATION

Manufacturer Name (a)	Primary Inspection Agency Name (b)	How many mobile homes were labeled ? Singlewides (c)	Doublewides (d)	How many inspection - visits were made ? (e)	How many mobile homes are suspected of being defective ? (Explain in Remarks) (f)	How many consumer complaints were investigated ? (Explain in Remarks) (g)
1.						
2.						
3.						
4.						
5.						

PART C - LEGAL ACTIONS

Manufacturer Name (h)	Is there any pending litigation ? (i)		Have any settlements been made ? (j)		Have any judicial decisions been made ? (k)	
6.	1. ☐ Yes (Explain in Remarks)	2. ☐ No	1. ☐ Yes (Explain in Remarks)	2. ☐ No	1. ☐ Yes (Explain in Remarks)	2. ☐ No
7.	1. ☐ Yes (Explain in Remarks)	2. ☐ No	1. ☐ Yes (Explain in Remarks)	2. ☐ No	1. ☐ Yes (Explain in Remarks)	2. ☐ No
8.	1. ☐ Yes (Explain in Remarks)	2. ☐ No	1. ☐ Yes (Explain in Remarks)	2. ☐ No	1. ☐ Yes (Explain in Remarks)	2. ☐ No
9.	1. ☐ Yes (Explain in Remarks)	2. ☐ No	1. ☐ Yes (Explain in Remarks)	2. ☐ No	1. ☐ Yes (Explain in Remarks)	2. ☐ No
10.	1. ☐ Yes (Explain in Remarks)	2. ☐ No	1. ☐ Yes (Explain in Remarks)	2. ☐ No	1. ☐ Yes (Explain in Remarks)	2. ☐ No

REMARKS: (Identify remark with item number and column letter) (Continue on reverse side):

FORM NO. MHS-4
December 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
HPMC- FEDERAL HOUSING ADMINISTRATION

OMB NO.
Approval Expires

PRIMARY INSPECTION AGENCY INPUT FORM FOR REPORTING NONCOMPLIANCES AND IMMINENT SAFETY HAZARDS

PART A - IDENTIFICATION

1. Name and Address of Primary Inspection Agency :

1. Name

2. City 3. County

4. State 5. ZIP Code

2. Name and Address of Mobile Home Manufacturer :

1. Name

2. City 3. County

4. State 5. ZIP Code

3. What is the Serial Number of this mobile home ?

4. What is the Regulation Code Index ? (See Regulation Code Index Reference Sheets.)

PART B - NONCOMPLIANCES AND SAFETY HAZARDS

5. Was a design error or manufacturing defect reported on this mobile home ? Mark (x) one box only.	1. ☐ Design Error 2. ☐ Manufacturing Defect
6. Is the deficiency a noncompliance or an imminent safety hazard ?	1. ☐ Noncompliance 2. ☐ Imminent Safety Hazard
7. Is the mobile home with the deficiency in the factory (not yet shipped), in transit, or has it been delivered ?	1. ☐ In the Factory 2. ☐ In Transit 3. ☐ Delivered
8. Has the deficiency been identified but not corrected, or has it been corrected ?	1. ☐ Corrected 2. ☐ Not Corrected 3. ☐ Don't Know

COMMENTS:

Name of Person Completing this Report:	TELEPHONE		Survey Month and Year
	Area Code	Number	

HUD FORM NO. MHS-5
January 1976

U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
HPMC - FEDERAL HOUSING ADMINISTRATION

OMB NO.
Approval Expires

QUARTERLY REPORT ON MOBILE HOME NOTIFICATION AND CORRECTION ACTIONS

1. For the most recent calendar quarter, and cumulative current calendar year quarters, as indicated . . . Fill in the information requested in columns (a) through (k) for each size of mobile home listed below: * Homes unreachable because of theft, export, scrapping, etc.	CALENDAR QUARTER - - - Most recent				CUMULATIVE QUARTERS - - - Calendar year, including current quarter						
	Campaign notification identification number (a)	Month and year of owner or retailer notification: Started (b)	Month and year of owner or retailer notification: Ended (c)	Serial numbers of mobile homes involved (d)	Total number of mobile homes manufactured or imported (e)	Number inspected by or at the direction of manufacturer (f)	Number inspected and found to have defect or non-compliance (g)	Number for which corrective action have been completed (h)	Number not adequately repaired in the 90-day or longer time period (i)	Number of mobile homes [illegible] repaired or not [illegible] within [illegible] made* (j)	Number of mobile homes [illegible] repaired or not [illegible] within [illegible] made* (k)
1. Single width:											
2. Double width:											
3. Other (including expandable):											

2. Manufacturer's name:	3. City or town:	4. State:	5. ZIP Code:

COMMENTS (use reverse side if necessary):	Name of person completing this report:	TELEPHONE Area Code	TELEPHONE Number	Survey month and year

[FR Doc.76-1863 Filed 1-21-76;8:45 am]

federal register

THURSDAY, JANUARY 22, 1976

PART IV:

FEDERAL ELECTION COMMISSION

■

ADVISORY OPINION REQUESTS

FEDERAL ELECTION COMMISSION

[Notice 1976–9, AOR 1975–140—AOR 1975–144]

ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975–4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Requests 1975–140 through 1975–144 are 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 with 15 calendar days of the date of the publication of the request in the FEDERAL REGISTER. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Ad visory 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 Commission. All timely comments received by the Commission will be considered by the Commission before it issues an adviory opinion. The Commisison recommends that comments on pending Advisory Opinion Requests refer to specific AOR number of the Request commented upon, and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

The Commision will continue to publih Advisory Opinion Requests carrying the designation 1975 in cases where the Commission received the requests in 1975. Requests received by the Commission in 1976 will be prefaced with a reference to that year. Advisory Opinions issued in response to a particular request will continue to bear the number assigned to the original request.

AOR 1975–140: Reporting of Unsolicited Contribution (Request Edited by the Commission).

DEAR MR. CHAIRMAN: The November 1975 issue of American Firearms was kind enough to reprint a speech of mine concerning the threat of Federal legislation restricting firearms. This speech was taken from the Congressional Record and reprinted without my consent—although I would have gladly given consent had the magazine's editors requested it. The problem occurs with an editorial note inserted at the end of my remarks. It says:

EDITORIAL NOTE

It's easy to forget your friends, and to simply assume they should be on our side. Whenever we have a Senator or Congressman who is for us, we should do everything we can to support him with the same degree of fervor we would oppose someone we do not like.

Do this; get a Christmas Card, put two or five dollars in it, and send it to Senator McClure as a little thank you.

Send to: The Honorable James A. McClure, Russell Senate Office Building, Room 460, Washington, D.C. 20510.

And sure enough, I am beginning to receive Christmas cards with 'two or five dollars' in them. I am sending the funds out to my campaign committee, which has never been terminated, just in case something of this sort came up. However, I would like to know if this creates any special reporting problem under the new law. These funds will, of course, be reported as contributions when the committee's next report is due. Is that sufficient?

* * * * *

JAMES A. MCCLURE.

Source: Honorable James A. McClure, United States Senate, Room 460, Russell Senate Office Building, Washington, D.C. 20510 (December 17, 1975).

AOR 1975–141: Payment of the Costs of Senator Humphrey's Birthday Party (Request Edited by the Commission).

DEAR MR. CURTIS: Pursuant to its authority under 2 U.S.C. 437f, the opinion of the Commission is requested based on the following:

Facts:

A small group of individuals has indicated an interest in holding a birthday party to honor Senator Humphrey on the occasion of his 65th birthday in May 1976.

The event would be held in Washington, D.C.

As many as several hundred people would be invited.

The total cost of the event would be paid by the individuals sponsoring the party.

It would not be a fundraising event, none of the invited guests would pay anything to attend, except the small group sponsoring the party, and there would be no solicitation at the event.

The number of people attending from the State of Minnesota, where Senator Humphrey is a candidate for re-election this year, would be minimal, the other attendees would be from Washington, D.C. and other parts of the country.

Question: Does the disbursement of funds by a group of individuals, for this purpose described above, constitute a contribution or expenditure as defined in 2 U.S.C. 431 or 18 U.S.C. 591, as relates to the Senator's re-election effort in Minnesota?

* * * * *

MICHAEL S. BERMAN.

Source: Michael S. Berman of Gainsley, Squier, Berman & Korsh for Committee to Re-elect Hubert H. Humphrey, Farmers & Mechanics Bank Building, Minneapolis, Minnesota 55402. (December 23, 1975.)

AOR 1975–142: Candidate's Use of Incorporated Fire Department's Property (Request Edited by the Commission).

DEAR SIRS: Pursuant to 2 U.S.C. 437f, I hereby request an advisory opinion on the questions presented herein.

I am a candidate for Congress in Maine's 1st Congressional district. I am also an active member of the Volunteer Fire Department of Vassalboro. As a member of the Volunteer Fire Department, I am entitled, by informal practice, with the approval of an appropriate officer, to use certain facilities of the Fire Department. Because the Department holds real estate in the name of The Riverside Hose Company of Vassalboro Fire Department, Inc., I do not know whether I can use the real estate without compensating the Department in cash without violating 18 U.S.C. 610.

Specifically, on December 10, 1975, I announced my candidacy inside the fire station owned by the Riverside Hose Company of Vassalboro Fire Department, Inc. I also plan to hold a party in the fire station on election night and on other possible occasions during the election campaign.

Although the Department has expressed a willingness to let me use the station without compensation, and although I do serve as a fireman and thereby compensate the Department in a traditional and informal way, I wish to pay the Department in cash if that is necessary to avoid violating 18 U.S.C. 610.

Would you please advise me whether my services are adequate compensation for the use of the facilities in your opinion if this arrangement meets the requirements of the Riverside Hose Company of Vassalboro Fire Department, Inc.

JAMES E. MITCHELL.

Source: James E. Mitchell, Mitchell for Congress, Vassalboro, Maine 04989. (December 26, 1975.)

AOR 1975–143: Publication by an Incorporated Citizens Lobbying Group of News Stories Dealing with Its Segregated Fund Activities (Request Edited by the Commission).

DEAR SIRS: On behalf of Environmental Action's Dirty Dozen Campaign Committee, a political committee as defined in [2 U.S.C. 431(d)] I am submitting the following request for an advisory opinion.

Environmental Action is a D.C. not-for-profit corporation which has no IRS tax exemption. It is a citizens lobbying group which organized the original Earth Day. In 1970, Environmental Action began its so-called Dirty Dozen Campaign, in which it singled out twelve members of the United States House of Representatives who consistently opposed strong environmental legislation, and then worked to unseat those Congressmen. This campaign was repeated in 1972 and 1974. * * *

This year, in compliance with the Act, Environmental Action has established a separate entity—Environmental Action's Dirty Dozen Campaign—which operates on contributions made to it as a segregated, separate fund. The Dirty Dozen Campaign Committee receives no contributions of any kind from its parent organization, Environmental Action.

Environmental Action has, from its inception, published a monthly magazine entitled *Environmental Action*. Running 16 pages in length, the magazine regularly carries the following types of articles: a letters-to-the editor column, "eco notes" which are very short news briefs on environmental subjects, editorials on environmental subjects, a legislative roundup column, "business briefs" which are very short news columns about corporate activities relating to the environment, "government-environment" which consists of very short news stories on what the executive branch is doing about various environmental problems, and long substantive articles which focus in-depth on problems such as: the Indiana sand dunes, clear-cutting timber in Alaska, energy matters, etc. It is fair to say that all articles, although written in an informative and lively style, are presenting the environmentalists' point of view on controversial issues.

Environmental Action has also, since the inception of the Dirty Dozen Campaigns which until this year have been run by the Environmental Action organization, published news articles on the Dirty Dozen Campaign. For example, there were articles announcing who had been chosen as the Dirty Dozen Congressmen in a given year, describing the progress of the campaign, and announcing its results in terms of victories and losses. *Environmental Action* intends in the future to print articles on the Dirty Dozen Campaign Committee's activities, in the same fashion as it had done when Dirty

Dozen Campaign activities were run by *Environmental Action*, just as it routinely prints articles on political activities of other organizations such as the League of Conservation Voters. The magazine is written, staffed, and published by the organization *Environmental Action* and is in no way controlled or operated by the separately funded and operated Dirty Dozen Campaign Committee. (Note: one staff member on *Environmental Action* works part-time for the Dirty Dozen Campaign Committee; however, that staff member does no writing for the magazine *Environmental Action*). Finally, *Environmental Action* is funded solely by *Environmental Action*, and will neither give nor receive funds or any other assistance to or from the Dirty Dozen Campaign Committee. In short, the magazine is totally independent—editorially, financially, and organizationally—of the Dirty Dozen Campaign Committee, although it will be writing and publishing articles about the latter's activities.

For these reasons we believe that any future articles in *Environmental Action* on the activities of the Dirty Dozen Campaign Committee fall squarely within the exception to "expenditures" as described under [2 U.S.C. 431(f)(4)(A)], excluding 'any news story, commentary, or editorial distributed through the facilities of any . . . magazine, . . . unless such facilities are owned or controlled by any . . . political committee . . .' We respectfully request the Commission for an advisory opinion to that effect.

Source: Gladys Kessler, Roisman, Kessler and Cashdan, 1712 N Street, NW., Washington, D.C. 20036. (December 30, 1975.)

AOR 1975–144: Amount Transferable From A State Office Committee to a Federal Office Committee; Application of 2 U.S.C. § 435(b) to Campaign Sales Items (Request Edited by the Commisison).

GENTLEMEN: We would like to have [an] advisory opinion as to how we can meet the regulations of the Federal Election Commission in the following situations:

Transfer of funds from State Senate Committee to a registered Kildee For Congress Committee.

We have remaining in the State Senate Committee $1,000 of which one donation of $50 does not meet requirements of the Federal Election Commisison. [AO 1975–66, 40 FR 53722, November 19, 1975) stated that transfers from a State campaign committee to a Federal campaign committee may not include funds previously contributed by national banks, corporations, labor unions, Federal Government contractors or foreign nationals.] The $50 is located midway in the records showing donors. Under the opinion of 'Last Funds' in * * * do we transfer $950 by jumping over the $50 or are we only allowed to transfer funds out back to the donation of $50.

Theoretically, if the $50 was the last contribution received, are any funds allowed to be transferred?

Publication or distribution of political statements: are bumper stickers, posters, badges and similar items used in political campaigns (that only carry the message Vote for Kildee [or] Elect Kildee) required to contain the names of the officers and name of committee no matter what the size of the item may be?

Requirements relating to campaign advertising: [are] items [such] as political pins, badges, flags, emblems, hats, and similar items sold in political campaigns required to carry the quotation in [2 U.S.C. 435]?

Are tickets printed for fundraising events required to carry the quotation in [2 U.S.C. 435(b)]?

* * * * *

Herman Neurohr, Treasurer, Kildee For Congress Committee, 170 S. Lake Drive, Columbiaville, MIchigan 48421. (December 17, 1975.)

Dated: January 19, 1976.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.76–1944 Filed 1–21–76;8:45 am]

federal register

THURSDAY, JANUARY 22, 1976

PART V:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

FAIR MARKET RENTS FOR HOUSING ASSISTANCE PAYMENT PROGRAM

Amendment of Schedule B—
Sections 8 and 23

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-311]

PART 888—FAIR MARKET RENTS FOR HOUSING ASSISTANCE PAYMENTS PROGRAM—SECTION 8

Amendment of Schedule B—Section 8 Existing Housing and Section 23 Existing Housing

Notices were given on October 29, 1975, at 40 FR 50437, and on November 25, 1975, at 40 FR 54759, that the Department of Housing and Urban Development (HUD) was proposing to amend Schedule B of Part 888 of Title 24 which sets forth the regulations concerning Fair Market Rents for existing housing (including the Housing Finance and Development Agencies Program).

Interested parties were invited to submit written comments concerning the proposed amendments to Schedule B. Comments were received concerning only five of the published rental schedules. Further consideration of the market situation in those localities resulted in HUD determination to publish for effect all the amendments of the Schedule B rents which had been published for comment on October 29 and November 25, except for those areas noted in the following paragraph.

Under the provisions of Public Law 94-116, passed on October 17, 1975, increases in Fair Market Rents during Fiscal Year 1976 and the period ending September 30, 1976, are not to exceed 20 percent in any individual housing market area, and are subject to a nationwide average increase of no more than 10 percent. For the specific Fair Market Rents published for comment on October 29, adjustments have been made downward to reflect maximum allowable 20 percent increases in McCracken County, Kentucky, and the West Virginia counties of McDowell, Mercer, Monroe, Raleigh, Summers, and Wyoming. In addition, Fair Market Rent's published for comment on October 29 for the Lowell SMSA, the Danbury SMSA, and the non-SMSA portions of Norfolk, Plymouth, Middlesex, Fairfield, and Tolland Counties have been deleted from publication pending further field investigation by the Boston and Hartford Area Offices. The Fair Market Rents in the 15 housing market areas which were published for comment on November 25 had been adjusted to maximums of 10 percent across-the-board increases. Fair Market Rents for these areas are being re-published for effect at the levels requested by HUD field offices, except that none of the increases was allowed to exceed an adjustment of more than 20 percent.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in Room 10245, Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. In addition, the HUD Office of Policy Development and Research has determined, pursuant to Office of Management and Budget Circular A-107, that an Economic Impact Statement is not required for the publication of Fair Market Rents in the Federal Register. It is hereby certified that the economic and inflationary impact of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

Accordingly, Title 24, Part 888, Schedule B is amended to read as follows:

Effective date. These regulations and schedules shall become effective January 22, 1976.

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit-FHA commissioner.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BANGOR,MAINE INSURING OFFICE						
NON SMSA						
NONSMSA PART:ANDROSCOGGIN	NON-ELEVATOR:	124	140	165	190	206
STATE:ME	ELEVATOR:	136	154	182	209	227
NONSMSA PART:CUMBERLAND	NON-ELEVATOR:	124	140	165	190	206
STATE:ME	ELEVATOR:	136	154	182	209	227
NONSMSA PART:YORK	NON-ELEVATOR:	124	140	165	190	206
STATE:ME	ELEVATOR:	136	154	182	209	227
BOSTON,MASSACHUSETTS AREA OFFICE						
SMSA: BOSTON, MA						
SMSA PART:ESSEX	NON-ELEVATOR:	165	187	220	253	286
STATE:MA	ELEVATOR:	182	206	242	278	315
SMSA PART:PLYMOUTH	NON-ELEVATOR:	165	187	220	253	286
STATE:MA	ELEVATOR:	182	206	242	278	315
SMSA: BROCKTON, MA						
SMSA PART:BRISTOL	NON-ELEVATOR:	150	172	204	237	269
STATE:MA	ELEVATOR:	165	189	225	260	296
SMSA PART:NORFOLK	NON-ELEVATOR:	150	172	204	237	269
STATE:MA	ELEVATOR:	165	189	225	260	296
SMSA: FALL RIVER, MA-RI						
SMSA PART:BRISTOL	NON-ELEVATOR:	135	153	180	207	225
STATE:MA	ELEVATOR:	148	168	198	228	248
SMSA: FITCHBURG-LEOMINSTER, MA						
SMSA PART:MIDDLESEX	NON-ELEVATOR:	135	153	180	207	225
STATE:MA	ELEVATOR:	148	168	198	228	248
SMSA PART:WORCESTER	NON-ELEVATOR:	135	153	180	207	225
STATE:MA	ELEVATOR:	148	168	198	228	248
SMSA: NEW BEDFORD, MA						
SMSA PART:PLYMOUTH	NON-ELEVATOR:	135	153	180	207	225
STATE:MA	ELEVATOR:	148	168	198	228	248
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA						
SMSA PART:BRISTOL	NON-ELEVATOR:	135	153	180	207	225
STATE:MA	ELEVATOR:	148	168	198	228	248

PREPARED BY HUD - EMAD (CO), DEC. 15, 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BOSTON,MASSACHUSETTS AREA OFFICE						
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT						
SMSA PART:NORFOLK	NON-ELEVATOR:	135	153	180	207	225
STATE:MA	ELEVATOR:	148	168	198	228	248
SMSA PART:WORCESTER	NON-ELEVATOR:	135	153	180	207	225
STATE:MA	ELEVATOR:	148	168	198	228	248
SMSA PART:WORCESTER	NON-ELEVATOR:	135	153	180	207	225
STATE:MA	ELEVATOR:	148	168	198	228	248
NON SMSA						
NONSMSA PART:BERKSHIRE	NON-ELEVATOR:	135	153	180	207	225
STATE:MA	ELEVATOR:	148	168	198	228	248
NONSMSA PART:BRISTOL	NON-ELEVATOR:	135	153	180	207	225
STATE:MA	ELEVATOR:	148	168	198	228	248
NONSMSA PART:ESSEX	NON-ELEVATOR:	150	172	204	237	269
STATE:MA	ELEVATOR:	165	189	225	260	296
NONSMSA PART:HAMPDEN	NON-ELEVATOR:	135	153	180	207	225
STATE:MA	ELEVATOR:	148	168	198	228	248
NONSMSA PART:HAMPSHIRE	NON-ELEVATOR:	135	153	180	207	225
STATE:MA	ELEVATOR:	148	168	198	228	248
NONSMSA PART:WORCESTER	NON-ELEVATOR:	135	153	180	207	225
STATE:MA	ELEVATOR:	148	168	198	228	248
HARTFORD,CONNECTICUT AREA OFFICE						
SMSA: BRIDGEPORT, CT						
SMSA PART:NEW HAVEN	NON-ELEVATOR:	152	173	205	237	258
STATE:CT	ELEVATOR:	167	191	226	261	284
SMSA: BRISTOL, CT						
SMSA PART:HARTFORD	NON-ELEVATOR:	145	165	195	225	246
STATE:CT	ELEVATOR:	159	181	215	248	271
SMSA PART:LITCHFIELD	NON-ELEVATOR:	145	165	195	225	246
STATE:CT	ELEVATOR:	159	181	215	248	271

PREPARED BY HUD - EMAD (CO), DEC. 15, 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DIEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SMSA: HARTFORD, CT						
SMSA PART:LITCHFIELD	NON-ELEVATOR:	145	165	195	225	246
STATE:CT	ELEVATOR:	159	181	215	248	271
SMSA PART:MIDDLESEX	NON-ELEVATOR:	145	165	195	225	246
STATE:CT	ELEVATOR:	159	181	215	248	271
SMSA PART:NEW LONDON	NON-ELEVATOR:	145	165	195	225	246
STATE:CT	ELEVATOR:	159	181	215	248	271
SMSA: MERIDEN, CT						
SMSA PART:NEW HAVEN	NON-ELEVATOR:	137	156	185	214	234
STATE:CT	ELEVATOR:	151	172	204	235	247
SMSA: NEW BRITAIN, CT						
SMSA PART:HARTFORD	NON-ELEVATOR:	145	165	195	225	246
STATE:CT	ELEVATOR:	159	181	215	248	271
SMSA: NEW HAVEN-WEST HAVEN, CT						
SMSA PART:MIDDLESEX	NON-ELEVATOR:	137	156	185	214	234
STATE:CT	ELEVATOR:	151	172	204	235	257
SMSA: NEW LONDON-NORWICH, CT-RI						
SMSA PART:MIDDLESEX	NON-ELEVATOR:	132	150	178	205	224
STATE:CT	ELEVATOR:	145	165	195	226	247
SMSA: NORWALK, CT						
SMSA PART:FAIRFIELD	NON-ELEVATOR:	152	173	205	237	258
STATE:CT	ELEVATOR:	167	191	226	261	284
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT						
SMSA PART:TOLLAND	NON-ELEVATOR:	135	153	180	207	225
STATE:CT	ELEVATOR:	148	168	198	228	248
SMSA: STAMFORD, CT						
SMSA PART:FAIRFIELD	NON-ELEVATOR:	152	173	205	237	258
STATE:CT	ELEVATOR:	167	191	226	261	284
SMSA: WATERBURY, CT						
SMSA PART:LITCHFIELD	NON-ELEVATOR:	137	156	185	214	234
STATE:CT	ELEVATOR:	151	172	204	235	257
SMSA PART:NEW HAVEN	NON-ELEVATOR:	137	156	185	214	234
STATE:CT	ELEVATOR:	151	172	204	235	257

PREPARED BY HUD - EMAD (CO), DEC. 15, 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HARTFORD,CONNECTICUT AREA OFFICE						
NON SMSA						
NONSMSA PART:HARTFORD	NON-ELEVATOR:	145	165	195	225	246
STATE:CT	ELEVATOR:	159	181	215	248	271
NONSMSA PART:NEW HAVEN	NON-ELEVATOR:	137	156	185	214	234
STATE:CT	ELEVATOR:	151	172	204	235	257
NONSMSA PART:NEW LONDON	NON-ELEVATOR:	132	150	178	205	224
STATE:CT	ELEVATOR:	145	165	195	226	247
MANCHESTER,NEW HAMPSHIRE AREA OFFICE						
SMSA: LAWRENCE-HAVERHILL, MA-NH						
SMSA PART:ROCKINGHAM	NON-ELEVATOR:	150	172	204	237	269
STATE:NH	ELEVATOR:	165	189	225	260	296
SMSA: MANCHESTER, NH						
SMSA PART:ROCKINGHAM	NON-ELEVATOR:	131	148	175	201	219
STATE:NH	ELEVATOR:	144	163	193	221	241
SMSA: NASHUA, NH						
SMSA PART:HILLSBOROUGH	NON-ELEVATOR:	131	148	175	201	219
STATE:NH	ELEVATOR:	144	163	193	221	241
NON SMSA						
NONSMSA PART:HILLSBOROUGH	NON-ELEVATOR:	131	148	175	201	219
STATE:NH	ELEVATOR:	144	163	193	221	241
NONSMSA PART:MERRIMACK	NON-ELEVATOR:	131	148	175	201	219
STATE:NH	ELEVATOR:	144	163	193	221	241
PROVIDENCE,RHODE ISLAND INSURING OFFICE						
SMSA: FALL RIVER, MA-RI						
SMSA PART:NEWPORT	NON-ELEVATOR:	135	153	180	207	225
STATE:RI	ELEVATOR:	148	168	198	228	248
SMSA: NEW LONDON-NORWICH, CT-RI						
SMSA PART:WASHINGTON	NON-ELEVATOR:	132	150	178	205	224
STATE:RI	ELEVATOR:	145	165	195	226	247
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA						
SMSA PART:NEWPORT	NON-ELEVATOR:	135	153	180	207	225
STATE:RI	ELEVATOR:	148	168	198	228	248

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REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SMSA PART:WASHINGTON	NON-ELEVATOR:	135	153	180	207	225
STATE:RI	ELEVATOR:	148	168	198	228	248
NON SMSA						
NONSMSA PART:BRISTOL	NON-ELEVATOR:	135	153	180	207	225
STATE:RI	ELEVATOR:	148	168	198	228	248
NONSMSA PART:KENT	NON-ELEVATOR:	135	153	180	207	225
STATE:RI	ELEVATOR:	148	168	198	228	248
NONSMSA PART:PROVIDENCE	NON-ELEVATOR:	135	153	180	207	225
STATE:RI	ELEVATOR:	148	168	198	228	248
REGION 2						
CAMDEN,NEW JERSEY AREA OFFICE						
SMSA: VINELAND-MILLVILLE-BRIDGETON, NJ						
COUNTY:CUMBERLAND	NON-ELEVATOR:	124	140	165	190	206
STATE:NJ	ELEVATOR:	136	154	182	209	227
SMSA: WILMINGTON, DE-NJ-MD						
COUNTY:SALEM	NON-ELEVATOR:	135	153	180	207	234
STATE:NJ	ELEVATOR:	149	168	198	228	257
REGION 3						
BALTIMORE,MARYLAND AREA OFFICE						
SMSA: WILMINGTON, DE-NJ-MD						
COUNTY:CECIL	NON-ELEVATOR:	135	153	180	207	234
STATE:MD	ELEVATOR:	149	168	198	228	257
CHARLESTON,WEST VIRGINIA INSURING OFFICE						
NON SMSA						
COUNTY:MCDOWELL	NON-ELEVATOR:	86	98	116	129	142
STATE:WV	ELEVATOR:	94	107	127	141	156
COUNTY:MERCER	NON-ELEVATOR:	86	98	116	129	142
STATE:WV	ELEVATOR:	94	107	127	141	156

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REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COUNTY:MONROE STATE:WV	NON-ELEVATOR:	81	93	111	123	135
	ELEVATOR:	89	102	122	135	148
COUNTY:RALEIGH STATE:WV	NON-ELEVATOR:	81	93	111	123	135
	ELEVATOR:	89	102	122	135	148
COUNTY:SUMMERS STATE:WV	NON-ELEVATOR:	81	93	111	123	135
	ELEVATOR:	89	102	122	135	148
COUNTY:WYOMING STATE:WV	NON-ELEVATOR:	81	93	111	123	135
	ELEVATOR:	89	102	122	135	148
WILMINGTON,DELAWARE INSURING OFFICE						
SMSA: WILMINGTON, DE-NJ-MD						
COUNTY:NEW CASTLE STATE:DE	NON-ELEVATOR:	135	153	180	207	234
	ELEVATOR:	149	168	198	228	257
REGION 4						
BIRMINGHAM,ALABAMA AREA OFFICE						
SMSA: COLUMBUS, GA-AL						
COUNTY:RUSSELL STATE:AL	NON-ELEVATOR:	116	132	156	172	189
	ELEVATOR:	127	145	171	189	207
ATLANTA,GEORGIA AREA OFFICE						
SMSA: COLUMBUS, GA-AL						
COUNTY:CHATTAHOOCHE STATE:GA	NON-ELEVATOR:	116	132	156	172	189
	ELEVATOR:	127	145	171	189	207
COUNTY:COLUMBUS STATE:GA	NON-ELEVATOR:	116	132	156	172	189
	ELEVATOR:	127	145	171	189	207
JACKSONVILLE,FLORIDA AREA OFFICE						
SMSA: JACKSONVILLE, FL						
COUNTY:BAKER STATE:FL	NON-ELEVATOR:	120	136	160	184	200
	ELEVATOR:	132	150	176	202	220
COUNTY:CLAY STATE:FL	NON-ELEVATOR:	120	136	160	184	200
	ELEVATOR:	132	150	176	202	220

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REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COUNTY:DUVAL	NON-ELEVATOR:	120	136	160	184	200
STATE:FL	ELEVATOR:	132	150	176	202	220
COUNTY:NASSAU	NON-ELEVATOR:	120	136	160	184	200
STATE:FL	ELEVATOR:	132	150	176	202	220
COUNTY:ST JOHNS	NON-ELEVATOR:	120	136	160	184	200
STATE:FL	ELEVATOR:	132	150	176	202	220
LOUISVILLE,KENTUCKY AREA OFFICE						
SMSA: LOUISVILLE, KY-IN						
COUNTY:BULLITT	NON-ELEVATOR:	118	134	159	184	201
STATE:KY	ELEVATOR:	129	148	175	202	220
COUNTY:JEFFERSON	NON-ELEVATOR:	118	134	159	184	201
STATE:KY	ELEVATOR:	129	148	175	202	220
COUNTY:OLDHAM	NON-ELEVATOR:	118	134	159	184	201
STATE:KY	ELEVATOR:	129	148	175	202	220
NON SMSA						
COUNTY:MCCRACKEN	NON-ELEVATOR:	91	104	123	138	151
STATE:KY	ELEVATOR:	100	114	135	151	166
TAMPA,FLORIDA INSURING OFFICE						
SMSA: TAMPA-ST PETERSBURG, FL						
COUNTY:HILLSBOROUGH	NON-ELEVATOR:	120	136	162	187	205
STATE:FL	ELEVATOR:	132	150	178	206	225
COUNTY:PASCO	NON-ELEVATOR:	120	136	162	187	205
STATE:FL	ELEVATOR:	132	150	178	206	225
COUNTY:PINELLAS	NON-ELEVATOR:	120	136	162	187	205
STATE:FL	ELEVATOR:	132	150	178	206	225

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REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CLEVELAND,OHIO INSURING OFFICE						
SMSA: TOLEDO, OH-MI						
COUNTY:FULTON	NON-ELEVATOR:	132	151	178	206	225
STATE:OH	ELEVATOR:	145	166	195	226	247
COUNTY:LUCAS	NON-ELEVATOR:	132	151	178	206	225
STATE:OH	ELEVATOR:	145	166	195	226	247
COUNTY:OTTAWA	NON-ELEVATOR:	132	151	178	206	225
STATE:OH	ELEVATOR:	145	166	195	226	247
COUNTY:WOOD	NON-ELEVATOR:	132	151	178	206	225
STATE:OH	ELEVATOR:	145	166	195	226	247
DETROIT,MICHIGAN AREA OFFICE						
SMSA: TOLEDO, OH-MI						
COUNTY:MONROE	NON-ELEVATOR:	132	151	178	206	225
STATE:MI	ELEVATOR:	145	166	195	226	247
INDIANAPOLIS,INDIANA AREA OFFICE						
SMSA: LOUISVILLE, KY-IN						
COUNTY:CLARK	NON-ELEVATOR:	118	134	159	184	201
STATE:IN	ELEVATOR:	129	148	175	202	220
COUNTY:FLOYD	NON-ELEVATOR:	118	134	159	184	201
STATE:IN	ELEVATOR:	129	148	175	202	220
MILWAUKEE,WISCONSIN AREA OFFICE						
SMSA: KENOSHA, WI						
COUNTY:KENOSHA	NON-ELEVATOR:	133	152	179	208	227
STATE:WI	ELEVATOR:	146	167	197	229	250
NON SMSA						
COUNTY:ROCK	NON-ELEVATOR:	120	138	163	180	197
STATE:WI	ELEVATOR:	132	152	179	198	217
MINNEAPOLIS-ST.PAUL,MINNESOTA AREA OFFICE						
SMSA: FARGO-MOORHEAD, ND-MN						
COUNTY:CLAY	NON-ELEVATOR:	114	129	152	167	182
STATE:MN	ELEVATOR:	125	142	167	184	200
NON SMSA						
COUNTY:BECKER	NON-ELEVATOR:	114	129	152	167	182
STATE:MN	ELEVATOR:	125	142	167	184	200

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REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COUNTY:BLUE EARTH STATE:MN	NON-ELEVATOR:	143	162	190	209	228
	ELEVATOR:	157	178	209	230	251
COUNTY:CLEARWATER STATE:MN	NON-ELEVATOR:	114	129	152	167	182
	ELEVATOR:	125	142	167	184	200
COUNTY:KITTSON STATE:MN	NON-ELEVATOR:	114	129	152	167	182
	ELEVATOR:	125	142	167	184	200
COUNTY:MAHNOMEN STATE:MN	NON-ELEVATOR:	114	129	152	167	182
	ELEVATOR:	125	142	167	184	200
COUNTY:MARSHALL STATE:MN	NON-ELEVATOR:	114	129	152	167	182
	ELEVATOR:	125	142	167	184	200
COUNTY:NORMAN STATE:MN	NON-ELEVATOR:	114	129	152	167	182
	ELEVATOR:	125	142	167	184	200
COUNTY:OTTER TAIL STATE:MN	NON-ELEVATOR:	114	129	152	167	182
	ELEVATOR:	125	142	167	184	200
COUNTY:PENNINGTON STATE:MN	NON-ELEVATOR:	114	129	152	167	182
	ELEVATOR:	125	142	167	184	200
COUNTY:POLK STATE:MN	NON-ELEVATOR:	114	129	152	167	182
	ELEVATOR:	125	142	167	184	200
COUNTY:RED LAKE STATE:MN	NON-ELEVATOR:	114	129	152	167	182
	ELEVATOR:	125	142	167	184	200
COUNTY:ROSEAU STATE:MN	NON-ELEVATOR:	114	129	152	167	182
	ELEVATOR:	125	142	167	184	200
MINNEAPOLIS-ST.PAUL,MINNESOTA AREA OFFICE						
NON SMSA						
COUNTY:WILKIN STATE:MN	NON-ELEVATOR:	114	129	152	167	182
	ELEVATOR:	125	142	167	184	200

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REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LITTLE ROCK, ARKANSAS AREA OFFICE						
NON SMSA						
COUNTY:ASHLEY	NON-ELEVATOR:	76	87	103	114	127
STATE:AR	ELEVATOR:	84	96	113	127	139
COUNTY:FAULKNER	NON-ELEVATOR:	77	89	106	117	129
STATE:AR	ELEVATOR:	85	98	116	129	141
COUNTY:GREENE	NON-ELEVATOR:	84	96	113	127	139
STATE:AR	ELEVATOR:	92	106	125	139	152
COUNTY:POPE	NON-ELEVATOR:	77	89	106	117	129
STATE:AR	ELEVATOR:	85	98	116	129	141
SAN ANTONIO, TEXAS AREA OFFICE						
NON SMSA						
COUNTY:BASTROP	NON-ELEVATOR:	94	107	127	141	154
STATE:TX	ELEVATOR:	102	118	139	154	169
REGION 7						
DES MOINES, IOWA INSURING OFFICE						
SMSA: CEDAR RAPIDS, IA						
COUNTY:LINN	NON-ELEVATOR:	134	154	182	211	239
STATE:IA	ELEVATOR:	147	169	200	232	263
SMSA: SIOUX CITY, IA-NE						
COUNTY:WOODBURY	NON-ELEVATOR:	123	140	166	191	217
STATE:IA	ELEVATOR:	135	154	182	211	239
OMAHA, NEBRASKA AREA OFFICE						
SMSA: SIOUX CITY, IA-NE						
COUNTY:DAKOTA	NON-ELEVATOR:	123	140	166	191	217
STATE:NE	ELEVATOR:	135	154	182	211	239
ST.LOUIS, MISSOURI AREA OFFICE						
NON SMSA						
COUNTY:COLE	NON-ELEVATOR:	116	132	155	171	186
STATE:MO	ELEVATOR:	128	145	171	188	205

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REGION 8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DENVER,COLORADO INSURING OFFICE						
SMSA: DENVER-BOULDER , CO						
COUNTY:ADAMS	NON-ELEVATOR:	142	161	190	210	229
STATE:CO	ELEVATOR:	156	177	209	231	252
COUNTY:ARAPAHOE	NON-ELEVATOR:	142	161	190	210	229
STATE:CO	ELEVATOR:	156	177	209	231	252
COUNTY:BOULDER	NON-ELEVATOR:	142	161	190	210	229
STATE:CO	ELEVATOR:	156	177	209	231	252
COUNTY:DENVER	NON-ELEVATOR:	142	161	190	210	229
STATE:CO	ELEVATOR:	156	177	209	231	252
COUNTY:DOUGLAS	NON-ELEVATOR:	142	161	190	210	229
STATE:CO	ELEVATOR:	156	177	209	231	252
COUNTY:GILPIN	NON-ELEVATOR:	142	161	190	210	229
STATE:CO	ELEVATOR:	156	177	209	231	252
COUNTY:JEFFERSON	NON-ELEVATOR:	142	161	190	210	229
STATE:CO	ELEVATOR:	156	177	209	231	252
FARGO,NORTH DAKOTA INSURING OFFICE						
SMSA: FARGO-MOORHEAD, ND-MN						
COUNTY:CASS	NON-ELEVATOR:	114	129	152	167	182
STATE:ND	ELEVATOR:	125	142	167	184	200
REGION 9						
HONOLULU,HAWAII INSURING OFFICE						
NON SMSA						
COUNTY:GUAM	NON-ELEVATOR:	204	230	272	327	369
STATE:	ELEVATOR:	0	0	0	0	0
SACRAMENTO,CALIFORNIA INSURING OFFICE						
SMSA: STOCKTON, CA						
COUNTY:SAN JOAQUIN	NON-ELEVATOR:	118	136	160	185	200
STATE:CA	ELEVATOR:	130	150	176	204	220

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REGION 9		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SAN FRANCISCO,CALIFORNIA AREA OFFICE						
SMSA: FRESNO, CA						
COUNTY:FRESNO	NON-ELEVATOR:	135	153	180	210	229
STATE:CA	ELEVATOR:	148	168	198	231	251
NON SMSA						
COUNTY:MADERA	NON-ELEVATOR:	110	125	149	178	195
STATE:CA	ELEVATOR:	121	137	163	195	214
COUNTY:MERCED	NON-ELEVATOR:	117	132	156	196	214
STATE:CA	ELEVATOR:	128	145	171	215	235
COUNTY:TULARE	NON-ELEVATOR:	120	136	162	178	195
STATE:CA	ELEVATOR:	132	149	178	195	214
REGION 10						
ANCHORAGE,ALASKA INSURING OFFICE						
NON SMSA						
DISTRICT:CORDOVA-MCCA	NON-ELEVATOR:	232	264	311	342	375
STATE:AK	ELEVATOR:	255	290	342	377	412
DISTRICT:JUNEAU	NON-ELEVATOR:	232	264	311	342	375
STATE:AK	ELEVATOR:	255	290	342	377	412
DISTRICT:KETCHIKAN	NON-ELEVATOR:	232	264	311	342	375
STATE:AK	ELEVATOR:	255	290	342	377	412
DISTRICT:KODIAK	NON-ELEVATOR:	232	264	311	342	375
STATE:AK	ELEVATOR:	255	290	342	377	412
DISTRICT:SITKA	NON-ELEVATOR:	232	264	311	342	375
STATE:AK	ELEVATOR:	255	290	342	377	412
DISTRICT:VLDZ-CHTN-WH	NON-ELEVATOR:	232	264	311	342	375
STATE:AK	ELEVATOR:	255	290	342	377	412
DISTRICT:WRNGLL-PTRBR	NON-ELEVATOR:	232	264	311	342	375
STATE:AK	ELEVATOR:	255	290	342	377	412

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REGION 10		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PORTLAND,OREGON AREA OFFICE						
SMSA: SALEM, OR						
COUNTY:MARION	NON-ELEVATOR:	126	143	169	214	233
STATE:OR	ELEVATOR:	139	158	186	236	257
COUNTY:POLK	NON-ELEVATOR:	126	143	169	214	233
STATE:OR	ELEVATOR:	139	158	186	236	257
SEATTLE,WASHINGTON AREA OFFICE						
SMSA: SEATTLE-EVERETT, WA						
COUNTY:KING	NON-ELEVATOR:	153	174	206	247	288
STATE:WA	ELEVATOR:	168	191	227	272	317
COUNTY:SNOHOMISH	NON-ELEVATOR:	153	174	206	247	288
STATE:WA	ELEVATOR:	168	191	227	272	317

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