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WEDNESDAY, SEPTEMBER 1, 1976



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Monday	Tuesday	Wednesday	Thursday	Friday
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Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Defense Science Board Task Force on Test and Evaluation Policy, Washington, D.C. (closed), 9–9–76. 31578; 7–29–76
Wage Committee, Washington, D.C. (closed), 9–7–76 ..... 28550; 7–12–76

EDUCATION OF DISADVANTAGED CHILDREN NATIONAL ADVISORY COUNCIL

Rapid City, S.D. (open), 9–10 and 9–11–76 ..... 35233; 8–20–76

FEDERAL ENERGY ADMINISTRATION

Construction Advisory Committee, Washington, D.C. (open), 9–8–76 .. 35098; 8–19–76
Distribution and Transportation Subcommittee of the Food Industry Advisory Committee, Washington, D.C. (open), 9–10–76 .. 35099; 8–19–76

FEDERAL HOME LOAN BANK BOARD

Alternative Mortgage Instruments Research Study Advisory Committee, Washington, D.C. (open), 9–10–76. 35561; 8–23–76

FEDERAL POWER COMMISSION

National Gas Survey—Curtailment Strategies—Technical Advisory Committee—Editorial Group, Washington, D.C. (open), 9–9–76 ..... 32667; 8–4–76

GENERAL SERVICES ADMINISTRATION

Workshop on Remote Terminal Emulation, Gaithersburg, Md. (open), 9–8 and 9–9–76 ..... 18477; 5–4–76

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

Committee on Mental Health and Illness of the Elderly, Rockville, Md. (open), 9–9 and 9–10–76. 33316; 8–9–76

National Advisory Mental Health Council, Rockville, Md. (partially open), 9–8 through 9–10–76. 31585; 7–29–76

National Institutes of Health—

Advisory Committees, Bethesda, Maryland (open), 9–8–76. 32281; 8–2–76

Artificial Kidney-Chronic Uremia Advisory Committee, Bethesda, Maryland (open with restrictions), 9–9–76 ..... 32283; 8–2–76

Board of Scientific Counselors, NIAMDD, Bethesda, Maryland (open with restrictions), 9–10 and 9–11–76 ..... 32283; 8–2–76

Cancer Control Intervention Programs Review Committee, Silver Spring, Maryland (open), 9–9 and 9–10–76 ..... 33574; 8–10–76

Enzyme Linked Immuno Specific Assay (Elisa) for Infectious Agents, Bethesda, Md. (open), 9–9 and 9–10–76 ..... 30379; 7–23–76

National Commission on Diabetes, Bethesda, Md. (open), 9–9 and 9–10–76 ..... 30379; 7–23–76

Neurological and Communicative Disorders and Stroke National Advisory Council Planning Subcommittee, Bethesda, Maryland (partially open), 9–9–76..... 33576; 8–10–76

Review of Research Contract Proposals, Bethesda, Maryland (partially open), 9–9 and 9–10–76. 32282; 8–2–76

Review of Research Grant Applications, Boston, Mass. (partially open), 9–9 and 9–10–76.. 32283; 8–2–76

Office of Education—

National Advisory Council on Indian Education, Denver, Colorado (open), 9–10 and 9–11–76. 35754; 8–24–76

National Advisory Council on Vocational Education, Washington, D.C. (open), 9–9–76.. 35088; 8–19–76

Women's Educational Program Advisory Council, Santa Fe, New Mexico (open), 9–10 and 9–11–76. 35880; 8–25–76

Office of the Assistant Secretary for Health—

National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, Bethesda, Md. (partially open), 9–10, 9–11–76.. 35553; 8–23–76

INTERIOR DEPARTMENT

Land Management Bureau—

Arizona Strip District Advisory Board, St. George, Utah (open), 9–9–76. 31578; 7–29–76

Moab District Multiple Use Advisory Board, Moab, Utah (open), 9–9 and 9–10–76.... 34085; 8–12–76

Montana State Multiple Use Advisory Board, Fort Benton, Montana (open), 9–8, 9–9 and 9–10–76. 35873; 8–25–76

National Park Service—

Consulting Committee to the National Survey of Historic Sites and Buildings, Washington, D.C. (open), 9–10–76 ..... 34086; 8–12–76

Cuyahoga Valley National Recreation Area Advisory Commission, North Olmsted, Ohio (open), 9–9–76. 34659; 8–16–76

Office of the Secretary—

Committee on Future Energy Prospects; National Petroleum Council, Denver, Colorado (open), 9–10–76. 35737; 8–24–76

Natural Sciences Advisory Committee for Fish and Wildlife and Parks, Yellowstone National Park (open), 9–10 and 9–11–76..... 35875; 8–25–76

Oil Shale Environmental Advisory Panel, Denver, Colo. (open), 9–9–76 ..... 35083; 8–19–76

LABOR DEPARTMENT

Employment and Training Administration—

Federal Committee on Apprenticeship, Washington, D.C. (open), 9–8 and 9–9–76 ..... 35775; 8–24–76

Occupational Safety and Health Administration—

National Advisory Committee on Occupational Safety and Health, Fresno, Calif. (open), 9–9–76. 32917; 8–6–76

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

National Highway Safety Advisory Committee, Washington, D.C. (open), 9–8 through 9–10–76 35091; 8–19–76

NATIONAL SCIENCE FOUNDATION

Project Directors', comprehensive assistance to undergraduate science education, Washington, D.C. (open), 9–9 and 9–10–76.. 34712; 8–16–76

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Washington, D.C. (partially open), 9–9, 9–10 and 9–11–76. 35580; 8–23–76

Advisory Committee on Reactor Safeguards; Subcommittee on Regulatory Guides, Washington, D.C. (partially open), 9–8–76 .. 35577; 8–23–76

Advisory Committee on Reactor Safeguards; Washington, D.C. (partially open), 9–8–76..... 35577; 8–23–76

SMALL BUSINESS ADMINISTRATION

Concord District Advisory Council, Concord, New Hampshire (open), 9–9–76. 35771; 8–24–76

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

Technical Subcommittee on Explosives Tagging, Washington, D.C. (closed), 9–9–76..... 33312; 8–9–76

Comptroller of the Currency—

Regional Advisory Committee on Banking Policies and Practices for the Fourteenth National Bank Region, Oxnard, California (open), 9–10–76 ..... 34328; 8–13–76

Fiscal Service—

Advisory Committee on Federal Consolidated Financial Statements, Washington, D.C. (open), 9–8–76. 32437; 8–3–76

WAGE AND PRICE STABILITY COUNCIL

Joint meeting of the Council and the National Center for Productivity and Quality in Working Life to study regulation of the steel industry, Washington, D.C. (open), 9–8–76.... 35213; 8–20–76

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

Table of Effective Dates and Time Periods—September 1976

This table is for use in computing dates certain in connection with documents which are published in the FEDERAL REGISTER subject to advance notice requirements or which impose time limits on public response.

Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for FEDERAL REGISTER scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published monthly in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
September 1	September 16	October 1	October 18	November 1	November 30
September 2	September 17	October 4	October 18	November 1	December 1
September 3	September 20	October 4	October 18	November 2	December 2
September 7	September 22	October 7	October 22	November 8	December 6
September 8	September 23	October 8	October 26	November 8	December 7
September 9	September 24	October 12	October 26	November 8	December 8
September 10	September 27	October 12	October 26	November 9	December 9
September 13	September 28	October 13	October 28	November 12	December 13
September 14	September 29	October 14	October 29	November 15	December 13
September 15	September 30	October 15	November 1	November 15	December 14
September 16	October 1	October 18	November 1	November 15	December 15
September 17	October 4	October 18	November 1	November 16	December 16
September 20	October 5	October 20	November 4	November 19	December 20
September 21	October 6	October 21	November 5	November 22	December 20
September 22	October 7	October 22	November 8	November 22	December 21
September 23	October 8	October 26	November 8	November 22	December 22
September 24	October 12	October 26	November 8	November 23	December 23
September 27	October 12	October 27	November 11	November 26	December 27
September 28	October 13	October 28	November 12	November 29	December 27
September 29	October 14	October 29	November 15	November 29	December 28
September 30	October 15	November 1	November 15	November 29	December 29

AGENCY ABBREVIATIONS USED IN HIGHLIGHTS AND REMINDERS

(This List Will Be Published Monthly In First Issue Of Month.)

USDA—AGRICULTURE DEPARTMENT

AMS—Agricultural Marketing Service
ARS—Agricultural Research Service
ASCS—Agricultural Stabilization and Conservation Service
APHIS—Animal and Plant Health Inspection Service
CCC—Commodity Credit Corporation
CEA—Commodity Exchange Authority
CSRS—Cooperative State Research Service
EMS—Export Marketing Service
ERS—Economic Research Service
FmHA—Farmers Home Administration
FCIC—Federal Crop Insurance Corporation
FAS—Foreign Agricultural Service
FNS—Food and Nutrition Service
FS—Forest Service
PSA—Packers and Stockyards Administration
RDS—Rural Development Service
REA—Rural Electrification Administration
RTB—Rural Telephone Bank
SCS—Soil Conservation Service

COMMERCE—COMMERCE DEPARTMENT

Census—Census Bureau
DIBA—Domestic and International Business Administration
EDA—Economic Development Administration
MA—Maritime Administration
MBE—Minority Business Enterprise Office
NBS—National Bureau of Standards
NOAA—National Oceanic and Atmospheric Administration
NSA—National Shipping Authority
NTIS—National Technical Information Service
Patent—Patent Office
TS—Travel Service

DOD—DEFENSE DEPARTMENT

AF—Air Force Department
Army—Army Department
DCPA—Defense Civil Preparedness Agency
DIA—Defense Intelligence Agency

DSA—Defense Supply Agency
Engineers—Engineers Corps
Navy—Navy Department

HEW—HEALTH, EDUCATION, AND WELFARE DEPARTMENT

ADAMHA—Alcohol, Drug Abuse, and Mental Health Administration
CDC—Disease Control Center
FDA—Food and Drug Administration
HDO—Human Development Office
HRA—Health Resources Administration
HSA—Health Services Administration
NIH—National Institutes of Health
OE—Education Office
PHS—Public Health Service
RSA—Rehabilitation Services Administration
SRS—Social and Rehabilitation Service
SSA—Social Security Administration

HUD—HOUSING AND URBAN DEVELOPMENT DEPARTMENT

CA&RF—Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CP&D—Community Planning and Development, Office of Assistant Secretary
FDAA—Federal Disaster Assistance Administration
FHEO—Fair Housing and Equal Opportunity, Office of Assistant Secretary
FHC—Federal Housing Commissioner, Office of Assistant Secretary for Housing
FIA—Federal Insurance Administration
GNMA—Government National Mortgage Association
HP&MC—Housing Production and Mortgage Credit, Office of Assistant Secretary
ILSRO—Interstate Land Sales Registration Office
NCDC—New Community Development Corporation

INTERIOR—INTERIOR DEPARTMENT

BPA—Bonneville Power Administration
BIA—Indian Affairs Bureau
BLM—Land Management Bureau
FWS—Fish and Wildlife Service
GS—Geological Survey
MESA—Mining Enforcement and Safety Administration
Mines—Mines Bureau
NPS—National Park Service
OHA—Hearings and Appeals Office
O & G—Oil and Gas Office
Reclamation—Reclamation Bureau

JUSTICE—JUSTICE DEPARTMENT

DEA—Drug Enforcement Administration
INS—Immigration and Naturalization Service
LEAA—Law Enforcement Assistance Administration

LABOR—LABOR DEPARTMENT

BLS—Labor Statistics Bureau
EBSO—Employee Benefits Security Office
ESA—Employment Standards Administration
ETA—Employment and Training Administration
FCCPO—Federal Contract Compliance Programs Office
LMSEO—Labor Management Standards Enforcement Office
OSHA—Occupational Safety and Health Administration
W&H—Wage and Hour Division

STATE—STATE DEPARTMENT

AID—Agency for International Development
FSGB—Foreign Service Grievance Board

DOT—TRANSPORTATION DEPARTMENT

CG—Coast Guard
FAA—Federal Aviation Administration
FHWA—Federal Highway Administration
FRA—Federal Railroad Administration
MTB—Materials Transportation Bureau
NHTSA—National Highway Traffic Safety Administration
OHMO—Hazardous Materials Operations Office
PSOO—Pipeline Safety Operations Office
SLS—Saint Lawrence Seaway Development Corporation
UMTA—Urban Mass Transportation Administration

TREASURY—TREASURY DEPARTMENT

ATF—Alcohol, Tobacco and Firearms Bureau
Customs—Customs Service
Comptroller—Comptroller of the Currency
ESO—Economic Stabilization Office (temporary)
FS—Fiscal Service
IRS—Internal Revenue Service
Mint—Mint Bureau
RSO—Revenue Sharing Office

INDEPENDENT AGENCIES

CAB—Civil Aeronautics Board
CASB—Cost Accounting Standards Board
CEQ—Council on Environmental Quality
CFTC—Commodity Futures Trading Commission
CITA—Textile Agreements Implementation Committee
CPSC—Consumer Product Safety Commission
CRC—Civil Rights Commission
CSC—Civil Service Commission
EEOC—Equal Employment Opportunity Commission
EXIMBANK—Export-Import Bank of the U.S.
EPA—Environmental Protection Agency
ERDA—Energy Research and Development Administration
FCC—Federal Communications Commission
FCSC—Foreign Claims Settlement Commission
FDIC—Federal Deposit Insurance Corporation
FEA—Federal Energy Administration
FHLBB—Federal Home Loan Bank Board
FPC—Federal Power Commission
FTC—Federal Trade Commission
GSA—General Services Administration
GSA/ADTS—Automated Data and Telecommunications Service
GSA/FMPO—Federal Management Policy Office
GSA/FPA—Federal Preparedness Agency
GSA/FSS—Federal Supply Service
GSA/NARS—National Archives and Records Service
GSA/PBS—Public Buildings Service
ICC—Interstate Commerce Commission
ICP—Interim Compliance Panel (Coal Mine Health and Safety)
LSC—Legal Services Corporation
NASA—National Aeronautics and Space Administration
NCUA—National Credit Union Administration
NFAH/NEA—National Endownment for the Arts
NFAH/NEH—National Endownment for the Humanities
NLRB—National Labor Relations Board
NRC—Nuclear Regulatory Commission
NSF—National Science Foundation
NTSB—National Transportation Safety Board
OFR—Federal Register Office
OMB—Management and Budget Office
OPIC—Overseas Private Investment Corporation
PADC—Pennsylvania Avenue Development Corporation
PRC—Postal Rate Commission
PS—Postal Service
RB—Renegotiation Board
RRB—Railroad Retirement Board
SBA—Small Business Administration
SEC—Securities and Exchange Commission
TVA—Tennessee Valley Authority
USIA—United States Information Agency
VA—Veterans Administration
WRC—Water Resources Council

presidential documents

Title 3—The President

Memorandum of August 28, 1976

Decision on Honey Under Section 202(b) of the Trade Act of 1974

Memorandum for the Special Representative for Trade Negotiations

THE WHITE HOUSE,
Washington, August 28, 1976.

Pursuant to Section 202(b)(1) of the Trade Act of 1974 (PL 93-618, 88 Stat. 1978), I have determined the action I will take with respect to the report of the U.S. International Trade Commission (USITC) dated June 29, 1976, concerning the results of its investigation of a petition for import relief filed by several associations and independent firms producing honey in the United States.

I have determined that import relief for honey is not in the national economic interest of the United States.

Three Commissioners found that although commercial producers of honey, i.e. with 300 bee colonies or more, had operated profitably, such producers were threatened with serious injury caused in substantial part by increased imports. This finding did not cover the numerous beekeepers who produce honey as a hobby or as a sideline to other occupations. Moreover, firms processing, packing and/or marketing honey were found not to be injured or threatened with injury from increased import competition. Two of the five Commissioners voting in the case found no injury or threat of injury to any part of the industry.

The farm value of the total domestic honey crop in 1975 is estimated at $100 million, with about 60 percent accounted for by commercial producers. Commercial production has varied widely in recent years, depending on yield per bee colony, which is in turn affected by such factors as weather, pasturage, and pesticide losses. There is no idling of productive facilities and employment has increased.

Data reported by the Commission show that prices received by producers for bulk unprocessed honey in 1975 had declined from the all-time peak in 1974 but were still 27.7 cents per pound, or 154 percent above the 1971 level. In the same 5-year period, retail purchasers paid an increase of 34.4 cents per pound, or 94 percent. Per capita consumption declined, due at least in part to loss of a major part of the industrial market to lower price substitutes.

With increased costs and lower yields, honey producers showed a lower profit to sales ratio last year than in the boom year 1973. However, the net beekeeping profit before income taxes reported by commercial producers to the Commission for 1975 was 2.6 times the 1971 earnings.

Even with a good crop, domestic production of honey falls short of consumption. Imports have varied widely in the past, tending to even out consumption needs. With short crops in 1974–1975 and the 1976 crop expected to be nearly 50 million pounds below 1973, imports have risen. Efforts to increase stocks before a possible escape clause duty increase also contributed to the rise in imports in 1976.

Tariff relief would be inconsistent with the national effort to reduce inflation. New restrictions would also expose other U.S. products to foreign claims for compensatory tariff reductions or retaliation against U.S. exports. While honey is a small item in our overall imports, increased protection would have an adverse effect on our bargaining position in bilateral consultations and multilateral negotiations of major importance to the U.S. economy.

After considering the material on honeybee pollination of domestic crops, I have concluded that pollination will not be jeopardized in the absence of import relief. However, in view of the widespread interest in this subject, I have instructed the Secretary of Agriculture to undertake additional research on the importance of pollination, to identify possible problem areas, and to recommend appropriate solutions as needed.

In taking action which differs from the action recommended by the Commission, I am required by Sec. 203(b) of the Trade Act of 1974 to report to Congress on the reasons underlying this action. This reportorial requirement is by itself of course appropriate. However, by Sec. 203(c) of the Trade Act, Congress has also attempted to empower itself with the authority to disapprove of such Presidential action by force of a concurrent resolution. Such legislative "vetoes" are considered by the Executive to be violative of fundamental constitutional precepts and thus without effect. The question is currently at issue in litigation which is being actively pursued by the Department of Justice.

This determination is to be published in the FEDERAL REGISTER.

Gerald R. Ford

THE U.S. DUTY ON HONEY IMPORTS

As required by Section 203(b)(2) of the Trade Act of 1974, I am transmitting this report to the Congress setting forth my determination that import relief for commercial producers of honey is not in the national economic interest. Since I have determined that the tariff remedy recommended by the United States International Trade Commission (USITC) should not be implemented, I am setting forth the reasons for my decision and other action I am taking in response to the widespread interest expressed by U.S. agriculture in honeybee pollination of U.S. crops.

In taking action which differs from the action recommended by the Commission, I am required by Sec. 203(b) of the Trade Act of 1974 to report to Congress on the reasons underlying this action. This reportorial requirement is by itself of course appropriate. However, by Sec. 203(c) of the Trade Act, Congress has also attempted to empower itself with the authority to disapprove of such Presidential action by force of a concurrent resolution. Such legislative "vetoes" are considered by the Executive to be violative of fundamental constitutional precepts and thus without effect. The question is currently at issue in litigation which is being actively pursued by the Department of Justice.

U.S. honey production, valued at about $100 million in 1975, has varied from year to year but has historically fallen below domestic consumption requirements. Imports have also varied widely, with the volume tending to even out consumption needs. The Department of Agriculture recently released its initial forecast for 1976 honey production, which indicates that for the third year in a row, the crop will be short, due in large measure to adverse weather conditions. The anticipation of low domestic production (nearly 50 million pounds below 1973) and the desire to avoid higher duties in the event of escape clause relief probably explains a significant part of the increase in imports of 1976.

The finding of threat of injury by three of the five Commissioners voting in this case covers only the commercial production and extraction of honey. It does not cover hobbyists and sideliners, i.e., producers with less than 300 colonies, and the Commission found unanimously that processors and packers were not injured or threatened with injury. With regard to the com-

mercial producers, data reported by the Commission for 1971–75 show rising sales, no idling of productive facilities and an increase in employment. Commercial producers' employment totals an estimated 10,000 persons, whereas part-time beekeepers and hobbyists total 218,000.

Producers' stocks since 1970 have been low as compared with the previous decade. Total stocks reported for 1975 were only slightly higher than in 1973 and were ten percent below the 1970 level. Prices received by producers for unprocessed bulk honey in 1975 were two and one half times the 1971 level and were not far below the all-time high reached in 1974. Profits in 1975 were 162 percent above 1971 and were higher than for any year except 1973, when yields, which have an important impact on profits, were 31 percent higher.

Under the circumstances noted above, it is not anticipated that any substantial number of commercial producers or their employees are likely to seek adjustment assistance. However, any firms or workers who consider they can meet the statutory criteria can petition for such assistance under Title II, Chapters 2 and 3, respectively, of the Trade Act of 1974.

Import restraints would expose U.S. industrial and agricultural trade to compensatory import concessions or retaliation against U.S. exports. An increase in protection would also weaken the bargaining position of the United States in bilateral consultations, and multilateral negotiations in which we are seeking improved access to foreign markets for our producers.

The national economic interest requires continued emphasis on reducing the rate of inflation. A remedy threatening price increases would work at cross purposes with our stabilization goals.

In considering the effect of import restraints on the international economic interests of the United States, as required by the Trade Act of 1974, I have concluded that such restraints, while affecting only a small share of our total imports, would be contrary to the U.S. policy of promoting the development of an open and fair world economic system. The goal of this policy is to expand domestic employment and living standards through increased economic efficiency.

In the course of this investigation extensive material was received concerning the role played by honeybees in pollinating certain crops. While total honeybee colonies in the United States have declined over the past 25 years, the major causes are pesticides, decreased bee pasturage and changes in cropping patterns. Imports of honey were not a significant factor. While a considerable amount of research has been done on pollination, more information on certain aspects of the subject would be useful. I have, therefore, instructed the Secretary of Agriculture to initiate studies of the importance of pollination to U.S. agriculture and consumers, to identify possible problem areas and to recommend appropriate solutions, as needed.

[FR Doc.76–28796 Filed 8–30–76;5:08 pm]

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 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1976 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1976. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

The rate for subscription service to all revised volumes issued for 1976 is $350 domestic, $75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1976):

Title	Price
1	$1.40
2 [Reserved]	
3A, 1975 Compilation	3.40
4	3.20
5	4.90
6	.95
7 Parts:	
0–45	5.80
46–51	3.80
52	5.70
53–209	5.50
210–699	6.20
700–749	3.80
750–899	1.70
900–944	3.90
945–980	2.70
981–999	2.40
1000–1059	4.00
1060–1119	4.50
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10 Parts:	
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200–end	4.90
12 Parts:	
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14 Parts:	
1–59	5.30
60–199	5.60
200–1199	6.20
1200–end	2.00
15	5.40
16 Parts:	
0–149	6.50
150–end	6.80

CFR Unit (Rev. as of April 1, 1976):

17	$6.00
18 Parts:	
1–149	4.85
150–end	4.10
19	5.65
20 Parts:	
1–399	$2.45
400–end	7.50
21 Parts:	
1–9	2.60
10–199	5.20
200–299	2.10
300–499	*5.95
500–599	3.75
600–1299	2.75
1300–end	1.90
23	4.55
24 Parts:	
0–499	6.65
500–end	6.90
26 Parts:	
1 (§§ 1.0–1—1.169)	5.95
1 (§§ 1.170–1.300)	3.90
1 (§§ 1.301–1.400)	3.30
1 (§§ 1.401 to 1.500)	3.55
1 (§§ 1.501–1.640)	4.05
1 (§§ 1.641–1.850)	4.45
1 (§§ 1.851–1.1200)	6.05
1 (§§ 1.1201 to end)	6.95
2–29	4.05
30–39	3.45
300–499	3.60
600–end	2.20
27	7.70

CFR Unit (Rev. as of July 1, 1976):

32 Parts:	
590–699	$3.10
1000–1399	2.20
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1600–end	1.95
40 Parts:	
0–49	3.15
41 Chapters:	
7	1.85
8	1.80

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44 [Reserved]	
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1–99	3.25
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46 Parts:	
1–29	2.20
30–40	2.15
41–69	4.40
70–89	2.05
90–109	1.95
110–139	1.90
140–149	7.50
150–165	3.75
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200–end	6.50
47 Parts:	
0–19	4.25
20–69	5.25
70–79	4.60
80–end	5.60
48 [Reserved]	
49 Parts:	
1–99	$1.85
100–199	6.80
200–999	5.90
1000–1199	3.55
1200–1299	7.65
1300–end	2.95
50	4.15

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 25—ADVISORY COMMITTEE MANAGEMENT

Financial Records of Advisory Committees

On September 11, 1975, committee management regulations for the Department of Agriculture were published in the FEDERAL REGISTER (40 FR 42171) as new Parts 25 and 25A of the Code of Federal Regulations.

7 CFR Part 25 is amended by revising §25.27(b) to read as follows:

§ 25.27 Financial records.

* * * * *

(b) When it appears that committee expenses will exceed the estimate given in the charter by $500 or 10 percent, whichever, is greater, the agency providing support services shall obtain prior approval for the expenditure of such additional funds from the Advisory Committee Management Officer. A memorandum shall be routed through the Office of Management and Finance justifying such increased expense estimates and requesting approval. The agency shall be notified of the disposition of the request by the Office of Management and Finance.

* * * * *

Since this amendment is intended to relieve the agencies of the paperwork burden of requesting approval for minor increases in committee expenses, it is not believed that public comment would afford the Department any additional information. Accordingly, pursuant to 5 U.S.C. 553, good cause is found that notice and public procedure is unnecessary, and good cause is found to make the amendment effective less than 30 days after publication.

Effective date: September 1, 1976.

Dated: August 27, 1976.

J. PAUL BOLDUC,
Assistant Secretary for Administration.

[FR Doc.76-25606 Filed 8-31-76;8:45 am]

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 411—GRAPE CROP INSURANCE

1977 and Succeeding Crop Years

On Wednesday, June 16, 1976, there was published in the FEDERAL REGISTER (41 FR 24382) a notice of proposed rulemaking by the Federal Crop Insurance Corporation which would amend the Grape Crop Insurance Regulations (7 CFR 411.1 et seq.) effective with the 1977 crop year. The public was given 30 days in which to submit written comments, views, or arguments on the proposed amendment, but none were received.

The document, as published, more clearly defined the method of adjustment of losses to be used in connection with those grapes which may be harvested at the discretion of the grower before reaching full maturity; extended the termination date for indebtedness to allow the insured more time to pay premium since the current date for termination is prior to the time many insureds received the proceeds from their crops; changed the closing date from November 15 to December 10 to more nearly conform to local farming practices and to allow the insured more time to decide on and select his crop insurance; made provisions for vineyards of less than two acres and production of under two tons per acre, previously uninsurable, to now be eligible for crop insurance under a prior agreement with the Corporation.

Section 411.6 of the document published in the notice contained the Application and Policy. It was felt that filing an application for grape crop insurance could be expedited if the standard application were used, as is the case with most other crops insured by Federal Crop Insurance Corporation, using internal procedures and methods for processing similar to other crops, and a new grape insurance policy developed utilizing the same provisions as are used in the current application and policy section. Other than editing and format revision, the substance and the provisions of the proposed regulations, published for the benefit of public response (41 FR 24382), remain unchanged.

Accordingly, the proposed regulations, amended as indicated above and effective with the 1977 crop year, were adopted by the Board of Directors of the Federal Crop Insurance Corporation.

Part 411 of 7 CFR is hereby revised for the 1977 and succeeding crop years to read as set forth below. The provisions of this part shall apply, until amended or superseded, to all continuous grape crop insurance contracts as they relate to the 1977 and succeeding crop years. The Grape Crop Insurance Regulations for the 1967 and Succeeding Crop Years, as amended, shall remain in full force and effect for the 1976 crop year.

Sec.
411.1 Availability of grape crop insurance.
411.2 Premium rates, production guarantees, and prices for computing indemnities.
411.3 Application for insurance.
411.4 Public notice of indemnities paid.
411.5 Creditors.
411.6 The policy.

AUTHORITY: Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.

§ 411.1 Availability of grape crop insurance.

Grape crop insurance shall be offered for the 1977 and succeeding crop years under the provisions of § 411.1 through § 411.6 in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation for grape crop insurance. The counties designated by the Manager shall be published by appendix to this section.

§ 411.2 Premium rates, production guarantees, and prices for computing indemnities.

(a) The Manager shall establish premium rates, production guarantees, and prices for computing indemnities which shall be provided for on the county actuarial table on file in the office for the county. Such premium rates, production guarantees, and prices for computing indemnities may be changed from year to year.

(b) The following shall apply to the transfer of any premium reduction earned under the provisions of section 7 of the Policy set forth in § 411.6 if the insured is a partnership, corporation, or any other joint enterprise and there is no break in continuity of participation. Upon dissolution of such enterprise, such premium reduction may be credited to the contract of any member or stockholder thereof if the Corporation determines such person is operating only land formerly operated by the dissolved enterprise. Upon formation of a joint enterprise, the smallest premium reduction (zero if none), which the Corporation determines would have been applicable to any insurable acreage brought into the enterprise if the enterprise had not been formed, may be credited to the joint enterprise contract.

§ 411.3 Application for insurance.

An application for insurance, on a form prescribed by the Corporation, may be submitted at the office for the county for the Corporation. The closing date for the taking of applications shall be the December 10 immediately preceding the beginning of the crop year. However, the Corporation reserves the right to discontinue the taking of applications in any county, prior to the closing date for the filing of applications, upon its determination that the insurance risk involved is excessive. The Corporation further reserves the right to reject any application or to exclude any definitely identified acreage for any crop year of the contract if upon inspection it deems the risk on such acreage is excessive. If any acreage is to be excluded, the insured shall be notified of such exclusion before insurance attaches for the crop year for which the acreage is to be excluded. The Manager of the Corporation is authorized in any crop year to extend the closing date for acceptance of applications in any county, by publishing a notice in the FEDERAL REGISTER, upon his determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period the Corporation will immediately discontinue the acceptance of applications.

§ 411.4 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at the county courthouse a listing of indemnities paid in the county.

§ 411.5 Creditors.

An interest of a person other than the insured in an insured crop by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the policy set forth in § 411.6.

§ 411.6 The grape insurance policy.

The provisions of the policy for Grape Crop Insurance for the 1977 and Succeeding Crop Years are as follows:

GRAPE INSURANCE POLICY

Subject to the regulations of the Federal Crop Insurance Corporation (herein called "Corporation") and in accordance with the terms and conditions set forth in this policy, the Corporation upon acceptance of a person's application does insure such person against unavoidable loss of production of his insured crop due to causes of loss insured against that are specified in this policy. No term or condition of the contract shall be waived or changed on behalf of the Corporation except in writing by a duly authorized representative of the Corporation.

TERMS AND CONDITIONS

1. *Meaning of terms.* For purposes of insurance on grapes:

(a) "Acreage report" means the form prescribed by the Corporation for annually reporting all of the insured's acreage and share therein of grapes in the county.

(b) "Actuarial table" means the grape insurance forms and related material approved by the Corporation which are on file for public inspection in the office for the county and which show the production guarantees, prices for computing indemnities, and premium rates for the county.

(c) "Continuous land" means land which is touching at any point, except that land which is separated by only a public or private way shall be considered contiguous.

(d) "Contract" means the application, this policy, and the actuarial table.

(e) "County" means the county shown on the application and any additional insurable land in a local producing area bordering on the county, as shown on the actuarial table.

(f) "Crop year" means the period beginning with the date insurance attaches to the grape crop and extending through normal harvest time and shall be designated by the calendar year in which the grapes are normally harvested.

(g) "Harvest" means picking the grapes from the vines.

(h) "Insurable acreage" means either (1) the land classified as insurable by the Corporation and shown as such on the actuarial map or appropriate land identification list for the county; or (2) the land owned or operated by a person to whom a farm classification is assigned by the Corporation or as otherwise provided on the actuarial table.

(i) "Office for the county" means the Corporation's office serving the county or such office as may be designated by the Corporation.

(j) "Person" or "Insured" means an individual, partnership, association, corporation, estate, or trust or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(k) "Share" means the share of the insured as landlord, owner-operator, or tenant in the insured grapes at the time insurance attaches as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share in the grape crop shall be deemed to be insurable.

(l) "Time of loss" means the earliest of (1) the date harvest is completed on the unit; (2) the calendar date for the end of the insurance period; or (3) the date the entire crop in the unit is destroyed, as determined by the Corporation.

(m) "Tenant" means a person who rents land from another person for a share of the crop or proceeds therefrom.

(n) "Ton" means 2,000 pounds.

(o) "Unit" means all the insurable acreage of grapes in the county which is located on contiguous land and, at the time insurance attaches for the crop year, (1) in which the insured has a 100 percent share; (2) which is owned by one person and operated by the insured as a tenant; or (3) which is owned by the insured and rented to one tenant. Land rented for cash, a fixed commodity payment, or for any consideration other than a share in the crop on such land only shall be considered as owned by the lessee.

The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and reserves the right to consider any acreage and share reported by or for the insured's spouse, child, or any member of his household to be the bona fide share of the insured or any other person having the bona fide share.

2. *Causes of loss.* (a) The insurance is provided against unavoidable loss of production occurring within the insurance period resulting from adverse weather conditions, flood, fire, wildlife, and earthquake.

(b) The contract shall not cover any loss due to (1) neglect or malfeasance of the insured, any member of the insured's household, tenants, or employees; (2) failure to follow recognized good farming practices; (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project; or (4) any cause not specified as an insured cause in this policy.

3. *Grapes insured.* (a) Insurance attaches only to insurable varieties shown on the actuarial table and grown on insurable acreage (1) in which the insured has a share on the date insurance attaches; (2) on which at least 90 percent of a stand, based on the original planting pattern, has been maintained; and (3) on which the vines after being set out have reached the number of growing seasons shown on the actuarial table.

(b) Unless a written agreement is in effect between the Corporation and the insured, insurance shall not attach to either a unit of less than two acres or a unit with an average yield of less than two tons per acre.

4. *Life of contract and contract changes.* (a) The contract shall be in effect, for the first crop year specified on the application. Subject to the other provisions of this section, the contract shall continue for each succeeding crop year until canceled by either the insured or the Corporation. Insurance may not be canceled for the first crop year, but thereafter either party may cancel insurance for any crop year by giving written notice to the other by the September 30 immediately preceding such crop year.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; however, if such event occurs after insurance attaches in any year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the parties shall dissolve the joint entity.

(c) The contract shall terminate if the premium for any crop year is not paid by December 10 following the calendar year in which insurance attached: *Provided*, That the date of payment for a premium (1) deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(d) The contract shall also terminate if no premium is earned for three consecutive years.

(e) The Corporation reserves the right to change the terms and conditions of the contract from year to year. Notice thereof shall be mailed to the insured or placed on file and made available for public inspection at the office for the county by the September 15 immediately preceding the crop year for which such changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract, as provided in subsection (a) of this section.

(f) For any crop year, the insured may change the price election which was in effect for a prior crop year by so notifying the office for the county in writing by the December 10 immediately preceding the crop year.

5. *Responsibility of the insured to report acreage, share, and yield.* (a) For each year of the contract, the insured shall submit an acreage report promptly after insurance attaches, but not later than a date established by the Corporation and on file in the office for the county. Such report shall include a designation of all acreage of grapes which is uninsurable under the provisions of section 3 above. A report of the preceding year's insurable acreage and the tonnage produced therefrom shall also be provided by the insured on a form prescribed by the Corporation when the acreage report for the current year is submitted.

(b) If the insured does not submit an acreage report by the date established by the Corporation, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero".

6. *Insurance period.* Insurance attaches each crop year on December 11 and ceases upon harvest or December 10 following the calendar year in which the insurance attached, whichever is earlier. If the insured purchases any acreage of grapes by January 5 of any crop year, insurance will be considered to have attached to such acreage on the preceding December 11, provided an inspection of the vineyard has been made and the acreage is acceptable to the Corporation. If the insured sells any acreage of grapes by January 5 of any crop year, insurance will not be considered to have attached to such acreage for that crop year.

7. *Annual Premium.* (a) The annual premium for each unit is earned and payable on the date insurance attaches and shall be determined by multiplying the insured acreage times the production guarantee per acre, times the price election per ton, times the premium percentage rate, times the insured's share on the date insurance attaches, and where applicable, applying the discount herein provided.

(b) Except as otherwise provided herein, the total annual premium on all units shall be reduced as follows after consecutive years of insurance without a loss for which an indemnity was paid on any unit hereunder (eliminiating any

year in which a premium was not earned):

Percent premium reduction:	*Consecutive insurance years without a loss*
5 percent after	1 year
5 percent after	2 years
10 percent after	3 years
10 percent after	4 years
15 percent after	5 years
20 percent after	6 years
25 percent after	7 years or more

If the insured has a loss for which an indemnity is paid hereunder, the number of such consecutive years of insurance without a loss shall be reduced by three years, except that where the insured has seven or more such years, a reduction to four shall be made and where the insured has three or less such years, a reduction to zero shall be made. If, at any time, the cumulative indemnities paid hereunder exceed the cumulative premiums earned hereunder from the start of the insuring experience through the previous crop year, the 5, 10, and 15 percent premium discounts in this section shall not thereafter be applicable until such cumulative premiums equal or exceed such cumulative indemnities.

(c) If there is no break in continuity of participation, any premium reduction earned hereunder shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured; (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same farm or farms, if the Corporation finds that such transferee has previously actively participated in the farming operation involved; or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

8. *Notice of damage or loss.* (a) The insured shall report to the office for the county each damage to the grapes from an insured cause of loss within seven days after such damage becomes apparent, giving the date, cause, and estimated extent of such damage: *Provided, however,* That if a loss is to be claimed, the insured shall notify the office for the county immediately if the damage occurs within the seven day period before harvest commences or during harvest.

(b) If an insured loss occurs on any unit, the insured shall also notify the office for the county within 15 days after harvesting is completed on the unit, but not later than December 10 of the crop year.

(c) The Corporation reserves the right to reject any claim if any of the requirements of this section are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

(d) There shall be no abandonment of the grape crop to the Corporation.

9. *Claim for loss.* (a) Any claim for loss on a unit shall be submitted to the Corporation on a form prescribed by the Corporation within 60 days after the time of loss. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) It shall be a condition precedent to the payment of any claim that the insured establish to the satisfaction of the Corporation the production of grapes on the unit and that the loss has been caused by one or more of the hazards insured against during the insurance period, and furnish any other information regarding the manner and extent of loss as may be required by the Corporation. If the production harvested from a unit is commingled with the production harvested from any other acreage and the insured fails to keep separate records satisfactory to the Corporation of the acreage involved and the production from each, the Corporation may (1) allocate the commingled production as it deems appropriate; or (2) reject the claim for the unit without affecting the insured's liability for the premium.

(c) Losses shall be adjusted separately for each unit. The amount of loss on any unit shall be determined by (1) multiplying the insured acreage on the unit by the applicable guarantee per acre; (2) subtracting therefrom the total production to be counted for the unit; (3) multiplying this remainder by the applicable price per ton for computing indemnities; and (4) multiplying this product by the insured share: *Provided,* That the amount of loss shall be determined with respect to all of the insurable acreage and share; but, the amount of loss shall be reduced proportionately if the premium computed on all of the insurable acreage and share exceeds the premium computed on the acreage and share shown on the acreage report. *Provided, further,* That the insured share shall not exceed the share which the insured has in the grape crop at the time of loss or the beginning of harvest, whichever is earlier.

(d) The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all harvested production and any appraisals made by the Corporation for unharvested or potential production, poor farming practices, uninsured causes of loss, abandoned acreage, or acreage put to another use without the consent of the Corporation: *Provided,* That (1) the production to be counted for any acreage which is damaged by an uninsured cause, abandoned, or put to another use without the consent of the Corporation, shall be not less than the applicable production guarantee; (2) if the grapes are harvested before normal maturity, such production shall be increased by the factor determined by dividing the price per ton received for such grapes by the price per ton for fully matured grapes, as determined by the Corporation; and (3) no production will be counted for (i) grapes which the Corporation determines cannot, due to an insured cause, be marketed or if marketable would have a value of less than $35.00 per ton; or (ii) any unharvested insured acreage damaged by an insured cause if the appraised production, as determined by the Corporation, is 250 or less pounds per acre.

(e) If any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided,* That such action must be brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

10. *Payment of indemnity.* (a) Any indemnity will be payable within 30 days after a claim for loss is approved by the Corporation. However, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved and such event occurs after insurance attaches in any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

11. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right or remedy including the right to collect any unpaid premiums if at any time, either before or after any loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

12. *Other insurance against fire.* If the insured has other insurance, whether valid or not, against damage by fire during the insurance period, the Corporation shall be liable for loss due to fire only for the smaller of either (a) the amount of insurance indemnity determined pursuant to this contract without regard to any other insurance; or (b) the amount as determined by the Corporation by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section the amount of loss from fire shall be the difference between the fair market value of the production on the unit involved before the fire and after the fire, as determined by the Corporation from appraisals made by the Corporation of the production and fair market value.

13. *Collateral assignment.* Upon submission and approval of forms prescribed by the Corporation, the insured may assign the right to an indemnity in any crop year, and the assignee shall have the right to submit the loss notices and forms as required by the contract.

14. *Transfer of insured share.* If the insured transfers all or any part of the insured share in any crop year, the Corporation will, upon submission and approval of forms prescribed by the Corporation, continue to provide protection according to the provisions of the policy

to the transferee for such crop year with respect to the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the transferor.

15. *Subrogation.* The insured assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment therefore is made by the Corporation and shall execute all papers required and take appropriate action to secure such rights.

16. *Records and access to farm.* The insured shall keep or cause to be kept, for two years after the time of loss, separate records of the harvesting, storage, shipments, sale, or other disposition of all grapes produced on each unit and on any uninsured acreage of grapes in the county in which the insured has a share. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

17. *Forms.* Copies of forms referred to in the contract are available at the office for the county.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

The rules herein do not fall within the criteria set forth in the Department of Agriculture's interim guidelines relating to the Inflationary Impact Statement required by the Office of Management and Budget Circular A-107.

Adopted by the Board of Directors on August 4, 1976.

PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

[FR Doc.76-25527 Filed 8-31-76;8:45 am]

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

[Bartlett Pear Reg. 11, Amdt. 1]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Grade Requirement

This amendment, effective during the period August 27 through September 15, 1976, lowers quality requirements applicable to fresh shipments of Bartlett pears from the Medford District in Oregon by permitting the handling of such pears which fail to meet the U.S. No. 2 grade requirements on account of hail marks. This action recognizes the effects of recent hailstorms on the external appearance of Bartlett pears available for fresh shipment from the Medford District.

Findings. (1) Pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and Washington, 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 Northwest Fresh Bartlett Pear Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that regulation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This amendment reflects the Department's appraisal of current and prospective market conditions for Bartlett pears produced in the Medford District of Oregon. The lower quality requirements specified for fresh shipments of such Bartlett pears are consistent with the external appearance and available supply of such fruit.

(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 this 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 lowers requirements on the handling of such pears.

Order. In § 931.311 (Bartlett Pear Regulation 11; 41 FR 30094) the provisions of paragraph (a)(1)(i) through (a)(1)(iii) and paragraph (b) are amended to read as follows:

§ 931.311 Bartlett Pear Regulation 11.

(a) * * *

(1) *Minimum grade and size.* (i) Bartlett pears of varieties other than Red Bartletts, when packed in the standard western pear box, the "L.A. lug", or their carton equivalents, in half-cartons (containers with inside dimensions of 19¼ x 11½ x 5½ inches), in master containers containing overwrapped consumer packages of pears, or in "tight-filled" containers shall be of a size not smaller than 165 size and shall grade at least U.S. No. 1: *Provided,* That Bartlett pears of such varieties may be handled in such containers if they grade at least U.S. No. 2 and are of a size not smaller than 150 size. Red Bartlett variety pears, when packed in any of the containers specified in this subdivision, shall be of a size not smaller than 180 size and shall grade at least U.S. No. 1: *Provided,* That pears of such variety may be handled in such containers if they grade at least U.S. No. 2 and are of a size not smaller than 165 size: *Provided,* That such pears of any variety grown in the Medford District which fail to meet the requirements of U.S. No. 2 grade only because of serious, but not very serious, damage caused by hail marks may be shipped if the shape of the pear is such that it will cut at least one good half;

(ii) Barlett pears of any variety, when packed in the "western lug", shall grade at least U.S. No. 2 and be not less than 2¼ inches in diameter: *Provided,* That such pears of any variety grown in the Medford District which fail to meet the requirements of U.S. No. 2 grade only because of serious, but not very serious, damage caused by hail marks may be shipped if the shape of the pear is such that it will cut at least one good half; and

(iii) Bartlett pears of any variety, when packed in containers containing at least 14 pounds but not more than 15 pounds net weight, shall grade at least U.S. No. 2 grade and measure not less than 2⅛ inches in diameter: *Provided,* That such pears of any variety grown in the Medford District which fail to meet the requirements of U.S. No. 2 grade only because of serious, but not very serious, damage caused by hail marks may be shipped if the shape of the pear is such that it will cut at least one good half.

* * * * *

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; "U.S. No. 1", "U.S. No. 2", and "size" shall have the same meaning as when used in the United States Standards for Summer and Fall Pears (§§ 51.1260-51.1280 of this title); "150 size", "165 size", and "180 size" shall mean that the pears are of a size which pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said United States Standards, 150, 165, or 180 pears, as the case may be, in a standard western pear box (inside dimensions 18 inches by 11½ by 8½ inches); the term "tight-filled" shall mean that the pears in any container shall have been well settled by vibration according to approved and recognized methods; the term "master container" shall mean those containers containing overwrapped consumer packages of pears; and the term "very serious damage" shall mean any injury or defect which very seriously affects the appearance or the edible or shipping quality of the pears.

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

Dated, August 27, 1976, to become effective August 27, 1976.

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

[FR Doc.76-25604 Filed 8-31-76;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 11; Docket Nos. AO-251-A19, AO-266-A21, AO-195-A25]

PART 1011—MILK IN THE TENNESSEE VALLEY MARKETING AREA

Order Amending and Merging Orders

7 CFR Part	*Marketing area*
1011	Appalachian.
1090	Chattanooga, Tennessee.
1101	Knoxville, Tennessee.

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The Tennessee Valley order, which amends and merges the aforesaid orders and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the Tennessee Valley marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The Tennessee Valley order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreements upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the Tennessee Valley order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1011.85.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the Tennessee Valley marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of the Tennessee Valley order, which amends and merges the aforesaid order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the Tennessee Valley order; and

(3) The issuance of the Tennessee Valley order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the orders regulating the handling of milk in the Appalachian; Chattanooga, Tennessee; and Knoxville, Tennessee; marketing areas (Parts 1011, 1090, and 1101, respectively) shall be amended and merged into one order. Parts 1090 and 1101 shall be vacated. The handling of milk in the Tennessee Valley marketing area shall be in conformity to and in compliance with the following terms and conditions:

PART 1011—MILK IN THE TENNESSEE VALLEY MARKETING AREA

Subpart—Order Regulating Handling

GENERAL PROVISIONS

Sec.

1011.1 General provisions.

DEFINITIONS

1011.2 Tennessee Valley marketing area.
1011.3 Route disposition.
1011.4 Plant.
1011.5 [Reserved]
1011.6 [Reserved]
1011.7 Pool plant.
1011.8 Nonpool plant.
1011.9 Handler.
1011.10 Producer-handler.
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1011.86 Deduction for marketing services.

AUTHORITY: Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674.

Subpart—Order Regulating Handling

GENERAL PROVISIONS

§ 1011.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1011.2 Tennessee Valley marketing area.

The "Tennessee Valley marketing area", hereinafter called the marketing area, means all the territory within the boundaries of the following counties, including all waterfront facilities connected therewith and all territory occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within the listed counties:

(a) In Tennessee, the counties of:

Anderson	Loudon
Blount	Marion
Bradley	McMinn
Campbell	Meigs
Carter	Monroe
Claiborne	Morgan
Cocke	Polk
Cumberland	Rhea
Grainger	Roane
Greene	Scott
Hamblen	Sequatchie
Hamilton	Sevier
Hancock	Sullivan
Hawkins	Unicoi
Jefferson	Union
Johnson	Washington
Knox	

(b) In Kentucky, the counties of:

Bell	Leslie
Breathitt	Letcher
Harlan	Perry
Knott	Whitley
Knox	

(c) In Virginia: (1) The counties of:

Buchanan	Scott
Dickenson	Tazewell
Lee	Washington
Russell	Wise

(2) The cities of:

Bristol	Norton

(d) In Georgia, the counties of:

Catoosa	Murray
Chattooga	Walker
Dade	Whitfield
Fannin	

(e) In West Virginia, the counties of:

McDowell	Mercer

§ 1011.3 Route disposition.

"Route disposition" means a delivery to a retail or wholesale outlet (except to a plant) either direct or through any distribution facility (including disposition from a plant store, vendor or vending machine) of a fluid milk product classified as Class I milk.

§ 1011.4 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed, or packaged. Separate facilities without stationary storage tanks which are used only as a reload point for transferring bulk milk from one tank truck to another or separate facilities used only as a distribution point for storing packaged fluid milk products in transit for route disposition shall not be a plant under this definition.

§ 1011.5 [Reserved]

§ 1011.6 [Reserved]

§ 1011.7 Pool plant.

Except as provided in paragraph (e) of this section, "pool plant" means:

(a) A plant that is approved by a duly constituted regulatory agency for the processing or packaging of Grade A milk and from which during the month:

(1) Route disposition, except filled milk, in the marketing area is not less than 10 percent of the total quantity of Grade A fluid milk products, except filled milk, physically received at such plant or diverted therefrom pursuant to § 1011.13; and

(2) The total quantity of fluid milk products, except filled milk, disposed of in Class I is not less than 50 percent of the total quantity of fluid milk products, except filled milk, physically received at such plant or diverted therefrom pursuant to § 1011.13.

(b) A plant, other than a plant described in paragraph (a) of this section, from which not less than 50 percent of the total quantity of milk approved by a duly constituted regulatory agency for fluid consumption that is physically received from dairy farmers (except receipts at such plant by diversion from other order plants) and handlers described in § 1011.9(c) at such plant or diverted therefrom pursuant to § 1011.13 during the month is shipped from such plant as fluid milk products, except filled milk, to pool plants pursuant to paragraph (a) of this section.

(c) A plant that was a pool plant pursuant to paragraph (b) of this section in each of the immediately preceding months of August through March shall be a pool plant for the months of April through July unless the milk received at the plant does not continue to meet the requirements of a duly constituted regulatory agency or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a nonpool plant for such month and each subsequent month through July during which it would not otherwise qualify as a pool plant.

(d) Any plant located in the marketing area that is operated by a cooperative association if pool plant status under this paragraph is requested for such plant by the cooperative association and during the month 60 percent or more of the producer milk of members of the cooperative association is delivered directly from their farms to pool plants described in paragraph (a) of this section or is transferred to such plants as a bulk fluid milk product from the plant of the cooperative association, subject to the following conditions:

(1) The plant does not qualify as a pool plant under paragraph (a), (b), or (c) of this section or under the provisions of another Federal order applicable to a distributing plant or a supply plant; and

(2) The plant is approved by a duly constituted regulatory agency to handle milk for fluid consumption.

(e) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A governmental agency plant;

(3) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order and from which there is a greater quantity of route disposition, except filled milk, during the month in such other Federal order marketing area than in this marketing area; and

(4) A plant qualified pursuant to paragraph (b) or (c) of this section which also meets the pooling requirements for the month under another Federal order unless such plant qualified as a pool plant pursuant to paragraph (b) of this section for each of the preceding months of August through March.

§ 1011.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is not a producer-handler plant, a governmental agency plant or an other order plant and from which there is route disposition in consumer-type packages or dispenser units in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is not a producer-handler plant, a governmental agency plant or an other order plant and from which fluid milk products are shipped to a pool plant.

(e) "Governmental agency plant" means a plant operated by a governmental agency from which fluid milk products are distributed in the marketing area. Such plant shall be exempt from all provisions of this part.

§ 1011.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) A cooperative association with respect to milk of producers diverted for the account of such association pursuant to § 1011.13;

(c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under the control of, such cooperative association, unless both the cooperative association and the operator of the pool plant notify the market administrator prior to the time that such milk is delivered to the pool plant that the plant operator will be the handler of such milk and will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by the cooperative association at the location of the pool plant to which such milk is delivered;

(d) Any person who operates a partially regulated distributing plant;

(e) A producer-handler; and

(f) Any person who operates an other order plant described in § 1011.7(e).

§ 1011.10 Producer-handler.

"Producer-handler" means any person:

(a) Who operates a dairy farm and a processing plant from which there is route disposition in the marketing area;

(b) Who receives no fluid milk products from sources other than his own farm production, pool plants and other order plants;

(c) Whose receipts of fluid milk products from pool plants and other order plants do not exceed a daily average of 1,500 pounds during the month;

(d) Who disposes of no other source milk as Class I milk except by increasing the nonfat milk solids content of the fluid milk products received from his own farm production or pool plants; and

(e) Who provides proof satisfactory to the market administrator that the care and management of the dairy farm and other resources necessary for his own farm production of milk and the management and operation of the processing plant are the personal enterprise and risk of such person.

§ 1011.11 [Reserved]

§ 1011.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk approved by a duly constituted regulatory agency for fluid consumption, which milk is:

(1) Received at a pool plant directly from such person;

(2) Received by a handler described in § 1011.9(c); or

(3) Diverted from a pool plant in accordance with § 1011.13.

(b) "Producer" shall not include:

(1) A producer-handler as described in any order (including this part) issued pursuant to the Act;

(2) A governmental agency operating a plant exempt pursuant to § 1011.8(e);

(3) Any person with respect to milk produced by him that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1011.44(a)(8)(iii) and the corresponding step of § 1011.44(b);

(4) Any person with respect to milk produced by him that is reported as diverted to another order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order; and

(5) A person with respect to any milk that is received at or diverted from a plant that has automatic pool status pursuant to § 1011.7(c) in any month of April through July, unless at least 60 days' production from the farm of such person was producer milk during the preceding August through March or unless such plant is a pool plant for the month on the basis of shipments to pool plants described in § 1011.7(a).

§ 1011.13 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk of a producer that is:

(a) Received at a pool plant directly from such producer by the operator of the plant;

(b) Received by a handler described in § 1011.9(c); or

(c) Diverted by the operator of a pool plant or a cooperative association from a pool plant to a nonpool plant that is not a producer-handler plant, subject to the following conditions:

(1) In any month of April through July, such milk may be diverted on any number of days;

(2) In any month of August through March, not less than two days' production of the producer whose milk is diverted is physically received at a pool plant during the month;

(3) In any month of August through March, the total quantity of milk so diverted during the month by a cooperative association shall not exceed one-third of the producer milk that the cooperative association caused to be delivered to, and is physically received at, pool plants during the month;

(4) In any month of August through March, the operator of a pool plant that is not a cooperative association may divert any milk that is not under the control of a cooperative association that diverts milk during the month pursuant to paragraph (c)(3) of this section. The total quantity of milk so diverted during the month shall not exceed one-third of the producer milk physically received at such plant during the month that is eligible to be diverted by the plant operator;

(5) To the extent that it would result in nonpool status for the pool plant from which diverted, milk diverted for the account of a cooperative association from the pool plant of another handler shall not be producer milk;

(6) The cooperative association shall designate the dairy farmer deliveries that are not producer milk pursuant to paragraph (c)(5) of this section. If the cooperative association fails to make such designation, no milk diverted by it to a nonpool plant shall be producer milk; and

(7) Diverted milk shall be priced at the location of the nonpool plant to which diverted

§ 1011.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1011.40(b)(1) from any source other than producers, handlers described in § 1011.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1011.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1011.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1011.40(b)(1)) for which the handler fails to establish a disposition.

§ 1011.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1011.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1011.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1011.18 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk of its members.

HANDLER REPORTS

§ 1011.30 Reports of receipts and utilization.

On or before the sixth day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1011.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1011.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same

manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1011.9 (b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1011.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1011.9 (a), (b), and (c) shall report to the market administrator his producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1011.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1011.32 Other reports.

In addition to the reports required pursuant to §§ 1011.30 and 1011.31, each handler shall report such other information as the market administrator deems necessary to verify or establish each handler's obligation under the order.

CLASSIFICATION OF MILK

§ 1011.40 Classes of utilization.

Except as provided in § 1011.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1011.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1011.15; and

(6) In shrinkage assigned pursuant to § 1011.41(a) to the receipts specified in § 1011.41(a)(2) and in shrinkage specified in § 1011.4 (b) and (c).

§ 1011.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1011.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b) (1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b) (1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1011.9(c), except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1011.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1011.42 Classification of transfers and diversions.

(a) *Transfers to pool plants.* Skim milk or butterfat transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless the operators of both plants request the same classification in another class. In either case, the classification of such transfers shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant after the computations pursuant to § 1011.44(a)(12) and the corresponding step of § 1011.44(b):

(2) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1011.44(a)(7) or the corresponding step of § 1011.44(b), the skim milk or butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler received during the month other source milk to be allocated pursuant to § 1011.44(a)(11) or (12) or the corresponding steps of § 1011.44(b), the skim milk or butterfat so transferred, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b)(1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1011.40.

(c) *Transfers to producer-handlers and transfers and diversions to governmental agency plants.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order or transferred or diverted to a governmental agency plant shall be classified:

(1) As Class I milk, if so moved in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the transferee's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to its receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant, a producer-handler plant, or a governmental agency plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2)(ii) through (viii) of this section:

(*a*) The transferor-handler or diverter-handler claims such classification in his report of receipts and utilization filed pursuant to § 1011.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possi-

ble first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid mlk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

(e) *Transfers by a handler described in § 1011.9(c) to pool plants.* Skim milk and butterfat transferred in the form of bulk milk by a handler described in § 1011.9(c) to another handler's pool plant shall be classified pursuant to § 1011.44 pro rata with producer mlk received at the transferee-handler's plant.

§ 1011.43 General classification rules.

In determining the classification of producer milk pursuant to § 1011.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1011.30 and shall compute separately for each pool plant, and for each cooperative association with respect to milk for which it is the handler pursuant to § 1011.9 (b) or (c) that was not received at a pool plant, the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1011.40, 1011.41, and 1011.42. The combined pounds of skim milk and butterfat so determined in each class for a handler described in § 1011.9 (b) or (c) shall be such handler's classification of producer milk;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1011.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1011.44 Classification of producer milk.

For each month the market administrator shall determine for each handler described in § 1011.9(a) for each of his pool plants separately the classification of producer milk and milk received from a handler described in § 1011.9(c), by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1011.41(b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a) (7) (vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1011.40(b) (1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1011.40(b) (1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This subparagraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1011.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a) (5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1011.40(b) (1) that was not subtracted pursuant to paragraph (a) (4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order and from a governmental agency;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2) of this section;

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant; and

(vii) Receipts of milk from a dairy farmer described in § 1011.12(b) (5);

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2) and (7) (v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2), (7) (v), nad (3) (i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a) (8) (ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class II, and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk from a handler described in § 1011.9(c), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other

order plants that were not subtracted pursuant to paragraph (a) (7) (vi) of this section; and

(c) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a) (7) (vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1011.40(b) (1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a) (5) and (7) (i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a) (1) of this section;

(11) Subject to the provisions of paragraph (a) (11) (i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2), (7) (v), and (8) (i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant poor plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a) (7) (vi) and (8) (iii) of this section:

(i) Subject to the provisions of paragraph (a) (12) (ii) (iii), and (iv) of this section, such subtraction shall be prorata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(a) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1011.45(a); or

(b) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a) (12) (i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a) (12) (ii) of this section, should the computations pursuant to paragraph (a) (12) (i) and (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a) (12) (ii) of this section, should the computations pursuant to paragraph (a) (12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1011.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk and milk received from a handler described in § 1011.9(c), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk and milk received from a handler described in § 1011.9(c) in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a) (14) of this section and the corresponding step of paragraph (b) of this section.

§ 1011.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1011.44(a) (12) and the corresponding step of § 1011.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1011.44 on the basis of such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the vertification of such report.

(d) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

CLASS PRICES

§ 1011.50 Class prices.

Subject to the provisions of § 1011.52, the class prices for the month per hundredweight of milk shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.10.

(b) *Class II price.* The Clas II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1011.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1011.52 Plant location adjustments for handlers.

(a) For milk received from producers or from a handler described in § 1011.9 (c) at a plant that is outside the marketing area and more than 90 miles by the shortest hard-surfaced highway distance as determined by the market administrator from the city halls in Bristol, Chattanooga, and Knoxville, Tennessee, and which is classified as Class I milk subject to the limitations pursuant to paragraph (b) of this section, the Class I price shall be reduced 1.5 cents for each 10 miles or fraction thereof that such plant is from the nearest of the city halls in Bristol, Chattanooga, and Knoxville, except that no adjustment shall be made under this paragraph at any plant that is located east of the Mississippi River and south of the southern boundary of Tennessee or the northern boundary of South Carolina.

(b) For fluid milk products transferred in bulk form between pool plants, a location adjustment credit for the transferor-plant shall be determined by the market administrator for skim milk and butterfat, respectively, as follows:

(1) Subtract from the pounds of skim milk remaining in Class I at the transferee-plant after the computations pursuant to § 1011.44(a)(12) an amount equal to:

(i) The pounds of skim milk in receipts of milk at the transferee-plant from producers and handlers described in § 1011.9(c); and

(ii) The pounds of skim milk in receipts of packaged fluid milk products from other pool plants;

(2) Assign any remaining pounds of skim milk in Class I at the transferee-plant to the skim milk in receipts of bulk fluid milk products from other pool plants, first to the transferor-plant at which no location adjustment applies and then to other plants in sequence beginning with the plant at which the least location adjustment applies;

(3) Compute the total amount of location adjustment credits to be assigned to transferor-plants by multiplying the hundredweight of skim milk assigned pursuant to paragraph (b)(2) of this section to each transferor-plant by the applicable location adjustment rate for each such plant, and add the resulting amounts;

(4) Assign the total amount of location adjustment credits computed pursuant to paragraph (b)(3) of this section to those transferor-plants that transferred fluid milk products containing skim milk classified as Class I milk pursuant to § 1011.42(a), in sequence beginning with the plant at which the least location adjustment applies. Subject to the availability of such credits, the credit assigned to each plant shall be equal to the hundredweight of such Class I skim milk multiplied by the applicable location adjustment rate for such plant. If the aggregate of this computation for all plants having the same location adjustment rate exceeds the credits that are available to those plants, such credits shall be prorated to the volume of skim milk in Class I transfers from such plants; and

(5) Location adjustment credit for butterfat shall be determined in accordance with the procedure outlined for skim milk in paragraph (b) (1) through (4) of this section.

(c) The Class I price applicable to other source milk shall be adjusted by the amounts set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1011.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1011.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

UNIFORM PRICE

§ 1011.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1011.9 (b) and (c) with respect to milk that was not received at a pool plant as follows:

(a) Multiply the pounds of producer milk and milk received from a handler described in § 1011.9(c) that were classified in each class pursuant to §§ 1011.43 (a) and 1011.44(c) by the applicable class prices, and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1011.44(a)(14) and the corresponding step of § 1011.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1011.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1011.44(a)(9) and the corresponding step of § 1011.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1011.44(a)(7) (i) through (iv) and (vii) and the corresponding step of § 1011.44(b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk

and butter fat subtracted from Class I pursuant to § 1011.44(a)(7) (v) and (vi) and the corresponding step of § 1011.44 (b); and

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from class I pursuant to § 1011.44(a)(11) and the corresponding step of § 1011.44(b) excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handler fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order.

§ 1011.61 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content at pool plants at which no location adjustment applies as follows:

(a) Combine into one total the values computed pursuant to § 1011.60 for all handlers who filed the reports prescribed in § 1011.30 for the month and who made the payments pursuant to § 1011.71 for the preceding month;

(b) Add one-half the unobligated balance in the producer-settlement fund;

(c) Add an amount equal to the total value of the location adjustments computed pursuant to § 1011.75;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1011.60(f); and

(e) Subtract not less than 4 cents nor more than 5 cents.

§ 1011.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 10th day after the end of each month the uniform price for such month.

Payments for Milk

§ 1011.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1011.71 1011.76, and 1011.77, and out of which he shall make all payments pursuant to §§ 1011.72 and 1011.77: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1011.71 Payments to the producer-settlement fund.

(a) On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1011.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1011.75, of such handler's receipts of producer milk and milk received from handlers pursuant to § 1011.9(c); and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1011.60(f).

(b) On or before the 25th day after the end of the month each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1011.72 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1011.71(a)(2) exceeds the amount computed pursuant to § 1011.71(a)(1). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1011.73 Payments to producers and to cooperative associations.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler before the 25th day of the month, at not less than the Class III price for the preceding month or 90 percent of the uniform price for the preceding month, whichever is higher, less proper deductions authorized in writing by the producer; and

(2) On or before the 15th day of the following month, an amount equal to not less than the uniform price, as adjusted pursuant to §§ 1011.74 and 1011.75, multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(i) Less payments made to such producer pursuant to paragraph (a)(1) of this section;

(ii) Less deductions for marketing services made pursuant to § 1011.86;

(iii) Plus or minus adjustments for errors made in previous payments made to such producers; and

(iv) Less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1011.72 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) Each handler shall make payment to the cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before two days prior to the last day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 13th day after the end of each month for milk received during such month.

(c) Each handler pursuant to § 1011.9(a) who receives milk from a cooperative association as a handler pursuant to § 1011.9(c), including the milk of producers who are not members of such association, and who the market administrator determines have authorized such cooperative association to collect payment for their milk, shall pay such cooperative for such milk as follows:

(1) On or before two days prior to the last day of the month for milk received during the first 15 days of the month, not less than the Class III price for the preceding month or 90 percent of the uniform price for the preceding month, whichever is higher; and

(2) On or before the 13th day of the following month for milk received during the month, not less than the uniform

price as adjusted pursuant to §§ 1011.74 and 1011.75, and less than any payments made pursuant to paragraph (c)(1) of this section.

(d) In making payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk a supporting statement in such form that it may be retained by the recipient which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate at which payment to the producer is required pursuant to this order;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount, or the rate per hundredweight, and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1011.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1011.75 Plant location adjustments for producers and on nonpool milk.

(a) In making the payments required pursuant to § 1011.73, the uniform price computed pursuant to § 1011.61 for the month shall be adjusted by the amounts set forth in § 1011.52 according to the location of the plant where the milk being priced was received.

(b) For purposes of computing the value of other source milk pursuant to § 1011.71, the uniform price shall be adjusted by the amount set forth in § 1011.52 that is applicable at the location of the nonpool plant from which the milk was received, except that the adjusted uniform price shall not be less than the Class III price.

§ 1011.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1011.30(b) and 1011.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price, both prices to be applicable at the location of the partially regulated distributing plant (except that the Class I price and uniform price shall not be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1011.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1001.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1011.60 for such handler shall include, in lieu of the value of other source milk specified in § 1011.60(f) less the value of such other source milk specified in § 1011.71(a)(2)(ii), a value of milk determined pursuant to § 1011.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1011.7(b) subject to the following conditions:

(a) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1011.30(b) and 1011.31(b) similar reports for each such nonpool supply plant;

(b) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(c) The value of milk determined pursuant to § 1011.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distribution plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1011.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1011.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1011.77 Adjustment of accounts.

Whenever verification by the market administrator of payments by any handler discloses errors made in payments

to the producer-settlement fund pursuant to § 1011.71, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 1011.72, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 1011.73, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1011.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Receipts of producer milk (including such handler's own production) other than such receipts by a handler described in § 1011.9(c) that were delivered to pool plants of other handlers;

(b) Receipts from a handler described in § 1011.9(c);

(c) Other source milk allocated to Class I pursuant to § 1011.44(a) (7) and (11) and the corresponding steps of § 1011.44(b), except such other source milk that is excluded from the computations pursuant to § 1011.60 (d) and (f); and

(d) Route disposition from a partially regulated distributing plant in the marketing area that exceeds the skim milk and butterfat specified in § 1011.76(a) (2).

§ 1011.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1011.73, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

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

Effective date: October 1, 1976.

Signed at Washington, D.C., on: August 27, 1976.

JOHN DAMGARD,
Acting Assistant Secretary.

[FR Doc.76-25629 Filed 8-31-76;8:45 am]

[Milk Order No. 33; Docket No. AO-166-A49]

PART 1033—MILK IN THE OHIO VALLEY MARKETING AREA

Order Amending Order; Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Ohio Valley marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Ohio Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 1033.56, paragraph (a) is revised as follows:

§ 1033.56 Plants subject to other Federal orders.

(a) Except as specified in § 1033.31 and in paragraph (b) of this section, the provisions of this part shall not apply to a distributing plant or a supply plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless the plant is qualified as a pool plant pursuant to § 1033.12 during the current month and the immediately preceding month and a greater volume of fluid milk products, except filled milk, is disposed of in each such month from such plant as route disposition in the Ohio Valley marketing area and to pool plants qualified on the basis of route disposition in the Ohio Valley marketing area than is disposed of from such plant as route disposition in the marketing area regulated pursuant to the other order and to plants qualified as fully regulated plants under such other order on the basis of route disposition in its marketing area.

* * * * *

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

Effective date: October 1, 1976.

Signed at Washington, D.C., on: August 27, 1976.

JOHN DAMGARD,
Acting Assistant Secretary.

[FR Doc.76-25628 Filed 8-31-76;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1976 Crop Flue-Cured Tobacco Farm-Stored Loan Supplement

On page 13363 of the FEDERAL REGISTER of March 30, 1976, there was published a notice of proposed rulemaking relating to the proposed 1976 tobacco loan program. Interested persons were given until April 29, 1976, to submit written comments, suggestions, or objections regarding the proposed program. No comments were received relating to the regulations contained in 7 CFR, §§ 1421.420 through 1421.425.

The General Regulations Governing Price Support for the 1976 and Subsequent Crops published at 41 FR 22334, and the Subpart—1972 and Subsequent Crops Flue-Cured Tobacco Farm-Stored Loan Program Regulations, published at 37 FR 16930 are further supplemented for the 1976 crop of Flue-cured tobacco by revising the regulations contained in 7 CFR, §§ 1421.420 through 1421.425 and the title of the subpart to read as provided below.

Subpart—1976 Crop Flue-Cured Tobacco Farm-Stored Loan Supplement

Sec.
1421.420 Availability.
1421.421 Farm acreage interim loan rate.
1421.422 Rate of interest.
1421.423 Liquidation of loans.
1421.424 Delivery charge.
1421.425 Maturity of loans.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); Secs. 101, 107, 301, 401, 405, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1445, 1421, and 1423).

§ 1421.420 Availability.

A producer desiring a farm storage loan on his eligible Flue-cured tobacco stored in Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia must request a loan at the county ASCS office not later than November 1, 1976.

§ 1421.421 Farm storage interim loan rate.

The loan will be made at a rate of 80 cents per pound for regular varieties or 40 cents per pound for discount varieties on the quantity of eligible tobacco tendered as security for a loan under this subpart if the producer certifies the grade composition of such tobacco to be equal to or better than the average grade composition of a normal crop. If the producer certifies the grade composition to be below such average quality, the rate of loan shall be 15 cents less than the loan rate which would otherwise be applicable.

§ 1421.422 Rate of interest.

Loans shall bear interest at the rate announced in a separate notice published in the FEDERAL REGISTER.

§ 1421.423 Liquidation of loans.

(a) Section 1421.19 of the general regulations shall not apply to this program. Loans shall be liquidated by one of the following methods, at the producer's option: (1) Repayment of the amount loaned, plus interest, on or before maturity to the county office which approved the loan. Repayment may be made by the producer, by the buyer, or by the Marketing Recorder upon sale of tobacco security the loan. (2) Delivery, as directed by CCC, during a period of approximately 1 week beginning immediately after the close of the 1976 auction marketing season to a cooperative association designated by CCC of a quantity of Flue-cured tobacco eligible for price support having a settlement value equal to the outstanding principal balance of the loan.

(b) Notwithstanding the provisions of § 1421.23 of the general regulations, no deduction for storage charges will be made if the tobacco is delivered during this period. The association will advise producers of the time and place at which the tobacco is to be delivered in liquidation of farm storage loans and will determine the settlement value of the tobacco delivered on the basis of the grade and quality thereof as determined by the inspection service of the Agricultural Marketing Service, USDA.

§ 1421.424 Delivery charge.

Notwithstanding the provisions of § 1421.11 of the general regulations, there shall be no delivery charge on the tobacco delivered to the association.

§ 1421.425 Maturity of loans.

Unless demand is made earlier, farm storage loans on Flue-cured tobacco will mature on December 1, 1976.

Effective date: This amendment takes effect on September 1, 1976.

Signed at Washington, D.C., on August 26, 1976.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.76-25529 Filed 8-31-76;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. A; Docket No. R-0043]

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS

Seasonal Credit

On June 23, 1976, the Board invited public comments to be submitted by July 23, 1976, on a proposed amendment to its Regulation A (Extensions of Credit by Federal Reserve Banks) that would provide more flexible conditions under which member banks with well-defined seasonal requirements for loanable funds would be permitted to borrow from Federal Reserve Banks (41 FR 26935). The purpose of the proposed amendment is to enable member banks to increase their ability to serve their communities by providing them with a reliable source of short-term funds during periods of increased loan demand or decreased deposits due to seasonal conditions.

After review and consideration of all comments received, the Board has decided to adopt the amendment in the form proposed. The amendment is effective immediately. The amendment provides that Federal Reserve credit will be available to a member bank to the extent that the member bank's seasonal needs exceed certain percentages of the bank's average total deposits in the preceding calendar year. Under the percentages established by the Board of Governors, a member bank will be required to provide for that part of its seasonal need that equals 4 percent of the first $100 million of deposits; 7 percent of the second $100 million of deposits; and 10 percent of any deposits over $200 million. At present, it is not anticipated that these percentages will be changed. However, any modifications in these percentages made by the Board would be announced by notice published in the FEDERAL REGISTER. Seasonal credit will not normally be available to banks with deposits of $500 million or more since such banks ordinarily have ready access to national money markets.

While member banks will be encouraged to arrange for seasonal credit in advance of their needs, the amendment does not require such prearrangement in order to obtain seasonal credit. In utilizing the seasonal credit provisions, member banks will be permitted to modify their credit arrangements with Federal Reserve Banks.

Net sales of Federal funds or purchases of liquid assets by a member bank will not be regarded as inappropriate while using seasonal credit as long as the sales and purchases represent the member bank's normal operating pattern. However, a member bank will not be permitted to borrow from the discount window for the purpose of increasing sales of Federal funds.

After review and consideration of all comments received, pursuant to its authority under section 4 of the Federal Reserve Act (12 U.S.C. 301) to prescribe regulations defining the conditions under which credit may be extended to member banks and section 13 of the Federal Reserve Act (12 U.S.C. 347) which authorizes Federal Reserve Banks to extend credit to member banks, the Board has decided to adopt the amendment in the form proposed. The amendment is effective in less than 30 days since the provision relieves existing restrictions of the Board's regulations and because the Board finds it in the public interest to make the amendment effective immediately in order to authorize the extension of Federal Reserve seasonal credit to member banks under these more flexible conditions as soon as possible.

Effective immediately, § 201.2(d) of Regulation A (12 CFR 201.2(d)) is amended to read as follows:

§ 201.2 General principles.

* * * * *

(d) *Seasonal credit.* Federal Reserve credit is available for longer periods to assist a member bank in meeting seasonal needs for funds arising from a combination of expected patterns of movement in its deposits and loans. Such credit will ordinarily be limited to the amount by which the member bank's seasonal needs exceed certain percentages established by the Board of Governors of the bank's average total deposits in the preceding calendar year. Credit will be available if the Reserve Bank is satisfied that the member bank's qualifying need for funds is seasonal and will persist for at least four weeks. To the extent practicable, member banks should arrange in advance for seasonal credit for the full period during which such credit is expected to be required. In making arrangements for such credit, a Reserve Bank may agree to extend credit for a period of up to 90 days,[1] subject to compliance with applicable requirements of law at the time credit is extended. However, in the event that a member bank's seasonal needs should persist beyond such period, the Reserve Bank will normally be prepared to consider a request by the member bank for further credit extensions under the seasonal credit arrangement.

* * * * *

By order of the Board of Governors, August 25, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-25602 Filed 8-31-76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 309—GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE

Project Review by Clearinghouses and Coordination of Planning in Multijurisdictional Areas in Accordance with OMB Circular No. A-95

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, by revising § 309.17.

The purpose of the above revision is to comply with the provisions of revised OMB Circular No. A-95 which requires Federal agencies to publish in the Federal Register interim and final regulations implementing the requirements of the Circular. Interim regulations were published on April 29, 1976. The revision to 13 CFR 309.17 sets forth those EDA programs covered by the project notification and review requirements of Part I of the Circular and those programs which are exempt from such requirements. The revision also sets forth procedures for coordination of planning in multijurisdictional areas as required by Part IV of the Circular.

Because the material contained herein is a matter relating to the EDA grant and loan program and 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.

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 309.17 to the Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20230 on or before October 1, 1976. All suggestions will be considered in revising or amending these regulations. Until such time as further changes are made, however, the amended regulation shall remain in effect, thus permitting the public business to proceed more expeditiously.

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.

1. By revising § 309.17 in its entirety to read as follows:

§ 309.17 Project review by clearinghouses and coordination of planning in multijurisdictional areas in accordance with OMB Circular No. A-95.

This section sets forth requirements for review of certain applications for EDA assistance by State or areawide clearinghouses under Part I of OMB Circular No. A-95 (the "Circular") and procedures for coordination of planning in multijurisdictional areas under Part IV of the Circular.

(a) Under Part 1—Project notification and review system.

(1) Prospective applicants for EDA assistance authorized by the Act for the following programs (cited by their numbers in the Catalog of Federal Domestic Assistance) must submit project notification to appropriate State and areawide clearinghouses for review and comment. Such project notification shall be made when the applicant determines it will develop an application and shall be in accordance with paragraph 2 of Part I of the Circular. State and areawide clearinghouses will perform their review of the proposed project in accordance with procedures set forth in paragraph 4 of Part I of the Circular. Certain exemptions to this requirement are listed in paragraph (a)(2) of this section:

11.30 Grants for public works and development facilities authorized under Title I of the Act (see paragraph (a)(5) of this section for further information regarding Public Works Impact Program grants); loans for public works and development facilities authorized under section 201 of the Act; and assistance authorized under section 403 of the Act in accordance with the criteria of sections 101 and 201 of the Act.

11.302 Grants for administrative expenses for planning and development organizations authorized under section 301(b) of the Act.

11.303 Technical Assistance authorized under Title III of the Act.

11.304 Grants for public works and development facilities authorized under Title I of the Act under criteria established pursuant to section 401(a)(6) of the Act with procedural variation as shown in paragraph (a)(5) of this section.

11.305 Assistance authorized under section 302(a) of the Act.

11.306 Assistance authorized under section 302(b) of the Act.

11.307 Assistance to eligible recipients authorized under Title IX of the Act with procedural variation as shown in paragraph (a)(6) of this section.

11.308 Grants for basic funding of Titles I and IV activities authorized under section 304 of the Act.

(2) Applications for the following types of assistance (cited by numbers in the Catalog of Federal Domestic Assistance or by U.S. Code citation) are exempt from the requirements of Part I of the Circular.

11.303 The following Technical Assistance authorized under Title III of the Act:

A. Grant amendments that do not involve substantive scope of work changes in projects.

B. Purchase orders costing $5,000 or less.

C. Projects in support of projects of national scope and impact or in support of demonstration projects having no identifiable local applicability and no applicable local impact.

D. Management assistance studies for individual business enterprises.

11.308 Grants for supplemental funding of Titles I and IV activities authorized under section 304 of the Act. However, basic grants are covered.

42 U.S.C. 3121 et seq. Assistance to federally recognized Indian tribes (see paragraph (a)(7) of this section for further information).

(3) Amendments to pending or approved projects, which amendments represent a significant change to such projects, must be submitted to the appropriate State and areawide clearinghouses, as required by EDA.

(4) EDA may not accept applications, except for Public Works Impact Program projects and for assistance authorized under Title IX of the Act, during the period for review by clearinghouses unless clearinghouse reviews are attached; however, EDA encourages prospective applicants to submit to EDA information copies of project notifications to clearinghouses.

(5) Applicants for Public Works Impact Program projects may submit ap-

[1] As provided in the law and in this part, the maturity of advances to member banks is limited to 90 days, except as provided in § 201.3(b) of this part.

plications simultaneously to the appropriate clearinghouses and to EDA. Clearinghouse comments will be submitted directly to EDA and EDA will consider such comments until it has finished processing the application.

(6) Eligible recipients for Economic Adjustment Assistance authorized under Title IX of the Act may submit applications simultaneously to the appropriate clearinghouses and to EDA. Clearinghouse comments will be submitted to EDA, and EDA will consider such comments while it is processing the application. When the application is for assistance to develop an adjustment strategy (i.e., a development grant) the clearinghouses will be invited to participate in the development of said strategy. When the Title IX application is for urgent assistance to develop the strategy or when the application is for urgent assistance to implement a completed adjustment strategy, and no clearinghouse comments have been received by the time the processing has been completed, EDA will request the clearinghouses to provide comments and allow them ten days additional time prior to taking final action on the application.

(7) Applications from federally recognized Indian tribes are not subject to the requirements of Part I of the Circular. However, Indian tribes may voluntarily submit project notifications to appropriate clearinghouses. EDA will notify the appropriate State and areawide clearinghouses of any applications from federally recognized Indian tribes upon their receipt. Where a federally recognized Tribal Government has established a mechanism for coordinating the activities of tribal departments, divisions, enterprises, and entities, EDA will, upon request of such Tribal Government transmitted through the Office of Management and Budget, require that applications for assistance under programs covered by this subsection from such tribal departments, divisions, enterprises, and entities be subject to review by such tribal coordinating mechanism as though it were a State or areawide clearinghouse.

(8) EDA will inform potential applicants for assistance under programs covered by this subsection of the requirements of Part I of the Circular in program information materials, in response to inquiries respecting application procedures, in preapplication conferences, or by other means which will assure earliest contact between applicant and clearinghouses.

(9) EDA will assure that all applications for assistance under programs covered by this subsection have been submitted to appropriate clearinghouses for review prior to their submission to EDA. Applications that do not carry evidence that both areawide and State clearinghouses have been given an opportunity to review the application will be returned to the applicant with instructions to fulfill the requirements of Part I of the Circular. EDA will insure that all applications contain a State Application Identifier (SAI) number.

(10) EDA will notify appropriate clearinghouses within seven working days of any major action taken on applications that have been reviewed by said clearinghouses. Major actions will include awards, rejections, returns for amendment, deferrals, or withdrawals. The standard multipurpose form, SF 424, promulgated by Federal Management Circular 74-7, Supplement 3 (November, 1975) will be used for this purpose.

(11) Where a clearinghouse has recommended against approval of an application or approval only with specific and major substantive changes, and EDA approves the application substantially as submitted, EDA will provide the clearinghouse, in writing, with an explanation therefor.

(12) Where a clearinghouse has recommended against approval of a project because it conflicts with or duplicates another Federal or federally assisted project, EDA will consult with the agency assisting the referenced projects prior to acting if it plans to approve the application.

(13) EDA will assure, in the case of an an application submitted by a special purpose unit of local government, where accompanying comments indicate that the unit of general local government having jurisdiction over the area in which the project is to be located has submitted or plans to submit an application for assistance for the same or a similar type project, that appropriate considerations and preferences as specified in section 402 of the Intergovernmental Cooperation Act of 1968, are accorded the unit of general local government. Where such preference cannot be so accorded, EDA shall supply, in writing, to the unit of general local government and the Office of Management and Budget its reasons therefor.

(14) EDA will assure that applicants will comply with provisions of Title VI of the Civil Rights Act of 1964, as implemented by 15 CFR, Subtitle A, Part 8, and clearinghouses are encouraged to make applicants aware of their responsibilities under the Act.

(b) Under Part IV—Coordination of planning in multijurisdictional areas.

(1) Prior to recommending authorization of the geographic boundaries of an economic development district EDA Regional Offices shall provide a period of thirty days for the Governor(s) of the State(s) in which such district will be located to review the boundaries thereof and comment upon its relationship to planning and development districts or regions established by the State(s). Where the State(s) has established such planning and development districts, the boundaries of economic development districts proposed to be authorized by EDA will conform to the local districts unless there is clear justification for not doing so.

(2) Where the State(s) has not established planning and development districts or regions which provide a basis for evaluation of the boundaries of the district proposed for authorization, major units of general local government and the appropriate Federal Regional Council in such proposed district will also be consulted prior to recommending authorization of the district to assure consistency with districts established under interlocal agreement and under related Federal programs. Overall Economic Development Planning documents submitted by potential economic development districts must reflect these policies and be distributed to all interested parties.

(3) EDA Regional Offices will notify the Office of Management and Budget, through the appropriate Federal Regional Council, of any proposed district authorization or district boundary adjustment and when such authorization or boundary adjustment is made, including in such notifications any justification as may be required under paragraph (a) of this section.

(4) EDA Regional Office review of planning grant applications will include an assurance that applicants for planning assistance have established coordinative arrangements with areawide clearinghouses in the same geographic area. If an applicant is not itself an areawide clearinghouse this assurance will include submission by the applicant of a memorandum of agreement between the applicant and the appropriate areawide clearinghouse(s) covering the means by which their planning activities will be coordinated. The agreement will cover but need not be limited to the following matters:

(i) identification by the applicant of planning activities being carried on through related programs within the multijurisdictional area;

(ii) evidence of arrangements to assure coordination of planning for related activities within the multijurisdictional area (such arrangements might include joint funding, common boards, referrals or review procedures, information exchanges, joint use of personnel, etc.); and

(iii) evidence that planning being assisted will proceed from base data, statistics, and projections that are common to or consistent with those being employed for planning related activities within the area.

(5) Where an applicant has been unable to effectuate such an agreement as described in paragraph (b)(4) of this section, a statement must be submitted indicating efforts made to secure the agreement and the issues that prevented it. In such cases, the Regional Office, in consultation with the appropriate Federal Regional Council and State clearinghouse(s) will undertake, within a 30 day period after receipt of the application, resolution of the issues before approving the application, if it is otherwise in good order.

(c) EDA will assist potential applicants in carrying out their responsibilities under this section.

(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 September 1, 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: August 26, 1976.

J. W. EDEN,
Assistan Secretary for Economic Development.

[FR Doc.76-25506 Filed 8-31-76;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 76N-0217]

PART 11—STANDARDS OF QUALITY FOR FOODS FOR WHICH THERE ARE NO STANDARDS OF IDENTITY

Subpart A—General

AMENDMENT AND CONFIRMATION OF EFFECTIVE DATE

Correction

In FR Doc. 76-23070, appearing at page 33249 in the issue of Monday, August 9, 1976, the eighth line in the second column on page 33251 should read "to the specific statement concerning mi-".

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Subpart B—Specific New Animal Drugs for Use in Animal Feeds

NICLOSAMIDE

The Food and Drug Administration approves a new animal drug application (100-670V) filed by Bayvet Corp., P.O. Box 390, Shawnee Mission, KS 66201, proposing safe and effective use of a niclosamide premix for the manufacture of a complete feed for the control of *Hymenolepis nana* infections of laboratory mice. The approval is effective September 1, 1976.

The Commissioner of Food and Drugs is amending Part 558 (21 CFR Part 558) to reflect this approval.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 558 is amended by adding new § 558.367 to read as follows:

§ 558.367 Niclosamide.

(a) *Approvals.* Premix level of 66 percent granted to No. 000859 in § 510.600 (c) of this chapter.

(b) *Assay limits.* Finished feed 80 to 120 percent of labeled amount.

(c) *Conditions of use.* It is used in the feed of laboratory mice as follows:

(1) *Amount per ton.* 6.6 pounds (0.33 percent).

(2) *Indications for use.* Control of the mouse tapeworm *Hymenolepis nana.*

(3) *Limitations.* Feed daily for 7 consecutive days. Do not administer other drugs during treatment. If reinfection occurs, treatment may be repeated after 30 days. Do not feed to sick or debilitated animals or animals under severe stress. Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism. When mixed according to directions and fed free choice, the feed will provide a daily dose of 500 milligrams per kilogram of body weight.

Effective date: This regulation shall be effective September 1, 1976.

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

Dated: August 24, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76-25516 Filed 8-31-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 609-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Virgin Islands Implementation Plan; Correction

In FR Doc. 76-20129 appearing on pages 28492 and 28493 of the FEDERAL REGISTER for Monday, July 12, 1976 section 52.2770 entitled, "Identification of plan," contains incorrectly numbered paragraphs. Paragraphs (c)(3) and (c)(4) of § 52.2770 are renumbered herein (c)(6) and (c)(7), respectively. These paragraphs also are revised herein to be explicit in wording. Therefore, the material which appeared under, "§ 52.2770 (c) (6) and (7) Identification of plan." should be revised to read as follows:

§ 52.2770 [Amended]

* * * * *

(c) Supplemental information was submitted on: * * *

(6) Revised Section 204-26 (Sulfur Compounds Emissions Control) submitted on January 21, 1976 by the Governor of the Virgin Islands, as it applies to the islands of St. Thomas and St. John.

(7) Amended revised Section 204-26 submitted on June 3, 1976 by the Governor of the Virgin Islands, as it applies to the islands of St. Thomas and St. John.

* * * *

The material appearing at the top of the first column of page 28493 beginning with, "2. a new . . .," remains unchanged.

Dated: August 20, 1976.

ERIC B. OUTWATER,
Acting Regional Administrator.

[FR Doc.76-25522 Filed 8-31-76;8:45 am]

[FRL 608-6]

PART 55—ENERGY-RELATED AUTHORITY

New Hampshire: Compliance Date Extension

On March 9, 1976 (41 FR 10071) pursuant to Sections 119 and 301 of the Clean Air Act, as amended (42 U.S.C. 1857 *et seq.*), the Regional Administrator proposed the issuance of a compliance date extension to Public Service Company of New Hampshire, Schiller Station, Units 4 and 5, Portsmouth, New Hampshire.

Interested parties were invited to comment on the proposed rulemaking by public notices appearing on March 19, 1976, and March 24, 1976, advertising a public hearing subsequently held on April 22, 1976, in Portsmouth, New Hampshire. Administrative and technical materials relating to the proposed compliance date extension were made available for public review in Concord, New Hampshire; Portsmouth, New Hampshire; Portland, Maine; and Boston, Massachusetts.

BACKGROUND

A brief description of the constraints upon and conditions under which EPA may consider and approve compliance date extension (CDE) requests follows.

On June 22, 1974, Congress enacted the Energy Supply and Environmental Coordination Act of 1974 (ESECA) (Pub. L. 93-319, 88 Stat. 246, 15 U.S.C. 791). Section 2(a) of ESECA as amended by the Energy Policy and Conservation Act (Pub. L. 94-163), authorizes and directs the Administrator of the Federal Energy Administration (FEA) to prohibit until January 1, 1985, the use of petroleum products or natural gas as the primary energy source at certain power plants and major fuel burning installations. Section 3 of ESECA, an amendment to the Clean Air Act (42 U.S.C. 1857c-10) designated Section 119, provides that the Administrator of the Environmental Protection Agency (EPA) must make certain determinations and, contingent upon these determinations, take certain actions in response to issuance of FEA prohibition orders.

In the case of the CDE requested by the Public Service Company of New Hampshire for Units 4 and 5 of the Schiller Station, these determinations include:

(A) Establishing whether or not the aforesaid units have received FEA prohibition orders and will convert to coal as a primary energy source after September 15, 1973.

(B) Determining whether the ordered units can operate in compliance with any

applicable New Hampshire air pollution control regulations when burning available grades of coal with air pollution control devices presently fitted on the units.

(C) Determining whether primary standards are being met in the Merrimack Valley Southern New Hampshire Interstate Air Quality Control Region (AQCR) for any air pollutant which Units 4 and 5 would, when burning coal, emit in excess of New Hampshire emission limitations. If a primary standard is not being met for such a pollutant in the AQCR, a regional limitation (RL) would apply and the ordered units could not convert to coal except in compliance with state emission limitations for that pollutant.

(D) Establishing if and under what conditions coal burning can cause air pollutant emissions in excess of New Hampshire emission limitations without causing violations of national primary ambient air quality standards (NPAAQS). Such conditions, which would prevent violations of the NPAAQS in the vicinity of the ordered units, are called primary standard conditions (PSC).

(E) Determining if and how the ordered units can come into full compliance with state emission limitations applicable to emissions from coal burning by December 31, 1978.

Based on the foregoing findings and determinations, EPA must:

(A) Where possible, design, propose, promulgate, and enforce PSC applicable to the FEA ordered units.

(B) Certify to the FEA the earliest date the ordered units can burn coal in compliance with any applicable RL and in compliance with any specified PSC.

(C) Review, monitor, and enforce a compliance plan which would bring the ordered units into compliance with state air pollution control regulations when burning coal prior to December 31, 1978.

Essentially, therefore, EPA must specify how and by what amount state air pollutant emission limitations applicable to an ordered source may be temporarily relaxed in an AQCR in which NPAAQS for that pollutant are not violated. Using this determination, EPA must certify to the FEA the earliest date such less stringent air pollution control measures (viz., the PSC) can be implemented by the source. A source must be able and prepared to comply with any temporarily relaxed state emission limitations before December 31, 1978 before ordered units can burn coal under a PSC.

Public Comments

Seventeen separate statements were entered into the record of the public hearing held on April 22, 1976, in Portsmouth. Fourteen of these statements (including a joint resolution from the Maine legislature) opposed issuance of a CDE or conversion of Units 4 and 5 of the Schiller Station from oil to coal, and three statements expressed no position on conversion. No statement was presented which would favor the conversion or the granting of a CDE.

Many of those opposing the conversion referred to the economic penalties caused by the conversion to coal, probable air pollution nuisances (e.g., soot fall out), violations of state primary and federal secondary ambient air quality standards, temporary restrictions on the siting of new significant TSP sources, and other adverse environmental impacts (e.g., water pollution and solid waste disposal). Comments regarding high death rates due to cancer and high rates of lung disease in New Hampshire and Maine, and the possible adverse effect of increases in non-regulated air pollutants (e.g., trace metals) on these were also made. Section 119 of the Clean Air Act (§ 3 of ESECA) narrowly limits EPA's discretion in determining whether a CDE shall be issued. EPA may not refuse to issue a CDE if the statutory criteria of Section 119 are satisfied. The statutory criteria by which EPA must determine whether the Public Service Company of New Hampshire is entitled to a CDE have been outlined above and do not include considerations of many of the questions (e.g., nuisance conditions, violations of state or secondary standards) raised in the hearing record. Such questions are more properly raised and answered in the preparation and review of the environmental impact statement which the FEA plans for the proposed conversion.

Response to Public Comments

Several other questions were raised concerning the Administrator's proposal to grant a compliance date extension (CDE) to Units 4 and 5 of the Schiller Generating Station. These questions concerned findings necessary before the granting of a CDE and the conditions under which the proposed CDE would be approved. Responses to these questions are consolidated and summarized as follows:

Q. Will EPA require control of fugitive dust emissions from fly ash handling and disposal if these activities contribute to violations of NPAAQS?

A. These activities are controllable by conventional techniques, and therefore, should not limit the timely conversion of Units 4 and 5 of the Schiller Station from oil to coal. Because no portion of the New Hampshire State Implementation Plan appears to apply specifically to existing sources of this type, EPA did not consider fugitive dust from these activities in setting primary standard conditions and approving a compliance date extension for the ordered units. Through its permitting process, the State of New Hampshire may, at its own discretion, specify how and to what extent new or modified sources should be controlled. If it is demonstrated that fugitive dust sources cause or contribute to violations of NPAAQS, which the New Hampshire Air Pollution Control Agency cannot prevent, EPA may disapprove the New Hampshire State Implementation Plan to the extent that it does not adequately control such sources. EPA could then propose and promulgate air pollution control regulations which would correct this deficiency and therefore eliminate the problem.

Q. What corrective action will EPA take should particulate emissions from coal burning be greater than expected or should the resulting total suspended particulate (TSP) concentrations have been significantly underestimated?

A. EPA believes that the PSC proposed for the Schiller Station is sufficiently conservative to prevent violations of NPAAQS for TSP. The proposed PSC requires the collection of much emission and ambient air quality data. This data will be regularly reported by Public Service Company of New Hampshire and reviewed by the EPA. Should these data reviews show that the PSC is unsuitable, for whatever reason, the PSC will be modified. If a PSC is shown to be inadequate and cannot be modified in a manner which would allow continued coal burning, the ordered units would have to cease coal burning until an appropriately modified PSC could be applied or until the units could burn coal in compliance with the state implementation plan.

It should be noted also that the air pollution control agencies of New Hampshire and Maine may, under 40 CFR 55.07, petition the Regional Administrator to modify a PSC. Emission and air quality data collected by the Public Service Company of New Hampshire, and which may form the basis of such petitions, will be made available to the air pollution control agencies of these states upon request.

Q. Will EPA specify the extent, placement, and sampling frequency of the ambient air quality monitoring network proposed in the CDE?

A. Yes, EPA will specify the placement of ambient air quality monitors, their sampling frequencies, and the number of such monitors.

Q. What actions will EPA take in case of prolonged conditions of limited atmospheric mixing, perhaps leading to air pollutant concentrations at or above alert levels?

A. A source ordered by the FEA to convert to coal is in no case absolved from the responsibility to comply with those portions of an applicable state implementation plan which are devised to prevent air pollution emergency episodes. Should a state fail to require an ordered source (or for that matter any other source) to take appropriate corrective actions when air pollution alert levels are reached, EPA, under Section 303 of the Clean Air Act, retains concurrent authority which it will exercise when necessary.

Q. If violations of secondary national ambient air quality standards (NAAQS) are caused by the conversion to coal, will EPA consider approving variance requests for the Merrimack Valley-Southern New Hampshire, and Metropolitan Portland AQCRs?

A. If the Schiler conversion causes violations of secondary NAAQS in either of the above AQCRs, requirements imposed on any state implementation plan revision to liberalize air pollution control requirements in these AQCRs may be more stringent than requirements in

areas where secondary standards are not violated. These more stringent requirements, or air quality analyses performed in compliance with them, might prevent plan revisions in the areas most impacted by the conversion of the Schiller Generating Station to coal. Variances might, however, be permitted in other portions of these AQCRs, provided, of course, that the variance applicant could show that excess emissions would not cause or contribute to any violation of NAAQS.

Q. The 24 hour concentration for total suspended particulate (TSP) referenced in the 24 hour primary NAAQS for this pollutant has been exceeded in the Merrimack Valley-Southern New Hampshire AQCR where the ordered units are located. Why, therefore, does no regional limitation apply to this conversion?

A. Ambient air quality data for the Merrimack Valley-Southern New Hampshire AQCR has been reviewed, and it is our finding that there is not a sufficient basis for applying a regional limitation. Two exceedances of TSP Primary National Ambient Air Quality Standards in 1975 which were recorded in the Merrimack Valley-Southern New Hampshire AQCR have been determined to be statistically unreliable.

Q. There are proposals to convert boilers at Pease Air Force Base to coal and to construct a sewage sludge incinerator in Portsmouth. As these activities may increase particulate emissions in Portsmouth, have they been included in setting primary standard conditions (PSC)?

A. The impact of these activities has not been included in setting the PSC for Schiller Generating Station:

(1) As presently proposed, the sewage sludge incinerator for Portsmouth would be operational no earlier than 1980. By this time, the Schiller Station must be in full compliance with all provisions the applicable state implementation plan.

(2) Conversion of fuel burning facilities at Pease Air Force Base (AFB) from oil to coal would be completed by May 1979, after the Schiller Station has attained full compliance with state emission limitations. As this activity is not the result of an FEA order and as the New Hampshire Air Pollution Control Agency indicates the conversion will involve new fuel burning units, a more stringent state particulate emission limit would apply to fuel burning equipment at Pease AFB after a conversion to coal. While Units 4 and 5 of the Schiller Station operate under a PSC, no additional atmospheric TSP loading should be allowed in the vicinity of Portsmouth, New Hampshire if maintenance of NPAAQS for TSP is to be assured. Compliance with particulate emission limitations of fuel burning sources at Pease AFB, whether burning oil or coal, should therefore be assured at all times.

Q. Has the impact of coal burning by the ordered units upon air quality (and particularly state ambient air quality standards) been performed for the period after December 31, 1978?

A. The New Hampshire State Implementation Plan allows coal burning sources to emit two to three times more sulfur oxides than oil burning sources. Evidence presented at EPA's public hearing indicated that increased sulfur oxide emissions resulting from coal burning at Schiller may approach or violate Maine's ambient air quality standard for sulfur oxides. Likewise, even assuming compliance with state emission limitations, particulate emissions from Units 4 and 5 may be greater when burning coal than when burning oil, and therefore, some increase in ambient TSP levels may be caused after December 31, 1978.

While EPA is aware that conversion of Units 4 and 5 of the Schiller Station may cause some deterioration of air quality in the post conversion period, no explicit evaluation of this deterioration has been prepared. Such evaluations are more properly conducted under Section 110 of the Clean Air Act as amended, which requires that federally approved state emission regulations provide both for the maintenance of NAAQS and the prevention of significant deterioration, and not under Section 119 which applies directly to the proposed conversion. Until it becomes appropriate to evaluate any deterioration in air quality through the former mechanisms, the environmental impact statement process is the forum most suited to identifying and assessing air quality degradation and other secondary impacts of the proposed conversion.

Q. The Administrator may evaluate the risk to public health of non-regulated air pollutants which may increase because of coal conversions. Has such an evaluation been performed for sulfates, which may increase because of the conversion of Units 4 and 5 of the Schiller Station, and other sources, to coal?

A. EPA only may invoke the provisions of the ESECA which apply to non-regulated air pollutants with respect to coal conversions reviewed by EPA under Section 119 of the Clean Air Act as amended. At this time, acid sulfate aerosols are the only such pollutants for which information is available sufficient to treat, in a limited fashion, significant risk to public health.

EPA has prepared a document analyzing the broad potential impacts of sulfates on public health and on regulatory programs. This document, Position Paper on Regulation of Atmospheric Sulfates (EPA-450/2-75-007, available from the National Technical Information Service), indicates that there are conflicting opinions over where and to what extent SO_2 emissions, a precursor of acid sulfate aerosols, must be limited in order to address potential sulfate problems. With reference to the so-called significant risk provisions of the ESECA, and based on currently available health effects information, EPA has decided to apply this "significant risk" provision only with respect to sulfates. Under the significant risk provisions, EPA plans to restrict emissions of sulfate precursor pollutants—sulfur dioxide or particulate matter—if a converting plant is located in an area of high sulfate concentrations with high concentrations of particulate or sulfur dioxide.

While the Schiller Generating Station is located in a high sulfates area, no violation of primary NAAQS for particulates or sulfur oxides has recently been recorded in either of the two AQCRs (Merrimack Valley-Southern New Hampshire, and Metropolitan Portland) in which the plant might have local impacts. Therefore, it appears that the significant risk provision, applicable to sulfates, would not limit conversion of Units 4 and 5 of the Schiller Generating Station from oil to coal. Further, EPA need not complete a "significant risk" evaluation before the granting of a CDE because Section 119(d)(3) of the Clean Air Act as amended, allows the implementation of the significant risk provisions of the ESECA after a source has received a CDE.

Q. EPA proposes to attach an opacity limitation to operation of Units 4 and 5 under a compliance date extension (CDE); this opacity limit is undefined in the proposed rulemaking. Will EPA define an opacity limit before final approval of the CDE?

A. No. The purpose of an opacity limit would be to provide a ready and enforceable means of assuring continued compliance of the ordered units with the mass emission limitation specified in the PSC. This opacity limit will be based upon observations of plume opacity taken during stack tests soon after conversion of the ordered units to coal. It is by this means that opacity will be related to the particulate emissions limit set under the PSC and, thence, to maintenance of primary NAAQS for particulates in the vicinity of the Schiller Generating Station. At this time, there is insufficient information to definite an opacity limitation, consistent with the PSC, in any other manner.

Findings Under Section 119

The Administrator of the Environmental Protection Agency, based upon information submitted pursuant to 40 CFR Part 55, and other information available to him, approves a compliance date extension for the Public Service Company of New Hampshire, Schiller Station, Units 4 and 5, Portsmouth, New Hampshire (hereinafter referred to as "the source") from New Hampshire Air Pollution Control Agency (NHAPCA) Regulation 4, Revision II, which limits emissions of particulate matter based upon these findings:

(i) The source is subject to Section 2(a) FEA prohibition orders Nos. 050 and 051 for Units 4 and 5 respectively, and will convert after September 15, 1973, to coal as its primary energy source.

(ii) The Administrator, pursuant to Section 119(c)(2)(A) of the Clean Air Act, finds that the source cannot burn coal available to it in compliance with NHAPCA Regulation 4, Revision II.

(iii) The source can comply with all conditions upon which a compliance date

extension may be granted for NHAPCA Regulation 4, Revision II, in that:

(a) No regional limitation for particulate matter is applicable since no violation of the NPAAQS for total suspended particulate matter can be substantiated in the Merrimack Valley-Southern New Hampshire Interstate AQCR;

(b) EPA has determined, after consultation with the NHAPCA, that the source must emit no more than 2.20 pounds of particulate matter per million BTU high heating value fuel input in order to assure (throughout the period that the compliance date extension will be in effect) that coal burning will not result in emissions which could cause or contribute to concentrations of particulate matter in excess of the national primary standard for particulate matter; and finds that coal of suitable ash content (roughly 10 percent ash by weight) is presently available; and

(c) The Administrator finds that the compliance plan submitted by the source on October 28, 1975, and as modified by EPA provides for compliance with NHAPCA Regulation 4, Revision II, on the basis of coal usage within 820 days of the FEA Notice of Effectiveness; that the compliance plan provides for compliance as soon as practicable, but no later than December 31, 1978; and that the compliance plan is therefore approvable under Section 119(c).

(iv) The source can comply with NHAPCA Regulation 5, Revision II, within 180 days of the service of a Notice of Effectiveness by FEA.

COMPLIANCE WITH CONDITIONS UPON WHICH CDEs ARE GRANTED

A. *Compliance with primary standard conditions*

Compliance with the PSC determined by the Administrator as necessary to maintain NPAAQS for particulate matter will require the emission of not over 2.20 pounds of particulate per million BTU high heating value fuel input. The Administrator finds that compliance with this primary standard condition may be attained with coal available to the source after refurbishing particulate emission controls now in place at the source within 180 days of the service of the Notice of Effectiveness.

B. *Final compliance with extended air pollution requirements*

The Administrator has determined that the following dates for achieving full compliance (on the basis of coal usage) with air pollution requirements, which will be deferred by the CDE, provide for compliance as soon as practicable, as provided by Section 119(c)(2)(C):

Source	Location	Pollutant	Regulation involved	Date of adoption	Final compliance date [1]
Public Service Co. of New Hampshire, Schiller Generating Station, Unit No. 4.	Portsmouth, N.H.	Particulate matter.	New Hampshire Air Pollution Control Agency, regulation 4, revision II.	Mar. 21, 1974	Within 820 days of FEA Notice of Effectiveness.
Unit No. 5	do	do	do	do	Do.
Units No. 4 and No. 5.	do	Sulfur dioxide.	New Hampshire Air Pollution Control Agency, regulation 5, revision II.	June 26, 1973	Date coal burning commences.

[1] Increments of pregress, enforceable against the source, to enable final compliance by the proposed date (including the date by which contracts will be entered into, initiation of on-site construction, and completion of on-site construction, etc., are available for public inspection during business hours at the U.S. Environmental Protection Agency, John F. Kennedy Federal Bldg., Boston, Mass. 02203.

CERTIFICATION TO FEA

The Administrator will certify under Section 119(d)(2)(B), 180 days from the service of a Notice of Effectiveness by the Administrator of FEA as the earliest date by which Public Service Company of New Hampshire, Schiller Generating Station, Units 4 and 5, can burn coal in compliance with all applicable primary standard conditions and regional limitations. This date, 180 days from FEA's service of a Notice of Effectiveness, represents the earliest date upon which the FEA can make its prohibition effective against this source. By this time, the source will have renovated existing dust collectors, will be prepared to show compliance initially and on a continuous basis with the primary standard conditions, and will also be prepared to report periodically on the effect of coal burning on ambient air quality in the Portsmouth, New Hampshire area.

This rulemaking is based upon the authority of Sections 119 and 301 of the Clean Air Act of 1970, as amended, (42 U.S.C. 1857 et seq.).

Date: August 20, 1976.

JOHN QUARLES,
Acting Administrator.

Part 55 of Chapter 1, Title 40 of the Code of Federal Regulations is amended by adding a new Subpart EE as follows:

Subpart EE—New Hampshire

§ 55.1520 Compliance date extension.

The Administrator hereby issues a compliance date extension to the Public Service Company of New Hampshire, Schiller Generating Station, Units 4 and 5, Portsmouth, New Hampshire (the source), upon the following conditions:

(a) *Primary standard condition.* After 180 days from the FEA service of a Notice of Effectiveness to Schiller Generating Station Units 4 and 5, the source shall not burn coal which results in the emissions of particulate matter over 2.20 pounds of particulate per million BTU high heating value fuel input in accordance wtih the following schedule of compliance:

(1) Within 30 days after the service of the Notice of Effectiveness by FEA to the Schiller Generating Station Units 4 and 5, submit for approval in writing to the EPA Region I Air and Hazardous Materials Division Director a proposed schedule of actions and dates by which particulate collection devices now in place at the source would be returned to service and operated with a reasonable degree of reliability, as well as any additional measures and devices which would ensure the return of these particulate collection devices to reliable service.

(2) Within 90 days after the service of the Notice of Effectiveness by FEA to the Schiller Generating Station Units 4 and 5, have existing particulate collectors in operational condition.

(3) Within 90 days after the service of the Notice of Effectiveness by FEA to Schiller Generating Station Units 4 and 5, submit a proposal for a complete air quality monitoring network to be set up by the source as required by subparagraph (4)(D).

(4) Within 120 days after the service of the Notice of Effectiveness by FEA to Schiller Generating Station Units 4 and 5, the air quality monitoring network must be installed and operating.

(5) Within 120 days after the service of the Notice of Effectiveness by FEA to Schiller Generating Station Units 4 and 5, submit for approval in writing to EPA Region I Air and Hazardous Materials Division Director proposed methods, procedures, and devices to be used to obtain the information required by subparagraph (4)(C).

(6) Within 180 days after the service of a Notice of Effectiveness to the Schiller Generating Station Units 4 and 5, complete installation of devices specified under (1)(A) and subsequently approved by EPA Region I as necessary and suitable for reliable operation of existing particulate collection devices.

(b) *Plan for compliance with New Hampshire Air Pollution Control Agency Regulation 4, Revision II.* The source shall comply with New Hampshire Air Pollution Control Agency Regulation 4, Revision II within 820 days of the Notice of Effectiveness for FEA prohibition orders Nos. 050 and 051 in accordance with the following increments of compliance from the Notice of Effectiveness date:

(1)(i) Within 30 days: submit for approval to the EPA Region I Air and Hazardous Materials Division Director contracts for supply of particulate emission controls and other equipment necessary for final compliance; (2) within 95 days: submit for approval to the EPA Region I Air and Hazardous Materials Division Director contracts for long term supplies of coal.

(2)(i) Within 65 days: enter contracts for particulate emission controls and other equipment necessary for final compliance; (2) within 125 days: enter contracts for long term supplies of coal.

(3) Within 490 days: initiate on site installation of particulate emission control systems.

(4) Within 760 days: complete installation of particulate emission control systems.

(5) Within 820 days: Perform emission tests in accordance with 40 CFR 60 and submit reports showing final compliance with New Hampshire Air Pollution Control Agency Regulation 4, Revision II.

(c) *Plan for compliance with New Hampshire Air Pollution Control Agency Regulation 5, Revision II.* The source shall comply with New Hampshire Air Pollution Control Agency Regulation 5, Revision II within 180 days of the Notice of Effectiveness for FEA prohibition orders Nos. 050 and 051 in accordance with the following increments of compliance from the Notice of Effectiveness date:

(1) Within 150 days: submit for approval in writing to the EPA Region I Air and Hazardous Materials Division Director, contracts for coal to be burned during the compliance date extension period.

(2) Within 180 days: Comply with New Hampshire Air Pollution Control Agency's Regulation 5, Revision II.

(d) *Interim requirements.* The source shall comply with the following interim requirements prior to achieving compliance with Regulation 4, Revision II which are deemed necessary to assure continued compliance with primary standard conditions.

(1) As guidelines to continual compliance with the primary standard condition of 2.20 pounds of particulate per million BTU high heating value fuel input: (a) the source shall not violate an opacity limitation to be set by EPA Region I at the time of source testing; (b) the source shall not burn coal with an ash content exceeding 8 pounds per million BTU high heating value, 24 hour average.

(2) Within 60 days of commencing the use of coal in Units 4 and 5, source testing for particulate emissions will be performed using EPA Method 5 as specified in the FEDERAL REGISTER (36 FR 2488) as amended, on each of these units. Such tests or variations thereof shall be performed in a manner approved in writing by EPA Region I and a minimum of 15 days written notice will be given to the EPA Region I Air and Hazardous Materials Division Director prior to conducting such tests. A complete report containing all information pertinent to the performance of these stack tests will be submitted to the EPA Region I Air and Hazardous Materials Division Director within 30 days of completing such tests.

(3) Monthly records of air pollutant emissions for the Schiller Generating Station shall be kept and submitted to the EPA Region I Air and Hazardous Materials Division Director within 15 days of the end of each month. These records shall detail daily emissions from all units at the Schiller Station and shall, as a minimum, include for each steam generating unit:

(i) Fuel consumption for each day of the preceding month.

(ii) Analyses of the fuel consumed during each day: sulfur content, ash content, and high heating value.

(iii) For the stacks serving Units 4 and 5 only, hourly measurement of opacity, acquired with a continuous opacity monitor.

(iv) Estimates of bottom ash, electrostatic precipitator ash, and multiclone ash collected from each steam generating unit burning coal.

Methods, procedures, and devices, used to obtain or prepare the above data, must be approved in writing by EPA Region I prior to the use of coal in any unit of the Schiller Station.

(4) The source must submit for approval to EPA Region I Air and Hazardous Materials Division Director a proposal to install and operate an ambient air quality monitoring network in the vicinity of the Schiller Generating Station. This network must include monitors capable of measuring 24 hour average particulate concentrations, and EPA Region I, on its own authority and initiative, may direct that continuous sulfur dioxide monitors be co-located with particulate samplers and operated by the source. A complete monitoring network must be approved in writing by EPA Region I and installed and operating at least 60 days prior to the burning of coal in either Unit 4 or Unit 5. Monthly records of ambient air quality concentrations will be submitted to the EPA Region I Air and Hazardous Materials Division Director within 15 days of the close of each month and in a format prescribed by Region I.

(5) The source must submit a written report of any exceedances of primary or secondary National Ambient Air Quality Standards to the Director, EPA Air and Hazardous Materials Division, within 48 hours of the occurrence of such exceedances.

(e) The source shall not, until January 1, 1979, be prohibited from burning coal which is available to such source by reason of the application of any air pollution requirement except as provided in Section 119(d)(3) of the Clean Air Act (42 U.S.C. 1857, et seq.).

[FR Doc.76-25372 Filed 8-31-76;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 51b—GRANTS FOR COMMUNICABLE DISEASE CONTROL

Deletion of Obsolete Reference

The Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, hereby amends section 51b.2 of Part 51b, Title 42, Code of Federal Regulations, by revising the definition of "Communicable disease control program or project" in § 51b.2(d). Part 51b was added to Title 42, Code of Federal Regulations, in 1972 at a time when section 317 of the Public Health Service Act, 42 U.S.C. 247b, the applicable statutory provision, defined "communicable disease program" in terms of specified diseases "or other communicable diseases which are transmitted from State to State, are amenable to reduction, and which are determined by the Secretary on the recommendation of the National Advisory Health Council to be of national significance." The reference to the Council recommendation was deleted from Section 317 by Pub. L. 92-449 in 1972; but the regulations were not similarly amended. Since the requirement for a Council recommendation has been eliminated from the statute, the reference to a Council recommendation is also being deleted from § 51b.2(d). The change is technical in nature in that an unnecessary and obsolete reference is being eliminated. Accordingly, delay in effective date and notice of proposed rulemaking procedures have been omitted as unnecessary in the issuing of the following amendment. Since this amendment is merely reflective of the statutory amendment, the effective date has been established as of the date of the amendment.

Effective date September 30, 1972.

Section 51b.2(d) of Part 51b is amended to read as follows:

§ 51b.2 Definitions.

(d) Communicable disease control program or project means a program or project which is designed and conducted so as to contribute to national protection against tuberculosis, venereal disease, rubella, measles, Rh disease, poliomyelitis, diphtheria, tetanus, whooping cough or other communicable diseases which are transmitted from State to State, are amenable to reduction, and which are determined by the Secretary to be of national significance.

(Sec. 215, 58 Stat. 690; 42 U.S.C. 216.)

Dated: April 27, 1976.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

Approved: May 11, 1976.

DAVID MATHEWS,
Secretary.

[FR Doc.76-25525 Filed 8-31-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-790, Rm-2331]

PART 1—PRACTICE AND PROCEDURE

Contingent and Multiple Applications

In the matter of amendment of §§ 1.517 and 1.520 of the Commission's Rules.

1. The Commission has before it a petition for rule making filed by the Joint Re-Regulation Committee of the Federal Communications Bar Association and the Communications Committee, American Bar Association (collectively "The

Committee"). The petition seeks (1) to have § 1.520 of the Commission's rules (which precludes the filing of multiple applications) deleted and (2) to have a section added to permit the filing of applications for changes in existing station facilities by an assignee or transferee, contingent on the grant of the pending assignment or transfer applications.

2. On the first point, The Committee asks that § 1.520 be deleted as redundant. According to its research, that section has been given no effect beyond that which would be ordained by § 1.518 (which bars the filing of inconsistent or conflicting applications) and § 1.519 (which bars the filing of repetitious applications). In fact, we are told that the Committee has found no case in which the Commission relied upon § 1.520 as an independent ground for the action taken, that is without relying on §§ 1.518 or 1.519 as well. If it is incorrect, The Committee asks the Commission to indicate such other meaning as it gives to the rule.

3. We agree that if the rule serves no purpose it should be deleted. However, contrary to the belief of The Committee, § 1.520 does have a purpose. Both §§ 1.518 and 1.519 overlap in part the proscription contained in § 1.520. As a result, § 1.520 can be and is cited as further support for actions taken under these other provisions. Beyond this, there are areas not covered by §§ 1.518 and 1.519. If, for example, a party seeks an increase in power for its daytime-only AM station and separately seeks to change to an unlimited time operation, these applications are not inconsistent or conflicting nor are they repetitious. Nonetheless, they should be joined into a single proposal under § 1.520 because they are multiple applications. Even though the rule has not been cited in reported cases to this effect, such has been the interpretation it has been given. From the Commission's procedural point of view, this is an important point. Without such a rule the Commission's processes could be clogged with applications divided into separate segments, the processing of each of which requires much the same study and analysis. Clearly, this result would be wasteful duplication.

4. There is another reason for retaining the rule and that is to be able to deal with situations where successive minor change applications are used in lieu of a single major change application. Again, there is waste and duplication, but also there can be an attempt to evade the rules applicable to major change applications. By way of example, the multiple ownership rules preclude grant of applications if the result would be the overlap of pertinent contours of commonly owned stations in the same broadcast service. The rule applies to applications for new stations and to major changes in facilities, but it does not apply to minor change applications. An attempt to evade the impact of a rule by filing a series of minor change applications cannot be permitted. It would vitiate the distinction between major and minor applications and could be an abuse of process. For this purpose as well, the rule is needed and therefore the petition for rule making is denied insofar as it relates to § 1.520.

5. The second aspect of the petition deals with what is said to be a need for a change in our policy of dealing with contingent applications. In a public notice of October 26, 1961 (FCC 61–1286) the Commission announced a policy of not accepting AM and FM applications for new stations or major modifications of existing stations which were contingent. This was designed to avoid the work of reviewing an application only to discover that it was ungrantable because the contingency ultimately was not resolved. However, this policy has not been applied to modification applications filed by an assignor or transferor (but to be implemented by the assignee or transferee) even though such applications are also contingent. Filing by the proposed transferee or assignee is not now permitted, but we are urged to allow this as this is the real party to look to, we are told, since the seller has no intention of implementing the change in facilities. The Committee's point is that relying on the selling party with no interest in the modification can give rise to problems in processing the application. To remedy this the Committee proposes a rule which allows such filings to be made on the same basis as those of transferors or assignors. The rule it proposes warns that if the sale does not take place, the filing fee would not be returned. The proposed rule also preserves the Commission's right to deline to process any such application where the circumstances so require.

6. In our view, there is no reason to refuse a buyer's application but to accept that of the seller; one is no more contingent than the other. While it could be argued that until consummation of the sale, the buyer has no legally recognizable interest upon which to base a filing, such a holding would be absurdly rigid under the circumstances. Nor is there any necessary conflict with our policy barring non-licensees from effectuating changes. While we could change our policy by simply announcing a willingness to accept such applications, we believe it would be preferable to adopt a rule. In particular, we believe that use of a rule would avoid confusion in the following of the new policy, and avoid misunderstandings, such as over its processing and the non-recoverability of fees. Except for minor changes in language, the proposed rule is acceptable and it shall be adopted and the section number 1.517 shall be applied.

7. Under the Administrative Procedure Act provisions of Title 5 of the U.S. Code, prior notice of proposed rule making is not required—see 5 U.S.C. 553(b)(3)(A)—as this rule change is related to agency practice and procedure.

8. Accordingly, pursuant to Sections 4(i), 303(j) and (r) of the Communications Act of 1934, as amended, it is ordered, that § 1.517 is added, effective September 8, 1976.

9. It is further ordered, that this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: August 24, 1976.

Released: August 31, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended by adding § 1.517 to read as follows:

§ 1.517 Contingent applications.

Ordinarily, contingent applications for changes in facilities of existing broadcast stations are not acceptable for filing. Such applications, however, may be filed under the circumstances cited below.

(a) Upon the filing of an application for the assignment of a license or construction permit, or for a transfer of control of a licensee or permittee, the proposed assignee or transferee may, upon payment of the filing fee prescribed in Section 1.1111, file an application or applications in its own name for authorization to make changes in the facilities to be assigned or transferred contingent upon approval and consummation of the assignment or transfer: *Provided*, That any application filed pursuant to this paragraph must be accompanied by a written statement from the existing licensee which specifically grants permission to the assignee or transferee to file such application: *And provided further*, That the filing fee will not be refundable should the assignment or transfer not be approved. The existing licensee or permittee may also file a contingent application in its own name, but fees in such cases are also not refundable.

(b) Whenever the Commission determines that processing of any application filed pursuant to paragraph (a), above, would be contrary to sound administrative practice or would impose an unwarranted burden on its staff and resources, the Commission may defer processing of such application until the assignment or transfer has been granted, and consummated.

[FR Doc.76-25494 Filed 8-31-76;8:45 am]

[FCC 76-789]

PART 73—RADIO BROADCAST SERVICES

Meters; Standards and Installation Requirements

In the matter of reregulation of radio and television broadcasting.

1. As a result of its continuing study concerning the reregulation of radio and TV, the Commission has under consideration the matter of amending certain provisions in Part 73 of its Rules. These amendments will update certain rules, delete parts of others which are no longer necessary, and make corrections and revisions where indicated.

2. The following rule changes are being made for the reasons specified in the standards and installation requirements of indicating instruments (meters) used at broadcast stations to determine operating power and evaluate transmission system performance.

(a) Since the construction, scale, and accuracy specifications for instruments used by AM, FM, or TV stations are essentially the same, the contents of existing §§ 73.39, 73.320, and 73.688, are being combined and unified in a new section within Subpart H to be designated as § 73.1215—Indicating instruments. The portions of the existing §§ 73.39 and 73.58 concerning remote antenna and common point RF ammeters is being consolidated in a new section; § 73.57—Remote reading antenna and common point ammeters.

(b) Existing specifications for indicating instruments refer to meters used to determine "plate" voltage or "plate" current, and to radio frequency antenna current. The term "plate" in the rules is in reference to vacuum tube transmitter technology. Modern transmitters may use radio frequency power amplifier devices such as transistors or klystrons to which the term "plate" current or voltage are inappropriate. The meter specification rules are amended so as to apply to measurements of any transmitter parameter essential in maintaining the operation within license specifications. Further, the amended rules will describe the types of meters now being regularly used for indicating transmitter output power directly.

(c) Four types of meter scales are described in the existing meter specifications: linear, square-law, logarithmic, and expanded. The scale specifications for square-law and logarithmic scale meters are the same, but actually the two meter scale types are entirely different. Meters with square-law scales have the spacing between the unit division lines compressed together at the lower range of the meter scale. This provides a more precise resolution of the meter indication when the meter pointer approaches the maximum meter range. Square-law meters are primarily used for determining radio frequency currents in AM station antenna circuits. Square-law meters cannot be accurately read at the lower third of the meter scale, therefore the rules require that normal indications fall within the upper two-thirds of the full scale range. Logarithmic scale meters have scales inverse to square-law meters. The spacings between unit divisions are expanded at the lower range of the meter and compressed toward the high limit of the scale. This type of meter permits the parameters being measured to be determined with about the same degree of absolute accuracy over the entire meter range. Logarithmic scale meters are primarily used to indicate radio frequency power or signal strength. Although the existing rules contain the same scale and useful range specifications for both square-law and logarithmic meters, the latter type meters can be used accurately over a greater percentage of the total scale range. The amended rules are relaxing the use of logarithmic scale meters accordingly.

(d) The existing rules prescribe the type of operating parameter to be measured with meters having various types of meter scales. For example, meters having expanded scales (spacing between unit divisions expanded at midrange and compressed at the extreme ends of the scales) are preseribed only for measuring radio frequency current. Such meters are particularly useful for measuring parameters at stations authorized to operate at more than one power level. There is no reason why meters of the required accuracy and scale resolution, regardless of scale type, cannot be used to indicate any operating parameter. Further, recently developed devices, used to determine antenna current, use linear scale meters rather than square-law scale meters. Specific restrictive references to uses of meters with the various scale types are being deleted.

(e) The specifications for meters with expanded scales require that the meter manufacturers must submit a showing to the Commission that the instruments have "acceptable" expanded scales. This showing is not required for any other type of meter, and the Commission has no procedure for "approving" meters for use by licensees or equipment manufacturers. This unreasonable and unnecessary requirement is being deleted.

(f) Paragraph (d) of § 73.39 contains the specifications for devices used to obtain "remote" readings of antenna and common point current as permitted in pargaraph (d) of § 73.58. Remote reading antenna and common point ammeters have been used for a number of years so that the transmitter operator could observe the station operating power without leaving his normal duty position. Remote reading ammeters can be used by a licensee without specific authorization. (Remote reading ammeters should not be confused with remote control meters.) All technical specifications for remote reading ammeter devices and operating procedures now contained in §§ 73.39 and 73.58 are being consolidated into a new § 73.57. The existing text is being editorially revised to conform to today's technology and to delete unnecessary, ineffective, or outmoded conditions, such as the requirement that the device manufacturer submit data under oath to the Commission concerning the accuracy of the remote reading device.

(g) The existing rules permit the use of the indications of the "phase" monitor for determining directional antenna base current or their ratios. When so used, calibrated charts must be provided showing the relationship between the monitor indications and the actual base currents. There has been misunderstanding of the rule as to the actual circumstances when the calibration charts are required. Further, antenna (phase) monitors of modern design indicate sample loop current ratios directly and cannot be conveniently calibrated to indicate the base current in each antenna element of a directional antenna system. Calibration charts were only required when the monitor meters were used for remote reading of antenna base currents. Stations frequently used the antenna monitor for remote indication of the antenna base current during periods of non-directional operation although the existing rule did not specifically provide for this procedure. There is no reason why the use of the phase monitor remote indication of non-directional antenna base current cannot be legitimatized, if calibrations can be independently made and maintained for each mode of operation. The amended rules so indicate.

(h) Subparagraph (d)(2) of § 73.39 requires that remote ammeters be calibrated to indicate within 2 percent of the regular meter over the entire range above one-third or one-fifth full scale (depending on the type of meter used). There is no practical or convenient way that this degree of calibration (tracking) accuracy can be checked by the licensee. To do so would require that the transmitter output power be varied from zero to that required to obtain full scale indications on the antenna ammeters. This power may be many times greater than the station's authorized power. The requirement is unrealistic and unnecessary. It is only essential to insure that the remote reading meters are calibrated and maintained to the required accuracy over the normal operating range for each of the station's authorized operating powers. The amended rules will specify the calibration requirements in this manner, but will require that when a station operates at more than one power level, the calibration must be checked and maintained at each of the authorized power modes used.

(i) The rules require that the coupling elements used to provide remote reading antenna or common point current indications be installed at the same point in the antenna circuit but below (transmitter side) the main ammeter. This requirement is intended to insure that the shunt effects of the coupling element does not affect the accuracy of the actual antenna current determination. However, sample loops mounted on the side of antenna towers are used as coupling elements for driving the antenna monitor, and obviously would not comply with the normal location requirements for sampling devices used in obtaining remote reading base current indications. The rules are being amended to indicate that antenna monitor sample loops mounted on the side of antenna towers can be used in obtaining remote reading base current indications.

(j) Since the same types of devices used for obtaining remote reading antenna and common point current are used for extension metering and remote control indications of these same parameters, it is appropriate that the same technical standards apply in all installations. Sections 73.67, remote control operation, and 73.70, extension meters, are being amended accordingly.

(k) The rules that require the installation of certain indicating instruments for AM, FM and TV stations, §§ 73.58, 73.257,

and 73.688, are being edited to provide parallelism in wording where appropriate, and conformity in paragraph content designations.

(1) The rules for AM and FM stations describe procedures for determination of power by the indirect method when the main antenna current or transmission line meter used for determining power by the direct method is taken out of service for repairs. The indicating instrument rules for TV stations include procedures for determining the aural transmitter operating power by the indirect method when the transmission line meter fails, but completely omits any similar guidance for determining operating power if the visual transmitter transmission line meter becomes defective. This oversight may have been due to the requirement that TV visual transmitter output power be determined at all times only by the direct method. A TV station experiencing failure of the visual transmission line meter would be required to have an immediate replacement available, or obtain specific authorization from the Commission to operate without such a meter, pending repairs. We are amending the rules to provide for the procedures licensees may follow when such a transmission line meter fails—adjusting operating power by maintaining normal operating parameters of the transmitter final amplifier stage. This same emergency procedure would be appropriate for maintaining the aural transmitter output power for transmitters using klystrons or other devices to which the "indirect" method of power measurement cannot be readily used.

3. We conclude that, for the reasons set forth above, adoption of these amendments will serve the public interest. Prior notice of rulemaking, effective date provisions, and public procedure thereon are unnecessary, pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B), inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose.

4. Therefore, IT IS ORDERED, That pursuant to Sections 4(i) and 303 (j) and (r) of the Communications Act of 1934, as amended, Part 73 of the Commission's Rules and Regulations is amended effective September 8, 1976.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 24, 1976.

Released: September 2, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

1. Section 73.39 is revised to read as follows:

§ 73.39 Indicating instruments—specifications.

See § 73.1215.

2. A new § 73.57 is added to read as follows:

§ 73.57 Remote reading antenna and common point ammeters.

Remote reading antenna and common point ammeters may be used without further authority according to the following conditions:

(a) Remote reading antenna or common point ammeters may be provided by:

(1) Inserting second radio frequency current sensing device directly in the antenna circuit with remote leads to the indicating instruments.

(2) Inductive coupling to radio frequency current sensing device for providing direct current to indicating instrument.

(3) Capacity coupling to radio frequency current sensing device for providing direct current to indicating instrument.

(4) Current transformer connected to radio frequency current sensing device for providing direct current to indicating instrument.

(5) Using transmission line current meter at transmitter as remote reading ammeter. See paragraph (c) of this section.

(6) Using the indications of the antenna (phase) monitor, provided that when the monitor is used to obtain remote reading indication of non-directional antenna base current, the monitor calibration can be independently made and maintained for each mode of operation.

(b) Devices used for obtaining remote reading antenna or common point current indications, except antenna monitor coupling elements, shall be located at the same point as, but below (transmitter side) the associated main ammeter.

(c) In the case of shunt-excited antennas, the transmission line current meter at the transmitter may be considered as the remote antenna ammeter provided the transmission line is terminated directly into the excitation circuit feed line, which shall employ series tuning only (no shunt circuits of any type shall be employed) and insofar as practicable, the type and scale of the transmission line meter should be the same as those of the excitation circuit feed line meter (meter in slant wire feed line or equivalent).

(d) Calibration of remote reading ammeters shall be made against their corresponding regular ammeters for each mode of operation as often as necessary to insure their accuracy, but at least once each calendar week, and:

(1) The result of such calibrations shall be entered in the station's maintenance log.

(2) In no event shall a remote reading ammeter be calibrated against another remote reading, extension, or remote control meter.

(3) Each remote reading ammeter shall be accurate within 2 percent of the value read on its corresponding regular ammeter.

(e) All remote reading ammeters shall conform with the specifications for regular antenna ammeters.

(f) Meters with arbitrary scale divisions may be used provided that calibration charts or curves are provided at the transmitter control point showing the relationship between the arbitrary scales and the reading of the main meters.

(g) If a malfunction affects the remote reading indications of the antenna or common point current, the regular antenna or common point ammeter may be read and the indications entered in the operating log once daily for each mode of operation in lieu of the requirements of § 73.113(a)(1)(iv)(*a*) pending the return to service of the remote reading antenna or common point ammeter.

3. Section 73.58 is amended to read as follows:

§ 73.58 Indicating instruments.

(a) Each AM broadcast station shall be equipped with indicating instruments which conform with the specifications described in § 73.1215 for determining power by the direct and indirect methods, and with such other instruments as are necessary for the proper adjustment, operation, and maintenance of the transmitting system.

(b) A thermocouple type ammeter, or other device capable of providing an indication of radio frequency current at the base of each antenna element, meeting requirements of § 73.1215, shall be permanently installed in the antenna circuit or a suitable jack and plug arrangement may be made to permit removal of the meter from the antenna circuit so as to protect it from damage by lightning. Where a jack and plug arrangement is used, contacts shall be made of silver and capable of operating without arcing or heating, and shall be protected against corrosion. Insertion and removal of the meter shall not interrupt the transmissions of the station. When removed from the antenna circuit, the meter shall be labelled to clearly identify the tower in which it is used, and shall be stored in a location which is readily available to that tower. Care shall be exercised in handling the meter to prevent damage which would impair its accuracy. Where the meter is permanently connected in the antenna circuit, provision may be made to short or open the meter circuit when it is not being used to measure antenna current. Such switching shall be accomplished without interrupting the transmission of the station.

(c) Since it is usually impractical to measure the actual antenna current of a shunt excited antenna system, the current measured at the input of the excitation circuit feed line is accepted as the antenna current.

(d) The function of each instrument shall be clearly and permanently shown on the instrument itself or on the panel immediately adjacent thereto.

(e) In the event that any one of these indicating instruments becomes defective when no substitute which conforms with the required specifications is available, the station may be operated without the defective instrument pending its repair or replacement for a period not in

excess of 60 days without further authority of the Commission: *Provided,* That:

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the meter was removed from and restored to service.

(2) If the defective instrument is an antenna base current ammeter of a directional antenna system, the indications required to be read and logged may be obtained from the antenna monitor pending the return to service of the regular meter, provided other parameters are maintained at their normal values.

(3) If the defective instrument is the antenna current meter of a non-directional station which does not employ a remote antenna ammeter, or if the defective instrument is the common point meter of a station which employs a directional antenna and does not employ a remote common point meter, the operating power shall be determined by the indirect method in accordance with § 73.51 (d), (e), and (f) during the entire time the station is operated without the antenna current meter or common point meter. However, if a remote antenna ammeter or a remote common point meter is employed and the antenna current meter or common point meter becomes defective, the remote meter shall be used in determining operating power by the direct method pending the return to service of the regular meter.

(f) If conditions beyond the control of the licensee prevent the restoration of the meter to service within the above allowed period, information requested in accordance with § 1.549 of this chapter may be filed with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

4. Section 73.67(a)(6) is amended to read as follows:

§ 73.67 Remote control operation.

(a) * * *

(6) All remote control meters shall conform with the specifications prescribed for regular transmitter, antenna, and monitor meters. Devices used for obtaining remote control meter indications of antenna or common point current shall be installed according to the conditions described in paragraphs (a) and (b) of § 73.57.

* * * * *

5. Section 73.70(d) is amended to read as follows:

§ 73.70 Extension meters.

* * * * *

(d) That extension meters shall be installed for monitoring the DC input power of the last radio frequency amplified stage, and the antenna current for non-directional operation or common point current for directional operation. The installation and operation of these meters shall be in accordance with the requirements prescribed for their corresponding regular meters. Devices used for obtaining extension meter indications of antenna or common point current shall be installed according to the conditions described in paragraphs (a) and (b) of § 73.57.

* * * * *

6. Section 73.258 is amended to read as follows:

§ 73.258 Indicating instruments.

(a) Each FM broadcast station shall be equipped with indicating instruments which conform with the specifications described in § 73.1215 for determining power by the indirect method; for indicating the relative amplitude of the transmission line radio frequency current, voltage, or power; and with such other instruments as are necessary for the proper adjustment, operation, and maintenance of the transmitting system.

(b) [Reserved]

(c) [Reserved]

(d) The function of each instrument shall be clearly and permanently shown in the instrument itself or on the panel immediately adjacent thereto.

(e) In the event that any one of these indicating instruments becomes defective when no substitute which conforms with the required specifications is available, the station may be operated without the defective instrument pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided,* That:

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the meter was removed from and restored to service.

(2) [Reserved]

(3) If the defective instrument is the transmission line meter of a station which determines the output power by the direct method, the operating power shall be determined by the indirect method in accordance with § 73.267(a)(2) during the entire time the station is operated without the transmission line meter.

(f) If conditions beyond the control of the licensee prevent the restoration of the meter to service within the above allowed period, informal request in accordance with § 1.549 of this chapter may be filed with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

§ 73.317 [Amended]

7. Section 73.317(a)(7) is deleted and designated as reserved.

8. Section 73.320 is revised to read as follows:

§ 73.320 Indicating instruments—specifications.

See § 73.1215.

9. Section 73.688 is amended to read as follows:

§ 73.688 Indicating instruments.

(a) Each television broadcast station shall be equipped with indicating instruments which conform with the specifications described in § 73.1215 for measuring the operating parameters of the last radio stage of the visual and aural transmitters necessary for determining the output power by the indirect method; relative amplitude of the transmission line radio frequency current, voltage, or power of both transmitters; and with such other instruments as are necessary for the proper adjustment, operation, and maintenance of the transmitting system.

(b) No specifications are prescribed at this time regarding the peak indicating device required by § 73.689.

(c) [Reserved]

(d) The function of each instrument shall be clearly and permanently shown on the instrument itself or on the panel immediately adjacent thereto.

(e) In the event that any one of these indicating instruments becomes defective, when no substitute which conforms with the required specifications is available, the station may be operated without the defective instrument pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided,* That:

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the meter was removed from and restored to service.

(2) [Reserved]

(3) If the defective instrument is the transmission line meter used for determining the output power by the direct method, the operating power shall be determined or maintained by the indirect method whenever possible or by using the operating parameters of the last radio stage of the transmitter during the time the station is operated without the transmission line meter.

(4) If conditions beyond the control of the licensee prevent the restoration of the meter to service within the above allowed period, informal request in accordance with § 1.549 of this chapter may be filed with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

10. A new § 73.1215 is added to read as follows:

§ 73.1215 Specifications for indicating instruments.

The following requirements and specifications shall apply to indicating instruments used by broadcast stations:

(a) Linear scale instruments:

(1) Length of scale shall not be less than 2.3 inches (5.8 cm).

(2) Accuracy shall be at least 2 percent of the full scale reading.

(3) The maximum rating of the meter shall be such that it does not read off scale during modulation or normal operation.

(4) Scale shall have at least 40 divisions.

(5) Full scale reading shall not be greater than five times the minimum normal indication.

(b) Instruments having square-law scales:

(1) Meet the requirements of paragraphs (a) (1), (2), and (3) of this section for linear instruments.

(2) Full scale reading shall not be greater than three times the minimum normal indication.

(3) No scale division above one-third full scale reading shall be greater than one-thirtieth of the full scale reading. (Example: an ammeter meeting requirement (1) having full scale reading of 6 amperes is acceptable for reading currents from 2 to 6 amperes, provided no scale division between 2 and 6 amperes is greater than one-thirtieth of 6 amperes, 0.2 ampere.)

(c) Instruments having logarithmic scales:

(1) Meet the requirements of paragraphs (a) (1), (2), and (3) of this section for linear scale instruments.

(2) Full scale reading shall not be greater than five times the minimum normal indication.

(3) No scale division above one-fifth full scale reading (in watts) shall be greater than one-thirtieth of the full scale reading. (Example: a wattmeter meeting requirement (3) having full scale reading of 1500 watts is acceptable for reading power from 300 to 1,500 watts, provided no scale division between 300 and 1,500 watts is greater than one-thirtieth of 1,500 watts or 50 watts.)

(d) Instruments having expanded scales:

(1) Shall meet the requirements of paragraphs (a) (1), (2), and (3) of this section for linear scale instruments.

(2) Full scale reading shall not be greater than five times the minimum normal indication.

(3) No scale division above one-fifth full scale reading shall be greater than one-fiftieth of the full scale reading. (Example: an ammeter meeting the requirement (1) is acceptable for indicating current from 1 to 5 amperes, provided no division between 1 and 5 amperes is greater than one-fiftieth of 5 amperes, 0.1 ampere.)

(e) Digital meters, printers, or other numerical readout devices may be used in addition to or in lieu of indicating instruments meeting the specifications of paragraphs (a), (b), (c) and (d) of this section. If a single digital device is used at the transmitter for reading and logging of operating parameters, either (1) Indicating instruments meeting the above-mentioned specifications shall be installed in the transmitter and antenna circuit; or (2) a spare digital device shall be maintained at the transmitter with provision for its rapid substitution for the main device should that device malfunction. The readout of the device shall include at least three digits and shall indicate the value or a decimal multiple of the value of the parameter being read to an accuracy of at least 2 percent. The multiplier to be applied to the reading of each parameter shall be indicated at the operating position of a switch used to select the parameter for display, or on the face of an automatically printed log at least once each calendar day.

(f) No instrument which has been broken or appears to be damaged or defective, or the accuracy of which is questionable shall be used, until it has been checked, and if necessary repaired and recalibrated by the manufacturer or qualified instrument repair service. Repaired instruments shall not be used unless a certificate of calibration has been provided showing that the instrument conforms to the manufacturer's specifications for accuracy.

[FR Doc.76-25495 Filed 8-31-76;8:45 am]

[FCC 76-781]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Vessels of United States; Clarification

In the matter of amendment of Part 83 of the rules to clarify the vessels that are construed to be vessels of the United States for radio station licensing purposes.

1. We believe it would be helpful to the public if our rules specify with more clarity the categories of vessels that are statutorily eligible for the licensing by us of radio equipment on board.

2. Section 301 of the Communications Act, of 1934 as amended, (47 U.S.C. 301) provides, in essence, that we may license radio apparatus ". . . upon any vessel or aircraft of the United States." Additionally, § 1 (No. 725) of Article 18 of the International Radio Regulations (ITU Geneva 1976) provides that no transmitting station may be established by any private person or enterprise without a license issued by the "country to which the station in question is subject."

3. We have considered vessels of the United States to include those that are (1) in any way regularly numbered, documented or registered by United States Federal, State or local authorities; (2) located and home ported in American waters even if not required to be registered by any authority; or (3) those granted temporary (6 months or less) Provisional Certificates of Registry by a U.S. Consul overseas pursuant to 46 U.S.C. 446. We have not considered vessels of foreign registry, even if owned by American citizens to be vessels of the United States, nor have we considered vessels owned by Americans and never located in the United States to be vessels of the United States even if they are unregistered by foreign authorities. We have considered that the remedy for American vessel owners in the latter category is to have their vessels registered where primarily located, and to seek radio station operating authority from that country.

4. We have learned, however, that some foreign governments are unwilling, or unable to register vessels for American citizens because of domestic legal restrictions concerning alien owners of vessels in their waters or for other reasons. In those instances, it appears an American boat owner or operator is without any wherewithall for legally operating radio aboard the vessel. This situation is obviously not in the public interest. We believe that radio use on vessels should be encouraged for safety as well as navigational or other operational reasons.

5. In the interest, therefore, of better serving American citizens with radio operational authority, and to promote and advance maritime safety of life and property, we will henceforth grant radio station licenses for vessels that are located outside the United States and owned or operated by Americans when the vessel is not registered by any foreign authority and when the foreign authorities where the vessel is located or home ported is unwilling or unable to extend vessel registration and station licensing to the American owner or does not object to this regulatory action by us. Additionally, we will include in our rules a provision to inform applicants of the information they must furnish us in these circumstances.

6. We have consulted with appropriate officials in the U.S. Departments of Transportation and State and have been advised that they have no objection to this interpretation and regulatory action by us.

7. Accordingly, pursuant to authority contained in Section 4(i) and 303(3) of the Communications Act of 1934, Part 83 of the rules is amended below, effective September 8, 1976. Since this rule change is interpretive and constitutes a statement of general policy, the prior notice and other provisions of 5 U.S.C. 553 are unnecessary and do not apply.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: August 24, 1976.

Released: August 31, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Section 83.24 of Chapter I of Title 47 of the Code of Federal Regulations is amended by adding a new paragraph (f) as follows:

§ 83.24 Application precedent to authorization.

* * * * *

(f) An application by a U.S. citizen, national, or resident alien for a new station on a vessel not located in United States navigational waters shall include (1) a statement that the vessel is not documented or otherwise registered by any foreign authorities, and (2) a statement that the foreign authorities where the vessel is located, will not or cannot license the vessel radio equipment, or that they do not object to the licensing of the equipment by the United States.

[FR Doc.76-25496 Filed 8-31-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1131; Amdt. No. 9]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of August 1976.

Upon further consideration of Service Order No. 1131 (38 FR 9232, 17845, 33399; 39 FR 8327, 19218, 41853; 40 FR 8823, 40518; and 41 FR 8480), and good cause appearing therefor:

It is ordered, That Service Order No. 1131 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1131 Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

* * * * * *

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 28, 1977, unless otherwise modified, changed or suspended by order of this Commission.

* * * * * *

Effective date. This amendment shall become effective at 11:59 p.m., August 31, 1976.

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

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

By the Commission, Railroad Service Board, members Lewis R. Teeple, Thomas J. Byrne and William J. Love.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.76–25563 Filed 8–31–76;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Upper Souris National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective September 1, 1976.

§ 32.32 Special regulations; big game; for individual refuge areas.

NORTH DAKOTA

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Upper Souris National Wildlife Refuge, North Dakota, is permitted from November 13 through November 21, 1976, inclusive. This open area, comprising 31,800 acres, is delineated on maps available at the refuge headquarters, Foxholm, North Dakota 58738 and from the Area Office, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer and the following special conditions:

(1) Only those hunters having a special Federal Refuge permit will be permitted to hunt on the refuge.

(2) The area around refuge headquarters and secondary headquarters, as posted, are closed to hunting.

The provision of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 21, 1976.

Merle O. Bennett,
Refuge Manager, Upper Souris National Wildlife Refuge.

August 24, 1976.

[FR Doc.76–25508 Filed 8–31–76;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Oregon; Correction

FR Doc. 76–22692 beginning on page 32750 in the issue of Thursday, August 5, 1976 is corrected by changing the effective date in the last paragraph on page 32751 from "June 30, 1976" to "June 30, 1977".

R. Kahler Martinson,
Regional Director, Fish and Wildlife Service.

[FR Doc.76–25595 Filed 8–31–76;8:45 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Amendment of Proposed Expenses and Rate of Assessment for 1976–77 Fiscal Year

Notice was published in the August 24, 1976, issue of the FEDERAL REGISTER (41 FR 35722) of a proposal regarding expenses and rate of assessment of the Olive Administrative Committee for the 1976–77 fiscal period. Expenses proposed totaled $876,000, and the rate of assessment proposed was $14.00 per tone of olives handled. The proposal invited interested persons who desired to submit written data, views, or arguments in connection with the proposal to file such comments not later than September 10, 1976.

This notice amends the notice published August 24, 1976, to increase the amount proposed for administrative expenses from $876,000 to $891,000. No change in the rate of assessment is proposed.

All persons who desire to submit written data, views, or arguments in connection with this amended proposal should file them, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than September 17, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 27, 1976.

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

[FR Doc.76-25528 Filed 8-31-76;8:45 am]

[7 CFR Part 948]

IRISH POTATOES GROWN IN COLORADO—AREA NO. 2

Proposed Handling Requirements

This proposal, designed to promote orderly marketing of Colorado Area No. 2 potatoes, would impose minimum quality standards and require inspection of fresh market shipments to keep undesirable lower quality potatoes from being shipped to consumers.

Consideration is being given to issuing a handling regulation, hereinafter set forth, which was recommended by the Colorado Area No. 2 Committee, established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948). This program regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

This notice is based on the recommendations and information submitted by the Area No. 2 Committee and other available information. The recommendations of the committee reflect its appraisal of the composition of the 1976 crop in Area No. 2 and of the marketing prospects for this season. Harvesting for fresh shipment is expected to begin in mid-September so the regulation should become effective near that time.

The grade, size, maturity and inspection requirements proposed herein are similar to those which have been issued during past seasons. They are necessary to prevent potatoes of low quality or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop and standardize the quality of the potatoes shipped from the production area in order to provide the consumer with a more acceptable product.

The proposed requirements this year would be U.S. No. 2 or better grade, with a minimum size of 2 inches for round varieties, 1⅞ inches for long varieties and 1½ inches for export. Size B may be shipped if U.S. No. 1, or better grade. Maturity requirements would be "moderately skinned" for all varieties, except that for the Russet Burbank and Red McClure varieties, any grade better than U.S. No. 2 must be no more than "slightly skinned." These maturity requirements would terminate on October 31.

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments would be permitted to certain special purpose outlets without regard to the grade, size, maturity and inspection requirements, provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Seed would be exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed would likewise be exempt. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments would be exempt. Also potatoes for most processing uses are exempt under the legislative authority for this part.

Requirements for export shipments differ from those for domestic markets. While the standard quality requirements are desired in foreign markets, smaller sizes are more acceptable. Therefore, different requirements for export shipments are proposed.

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same, in duplicate, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than September 16, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulation is as follows:

§ 948.376 Handling regulation.

During the period September 26, 1976, through June 30, 1977, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d), (e), or (f) of this section. The maturity requirements specified in paragraph (b) shall terminate October 31, 1976, at 11:59 p.m. M.S.T.

(a) *Minimum grade and size requirements.*—(1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 1⅞ inches minimum diameter.

(3) *All varieties.* Size B, if U.S. No. 1, or better grade.

(4) *All varieties for export.* 1½ inches minimum diameter.

(b) *Maturity (skinning) requirements.*—(1) *Russet Burbank and Red McClure varieties.* For U.S. No. 2 grade not more than "moderately skinned" and for other grades not more than "slightly skinned."

(2) *All other varieties.* Not more than "moderately skinned."

(c) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 5 days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable

thereto and the copy is made available for examination at any time upon request.

(d) *Special purpose shipments.* (1) The grade, size, maturity and inspection requirements of paragraphs (a), (b) and (c) of this section and the assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed;

(ii) Relief or charity; or

(iii) Canning, freezing, and "other processing" as hereinafter defined.

(2) The grade, size, maturity and inspection requirements of paragraphs (a), (b) and (c) of this section shall not be applicable to shipments of seed pursuant to § 948.6 but such shipments shall be subject to assessments.

(e) *Safeguards.* Each handler of potatoes which do not meet the grade, size, and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (d) of this section for any of the special purposes set forth therein shall:

(1) Prior to handling, apply for and obtain a Certificate of Privilege from the committee;

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes; and

(3) Bill each shipment directly to the applicable processor or receiver.

(f) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a), (b) and (c) of this section, but this exception shall not apply to any shipment which exceeds 1,000 pounds of potatoes.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2" "Size B," "slightly skinned," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1566 of this title), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(h) *Applicability to imports.* Pursuant to section 8e of the act and § 980.7, Import regulations (7 CFR 980.1), Irish potatoes of the red skinned round type, except certified seed potatoes, imported into the United States during the period September 26, 1976, through June 30, 1977, shall meet the grade, size, and quality requirements specified in paragraph (a) of this section, and during the period September 26 through October 31, 1976, shall be not more than "moderately skinned."

Dated: August 27, 1976.

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

[FR Doc.76-25605 Filed 8-31-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 121f]

TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED

Proposed Rulemaking

Under the authority in sections 631, 632, and 634 of Part D of the Education of the Handicapped Act (20 U.S.C. 1431, 1432, 1434), the Commission of Education, with the approval of the Secretary of Health, Education, and Welfare proposes to amend Part 121f of Title 45 of the Code of Federal Regulations by adding new §§ 121f.21 and 121f.22, and by deleting § 121f.30.

(1) PROPOSED ADDITION OF § 121f.21 (PRIORITIES)

The proposed § 121f.21 sets forth several program priorities for the award of new and continuation awards. Applications must contain descriptions of personnel preparation programs relevant to these priorities, as well as meeting other requirements in 45 CFR, Parts 100a and 121f. These priorities are in addition to the evaluation criteria set out in 45 CFR 100a.26(b) and § 121f.20.

The proposed § 121f.22 informs applicants that the priorities are not weighted or ranked in order of importance, and that the amount of money for each priority depends on the appropriation by Congress.

For fiscal year 1976, program priorities were published with the annual program announcement. This delayed the publishing of the program announcement by three to four months. By having the priorities in the regulations, the time for publishing the program announcement would be significantly lessened. These priorities have been established in the budget and in testimony before Congress and would be unlikely to change over the next several years. The amounts of money allocated to each priority would possibly change from year to year but the priority would remain the same.

(2) PROPOSED DELETION OF § 1216.30 (APPEAL)

At the present time, 45 CFR 100a.27 provides that an application which is deferred or not selected for funding is not precluded from reconsideration or resubmission. Section 121f.30 gives an applicant in this program an overlapping opportunity to appeal. Such a separate system of control is too cumbersome and not the best use of the government's limited resources. However, this amendment is not intended to discourage appeals or decrease the number of appeals.

Pusruant to section 431(b) of the General Education Provisions Act, the Commissioner will provide interested parties an opportunity for commenting on this proposed regulation. Written comments and recommendations shall be sent to Director, Division of Personnel Preparation, Bureau of Education for the Handicapped, 400 Maryland Avenue, SW., Washington, D.C. 20202. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. All relevant material must be received no later than forty-five days following the date of publication of this document in the FEDERAL REGISTER, unless the 45th day is a Saturday, Sunday, or Federal holiday, in which case the material must be received by the next following business day.

(Catalog of Federal Domestic Assistance 13.451, Handicapped Personnel Preparation)

Dated: July 2, 1976.

T. H. BELL,
Commissioner of Education.

Approved: August 11, 1976.

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

Part 121f of Title 45 of the Code of Federal Regulations is amended as follows:

1. A new § 121f.6 is added to read as follows:

§ 121f.6 General.

Each applicant is subject to the rules in Subpart B (Applications) of Part 100a of this chapter.

(20 U.S.C. 1431, 1432, 1434)

2. New §§ 121f.21 and 121f.22 are added to read as follows:

§ 121f.21 Priorities program areas.

The Commissioner awards funds under this part only for programs in one or more of the following program areas:

(a) *Early childhood education.* Preparation of educational personnel to serve handicapped children ages 0–6;

(b) *Severely handicapped.* Preparation of education personnel to serve the severely and multi-handicapped, particularly where the need for trained personnel is the greatest;

(c) *Paraprofessional.* Preparation of personnel (for example at community and junior colleges) to assist a professional in the education of handicapped children;

(d) *Physical education.* Preparation of personnel to provide physical education for handicapped children;

(e) *Recreation.* Preparation of personnel to provide therapeutic recreation services for handicapped children;

(f) *Interdisciplinary.* Preparation of personnel to work with handicapped children on an interdisciplinary basis;

(g) *General special education.* Preparation of personnel who will provide

educational services to handicapped children;

(h) *Vocational and career education.* Preparation of personnel to provide career or vocational education for the handicapped;

(i) *Regular education.* Pre-service or in-service programs which prepare regular education personnel, physical education personnel, or recreation specialists, to provide services to handicapped children. These programs may include supportive services from special education personnel who work with handicapped children;

(j) *Developmental assistance.* Programs which provide post-doctoral training in the education of the handicapped;

(k) *Model implementation (special projects).* Programs which develop new models of instruction or prepare personnel for an innovative role in the education of handicapped children; and

(l) *Volunteers.* Preparation of volunteers, including parents, to assist in the provision of education to handicapped children.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.22 Priorities—funding.

(a) The priorities in § 121f.21 are not in order of importance and are not assigned relative weight in funding decisions.

(b) The amount of money available for each priority depends on the appropriation by Congress.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.30 [Removed]

3. Section 121f.30 (Appeal) is deleted.

[FR Doc.76-25524 Filed 8-31-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 700]

CONTINGENCY GASOLINE AND DIESEL FUEL RATIONING PLAN

Negative Determination of Environmental Impact

On May 25, 1976, the Federal Energy Administration (FEA) issued a notice of proposed rulemaking and public hearing (41 FR 21918, May 28, 1976) to amend Chapter II, Part 10 of the Code of Federal Regulations, to establish new regulations with respect to gasoline and diesel fuel rationing, pursuant to sections 201 and 203 of the Energy Policy and Conservation Act, 42 U.S.C. 6261, 6263.

Based upon an environmental assessment of the impact that might result from implementation of this plan during a severe energy supply interruption, FEA has determined that this action will not be a "major Federal action significantly affecting the quality of the human environment." Section 102(2)(C), National Environmental Policy Act, 42 U.S.C. 4332 (2)(C).

Single copies of the environmental assessment on the gasoline and diesel fuel contingency plans are available upon request from the FEA Office of Communications and Public Affairs, Room 2134, 12th & Pennsylvania Avenue, NW, Washington, D.C. 20461.

Copies of the environmental assessment will also be available for public review in the FEA Information Access Reading Room, Room 2107, 12th & Pennsylvania Avenue, NW, Washington, D.C. 20461, between 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

Interested persons are invited to submit data, views or arguments with respect to the environmental assessment to Executive Communications, Box IM, Room 3309, Federal Energy Administration, 12th & Pennsylvania Avenue, NW, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Environmental Assessment-Rationing Contingency Plan." Fifteen copies should be submitted. All comments should be received by FEA by September 21, 1976, in order to receive full consideration.

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

Issued in Washington, D.C., August 27, 1976.

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

[FR Doc.76-25537 Filed 8-27-76;1:21 pm]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. RM76-21]

ANNUAL REPORT OF POWER SYSTEM TRANSMISSION AND DISTRIBUTION TECHNICAL DATA—NEW FPC FORM NO. 157

Extension of Time

AUGUST 24, 1976.

On June 30, 1976, the Commission issued a Notice of Proposed Rulemaking in Docket No. RM76-21 (41 FR 28416), calling for comments or suggestions in writing by August 30, 1976. Several motions for extensions of time within which to file comments in the above-designated rulemaking proceeding have been filed.

Upon consideration, notice is hereby given that the time for filing comments on the above-entitled rulemaking proceeding is extended to and including September 29, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25548 Filed 8-31-76;8:45 am]

[18 CFR Part 2]

[Docket No. RM76-29]

POLICY STATEMENT CONCERNING ELECTRIC RATE SCHEDULE FILINGS AND THE REQUIREMENT FOR FILING OF COMPARATIVE RATE INFORMATION IN CERTAIN SITUATIONS

Extension of Time

AUGUST 24, 1976.

On July 29, 1976, the Commission issued a Notice of Proposed Statement of Policy in the above-designated docket (41 FR 32910), calling for comments not later than 30 days from the date of the Notice, or August 28, 1976. Several motions for extensions of time within which to file comments on the above-entitled rulemaking proceeding have been received.

Upon consideration, notice is hereby given that the time within which comments on the above-entitled rulemaking must be filed is extended to and including September 17, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25549 Filed 8-31-76;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Parts 2 and 3]

NONADJUDICATIVE PROCEDURES AND RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Disclosure of Material Pertaining to Consent Order Settlements

On June 16, 1976, the Commission received a petition for rulemaking from the Institute for Public Interest Representation, Washington, D.C. The Institute requested that the Commission amend its rules so as to require that all documents (other than confidential commercial or financial information contained therein), submitted by investigated parties in negotiating the proposed settlement of a pending investigation or complaint, be placed on the public record at the beginning of the 60-day period for public comment prescribed in Rules of Practice §§ 2.34 and 3.25(d), 16 CFR §§ 2.34 and 3.25(d).

In response to this request, notice is hereby given that the Commission, pursuant to 15 U.S.C. § 46(f), (g) and 5 U.S.C. § 552, is proposing to revise its rules governing disclosure of material pertaining to consent order settlements so as to make available for public inspection and copying, at the beginning of the period for public comment on provisionally accepted consent settlements, factual material reasonably related to the merits of the order that is not exempt from disclosure under the Freedom of Information Act. Confidential commercial information, exempt under 5 U.S.C. § 552(b)(4), will not be disclosed under this proposal. Nor does this proposal extend to nonfactual negotiation

documents submitted by investigated parties.

The Commission also solicits comments on the Institute's request that all documents submitted by the party, including nonfactual material reflecting the negotiating process and draft settlement proposals, be placed on the public record at the beginning of the comment period. The Commission is particularly interested in comments as to the effect of such disclosure on the negotiating process and the value of such disclosure for informed public comment.

In addition, the Commission is proposing to make a clarifying change in the wording of its rule governing confidential records of consent negotiations, so as to make explicit that such records, like other confidential records of the Commission, are subject to the Commission's Freedom of Information Act rules, found in Part 4 of this subchapter. Finally, the Commission proposes to add to Rule 3.25 (d) the provision for FEDERAL REGISTER publication of provisionally accepted consent settlements now found only in Rule 2.34.

1. Title 16 CFR Part 2, § 2.34, would be revised to read as follows:

§ 2.34 Disposition.

Upon receiving an executed agreement conforming with the requirements of § 2.32, the Commission may: (1) Accept it; (2) reject it and issue its complaint; or (3) take such other action as it may deem appropriate. If an agreement is accepted, the Commission will place the order contained therein any initial report of compliance submitted pursuant to § 2.33 on the public record, and at the same time, will make available an explanation of the provisions of the order and the relief to be obtained thereby, factual material reasonably related to the merits of the order that is not exempt from disclosure under the Freedom of Information Act, and any other information which it deems helpful in assisting interested persons to understand the terms of the order. The Commission will publish the agreement, order and explanation in the FEDERAL REGISTER. For a period of sixty (60) days after placement of the order on the public record and issuance of the statement, the Commission will receive and consider any comments or views concerning the order that may be filed by an interested person. Thereafter, the Commission may either withdraw its acceptance of the agreement and so notify the other party, in which event it will take such other action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require), and decision, in disposition of the proceeding.

2. Title 16 CFR Part 2, § 2.35, would be revised to read as follows:

§ 2.35 Confidentiality.

All negotiations and communications under this subpart will constitute a part of the confidential records of the Commission, except to the extent otherwise specifically provided therein, and subject to the provisions of §§ 4.10 and 4.11 of these Rules.

3. Title 16 CFR Part 3, § 3.25(d), would be revised to read as follows:

§ 3.25 [Amended]

* * * * *

(d) After the matter has been withdrawn from adjudication, the Commission may (1) accept the agreement; (2) reject it and return the matter to adjudication for further proceedings; or (3) take such other action as it may deem appropriate. If an agreement is accepted, the Commission will place it on the public record, together with any initial report of compliance submitted pursuant to § 2.33, and at the same time, will make available an explanation of the provisions of the order and the relief to be obtained thereby, factual material reasonably related to the merits of the order that is not exempt from disclosure under the Freedom of Information Act, and any other information which it deems helpful in assisting interested persons to understand the terms of the order. The Commission will publish the agreement, order and explanation in the FEDERAL REGISTER. For a period of sixty (60) days after placement of the order on the public record and issuance of the statement, the Commission will receive and consider any comments or views concerning the order that may be filed by any interested persons. Thereafter, the Commission may either withdraw its acceptance of the agreement and so notify the other party, in which event it will return the matter to adjudication for further proceedings or take such other action as it may consider appropriate, or issue and serve its decision in disposition of the proceeding.

Written comments on the proposed revisions and the Institute's further request may be sent to the Secretary, Federal Trade Commission, Pennsylvania Avenue and 6th Street, NW, Washington, D.C. 20580, on or before November 1, 1976. Such comments will be entered on the public records of the Commission and will be available for inspection in Room 130 at the above address during normal business hours. The Institute's petition is now available for inspection at that address.

By direction of the Commission dated August 25, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-25623 Filed 8-31-76;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

Comptroller of the Currency

FIRST NATIONAL BANK OF ATLANTA, ATLANTA, GA.

Acceleration of Registration

Whereas, The First National Bank of Atlanta has filed pursuant to section 12(b) of the Securities Exchange Act of 1934, as amended, and the Comptroller's regulations thereunder, with the Comptroller and the New York Stock Exchange, Inc., an application on Form F-1 for registration on such Exchange of 9% Capital Notes due July 1, 1984; and

Whereas, the authorities of said Exchange have certified to the Comptroller, pursuant to Section 12(d) of said Act and the Comptroller's regulations thereunder, that such class of security has been approved for listing and registration on such Exchange; and

Whereas, it has been requested that registration of such class of security be accelerated by makjng it effective prior to the expiration of thirty days after the date of receipt by the Comptroller of such certification; and

Whereas, acceleration appears appropriate in the public interest and for the protection of investors;

Now therefore it is ordered, That registration of such class of security shall become effective immediately on the New York Stock Exchange, Inc.

Dated: August 25, 1976.

ROBERT BLOOM,
Acting Comptroller of the Currency.

[FR Doc.76-25609 Filed 8-31-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 14347]

FLORIDA

Proposed Withdrawal and Reservation of Lands

AUGUST 26, 1976.

The Fish and Wildlife Service, Department of the Interior, has filed an application for the withdrawal of the lands described below from all forms of appropriation.

The applicant desires the area for use as a headquarters site in connection with the management of the J. N. "Ding" Darling National Wildlife Refuge and as a wildlife-oriented public use area. The area is presently withdrawn for use by the U.S. Coast Guard; however, the agency has filed notice of intent to relinquish control and accountability of the land, with the exception of 6.32 acres, under number ES 16153.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed action may present their views in writing to the undersigned officer of the Eastern States Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

The Department's regulations, 43 CFR 2351.4(c), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. The officer will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be further withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

TALLAHASSEE MERIDIAN

T. 46 S., R. 23 E.
Sec. 21: Lot 1 and that part of Lot 2 lying eastward of a line running N. 0°00'20" E., F.W.Z. and situated 1,000 feet due west of the center of Sanibel Lighthouse.

LOWELL J. UDY,
Director, Eastern States.

[FR Doc.76-25591 Filed 8-31-76;8:45 am]

[NM 28667]

NEW MEXICO

Application

AUGUST 24, 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), Gas Company of New Mexico has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 25 E.,
Sec. 8, N½SW¼ and SW¼SW¼;
Sec. 17, W½NW¼ and NW¼SW¼;
Sec. 18, E½SE¼;
Sec. 19, N½SE¼ and SW¼SE¼.

This pipeline will convey natural gas across 1.918 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, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-25592 Filed 8-31-76;8:45 am]

ROSEBURG DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the Bureau of Land Management, Roseburg District Multiple Use Advisory Board, will meet at 8:30 a.m. on September 30, 1976, in the conference room at the Roseburg District Office, 777 NW. Garden Valley Boulevard, Roseburg, Oregon.

There will be a brief meeting at the District Office where the proposed 1977 Timber Sale Plan will be reviewed and a status report of major District programs given. Following this, there will be field trip to examine and discuss site preparation, reforestation, and timber production capability classification (TPCC).

The meeting will be open to the public, though other than Advisory Board Members and BLM participants will have to provide their own transportation. Time will be available for brief statements by members of the public, but those wishing to make oral statements must inform the Chairman in writing prior to the meeting. Interested persons may file a written statement with the Board for its consideration. They should be sent to Chairman, District Advisory Board, in care of District Manager, Bureau of Land Management, 777 NW. Garden Valley Blvd., Roseburg, OR 97470.

JAMES E. HART,
Roseburg District Manager.

AUGUST 20, 1976.

[FR Doc.76-25594 Filed 8-31-76;8:45 am]

[U-34282]

UTAH

Application

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation has applied for a 4½-inch natural gas pipeline right-of-way across the following lands:

SALT LAKE MERIDIAN, UTAH

T. 20 S., R. 23 E.,
Sec. 5, lot 3.

The needed right-of-way is for a portion of applicant's gas gathering system located in Grand County, Utah.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

WILLIAM G. LEAVELL,
Associate State Director.

AUGUST 24, 1976.

[FR Doc.76-25593 Filed 8-31-76;8:45 am]

Geological Survey

COAL MINING OPERATING REGULATIONS

Hearing: Adoption of Requirements of Reclamation Laws and Regulations of Wyoming

The hearing announced in the August 24, 1976, FEDERAL REGISTER, 41 FR 35717, on the Department of the Interior's proposed rule adopting the requirements of Wyoming's reclamation laws and regulations instead of the Federal laws and regulations, will be held on September 23, 1976, at the Hitching Post Inn, Coach Room A and B, 1700 West Lincoln Way, Cheyenne, Wyoming 82001. The hearing will begin at 9 o'clock a.m., and will be conducted by an Administrative Law Judge. The previous notice explains, in greater detail, the purpose of this hearing.

The meeting will be open to the public. Any person who wishes to testify at the hearing should notify the Chief, Office of Public Affairs, Bureau of Land Management, Cheyenne, Wyoming 82001 (Tel. No. (307-778-2220)). Persons planning to speak should plan to limit their remarks to 10 minutes, not 15 minutes as previously stated.

Dated: August 26, 1976.

W. W. LYONS,
Deputy Under Secretary, Department of the Interior.

[FR Doc.76-25492 Filed 8-31-76;8:45 am]

[Power Site Cancellation 336]

GREEN RIVER BASIN, UTAH

Power Site Cancellation

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 93 of April 16, 1925, is hereby canceled to the extent that it affects the following described land:

SALT LAKE MERIDIAN, UTAH

T. 2 N., R. 23 E.,
Sec. 13, SW¼SE¼ and SW¼;
Sec. 14, S½;
Sec. 23, NE¼NE¼.

The area described aggregates 560 acres.

The effective date of this cancellation is December 24, 1976.

Dated: August 24, 1976.

W. A. RADLINSKI,
Acting Director.

[FR Doc.76-25596 Filed 8-31-76;8:45 am]

Office of the Secretary

[INT DES 76-31]

DES MOINES RIVERFRONT DEVELOPMENT PROJECT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed acquisition and development of the Des Moines Riverfront and invites written comment within forty-five (45) days of this notice. Comments should be addressed to the Regional Director, Bureau of Outdoor Recreation, Mid-Continent Region, P.O. Box 25387, Denver Federal Center, Denver, Colorado 80225.

Lands totaling 650 acres will be acquired in the City of Des Moines, Iowa. The project would be financed with a Federal grant from the Land and Water Conservation Fund which would be matched with an equal amount of City money. The environmental statement discusses the immediate acquisition of 650 acres and the long-range proposal of the development of a 12-mile long river recreation corridor through the City.

Copies are available for inspection at the following locations:

Office of Communications, Office of the Secretary, Department of the Interior, Washington, D.C.
Office of Information, Bureau of Outdoor Recreation, Room 4024, Department of the Interior, Washington, D.C.
Bureau of Outdoor Recreation, Mid-Continent Region, 603 Miller Court, Lakewood, Colorado
State Clearinghouse, Office for Planning and Programming, State Capitol, Des Moines, Iowa
City of Des Moines:
City Manager's Office, 1st and Locust
City Clerk's Office, 1st and Locust
Plan and Zoning Commission, Armory Building, East 1st and Des Moines
Des Moines City Libraries:
Main Library, 1st and Locust
East Side Branch, 2559 Hubbell
Highland Park Branch, 2nd and Euclid
Lincoln Heights Branch, 3516 SW 9th
Model Cities Branch, 1305 University
Westside Branch, 5000 Franklin

Dated: August 25, 1976.

RONALD G. COLEMAN,
Assistant Secretary of the Interior,

[FR Doc.76-25493 Filed 8-31-76;8:45 am]

OUTER CONTINENTAL SHELF ADVISORY BOARD—MID-ATLANTIC

Agenda for Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. No. 92-643, 5 U.S.C. App. I and the Office of Managmeent and Budget's Circular No. A-63, Revised.

The Mid-Atlantic Regional Board will meet during the period 10:00 a.m. to 2:00 p.m., September 17, in the Conference Room 4th Floor, Omni International Hotel, 777 Waterfront Drive, Norfolk, Virginia.

The meeting will cover the following principal subjects:

1. Report on mid-Atlantic sale #40.
2. Briefing on procedures for mid-Atlantic sale #49.
3. Status of implementation of operating order 15.
4. Status of OCS legislation.
5. Other business.

This meeting is open to the public. Interested persons may make oral or written presentations to the Board. Such requests should be made by September 10 to the Mid-Atlantic Board Chairman:

Simon F. McHugh, Jr., Executive Assistant, Office of the Lt. Governor, Annapolis, Maryland 21404, 301/261-2523.

Minutes of the meeting will be available for public inspection and copying three weeks after the meeting at the Office of OCS Program Coordination, Room 4126, Department of the Interior, 18th and C Streets, N.W., Washington, D.C.

ALAN D. POWERS,
Director, Office of OCS Program Coordination.

AUGUST 26, 1976.

[FR Doc.76-25597 Filed 8-31-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A364]

MICHIGAN

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Michigan Counties as a result of subfreezing temperatures during the period April 9 through May 20, 1976, in all 11 counties in addition to snow and rain April 11 and 12, 1976, in Kalamazoo County; hail June 24, 1976, in Manistee County; and snow April 25, 1976, and excessive winds May 4 through May 6, 1976, in Van Buren County:

Allegan	Manistee
Berrien	Mason
Cass	Oceana
Grand Traverse	Ottawa
Kalamazoo	Van Buren
Leelanau	

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor William G. Milliken that such designation be made.

Applications for emergency loans must be received by this Department no later than October 18, 1976, for physical losses and May 20, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C. this 25th day of August, 1976.

JOSEPH R. HANSON,
Acting Administrator, Farmers Home Administration.

[FR Doc.76–25526 Filed 8–31–76;8:45 am]

Forest Service

LAND USE PLAN, MOHAWK UNIT, PLUMAS AND TAHOE NATIONAL FORESTS

Availability of Draft Environmental Statement; Correction

In FR Doc. 76–23439 appearing at page 34087 in the FEDERAL REGISTER of August 12, 1976, the third paragraph is corrected to change the date of transmittal to the Council on Environmental Quality from August 3, 1976, to August 18, 1976.

Dated: August 25, 1976.

T. W. KOSKELLA,
Deputy Regional Forester.

[FR Doc.76–25505 Filed 8–31–76;8:45 am]

PACIFIC NORTHWEST FORESTRY RESEARCH ADVISORY COMMITTEE

Two-Year Renewal

The Assistant Secretary for Conservation, Research, and Education has renewed the Pacific Northwest Forestry Research Advisory Committee for an additional 2-year period ending September 9, 1978.

This is a regional Forest Service advisory committee established by the Chief of the Forest Service on February 25, 1954, to consider broad questions of policy, programs, and procedure affecting the research in the Pacific Northwest Forest and Range Experiment Station, and to give the Station Director the benefit of its opinion.

The Assistant Secretary has determined that continuation of this committee is necessary and in the public interest in connection with the duties imposed on the Department by law.

Dated: August 27, 1976.

J. W. DEINEMA,
Deputy Chief.

[FR DOC.76–25531 Filed 8–31–76;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

CTAB PANEL ON ENERGY POLICY

Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that the first meeting of the Department of Commerce Technical Advisory Board (CTAB) Panel on Energy Policy will be held on Thursday, September 23, 1976, from 9:30 A.M. to 5:00 P.M., in Room 4830 and on Friday, September 24, from 8:30 A.M. to 5:00 P.M. in Room 6802 of the Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C. (Public entrance to the building is on 14th Street, between Constitution and E Street, N.W.)

The Panel previously existed as the Panel on Project Independence Blueprint and terminated (March 1975) upon submission of its report, *CTAB Recommendations for a National Energy Program.* It has been reestablished to assess the current energy situation from a private sector point of view and to provide an experienced and independent voice to assist the further development of a national energy program. Among other things, the Panel will review the ERDA National Plan for Energy, Research, Development and Demonstration, FEA's National Energy Outlook, and the evolving dialogue between the several segments of the Federal Government and the various regional interests.

The tentative agenda for September 23 includes briefings by:

(1) Council on Environmental Quality;
(2) The Office of Technology Assessment;
(3) National Governors Conference;
(4) Energy Research and Development Administration;
(5) Department of the Interior; and
(6) Federal Energy Administration.

The tentative agenda for September 24 includes:

(1) General discussion of the briefings on the 23rd and of the Panel's previous report.

(2) General discussion on the scope and objectives of several of the major energy studies currently underway in the private and public sectors.

(3) General discussion on future direction, objectives, and activities of the Panel.

The meeting will be open to public observation. The public may submit written statements or inquiries on agenda items with the Chairman before or after the meeting. Comments shall be directly relevant to the above agenda items. Questions at the meeting may be propounded only by members of CTAB, DOC officials and invited participants. A limited number of seats will be available for the public and to the press on a first-come first-serve basis.

Copies of minutes and handouts will be made available for copying, following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the Department of Commerce, Central Reference and Inspection Facility, Washington, D.C. 20230.

Persons desiring further information on the Panel or on individual meetings should contact Mr. William Dorn, Room 3877, Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377–3668.

Dated: August 17, 1976.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.76–25489 Filed 8–31–76;8:45 am]

PRIVACY ACT

Consolidated System of Records and Proposed New Routine Use

Correction

In FR Doc. 76–24465 appearing on page 35206 in the issue of Friday, August 20, 1976, the date that appears ahead of the signature on page 35206 now reading "August 8, 1976" should have read August 11, 1976".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CARDIOVASCULAR AND RENAL ADVISORY COMMITTEE

Renewal

Pursuant to the Federal Advisory Comtee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), the Food and Drug Administration an-

cular and Renal Advisory Committee by nounces the renewal of the Cardiovas- the Secretary, Department of Health, Education, and Welfare for an additional period of 2 years beyond August 27, 1976.

Authority for this committee will expire August 27, 1978, unless the Secretary formally determines that continuation is in the public interest.

Dated: August 26, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-25518 Filed 8-31-76;8:45 am]

ENDOCRINOLOGY AND METABOLISM 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 Endocrinology and Metabolism Advisory Committee by the Secretary, Department of Health, Education, and Welfare for an additional period of 2 years beyond August 27, 1976.

Authority for this committee will expire August 27, 1978, unless the Secretary formally determines that continuation is in the public interest.

Dated: August 26, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-25517 Filed 8-31-76;8:45 am]

Food and Drug Administration

[Docket No. 75G-0336]

LAND O'LAKES, INC.

Filing of Petition for Affirmation of GRAS Status

Correction

In FR Doc. 76-23348 appearing on page 33929 in the issue for Wednesday, August 11, 1976, the following line was omitted after the 4th line from the bottom of the first paragraph: "modified whey-partially delactosed and".

Office of the Assistant Secretary for Planning and Evaluation

[Contract No. HEW-100-76-0176]

CASE STUDY OF A YEAR-ROUND SCHOOL PROGRAM FOCUSING ON MIGRANT AND OTHER DISADVANTAGED CHILDREN

Contract Award

Pursuant to Section 606 of the Community Services Act of 1974 (PL 93-644) 42 USC 2946, this agency announces the award of Contract Number HEW-100-76-0176 to Stanford Research Institute, Menlo Park, California, 94025, for a project entitled, "Case Study of a Year-Round School Program Focusing on Migrant and Other Disadvantaged Children." The purpose of this study is the evaluation of the effects of a year-round school program on: student achievement; teachers, parent and community reaction; and school budget. Special emphasis will be placed on disadvantaged and migrant children. The estimated cost of this contract is $134,624.00. The intended completion date is July 31, 1977.

Dated: August 18, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76-25581 Filed 8-31-76;8:45 am]

[Contract No. HEW-100-76-0162]

CONCEPTUAL ANALYSIS OF STATE ORGANIZATION FOR DEINSTITUTIONALIZATION OF THE DEVELOPMENTALLY DISABLED

Contract Award

Pursuant to Section 606 of the Community Services Act of 1974, (P.L. 93-644) 42 USC 2946, this agency announces the award of Contract No. HEW-100-76-0162 to Human Services Research Institute, 923 North Carolina Avenue, SW., Washington, D.C. 20003 for a research project entitled, "Conceptual Analysis of State Organization for Deinstitutionalization of the Developmentally Disabled." The purpose of this project is to identify and describe different ways in which state and local governments can organize to plan, budget, and deliver services to the developmentally disabled in the most appropriate care setting for each individual. The experiences of five states will be surveyed and evaluated. A report for state officials will be prepared. The estimated cost of this contract is $53,451.00 and the intended completion date is April 29, 1976.

Date: August 18, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76-25582 Filed 8-31-76;8:45 am]

[Contract No. HEW-100-76-0179]

DEFINITION AND MEASUREMENT OF INCOME

Contract Award

Pursuant to Section 606 of the Community Services Act of 1974 (PL 93-644) 42 USC 2946, this agency announces the award of Contract No. HEW-100-76-0179 to Abt Associates Inc., 55 Wheeler Street, Cambridge, Massachusetts 02138 for a research project entitled, "Definition and Measurement of Income." The purpose of this project is to review the theoretical base(s) and the practical application(s) of alternative income definitions, especially those used in Federal income-tested programs and in on-going income statistical series, in order to: (1) derive a set of basic income components associated with those definitions; (2) discuss the measurement problems related to and the methodologies required for the collection of detailed income data, according to those definitions, in a household survey; and (3) recommend research to develop improved methodologies for measuring detail income data. The estimated cost of this contract is $115,964 and the intended completion date is December 28, 1976.

Dated: August 18, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76-25579 Filed 8-31-76;8:45 am]

[Contract No. HEW-100-76-0125]

THE DEVELOPMENT OF A CONCEPTUAL DESIGN FOR RESEARCH REGARDING FAMILY STRUCTURE AND SINGLE-PARENT FAMILIES AND THEIR RELATIONS TO HUMAN SERVICE DELIVERY

Contract Award

Pursuant to Section 606 of the Community Services Act of 1974, (PL 93-644) 42 USC 2946, this agency announces the award of Contract No. HEW-100-76-0125 to Ocean Data Systems, 6000 Executive Boulevard, Rockville, Maryland 20854 for a research project entitled, "The Development of a Conceptual Design for Research Regarding Family Structure and Single-Parent Families and Their Relations to Human Service Delivery." The purpose of this conceptual design is to complete several small projects as a follow-on survey of single-heads of families, with minor children, as identified in the Survey of Income and Education (Bureau of the Census). The research will focus on selected aspects of single-parent families; research on "household" and "family" definitions in means-tested programs; and the relationship of "welfare" programs to the labor market constraints of these families. The estimated cost of this contract is $9,865.00 and the intended completion date is July 30, 1976.

Dated: August 18, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76-25578 Filed 8-31-76;8:45 am]

[Contract No. HEW-100-76-0135]

MARITAL SEPARATION: ISSUES FOR SINGLE-PARENTS

Contract Award

Pursuant to Section 606 of the Community Services Act of 1974, (PL 93-644) 42 USC 2946, this agency announces the award of Contract No. HEW-100-76-0135 to Dr. Robert Weiss, c/o Laboratory of Community Psychiatry, Harvard Medical School, 58 Fenwood Road, Boston, Massachussetts 02115 for a research project entitled, "Marital Separation: Issues for Single-Parents". The purpose of this project is to conduct three distinct but related research projects looking into selected aspects of the single-parent family.

The first is the analysis of already collected data dealing with the social and emotional situation of the single-parent.

The second is preliminary research on the effects on children of separated parents under various parental arrangements for care, custody, and visitation. The third is a study of female single-parents, who are not on welfare. Among the topics to be studied are how these women manage financially, the function of employment in their lives, and how they combine the roles of breadwinner and mother. The estimated cost of this contract is $94,950.00 and the intended completion date is December 1977.

Dated: August 18, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76-25580 Filed 8-31-76;8:45 am]

[Contract No. HEW-100-76-0151]

POLICY CONSIDERATIONS IN CORRECTIONAL EDUCATION PROGRAMS

Contract Award

Pursuant to Section 606 of the Community Services Act of 1974 (PL 93-644), 42 USC 2946, this agency announces the award of Contract No. HEW-100-76-0151 to MetaMetrics, Inc., 3804 Legation Street, N.W., Washington, D.C. 20015, for a project entitled, "Policy Considerations in Correctional Education Programs." The purpose of this study is the development of a comprehensive description of correctional education programs within or under the Department's sponsorship, and to make recommendations regarding their: purposes; organizational location; operations; and relationship to other Federal corrections programs. The final production will provide the Department with a set of policy alternatives for the role of the agency in correctional education. The estimated cost of this contract is $29,800.00. The intended completion date is December 30, 1976.

Dated: August 18, 1976.

WILLIAM A. MERRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76-25577 Filed 8-31-76;8:45 am]

[Contract No. HEW-100-76-0020]

TRANSFER INCOME MODEL MAINTENANCE AND DEVELOPMENT

Contract Modification

Pursuant to Section 606 of the Community Services Act of 1974, (PL 93-644) 42 USC 2946, this agency announces the extension of Contract No. HEW-100-76-0020 to the Urban Institute, 2100 M Street, N.W., Washington, D.C. 20037 for a research project entitled "Transfer Income Model Maintenance and Development." The purpose of this project is to maintain, improve, and expand the computerized TRIM model. Project tasks will include: creation and maintenance of TRIM data bases; updating of demographic, economic, aging, and transfer program parameters; improvements in model efficiency; development of user-oriented operational features; provision of technical assistance; design of data test files and standard test procedures; and development of relevant system documentation. This project is directed toward improved policy research methodology in the analysis of welfare costs and caseloads and on the impact of economic events and public programs on population subgroups, such as low-income and elderly persons. The estimated cost for the modification of this contract is $158,834.00.

The intended completion date is July 13, 1977.

Dated: August 18, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76-25583 Filed 8-31-76;8:45 am]

Office of the Secretary

SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which was established to review the policies, programs, and other activities of the Department of Health, Education, and Welfare relative to women, and to make recommendations to the Secretary on how to better the services of HEW's programs to meet the special needs of women, will meet on Thursday, September 30, 1976, from 8:30 a.m. to 6:00 p.m., and Friday, October 1, 1976, from 8:30 a.m. to 1:00 p.m. in Room 1137, HEW North Building, 330 Independence Avenue SW., Washington, D.C.

In addition to the introduction of new members, the agenda will include a review of the status of studies concerning teenage pregnancies and family planning; health problems of elderly women; six major programs on the impact of the female-headed household: AFDC, WIN, Title XX Social Security Act, Vocational Rehabilitation, Medicaid, and Food Stamps; educational problems of women; and accessibility of women to prestigious management training courses.

Interested persons wishing to address the Committee should contact the Executive Director by COB Monday, September 19. Phone: 202-245-8454.

Written statements received by September 21 will be duplicated and distributed to the members. Members of the public are invited to attend the meeting.

SANDRA S. KRAMER,
Executive Director, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc.76-25576 Filed 8-31-76;8:45 am]

STUDENT FINANCIAL ASSISTANCE STUDY GROUP

Establishment

The Secretary of Health, Education, and Welfare has determined the establishment of the Student Financial Assistance Study Group, as identified hereinafter, to be in the public interest, and necessary and appropriate to provide advice to the Secretary and the Department concerning its administration of student financial aid programs. This study group is established in accordance with and will be governed by the provisions of the Federal Advisory Committee Act, Pub. L. 92-463.

1. *Designation.* Student Financial Assistance Study Group.

2. *Establishment date and date of termination.* The Study Group was established August 27, 1976, and will terminate no later than one year from that date.

3. *Purpose.* To advise of ways and means to implement more effectively and efficiently the student financial aid programs administered by the Department.

4. *Public hearings.* To achieve maximum sensitivity to the concerns of provider institutions, the financial community, students and other interest groups, and the general public, the Study Group will hold public hearings at various geographic locations prior to the preparation of its recommendations. Notice of such hearings will be provided in the FEDERAL REGISTER and by mail to any individual who submits a written request.

5. *Membership.* The Study Group will be composed of from seven to twelve members expert in the field of management of public financial institutions, the application of data processing systems to public financial management operations, large-scale student financing systems, or higher education.

6. *Meetings.* Notice of all meetings, to be held approximately three times each month, will be given to the public in accordance with the Federal Advisory Committee Act.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

AUGUST 27, 1976.

[FR Doc.76-25730 Filed 8-31-76;8:45 am]

NATIONAL ADVISORY COUNCIL ON SERVICES AND FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Meeting

The National Advisory Council on Services and Facilities for the Developmentally Disabled was established by Section 133(a)(1) of Public Law 91-517, which was signed on October 30, 1970, to advise the Secretary with respect to any regulations promulgated or proposed to be promulgated by him in the implementation of the Act and study and evaluate programs authorized by the Act with a view to determining their effectiveness in carrying out the purposes for which they were established.

Notice is hereby given, pursuant to P.L. 92-463 that the National Advisory Council on Services and Facilities for the Developmentally Disabled will hold a meeting on September 15 and 16, 1976. The meeting will be in Room 1331 Switzer Building, 330 C Street, SW., Washington, D.C., from 9:00 a.m. to 5 p.m.

Agenda: Review of Proposed Rule Making, Discussion of and Work on Annual Report, and Reports from Outside Groups.

This meeting is open for public observation.

Further information on the Council may be obtained from Francis X. Lynch, Executive Secretary, National Advisory Council on Services and Facilities for the Developmentally Disabled, Room 3070 Switzer Building, 330 C Street, SW., Washington, D.C. 20201, telephone: 202–245–0335.

MARJORIE H. KIRKLAND,
Acting Executive Secretary, National Advisory Council on Services and Facilities for the Developmentally Disabled.

AUGUST 30, 1976.

[FR Doc.76-25885 Filed 8-31-76;12:05 pm]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Consumer Affairs and Regulatory Functions

[Docket No. N-76-624]

OPEN FORUM

Meeting

On May 12, 1976, a Delegation of Authority was published in the FEDERAL REGISTER (41 FR 19365). That delegation of Authority established the Assistant Secretary responsibility for consumer matters. By so doing the Department declared that one of its primary goals is to assure that the concerns and opinions of consumers are considered in formulating or modifying programs administered by the Department. Accordingly, the Assistant Secretary finds that it is appropriate in the public interest that an informal public forum be conducted with an opportunity for all interested persons to participate.

Accordingly, Notice is hereby given that an informal public forum will be held on Tuesday, September 7, at 10:00 A.M. in Conference Room (4202) at HUD, 7th and D Streets, SW., Washington, D.C. At the forum, we will introduce you to some of the people who staff our office, answer questions and seek views on which issues should be presented for public consideration at this time.

Issued at Washington, D.C. this 27th day of August, 1976.

CONSTANCE B. NEWMAN,
Assistant Secretary for Consumer Affairs and Regulatory Functions.

[FR Doc.76-25622 Filed 8-31-76;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

ANTITRUST AND EMPLOYMENT DISCRIMINATION SETTLEMENT PROCEEDINGS

Proposed Recommendation on Optimizing Public and Private Interests

CONSENT DECREE SETTLEMENTS

The Committee on Compliance and Enforcement Proceedings of the Administrative Conference of the United States has under consideration the proposed recommendation set forth below.

The recommendation is intended primarily to enhance public participation through advance notice and comment in proposed consent decree settlements entered into by the Antitrust Division of the Department of Justice, the Equal Employment Opportunity Commission, and possibly other agencies.

All interested persons are invited to submit comments on the proposed recommendation in writing by October 1, 1976 to Stephen Klitzman, Staff Attorney, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037. Comments will be available for public inspection at this address during normal business hours.

RECOMMENDATION; CONSENT DECREE SETTLEMENTS

A significant amount of agency litigation initiated by the Antitrust Division of the Department of Justice (AD) and the Equal Employment Opportunity Commission (EEOC) is settled in the form of consent decrees. Often, the terms of these settlements have a nationwide impact on persons beyond the immediate respondents.

Yet in the case of the EEOC the details of proposed settlements are not placed on the record for public comment. Nor does the Antitrust Procedures and Penalties Act of 1974 provide a completely adequate procedural mechanism for public participation in consent decree settlements of the AD.

The result has been continued public dissatisfaction, as much over inadequate agency procedures to obtain public participation in proposed consent decree settlements as over the merits of particular settlements.

Hence, the following recommendations are made to the AD and the EEOC with respect to their consent decree policies and procedures. In the case of the AD, the recommendations are believed to be consistent with, although more extensive than, the Antitrust Procedures and Penalties Act of 1974.

These recommendations are also commended to other agencies which use consent decree procedures, and, to the extent they are applicable, to those agencies which utilize contractual settlements of enforcement suits in a manner analogous to consent decree settlements.

The recommendations are designed to (1) improve agency consideration of proposed consent decree settlements; (2) insure meaningful public participation in such settlements through advance notice and comment; (3) enhance both the fairness and quality of consent decree settlements in the public interest; and (4) enhance public confidence in the integrity of the settlement process.

RECOMMENDATION

A. AGENCY PROCEDURES BEFORE A CONSENT DECREE SETTLEMENT IS ENTERED

1. Unless justified by emergency circumstances requiring immediate action to avoid irreparable injury, all settlements reached should be tentative.

2. Prior to submission of any proposed decree to Federal court, the agency should publicize in meaningful ways the tentative settlement and provide adequate time for comment by third parties. Appropriate methods to assure meaningful disclosure include publication in the FEDERAL REGISTER, in the news media, in trade or other special interest journals, as well as agency maintenance of registries and notification of interested persons and organizations.

3. The agency should prepare a statement of reasons for the proposed decree which, together with the original complaint, the decree and an agency assessment of impact on the defendant and affected [1] and aggrieved [2] persons, the agency should make available for public comment.

4. The statement of reasons should include a list and brief description of all briefs, memoranda and letters sent by the defendant to the agency and relating to the settlement, except documents or portions thereof containing confidential trade secrets or commercial or financial information as defined in 5 U.S.C. 552 (b) (4), the Freedom of Information Act.

5. The documents described in the statement of reasons should be available for public examination as provided in the Freedom of Information Act.

6. The agency, prior to submission of the proposed decree to the court, should reevaluate the tentative settlement in light of information provided by any commenters.

7. When the agency submits the decree to the court it should also submit all third-party comments, any agency response to the comments, the agency statement of reasons for the proposed decree, the original complaint and the agency impact statement.

B. AGENCY PRINCIPLES IN NEGOTIATING CONSENT DECREE SETTLEMENTS

While negotiating and before finally agreeing to any settlement, the agency should evaluate alternatives in view of the following principles:

1. The decree should provide some relief beyond merely reiterating the provisions of the governing statute.

2. (a) Less than complete relief, within the ambit of the complaint, should not be justified by the indefiniteness of the governing law except in unusual situations.

(b) Less than complete relief may be justified by uncertainty about the facts, provided (1) that the agency takes into account the possibility that an agency suit may make numerous private suits unnecessary; and (2) that the agency is reasonable in its judgment that the costs of eliminating factual uncertainty are likely to be high.

[1] An "affected" person is defined as one who has an immediate, economic interest in the violation at issue but who possesses no legal right to sue under the governing statute.

[2] An "aggrieved" person is defined as one who is "affected" and also in whom the law recognizes a legal power to sue against violations of the governing statute. This definition, however, is not intended to invoke any concepts of constitutional or statutory standing to challenge agency decisions.

3. The settlement should not be influenced by factors which are contrary to the purposes of the governing statute.

4. No settlement should be agreed to which will, in practical terms, prevent an aggrieved person with a right to sue under the governing statute from enforcing that right.

5. The agency should evaluate a proposed settlement in terms of the ability of aggrieved and affected private persons to protect their interests independently. The lesser that ability, the greater should their interests weigh in agency consideration.

C. JUDICIAL REVIEW OF CONSENT DECREES

Courts in considering whether to enter consent decrees should take into account the agencies' observance of the above procedures and principles.

Dated: August 30, 1976.

EMMETT J. GAVIN,
Executive Director.

[FR Doc.76-25795 Filed 8-31-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 29439; Order 76-8-134]

EASTERN AIR LINES, INC.; DISCUSSION AUTHORITY

Order Deferring Action and Requesting Further Comments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of August, 1976.

Application of Eastern Air Lines, Inc., for authority to discuss, with other air carriers, possible agreements intended to bring about more efficient methods relating to the research, design, and procurement of needed future commercial aircraft types.

By application dated June 22, 1976, Eastern Air Lines requested authority to discuss, with other air carriers, what it characterized as "possible agreements intended to bring about more efficient methods relating to research, design, and procurement of needed future commercial aircraft types." Eastern indicated that these discussions would include, but would not necessarily be limited to, the establishment of an Air Transport Association procurement office, which would obtain carrier agreement "on the specifications and needs of the carriers for new aircraft."

In support of its request, Eastern contends that the present generation of aircraft being flown by U.S. carriers is rapidly becoming obsolete; that there is an urgent need for the development of a new aircraft type which is energy efficient and environmentally sound; that the cost to a single manufacturer to develop such a new aircraft type may run as high as $1 billion; and that the manufacturers are unlikely to assume these costs unless there is a reasonable prospect of their finding a substantial market for the resulting aircraft.

Allegheny Airlines and Texas International Airlines filed answers in support of Eastern's request.

Upon consideration of Eastern's request and all relevant facts, the Board has decided that it should defer action and request further comments. Decisions relating to the procurement of new or additional equipment by the carriers have traditionally been one of those sensitive competitive areas left to the discretion of individual airline management. The Board, therefore, is concerned with the potential anticompetitive implications of both the discussions contemplated by Eastern and any agreements which might arise out of them. On the other hand, there is widespread concern about both the need for aircraft which use fuel more efficiently and economically and which produce less noise and pollution emissions and the enormous financial outlays required to develop and manufacture such aircraft types. In light of these considerations, we believe that Eastern must more fully set out the specific items of discussion which are anticipated, the nature of the circumstances which prompted it to request discussion authority, why the desired objectives of the proposed discussions cannot be achieved through alternative, less anticompetitive means, and any other matters which will aid the Board in passing upon its request. The Board will also welcome additional relevant comments from other interested persons in response to Eastern's further filing.

Accordingly, it is ordered that:

1. Action in docket 29439 be and it hereby is deferred;

2. Eastern be and it is hereby given 28 days from the date of service of this order to submit further comments concerning the request set forth in docket 29439;

3. Interested persons be and they hereby are given 14 days from the date of the filing of further comments by Eastern to file comments thereto; and

4. This order shall be served on Eastern, Allegheny, Texas International, and all other certificated route and supplemental carriers, the Aerospace Industries Association, and the U.S. Departments of Justice and Transportation.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-25588 Filed 8-31-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

REPUBLIC OF KOREA: COTTON TEXTILES

Announcing Additional Import Controls

AUGUST 27, 1976.

On June 26, 1975, the Government of the United States, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, concluded a comprehensive bilateral cotton, wool and man-made fiber textile agreement with the Government of the Republic of Korea concerning exports of cotton, wool and man-made fiber textile products from Korea to the United States over a three-year period beginning on October 1, 1974. Among the provisions of the agreement, as amended, is one establishing consultation levels for categories not given specific limits. Under the terms of paragraph 17 the United States Government has decided to control such cotton textile products in Categories 42, 43, 62, and 63 for the remainder of the agreement year which began on October 1, 1975.

Accordingly, there is published below a letter of August 27, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that entries into the United States for consumption or withdrawals from warehouse for consumption of cotton textile products in Categories 42, 43, 62 and 63, exported from the Republic of Korea during the twelve-month period which began on October 1, 1975, be limited to the designated levels. The levels of restraint set forth below for Categories 42 and part of 63 (other than shoe uppers) have been adjusted to account for overshipments in these categories during the previous agreement year which began on October 1, 1974 and for all entries in the current year from October 1, 1975 through May 31, 1976. The levels of restraint for Categories 43, 62 and 63 (shoe uppers) have been adjusted to account for entries during the period, October 1, 1975 through May 31, 1976. When the data are available, further adjustments will be made in all four categories for the period June 1, 1976 through the effective date of this action.

This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Effective date: September 1, 1976.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS.

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20229.

AUGUST 27, 1976.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on September 1, 1976 and for the twelve-month period beginning on October 1, 1975 and extending through September 30, 1976, to prohibit entry into the United States for consumption of cotton textile products in Categories 42, 43, 62 and

63 in excess of the following adjusted levels of restraint:

Category:		*Adjusted 12-mo. level of restraint* [1]
42	dozen	51,288
43	do	5,026
62	pounds	15,740
Pt. 63 (only T.S.U.S.A. No. 380.3980)	pounds	741,163
Pt. 63 [2]	do	180,678

[1] The levels of restraint have been adjusted to reflect all entries made between Oct. 1, 1975, and May 31, 1976.

[2] All T.S.U.S.A. numbers in category 63 except T.S.U.S.A. No. 380.3980.

Cotton textile products in Categories 42, 43, 62 and 63, produced or manufactured in the Republic of Korea and which have been exported prior to October 1, 1975, shall not be subject to this directive.

Cotton textile products in Categories 42, 43, 62 and 63 which have been released from the custody of the U.S. Customs Service under the provisions of 19, U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 26, 1975 which provide, in part, that: (1) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 F.R. 5010), as amended on December 31, 1975 (40 F.R. 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textile products from Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76-25709 Filed 8-31-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

LEAD-BASED PAINT

Hearings To Determine Safe Level

In a previous FEDERAL REGISTER publication (41 FR 33636, August 10, 1976) the Consumer Product Safety Commission (hereinafter "Commission") announced that hearings would be held on September 13 and 14, 1976 to determine a "safe level" of lead in paint pursuant to the responsibilities of the Commission under the 1976 amendments to the Lead-Based Paint Poisoning Prevention Act. That notice gave general guidance concerning the procedures to be followed for this hearing and referenced the Commission's regulations for oral presentations regarding proposed consmer product safety rules (16 CFR Part 1109). The purpose of this notice is to provide additional procedural guidance concerning the conduct of these hearings.

The first notice concerning these hearings requires persons interested in participating to notify the Commission's Secretary (on or before September 3) at least ten days before the proceeding. At the time of such notification, interested persons should indicate the amount of time requested for their presentation and the names of persons making the presentation. After all persons interested in participating have contacted the Secretary, a presentation schedule will be announced.

All participants are required to have the text of their remarks, preferably in five copies, on file with the Secretary by close of business September 7. Interested persons may examine the prepared texts and, no later than 9:00 a.m. the day of the hearing, submit to the Secretary written questions which they believe should be addressed to participants on the basis of their prepared text. The Chairman will decide which questions should be addressed to the participants. Further, the Chairman has the right to consolidate similar or repetitive questions.

At the conclusion of each oral presentation the presenter may be questioned by the Commissioners or Commission staff. Such questioning will include the previously submitted written questions from interested persons as discussed above. At the end of the questioning by the Commission and Commission staff the next scheduled participants will be called upon to make an oral presentation. This precedure will continue until such time as all participants have had an opportunity to make an oral presentation. After all oral presentations are completed, and to the extent that time allows, participants will be allowed to comment on the content of the oral presentation of any of the other participants. If the Chairman believes that fairness or a balanced record require a reply from the participant upon whose presentation a comment or comments has been offered then such participant will be offered an opportunity for rebuttal or further explanation.

Further, any interested person has the opportunity to submit written materials relevant to the purposes of this hearing up to the close of business, September 24, 1976. Such submissions should be submitted to the Secretary, Consumer Product Safety Commission, eighth floor, 1750 K St., NW Washington, D.C. 20207. These submissions may be inspected at this address during working hours, Monday through Friday.

Dated: August 27, 1976.

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

[FR Doc.76-25608 Filed 8-31-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 609-5]

BAY TO BAY SANITARY DISTRICT

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Environmental Protection Agency has prepared a final environmental impact statement (FEIS) for the Bay to Bay Sanitary District, Lincoln County, Oregon.

The proposed action is to provide a wastewater treatment and disposal program for the Bay to Bay Sanitary District, located between Yaquina Bay and Alsea Bay, Lincoln County, Oregon.

This FEIS was transmitted to the Council on Environmental Quality (CEQ) on August 17, 1976 and in accordance with the provisions of the CEQ Guidelines (40 CFR 1500.11), no administrative action will be taken by this Agency until thirty days after receipt of the FEIS by the Council.

Copies of the FEIS are available for review and comment from: Mr. Richard Thiel, Chief, Environmental Impact Section, M/S 443, US Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101 (telephone: 206-442-1595 or FTS 399-1595).

Copies are available for public inspection at the following locations:

Environmental Protection Agency, Region X, Library, 1200 Sixth Avenue, Seattle, Washington 98101.

Environmental Protection Agency, Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street, SW., Washington, DC 20460.

Newport City Library, Newport, Oregon.

Information copies of the FEIS are available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, NW., Washington, DC 20036.

Copies of the FEIS have been sent to various Federal, State, and local agencies, and interested individuals who made substantive comments on the draft EIS or requested a copy of the FEIS as outlined in the CEQ Guidelines.

Dated: August 26, 1976.

REBECCA W. HANMER,
Director, Office of Federal Activities.

[FR Doc.76-25612 Filed 8-31-76;8:45 am]

[FRL 610-4; OPP-180081A]

COLORADO DEPARTMENT OF HEALTH

Amendment to Specific Exemption To Use DDT To Suppress Flea Vectors of Plague

On June 18, 1976, the State of Colorado sent a telegram to the Environmental Protection Agency (EPA) requesting a specific exemption for use of five (5) or ten (10) percent DDT dust to suppress populations of fleas which are vectoring plague on wild rodents and threatening the public health throughout the State; the Colorado Department of Health (hereafter referred to as the "Applicant") was to supervise applications, along with representatives of the Colorado office of the Center for Disease Control (CDC). After reviewing the application and other available information, and conferring with the Chief, Plague Branch, CDC, Fort Collins, the State of Colorado was authorized to use the DDT dust in this control program. Notice of the granting of the exemption was published in the Federal Register on July 26, 1976 (41 FR 30711).

However, on July 14, the Applicant requested that the specific exemption be amended to permit the use of DDT dust bait stations to treat rodents in specified areas. According to the Applicant, the plague bacillus, *Yersinia pestis*, has been confined in eastern fox squirrels in the Fort Collins area. It is anticipated that plague may become epizootic in these tree-dwelling squirrels in other cities of Colorado, including the Denver Metropolitan area where it was found in 1968.

The Applicant further states that a rodent habitat on the Fort Carson Military Reservation near Colorado Springs in El Paso County has been causing increased concern among U.S. Army environmentalists and CDC personnel who have requested that DDT be used for its residual effect against hazardous rock squirrel fleas. Therefore, the Applicant proposed that the amendment allow use of dust bait stations in specified areas, namely, urban areas and certain military reservations in Colorado; in addition, the amendment included discussion of the management of these bait stations.

After reviewing the application and other available information, EPA has determined that the specific exemption granted may be amended to include the following:

1. DDT dust bait stations will be used to suppress flea populations which are vectoring plague on wild rodents and threatening the public health in urban areas and military reservations in Colorado;

2. Use of DDT dust bait stations to suppress fleas on wild rodents shall commence as soon as possible and will be completed by September 30, 1976; and

3. The DDT in dust bait stations will be protected from the effects of weather insofar as possible. The bait stations will be serviced periodically and all stations will be collected and excess DDT disposed of properly at the end of the treatment period in each area.

All other conditions pursuant to the original specific exemption remain in force.

Dated August 26, 1976.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-25616 Filed 8-31-76;8:45 am]

[FRL 609-8]

EAST BAY DISCHARGERS AUTHORITY WATER QUALITY MANAGEMENT PROGRAM PHASE I PROJECT

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Environmental Protection Agency has prepared a final environmental impact statement (FEIS) for the East Bay Dischargers Authority Water Quality Management Program, Phase I Project, San Francisco, California.

The purpose of the Phase I Project is to eliminate six shallow shoreline discharges of treated, chlorinated sewage from the eastern shore of Lower and South San Francisco Bay. The existing Irvington and Newark sewage treatment plants would be abandoned and replaced by untreated sewage pump stations. Untreated sewage from these pumps stations would be conveyed by a force main interceptor to an expanded sewage treatment plant at the present Alvarado plant site.

This FEIS was transmitted to the Council on Environmental Quality (CEQ) on August 17, 1976 and in accordance with the provisions of the CEQ Guidelines (40 CFR 1500.11), no administrative action will be taken by this Agency until thirty days after receipt of the FEIS by the Council.

Copies of the FEIS are available for review and comment from: Environmental Protection Agency, Region IX, Water Division, W-1, 100 California Street, San Francisco, California 94111 (telephone: 415-556-0893).

Copies of the FEIS are available for public inspection at the following locations:

Environmental Protection Agency, Region IX, Library, 1st Floor, 100 California Street, San Francisco, California 94111.
Environmental Protection Agency, Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street, SW., Washington, DC 20460.

Information Copies of the FEIS are available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, NW., Washington, D.C. 20036.

Copies of the FEIS hase been sent to various Federal, State, and local agencies, and interested individuals who made substantive comments on the draft EIS or requested a copy of the FEIS as outlined in the CEQ Guidelines.

Dated: August 26, 1976.

REBECCA W. HANMER,
Director, Office of Federal Activities.

[FR Doc.76-25613 Filed 8-31-76;8:45 am]

[FRL 609-7]

LIVERMORE-AMADOR VALLEY WASTEWATER MANAGEMENT PROGRAM

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Environmental Protection Agency has prepared a final environmental impact statements (FEIS) for the Livermore-Amador Valley Wastewater Management, Alameda County, California.

The proposed action is to implement the wastewater management system which will export the Valley's sewage effluent to the East Bay Discharger's Interceptor for final discharge to San Francisco Bay.

This FEIS was transmitted to the Council on Environmental Quality (CEQ) on August 16, 1976 and in accordance with the provisions of the CEQ Guidelines (40 CFR 1500.11), no administrative action will be taken by this Agency until thirty days after receipt of the FEIS by the Council.

Copies of the FEIS are available for review and comment from: Environmental Protection Agency, Region IX, Water Division, W-1, 100 California Street, San Francisco, California 94111 (telephone: 415-556-0893).

Copies of the FEIS are available for review and comment from: Environmental Protection Agency, Region IX, Water Division, W-1, 100 California Street, San Francisco, California 94111 (telephone: 415-556-0893).

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Information copies of the FEIS are available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, NW, Washington, DC 20036.

Copies of the FEIS have been sent to various Federal, State, and local agencies, and interested individuals who made substantive comments on the draft EIS or requested a copy of the FEIS as outlined in the CEQ guidelines.

Dated: August 26, 1976.

REBECCA W. HANMER,
Director, Office of Federal Activities.

[FR Doc.76-25614 Filed 8-31-76;8:45 am]

[FRL 610-1 PF45]

PESTICIDE AND FOOD ADDITIVE PETITIONS

Filing

Pursuant to the provisions of Sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency gives notice that the following petitions have been submitted to the Agency for consideration.

FP 6F1830. Dow Chemical Co., PO Box 1706, Midland MI 48640. Proposes that 40 CFR 180.342 be amended by the establishment of tolerances for the insecticide chlorpyrifos (*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate) and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodities sorghum grain at 0.75 part per million (ppm), and sorghum fodder and forage at 1.5 ppm. Proposed analytical method for determining residues is by gas chromatography using hydrogen flame ionization detection. PM12 (202/755-9315)

PP 6F1829. Union Carbide Corp., 1730 Pennsylvania Ave. NW, Washington DC 20006. Proposes that 40 CFR 180.269 be amended by the establishment of a tolerance for residues of the insecticide aldicarb (2-methyl-2-(methylthio (propionaldehyde *O*-(methylcarbamoyl) oxime) and its cholinesterase-inhibiting metabolites 2-methyl-2(methylsufinyl) propionaldehyde *O*-(methylcarbamoyl) oxime and 2-methyl-2-(methylsulfonyl) propionaldehyde *O*-(methylcarbamoyl) oxime in or on the raw agricultural commodity oranges at 0.3 ppm. Proposed analytical method for determining residues is by gas chromatography utilizing a flame photometric detector. PM12 (202/755-9315)

FAP 6H5141. Union Carbide Corp. Proposes that 21 CFR 561.30 be amended by the establishment of a regulation permitting the use of the insecticide aldicarb (2-methyl-2-(methylthio) propionaldehyde *O*-(methylcarbamoyl) oxime) and its cholinesterase-inhibiting metabolites 2-methyl-2-(methylsulfinyl) propionaldehyde *O*-(methylcarbamoyl) oxime and 2-methyl-2-(methylsulfonyl) propionaldehyde *O*-(methylcarbamoyl) oxime with a tolerance limitation of 0.6 ppm in dried orange citrus pulp as a result of application of the pesticide to the growing crop. PM12 (202/755-9315)

Interested persons are invited to submit written comments on any petitions referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning specific petitions referred to in this notice may be directed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at the numbers cited. Written comments should bear a notation indicating the number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: August 25, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-25618 Filed 8-31-76;8:45 am]

[FRL 610-2; OPP-50248]

PESTICIDES

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), experiemntal use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 112 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 4581-EUP-23. Pennwalt Corporation, Tacoma, Washington 94801. This experimental use permit allows the use of 1,390 pounds of the insecticide O,O-diethyl O-p-nitrophenyl phosphorothioate (parathion) on sorghum to evaluate control of greenbugs, aphids, sorghum midges, grasshoppers, and armyworms. A total of 5,560 acres is involved; the program is authorized only in the States of California, Colorado, Illinois, Iowa, Kansas, Missouri, Louisiana, Nebraska, New Mexico, Oklahoma, Texas, and South Dakota. The experimental use permit is effective from July 23, 1976, to July 23, 1977. A permanent tolerance for residues of the active ingredient in or on sorghum has been established (40 CFR 180.121).

No. 38338-EUP-2. University of Idaho, College of Agriculture, Aberdeen, Idaho 83210. This experimental use permit allows the use of 90 pounds of the fungicide chlorothalonil on potatoes to evaluate control of Early Blight; this program will provide a comparison of injection through a sprinkler irrigation system and conventional methods, with a check plot. A total of 46 acres is involved; the program is authorized only in the State of Idaho. The experimental use permit is effective from July 22, 1976, to July 22, 1977. A permanent tolerance for residues of the active ingredient in or on potatoes has been established (40 CFR 180.275).

No. 6308-EUP-10. The Ansul Company, Weslaco, Texas 78596. This experimental use permit allows the use of 216 pounds of the herbicide monosodium acid methanearsonate on sugarcane to evaluate control of weeds, particularly grassy weeds. A maximum of 54 acres is involved; the program in authorized only in the States of Texas, Louisiana, and Alabama (for redistribution only). The experimental use permit is effective from July 22, 1976, to July 22, 1977. A temporary tolerance for residues of the active ingredient in or on sugarcane has been established.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: August 25, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-25619 Filed 8-31-76;8:45 am]

[OPP-30120 (FRL 602-5)]

PESTICIDE PROGRAMS

Receipt of Application To Register a Pesticide Product Containing a New Active Ingredient

Correction

In FR Doc. 76-24555, appearing on page 35216 in the issue of Friday, August 20, 1976, the product name in the fifth, sixth and seventh lines of the first paragraph should appear as follows: "VISCO 3990 OIL AND WATERFLOOD OR SALTWATER DISPOSAL SYSTEM BACTERIA CONTROL CHEMICAL AND CORROSION INHIBITOR".

[FRL 607-5]

REQUIRED PROVISIONS FOR SUBAGREEMENTS UNDER GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

Open Meetings

Notice is hereby given that public meetings will be held to review drafts of possible revisions to Appendixes C-1 and C-2 to 40 CFR Part 35 Subpart E.

On March 4, 1976, the Environmental Protection Agency published as final rulemaking in the FEDERAL REGISTER Appendix C-1 (Required Provisions—Consulting Engineering Agreements) and Appendix C-2 (Required Provisions—Construction Contracts) to 40 CFR Part 35 Subpart E (41 FR 9340). The Preamble to the publication of those Appendixes requested comments on the clauses through May 15, 1976. EPA's review of the comments on Appendixes C-1 and C-2 indicates that some revision is justified. We have also determined that it would be helpful to have public participation in the review of draft revisions. These meetings are being called for that purpose.

The meeting on Appendix C-1 will take place on Thursday, September 16, 1976, and the meeting on Appendix C-2 will take place on Friday, September 17, 1976. Both meetings will convene at 9:00 a.m. in Room 2117, Waterside Mall (EPA Headquarters), 401 M Street SW., Washington, D.C. The drafts to be discussed will be made available in advance of the meeting to persons requesting them. Parties interested in obtaining copies of the drafts for review or in attending the meetings are requested to telephone the

Grants Administration Division at 202–755–0860, so that appropriate arrangements can be made.

The comments received on Appendixes C–1 and C–2 are available for inspection by members of the public in the Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street SW., Washington, D.C.

Dated: August 26, 1976.

ALVIN L. ALM,
Assistant Administrator for Planning and Management.

[FR Doc.76–25521 Filed 8–31–76;8:45 am]

[FRL 609–6]

SOUTHWEST LINCOLN COUNTY SANITARY DISTRICT

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Environmental Protection Agency has prepared a final environmental impact statement (FEIS) for the Southwest Lincoln County Sanitary District, Lincoln County, Oregon.

The proposed action is to provide a wastewater treatment and disposal program for the Southwest Lincoln County Sanitary District, located between the Cities of Waldport and Yachats, Lincoln County, Oregon.

This FEIS was transmitted to the Council on Environmental Quality (CEQ) on August 17, 1976 and in accordance with the provisions of the CEQ Guidelines (40 CFR 1500.11), no administrative action will be taken by this Agency until thirty days after receipt of the FEIS by the Council.

Copies of the FEIS are available for public inspection at the following locations:

Environmental Protection Agency, Region X, Library, 1200 Sixth Avenue, Seattle, Washington 98101.
Environmental Protection Agency, Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street, SW, Washington, DC 20460.
Newport City Library, Newport, Oregon.

Information copies of the FEIS are available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, NW, Washington, DC 20036.

Copies of the FEIS have been sent to various Federal, State, and local agencies, and interested individuals who made substantive comments on the draft EIS or requested a copy of the FEIS as outlined in the CEQ Guidelines.

Dated: August 26, 1976.

REBECCA W. HANMER,
Director, Office of Federal Activities.

[FR Doc.76–25615 Filed 8–31–76;8:45 am]

[FRL 610–3; OPP–180087]

WASHINGTON STATE DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Use TEPP To Control Twospotted Spider Mite

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Washington State Department of Agriculture (hereafter referred to as the "Applicant"). The Applicant has been authorized to use TEPP (tetraethyl pyrophosphate) for the control of twospotted spider mites which are threatening the commercial hop crop in three (3) counties of Washington. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Room E–315, Washington, D.C. 20460.

According to the Applicant, the twospotted spider mite (*Tetranychus urticae*, Koch) is normally present in Washington hop yards. Current climatic and growing conditions are ideal for pest population buildup now. Although several miticides are registered for use on hops, Washington State University entomologists alleged that none of the registered miticides were viable options for one or more of various reasons: 1) the spider mites were resistant to the other miticides; 2) aerial applications were precluded because of ineffectiveness or labeling restrictions; and/or 3) the required preharvest interval excluded application at the time required. Ground pesticide applications were not feasible because of possible damage to hop foliage, lodged hops, and irrigation equipment. According to the Applicant, TEPP has prevented economic damage to the commercial hop crop by this pest in previous years.

The Applicant requested permission to treat the 22,000 acre commercial hop crop with two (2) pounds of actual TEPP per acre in a single aerial application application will be limited to Yakima, Benton, and Pierce counties. The pesticide will be applied by State-licensed commercial applicators under the Applicant's supervision; treatment should be terminated by September 30, 1976. A three-day preharvest interval will be maintained.

The State of Washington produces about two-thirds of the national hop crop. The Applicant stated that the potential economic loss from a major outbreak of the twospotted spider mite could reach $10,000,000, representing one-third of Washington hop production and 20% of the United States' production; further, the Applicant alleged that drought in the hop growing areas of Europe made the Washington hop crop especially important in world trade. The Applicant cited the following factors which contribute to relatively low probability of exposure of man to harmful residues of TEPP from hops: 1) raw hops are never consumed by humans and hops are kiln-dried following harvest; 2) one-fourth pound of hops are added to each thirty-one (31) gallons of beer, a 1:1,000 dilution by weight; 3) fermentation in the brewing vats results in additional breakdown of pesticide residues; and 4) a two-pound application on hops presents less residue potential to human than applications on six other food crops which have tolerance of 0.01 ppm. The dilution of 1 to 1,000 would allow establishment of a tolerance adequate to protect human health. The Applicant further stated that all data reviewed indicated no residue transfer from 3-day preharvest interval to finished beer.

However, TEPP exhibits acute toxicity to fish and wildlife species, especially avian species. The Office of Endangered Species, U.S. Department of the Interior, has reported that the American Peregrine Falcon (*Falco peregrinus anatum*), an endangered species, is endemic within the three counties proposed for treatment.

After reviewing the application and other available information, EPA, has determined that (a) a pest outbreak of two-spotted spider mites has or is about to occur; (b) there is no pesticide presently registered and available for use to control the twospotted spider mite in Washington State; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the twospotted spider mites are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until September 30, 1976, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following restrictions:

(1) Aerial applications of TEPP are limited to one (1) at the rate of two (2.0) pounds of actual ingredient per acre;
(2) Total acreage treated shall not exceed 22,000 acres;
(3) A maximum of 44,000 pounds of actual TEPP will be applied;
(4) Treatment area is limited to the three counties listed in this notice;

(5) No applications may occur within three (3) days of harvest of the hops;
(6) The Applicant is responsible for supervising all aerial applications;
(7) The Applicant is advised that the American Peregrine Falcon, an endangered species, is endemic to the treatment area and is at risk. Therefore, liaison shall be established among the Applicant and the Washington State Departments of Fisheries and Game to minimize any adverse effects on fish and wildlife resources; and
(8) Hops with residue levels not exceeding 0.1 ppm of TEPP may be offered in interstate commerce.

Dated August 26, 1976.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-25617 Filed 8-31-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-800]

AM BROADCAST STATION APPLICATIONS

Computation of Nighttime Service Area

AUGUST 26, 1976.

As a result of the recently announced "closed" season on the filing of applications for new standard broadcast (AM) stations and for major changes in existing stations, in the month of June 1976, we received 256 AM applications for new stations and major changes, whereas we received only 287 similar applications in the other eleven months of the year ending June 30, 1976. The drastic increase in the number of applications, coupled with our relatively small staff, requires that we search for methods of streamlining the processing of AM applications. After consultations with the Association of Federal Communications Consulting Engineers (AFCCE), we have concluded that one change is possible at this stage. This change is announced in this Public Notice; it will be applied immediately to all currently pending applications as well as those which are filed at the end of the "closed" season.

Currently, section 73.182(o) of our rules defines the nighttime service area of class II and class III stations to be the area within the locus of points at which the ratio of the station's groundwave field intensity to the RSS (using the 50 percent exclusion method defined in section 73.182(o) of our rules) of the 10 percent skywave signals of other co-channel stations is 20. Protection of this service area currently is accomplished by "clipping" studies, as presently performed involve an extremely rigorous technical procedure. Generally, it is necessary to determine by trial and error where the 20 to 1 ratio occurs and then to determine whether the signal from the proposed operation aggravates the interference (i.e., increases the RSS) at points along the locus of the 20 to 1 ratio.

AFCCE proposes, and we now adopt, a simplified procedure which we hope will eliminate much of the laborious and tedious work now required in "clipping" studies. Rather than using the trial and error method of determining the service area, the existing RSS at the station to be protected will be computed on a site-to-site basis. This RSS will be used to determine the nighttime limitation contour of the station instead of recomputing it at each point. Then, at each "clipping point", it will be necessary to determine only if the proposed operation would raise the previously calculated existing site-to-site RSS rather than recomputing the existing RSS at each "clipping point". This procedure is identical to the procedure currently used in protecting the nighttime operations of class II and class III stations in Canada and other countries under the North American Regional Broadcasting Agreement (NARBA). Unlike NARBA, however, measured values of radiation and conductivity will continue to be used.

We believe that the new procedure adopted here will result in a more expeditious processing of applications and provide, essentially, the same protection to a station's service area as at present. The Commission will, of course, continue to consider technical studies submitted which indicate inadequate protection to service areas of stations in accord with section 73.182(o) of our rules, but will not initiate such studies, as presently done, on a routine basis.

Action by the Commission August 24, 1976. Commissioners Wiley (Chairman), Lee, Hooks and Quello.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-25498 Filed 8-31-76;8:45 am]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

Omaha, Neb.

The following application specifies essentially the same facilities as those of station KOIL, Omaha, Nebraska, which has been ordered to cease operation on September 2, 1976. The Commission will accept other applications for consolidation with this application which propose essentially the same facilities. The Commission will also entertain requests for interim operations.

BP-20621 (New) Omaha, Nebr.
Webster-Baker Broadcasting Co.
Req: 1290 kHz, 5 kW, DA-N, U.

Pursuant to the provisions of section 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with this application must be tendered no later than October 20, 1976. Any requests for interim operation must be filed no later than October 20, 1976.

The attention of any party in interest desiring to file pleadings concerning this application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: August 25, 1976.

Released: August 26, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-25499 Filed 8-31-76;8:45 am]

WIRELINE TELEPHONE COMPANIES AND RADIO COMMON CARRIERS

Physical Connection of Facilities and Interchange of Traffic

AUGUST 25, 1976.

The series of meetings conducted under the aegis of the Commission's Common Carrier Bureau concerning interconnection between the wireline telephone companies (WTCs) and the radio common carriers (RCCs), which furnish two-way radiotelephone service and one-way signaling service to the public, concluded on August 24, 1976. On that date a Joint Motion and a Memorandum of Understanding with attachments were filed with the Commission by the National Association of Radiotelephone Systems (NARS), to which many of the RCCs belong, American Telephone and Telegraph Company (AT&T), GTE Service Corporation (GTE), and United System Service, Inc. (United).

The Joint Motion requests the Commission to adopt an appropriate Order accepting a Memorandum of Understanding and its attachments executed by the joint petitioners and terminating the proceedings.

The Memorandum of Understanding by and between the joint petitioners, on behalf of the WTCs or RCCs which they may represent, sets forth the agreement which the parties to the Memorandum of Understanding have reached with respect to a series of issues concerning the physical connection of facilities and the interchange of traffic between WTCs and RCCs. These issues include: (1) principles of connection; (2) radio transmitter links; (3) connection facilities and arrangements; (4) organization, operations and administrative matters; (5) one-way signaling facilities; and (6) intercarrier payments.

The attachments to the Memorandum of Understanding consist of: (a) an illustrative Connection and Traffic Interchange Agreement with attachments thereto; (b) a statement of Bell System policy on telephone number assignment to RCC oneway signaling systems; (c) an AT&T memorandum to its operating companies concerning procedures for RCCs to report trouble on exchange access and private lines furnished to RCCs by the Bell System; (d) a joint WTC-NARS statement of policy concerning maintenance charges; (e) an AT&T memorandum to its operating companies concerning uniformity of and revisions to Directory Call Guide instructions and listings of RCCs in Yellow Page directories; (f) an AT&T

memorandum to its operating companies which reviews federal excise tax procedures when communication services furnished by WTCs are used as components of a taxable service provided by RCCs; (g) a new dial paging service plan to be offered to the RCCs; and (h) a proposed AT&T tariff filing which would amend its Tariff F.C.C. No. 263 to offer to RCCs connection and interchange of interstate traffic by Bell System operating telephone companies and by other WTCs which concur in Tariff F.C.C. No. 263 and which, pursuant to the Memorandum of Understanding described above, would be filed with the Commission if and when the Commission enters an appropriate order terminating the interconnection proceedings.

A copy fo the entire August 24, 1976, joint filing by NARS, AT&T, GTE and United is available for public inspection during regular Commission business hours in Room 8316 of the Commission's offices at 2025 M Street, N.W., Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-25497 Filed 8-31-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

COLUMBIA LNG CORP.

Synthetic Natural Gas Feedstocks; Opportunity To Submit Written Comments and To Participate in Public Hearing on Petition for Assignment of Supplier and Base Period Use

The Federal Energy Administration (FEA) hereby gives notice that written comments will be received and a public hearing will be held regarding the June 9, 1976 petition of Columbia LNG Corporation (Columbia), a synthetic natural gas (SNG) manufacturer, for the assignment of a supplier and base period use of propane, butane or natural gasoline for SNG feedstock use after December 31, 1976, pursuant to 10 CFR 211.29 and Special Rule No. 1 issued thereunder.

The volume of SNG feedstock requested is 24,500,000 barrels of propane, butane, or natural gasoline per year commencing January 1, 1977.

Columbia's Green Springs, Ohio, SNG facility is designed to produce SNG for 350 days of base loading service utilizing 6,125,000 barrels of feedstock per quarter for a total of 24,500,000 barrels of feedstock per year.

The petition requests the assignment of Dome Petroleum LTD, Alberta, Canada, as supplier for 3,500,000 barrels of feedstock for each quarterly period corresponding to a base period. The remaining 2,625,000 barrels of feedstock needed each quarter will be acquired through spot purchases of non-Canadian foreign propane and butane and purchases of Canadian and domestic surplus propane and butane as permitted by FEA.

Columbia is currently producing SNG from an allocation of propane, butane, or natural gasoline assigned to Columbia by FEA's Decision and Order dated November 24, 1975. The June 9, 1976 petition, if granted, would allow Columbia to continue operation of its Green Springs, Ohio, SNG facility after December 31, 1976, in a manner consistent with the November 24, 1975 Order.

A file containing all information and data filed in conjunction with Columbia's petition, other than confidential business information which FEA has determined to be exempt from the disclosure requirements of 5 USC 552, is available for public inspection and copying at the FEA Freedom of Information Library, Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

Written comments regarding Columbia's petition will be accepted and considered if filed by September 29, 1976. Any person submitting written comments with respect to Columbia's petition should comply with the requirements of 10 CFR 205.33 of the FEA procedural regulations. Comments should be submitted to the Office of Product Allocations, Specialty Fuels Branch, Federal Energy Administration, Room 6318, 2000 M Street, N.W., Washington, D.C. 20461, Attention Mr. Finn Neilsen. Comments should be identified on the outside envelope and on documents submitted to FEA with the designation, "Allocation of Feedstocks for Columbia LNG Corporation's SNG Plant." Five copies should be submitted to FEA and one copy to Columbia LNG Corporation, 20 Montchanin Road, Wilmington, Delaware 19807, Attention Mr. John F. Sisson.

FEA believes that factual disputes between interested parties respecting this petition are likely and that a public hearing on this petition will materially advance consideration of the issues involved. Therefore, a public hearing on Columbia's petition will be held beginning at 9:30 a.m., e.s.t., on September 30, 1976, in the Auditorium, Room 2105, 2000 M Street, N.W., Washington, D.C., to receive comments from interested persons.

Any person who has an interest in the petition set forth above or who is a representative of a group or class of persons which has an interest in the petition, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, and must be received before 4:30 p.m., e.s.t., September 24, 1976. Such a request may be hand-delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be reached through September 28, 1976. Each person selected to be heard will be notified by FEA before 4:30 p.m., e.s.t., September 28, 1976, and must submit 50 copies of his or her statement to Allocations Regulations Development Office, FEA, Room 2214, 2000 M Street, N.W., Washington, D.C. 20461 before 4:30 p.m., e.s.t., on September 29, 1976.

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

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

Any interested person may submit questions to be asked of any person making a statement at the hearing to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, before 4:30 p.m., e.s.t., September 29, 1976. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question in writing to the presiding officer. The FEA, or the presiding officer if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

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

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

Additional public comment on all written and oral presentations received by September 30, 1976, will be permitted through October 14, 1976. Comments should be submitted to the Office of Product Allocations, Specialty Fuels Branch, Room 6318, 2000 M Street, N.W.,

Washington, D.C. 20461, Attention Mr. Finn Neilsen. Persons submitting comments during this additional period must send five copies to FEA and one copy each to Columbia and to all persons who participated in the public hearings or who submitted written comments. A list of such persons will be made available for public viewing on October 1, 1976, at the FEA Freedom of Information Library, Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The transcript of the public hearing will be available for public review at the Administrator's Reception Area, Room 3400, FEA, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

MICHAEL F. BUTLER,
General Counsel.

AUGUST 27, 1976.

[FR Doc.76-25625 Filed 8-27-76;4:39 p.m.]

INDUSTRIAL ENERGY CONSERVATION
Requirement for Corporations To File Information on Energy Consumption

The Federal Energy Administration (FEA) hereby gives notice that it is requiring any corporation which consumed at least one trillion British thermal units (Btu's) of energy within the United States in any of ten previously identified major energy-consuming industries in calendar year 1975 to provide information on its energy consumption to FEA by September 30, 1976, pursuant to instructions set forth in this notice. The requiremnet for providing this information is supported by the authority vested in section 376(b) of the Energy Policy and Conservation Act (the EPCA) (42 U.S.C. 6346(b)) and section 13 of the Federal Energy Administration Act of 1974, as amended, (15 U.S.C. 772).

The information today required to be filed will be used by FEA, pursuant to section 373 (42 U.S.C. 6343) of the EPCA, to identify each corporation which consumes at least one trillion Btu's of energy per year within any one of the most energy-consuming previously identified industries and which is among the 50 most energy-consumptive corporations within such industry. This action is one step in the program of industrial energy conservation established by Part D (42 U.S.C. 6341–6346) of Title III of the EPCA.

By notice issued March 20, 1976 (41 F.R. 12766, March 23, 1976), FEA established the priority ranking of major energy-consuming industries in the United States on the basis of their total annual energy consumption, as required in section 373 of the EPCA. Section 371(4) (42 U.S.C. 6341(4)) of the EPCA defines "major energy-consuming industry" to mean "a two-digit classification, within the manufacturing division of economic activity set forth in the Standard Industrial Classification (SIC) Manual by a code number, which the Administrator determines is suited to the purposes of [Part D, Title III of the EPCA]." The ranking in the notice issued March 20, 1976, of the top ten energy-consuming two-digit industries within the SIC manufacturing division, in descending order on the basis of their respective total annual energy consumption, is as follows:

Ranking	Industry	SIC code
1	Chemical and allied products	28
2	Primary metal industries	33
3	Petroleum and coal products	29
4	Stone, clay, and glass products	32
5	Paper and allied products	26
6	Food and kindred products	20
7	Fabricated metal products	34
8	Transportation equipment	37
9	Machinery, except electrical	35
10	Textile mill products	22

Total Btu's consumed by a corporation in all its operations are not the determining factor as to whether or not the corporation needs to respond to this notice. The requirement to file information exists with respect to each of the identified industries (the ten SIC-code industries listed above) in which a corporation consumed at least 1 trillion Btu's, as this figure is determined according to instructions set forth below. Energy consumed by the corporation which applies across SIC-code industry lines should be allocated among the specific SIC-code industries by the corporation in a reasonable manner. In addition, to avoid double-counting in the case of thermally self-generated electricity, a corporation's electricity consumption should be comprised only of purchased electricity and self-generated hydropower. For example, where a corporation consumes coal in its own thermal generation of electricty, the Btu's of the coal, but not the Btu's of the electricity, should be counted.

1. CORPORATIONS REQUIRED TO FILE

Any corporation which consumed within the United States at least one trillion British thermal units of energy, exclusive of energy consumed as feedstocks, in calendar year 1975 within any identified industry shall file information with FEA pursuant to the format described below.

2. DEFINITIONS

For the purposes of this filing requirement:

"Corporation" means a person as defined in section 3(2)(B) of the EPCA (any corporation, company, association, firm, partnership, society, trust, joint venture, or joint stock company) and includes any person so defined which controls, is controlled by, or is under common control with such person.

"Electricity" means all electricity except electricity thermally generated by the filing corporation;

"Identified industry" means any industry with a SIC Manual[1] classification of 20, 22, 26, 28, 29, 32, 33, 34, 35, or 37, as defined in the SIC Manual.

"Total energy consumption in 1975" means the sum of the Btu content of all energy sources not used as feedstocks consumed within the United States in an identified industry by the filing corporation in calendar year 1975; and

"United States" means the fifty States, the District of Columbia, Puerto Rico, and all territories and possessions of the United States, including the Outer Continental Shelf, as defined in 43 U.S.C. 1331.

[1] Office of Management and Budget, Standard Industrial Classification Manual (1972).

3. FORMAT

Corporation Name, Principal Office Address, Corporate Energy Coordinator.

Industries (SIC codes)	Total energy consumption by industry in 1975 [1]	Electricity percentage
20		
22		
26		
28		
29		
32		
33		
34		
35		
37		

[1] In trillion British thermal units.

I hereby certify that the above statements are true, accurate, and complete to the best of my knowledge.

Date_____

Signature and title of chief executive officer or other duly authorized executive officer.

4. DETERMINING TOTAL ENERGY CONSUMPTION IN 1975

a. Provide a figure, in trillion Btu's, for total energy consumption in 1975 in each of the identified industries, if such figure is one trillion Btu's or greater. Indicate by each figure provided the percent of each such figure which was electricity consumption.

b. In determining Btu content of any energy source except electricity, use actual Btu content for the energy source, if the energy source was purchased according to or with knowledge of its actual Btu content. Where the energy source was not purchased according to or with knowledge of its actual Btu content and in the case of electricity, determine Btu content by using the appropriate conversion factor in the following table:

Energy source:	*Conversion factor (Btu's/energy unit)*
Bituminous coal	23,650,000/short ton.
Anthracite	25,400,000/short ton.
Coke	24,800,000/short ton.
Ethane	3,082,380/bbl.
Propane	3,847,806/bbl.
LPG	4,011,000/bbl.
Natural gasoline	4,620,000/bbl.
Gasoline (including aviation)	5,248,000/bbl.
Special naphtha	5,248,000/bbl.
Kerosene	5,670,000/bbl.
Distillate fuel oil (including diesel)	5,825,000/bbl.
Still gas	6,000,000/bbl.
Petroleum coke	6,024,000/bbl.
Residual fuel oil	6,287,000/bbl.
Crude oil	5,800,000/bbl.

Energy source:	*Conversion factor (Btu's/energy unit)*
Natural gas, dry	1,031/ft³.
Electricity	3,412/kWh.
Other energy types (hogged fuel, bark, black liquor, off-gas, etc.).	(Determined by corporation).

c. In order to facilitate future verification by FEA of corporate data, if required, it would be desirable if all data used in determining total energy consumption in 1975 for each identified industry were retained by the corporation for at least two years. This data should be retained even if such consumption is determined to be less than one trillion Btu's.

4. CERTIFICATION

The data submitted should contain the affirmation, "I hereby certify that the above statements are true, accurate, and complete to the best of my knowledge." The individual who signs and certifies the data submitted must be the chief executive officer of the corporation or such other executive officer as authorized by the chief executive officer to sign for him for this purpose. In the latter case, the corporation must file with FEA a letter of authorization signed by the chief executive officer which identifies other officials authorized to certify the data for the corporation. A sample format for this letter is given in the appendix to this notice. Section 1001 of Title 18, U.S. Code, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

5. CONFIDENTIAL INFORMATION

A corporation which believes that any information provided to FEA in its response is a trade secret or commercial or financial information that is privileged or confidential and that disclosure of this information may cause significant competitive damage to it must inform FEA of this conclusion. Specifically, the corporation must (1) file, together with the response, a second copy of the response on which has been clearly indicated the information release of which the corporation believes would cause significant competitive damage, (2) indicate on the original response that it contains confidential information, and (3) file a concise statement which explains, item by item, the exact nature of the significant competitive damage which would result from the release of each item, and whether that item is customarily treated as confidential by the corporation and the industry. A detailed explanation of the competitive damage resulting from public disclosure—rather than general statements that an item is confidential—is needed by FEA to determine whether the item may be released. FEA retains the right to make its own determination regarding any claim of confidentiality. Prior to disclosing any information contained in the response which the Administrator determines is information described in 5 U.S.C. 552(b)(4), the Administrator will afford, pursuant to section 376(e) of the Energy Policy and Conservation Act (15 U.S.C. 956(e)), the person who provided the information an opportunity to comment on the proposed disclosure.

6. FILING PLACE AND DEADLINE

Information required to be filed by this notice should be addressed to Executive Communications, Room 3309, Federal Energy Administration, Box HM, Washington, D.C. 20461, and must be received prior to September 30, 1976. Both the information and the outside envelope should be identified with the designation "Industrial Energy Conservation—Corporation Identification".

(Energy Policy and Conservation Act (Pub. L. 94-163); Federal Energy Administration Act of 1974 (Pub. L. 93-275); E.O. 11790 (39 F.R. 23185))

Issued in Washington, D.C., August 27, 1976.

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

APPENDIX

DELEGATION OF AUTHORITY TO SIGN AND CERTIFY

_____
(Date of signing)

_____
(Name of corporation)

I, _____,
(Name of chief executive officer)

hereby certify that I am the _____
(Title)

of the above-named corporation and that, as such, I am authorized to sign documents and to certify, on behalf of said corporation, the accuracy and completeness of all documents required to be submitted to the U.S. Government. Pursuant to the power vested in me, I hereby delegate all or, to the extent indicated below, a portion of that authority to the person(s) listed below, who is (are) executive officers of the above-named corporation. This delegation is effective until it is revoked in writing and the Federal Energy Administration is so notified.

_____
(Signature)

AUTHORIZED INDIVIDUALS

Name and Title	Extent of Authorization
_____	_____
_____	_____

[FR Doc.76-25626 Filed 8-27-76;4:39 pm]

INDUSTRY ADVISORY BOARD TO THE INTERNATIONAL ENERGY AGENCY; SUBCOMMITTEE A

Meetings

In accordance with Section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (P.L. 94-163), notice is hereby provided of three separate meetings of Subcommittee A of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) to be held in New York on September 8 and 10, 1976, on September 9, 1976, and on September 15-16, 1976. The meetings will be held at the offices of Mobil Oil Corporation, 150 East 42nd Street, New York, New York. The agendas are as follows:

SEPTEMBER 8 AND 10—9:00 AM

1. Opening remarks.
2. IEA allocation systems test, including development of key topics/material to be presented at September 14-15 Reporting Company meeting.
3. Next meeting date/location.

SEPTEMBER 9—9:00 AM

1. Opening remarks.
2. IEA allocation systems test, including review of material to be presented at the September 14-15 Reporting Company meeting.
3. Emergency Management Manual.
4. Demand Restraint.
5. Comments by Secretariat on SEQ forecast.
6. Next meeting date/location.

SEPTEMBER 15—9:00 AM

1. Opening remarks.
2. IEA allocation systems test, including preparation of additional material required resulting from the September 14-15 Reporting Company meeting.
3. Next meeting date/location.

As provided in Section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public.

Issued in Washington, D.C., August 26, 1976.

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

[FR Doc.76-25535 Filed 8-27-76;12:29 am]

NORTHERN ILLINOIS GAS CO.

Issuance of Order Assigning Propane for Synthetic Natural Gas Enrichment

The Federal Energy Administration (FEA) hereby gives notice that on August 20, 1976, FEA issued a Decision and Order to the Northern Illinois Gas Company (NI-Gas), Aurora, Illinois, assigning San Juan Oil Company as a base period supplier of propane for the elevation of the British Thermal Unit (BTU) enrichment of synthetic natural gas (SNG) to be producer at NI-Gas' Aux Sable, Illinois, SNG facility.

FEA issued the August 20, 1976, Decision and Order pursuant to 10 CFR 211.-12(e)(3), 205.30 et seq. and 211.83(c).

NI-Gas' Aux Sable SNG manufacturing facility uses naphtha feedstock in the reforming process. SNG produced in the reforming process is inferior in BTU heating content to that of the pipeline natural gas with which it is mixed. The propane enrichment stream, injected into the SNG after the reforming stage, provides the necessary additional BTU content to upgrade the SNG to meet pipeline quality standards of 1,030 BTU/MCF and to duplicate the standard flame characteristics of the pipeline natural gas. In accordance with the August 20, 1976, Decision and Order, NI-Gas is allowed to purchase and use 251,250 barrels of propane in any quarterly period corresponding to a base period, subject to the allocation level of ninety (90) per-

cent of the base period use, or 226,125 barrels of propane in any period corresponding to a base period (251,250×.90=226,125). The effective date of the Decision and Order is February 5, 1976.

In issuing the Decision and Order, FEA determined that the denial of the assignment would impose undue hardship and economic distortion on the operation of NI-Gas' SNG facility and would have a negative impact upon the public health, safety and welfare of NI-Gas' customers.

Copies of the August 20, 1976, Decision and Order are available for public viewing at the FEA Freedom of Information Library, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

In accordance with the provisions of 10 CFR Part 205, an aggrieved party may file an appeal of this Decision and Order with the Federal Energy Administration. The provisions of 10 CFR Part 205, Subpart H, set forth the procedures and criteria which govern the filing and determination of any such appeal. For purposes of these regulations, the date of service of notice shall be deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUUTLER,
General Counsel.

AUGUST 27, 1976.

[FR Doc.76-25603 Filed 8-27-76;3:51 pm]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT LINES, INC. ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, NY., 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 September 21, 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.

American Export Lines, Inc., Black Sea Shipping Co., CIA Transatlantic Espanola, S.A., Hellenic Lines Limited, Italian Lines, Lykes Bros. S/S Co., Inc., Nordana Line, Prudential Lines, Inc., Sea-Land Service, Inc., Transportacion Maritime Mexicana, S.A., Zim Israel Navigation Co., Ltd.

Notice of agreement filed by:

Stanley O. Sher, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, NW., Washington, D.C. 20006.

Agreement No. 10261, among the above-named carriers creates the U.S. South Atlantic/Spanish, Portuguese, Moroccan and Mediterranean Rate Agreement which permits the parties to confer and agree on rates, charges, classifications and related matters in the trade from U.S. South Atlantic ports (south of Cape Hatteras to Key West range) to Spanish, Portuguese and Moroccan Atlantic ports and to ports on the Mediterranean Sea, Black Sea, Sea of Marmara, Adriatic Sea and Gulf of Taranto and to all points in Europe, Morocco and all points in all countries bordering the Mediterranean Sea, Sea of Marmara, Adriatic Sea and Gulf of Taranto, whether moving on a through bill of lading or otherwise, to the extent cargo actually moves through ports covered by this agreement. It further provides that the individual members may take independent action upon forty-eight (48) hours notice to the other parties. The parties also may establish and maintain one or more common tariffs.

Dated: August 27, 1976.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-25589 Filed 8-31-76;8:45 am]

[Docket No. 76-47; Agreement No. 10234]

CARGO REVENUE, POOLING, SAILING AND EQUAL ACCESS AGREEMENT—U.S. GULF/GUATEMALA TRADE

Order of Investigation and Hearing

Agreement No. 10234 is a cargo revenue, pooling, sailing and equal access to government-controlled cargo agreement between Delta Steamship Lines, Inc. (Delta), and Flota Mercante Gran Centroamericana, S.A. (Flomerca), in the trade from the United States Gulf ports in Key West, Florida/Brownsville, Texas range to ports on the Atlantic Coast of Guatemala.

Agreement No. 10234 was noticed in the FEDERAL REGISTER on May 4, 1976. A protest was filed by Sea-Land Service, Inc. (Sea-Land) alleging that Agreement No. 10234 should be disapproved or set down for hearing. Sea-Land asserts that the Flota/Delta agreement could create a monopoly which will foreclose Sea-Land or any other carrier from entering the U.S. Guatemala trade. Furthermore, Sea-Land alleges that Agreement No. 10234 is unjustly discriminatory and unfair as between carriers in that it would prevent U.S. carriers from gaining access to U.S. exports in the Guatemalan trade.

Sea-Land's concern with Agreement No. 10234 is well taken. In addition to the discrimination and monopolization issues raised by Sea-Land, Agreement No. 10234 appears on its face to involve horizontal market division and horizontal price fixing (pooling, sailing, and tariff conformity with advance notice of rate changes earlier than statutorily required) which appear to be *per se* violations of the antitrust laws. The Commission must, of course, explore such antitrust questions *sua sponte* in order to discharge its active and independent duties to guard the public interest. *Marine Space Enclosures Inc. v. the Federal Maritime Commission*, 420 F.2d 577, 585 (D.C. Cir. 1969). Since "by its very nature an illegal restraint of trade is some ways 'contrary to the public interests", the proponent of an agreement involving illegal restraints of trade has the burden of demonstrating that the anticompetitive restraints are necessitated by a serious transportation need, an important public benefit, or a valid regulatory purpose. *FMC v. Svenska Amerika Linien*, 390 U.S. 238, 244 (1968).

Delta has attempted to justify this agreement by stating that it relieves Delta from the discriminatory effects of Guatemalan Decree 41–71. Delta asserts that there have been some instances when shippers have been inconvenienced by the lack of available vessels and further states that it will now be able to increase its frequency of service. However, an occasional shipper inconvenience and a modest increase in carrier availability do not amount to a serious transportation need or an important public benefit which could justify the anticompetitive provisions of this agreement. But even if the transportation needs are serious or the public benefits are important, there is doubt as to whether this agreement is necessary to fulfill those needs or secure those benefits. At a minimum the reasonable alternatives to such an anticompetitive agreement should be examined. In this regard, there is the question of whether the equal access provision of Agreement No. 10234 in and of itself is contrary to the public interest in that it is in furtherance of a discriminatory and anticompetitive law of the Government of Guatemala.

Finally, the Commission also questions the approvability of Article 8 of Agreement No. 10234 to the extent this article would preclude Delta from petitioning its own government for relief from any past, present, or future discrimination or injuries caused by the Government of Guatemala, it would appear to be contrary to the public interest within the meaning of section 15 of the Shipping Act, 1916.

Therefore, in order for the Commission to discharge its duties to protect

the public interest, thoroughly examine the allegations of Sea-Land, examine the antitrust ramifications, and provide Delta and Flomerca an opportunity to demonstrate any needs for the anticompetitive restraints, an investigation and hearing will be ordered.

It is therefore ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, a proceeding is hereby instituted to determine whether Agreement No. 10234 is unjustly discriminatory or unfair as between carriers, shippers, exporters or importers of the United States, operates to the detriment of the commerce of the United States, is contrary to the public interest, or is in violation of the Shipping Act, 1916, and, therefore, whether it should be approved, disapproved or modified.

It is further ordered, That Delta Steamship Lines, Inc. and Flota Mercante Gran Centroamericana are hereby made respondents in this proceeding.

It is further ordered, That Sea-Land Service, Inc., is hereby made a petitioner in this proceeding.

It is further ordered, That the matter be referred for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges, to be held on a date and at a place set by the presiding Administrative Law Judge: *Provided, however,* That the said hearing commence on or before March 1, 1977.

It is further ordered, That notice of this Order be published in the FEDERAL REGISTER, and that a copy thereof and notice of hearings be served upon respondents and petitioner.

It is further ordered, That any person other than respondents and petitioner, having an interest and desiring to participate in this proceeding, shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR 502.-72) of the Commission's rules of practice and procedure.

And it is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-25590 Filed 8-31-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP75-93]

BLACK MARLIN PIPELINE CO.

Order Denying Motion for Severance, Granting Motion for Additional Time and Clarifying Order

AUGUST 26, 1976.

By order of June 7, 1976, we set for hearing in the above-titled proceeding an application filed pursuant to Section 7(c) of the Natural Gas Act by Black Marlin Pipeline Company (Black Marlin) for a certificate of public convenience and necessity authorizing it to continue to operate previously constructed facilities. Black Marlin states that the purpose of such application is to allow it to continue receiving deliveries of natural gas into its pipeline system in order to enable it to transport natural gas at levels previously certificated by the Commission in its order issued June 13, 1966, in Docket No. CP66-333, 35 FPC 976.

The matter was set for hearing requiring that Black Marlin show cause why transportation of gas from sources not described in the previous certificate is not in violation of the Natural Gas Act. In order to obtain full information and insure the participation of parties who have an interest in the proceeding we joined both the producers who are delivering volumes from the area authorized in the previous certificate and the producers delivering gas from any other area. Gulf Oil Corporation (Gulf) was joined because Black Marlin represented that it had been receiving deliveries from Gulf at a tap installed on the Bolivar Peninsula. All were required to show cause why the transportation of gas from areas not described in the original certificate is not in violation of the Natural Gas Act. In addition, Gulf was ordered to show cause why volumes it proposes to develop adjacent to and which may be transported in the Black Marlin system should not be used to meet existing obligations to Texas Eastern Transmission Corporation under the warranty sale certificated in Docket No. CI64-26.

On June 28, 1976, Gulf filed a Motion for Partial Severance of this latter issue. Gulf states that the motion for severance does not relate to the order to show cause why volumes from its 696 acre lease previously dedicated [1] to Union Carbide Corporation (Union Carbide) and transported by Black Marlin are not transported in violation of the Natural Gas Act. Rather, Gulf states that it is requesting severance of the question whether acreage other than the 696 acre lease which may be contiguous to the Black Marlin system should be used in the Texas Eastern warranty sale. This, Gulf states, is addressed in the proceeding in Docket No. CI64-26, wherein the use of all dedications and drilling since 1971 to satisfy the warranty is in question.

We note that Gulf attached to the Motion for Partial Severance Exhibit No. SC-35 from the proceeding in Docket No. CI64-26. Therein are listed the offshore Texas leases of Gulf acquired since January 1, 1971, and the status of each. We note that there is no information regarding the feasibility of connecting these sources to the Black Marlin system. In addition, there is no information showing leases acquired by Gulf before January 1, 1971, whether they are dedicated and producing, and whether these leases may be connected to the Black Marlin system. This information is necessary in exploring the issues in this proceeding as set out in our June 7, 1976, order. Further, this information does not fall within Gulf's complaint that a portion of this proceeding relating to its operations would duplicate the show-cause proceeding in Docket No. CI64-26. After a thorough Staff review of our orders in Docket No. CI64-26, we note, that the Commission has not previously put into issue the question of whether Gulf should be required to connect to a certain pipeline (Black Marlin here) its contiguous acreage which is either undedicated (having been acquired either before or after January 1, 1971), presently producing gas for an uncertified sale in interstate commerce, or producing gas which is transported by Gulf and/or others in interstate commerce with no certification. Moreover, Staff review of the orders issued in this proceeding indicates that granting Gulf's motion to sever the issues in this proceeding would result in unnecessarily encumbering a proceeding in which the record has been closed with the issue of the disposition of the Black Marlin related leases. We will, therefore, require Gulf to provide this data, and will deny its Motion for Partial Severance.

Gulf states in its motion that it "would serve no purpose to dupicate the extensive testimony in that proceeding." (Motion of Gulf Oil Corporaion For Partial Severance, page 4) To avoid duplication of effort we note that Gulf may avail itself of Section 1.26(c)(3) of the Commission's Rules of Practice and Procedure which allows any party to present into a proceeding a true copy of evidence presented in another proceeding.

In order to allow Gulf time to file the above-mentioned data along with whatever necessary data regarding the Texas Eastern contract, which cannot be submitted by means of Section 1.26 of the Rules, we shall grant Gulf's Motion For Additional Time, also filed on June 28, 1976. In addition, we will adjust the hearing schedule accordingly.

The Commission's orders setting this proceeding for hearing do not constitute prejudgment of the issues to be decided in the proceeding in Docket No. CI64-26.

Finally, the order of June 7, 1976, needs clarification in light of the representation by Gulf that is currently making deliveries to Black Marlin from the well represented by Black Marlin as dry. (Motion of Gulf Oil Corporation For Partial Severance, page 2). That is, Gulf should also show cause why these volumes currently flowing into the Black Marlin system should not be immediately used to fulfill the warranty contract with Texas Eastern.

The Commission finds: (1) It is desirable and in the public interest that the June 28, 1976, Motion of Gulf Oil Corporation For Partial Severance be denied.

(2) It is desirable and in the public interest that the June 28, 1976 Motion of Gulf Oil Corporation For Additional Time be granted.

The Commission orders: (A) June 28, 1976, Motion of Gulf Oil Corporation For Partial Severence is denied.

(B) Gulf Oil Corporation is ganted additional time until September 20, 1976, to file the above-described evidence.

[1] Gulf states that the sale is under a contract dated April 1, 1967, and that initial deliveries began November 14, 1967.

(C) The hearing scheduled for September 14, 1976, is postponed until October 19, 1976.

(D) The June 7, 1976, order in Docket No. CP75-93 is clarified to require that Gulf Oil Corporation show cause why volumes currently flowing into the Black Marlin Pipeline Company system should not be immediately used to fulfill the warranty contract with Texas Eastern Transmission certified in Docket No. CP 64-26.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25557 Filed 8-31-76;8:45 am]

[Docket No. ER76-92]

CENTRAL TELEPHONE & UTILITIES CORP.

Extension of Procedural Dates

AUGUST 26, 1976.

An August 13, 1976, the Commission staff filed a motion to extend the procedural dates in the above-designated proceeding. The motion states that the parties have no objection.

Upon consideration, notice is hereby given that the procedural dates in this proceeding are extended as follows:

Service of Staff Topsheet, October 27, 1976.
Settlement Conference, November 10, 1976.

The dates for service of Staff Testimony, Intervenor Testimony, Company Rebuttal, and Hearing are hereby deferred until further notice.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25560 Filed 8-31-76;8:45 am]

[Docket Nos. CP73-135, et al.]

DISTRIGAS CORP. AND DISTRIGAS OF MASSACHUSETTS CORP.

Availability of Final Environmental Impace Statement

SEPTEMBER 1, 1976.

Notice is hereby given in the above dockets that on September 10, 1976, as required by Section 2.82(b) of Commission Order No. 415-C, a Final Environmental Impact Statement (FEIS) prepared by the staff of the Federal Power Commission was made available. This FEIS deals with applications filed by Distrigas Corporation and Distrigas of Massachusetts Corporation in Docket Nos. CP73-135, CP74-137, CP74-227, CP76-9, CP76-280, and CP76-386 for a certificate of public convenience and necessity under Sections 3 and 7(c) of the Natural Gas Act requesting authorization for the importation of liquefied natural gas (LNG) from Algeria, for the construction and operation of an LNG importation terminal at Everett, Massachusetts, and for the sale in interstate commerce of the imported LNG in both liquid and vapor form.

This FEIS has been circulated to Federal, state, and local agencies and all parties to the proceeding. The FEIS has been placed in the public files of the Commission and is available for public inspection at its Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 and its regional office located at 26 Federal Plaza, 22nd Floor, New York, New York 10007. Copies of the FEIS are available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25444 Filed 8-31-76;8:45 am]

[Docket Nos. G-2801 and CI72-50; G-10020 and CI71-722]

GETTY OIL CO. (OPERATOR), ET AL. AND PHILLIPS PETROLEUM CO. (OPERATOR), ET AL.

Certification of Proposed Settlement Agreements

AUGUST 24, 1976.

Take notice that on July 19, 1976, Presiding Administrative Law Judge Walter T. Southworth certified to the Commission for its consideration two separate settlement agreements and attendant hearing record in the matter of Getty Oil Company (Operator), et al. (Getty) in Docket Nos. G-2801 and CI72-50 and the matter of Phillips Petroleum Company (Operator), et al. (Phillips) in Docket Nos. G-10020 and CI71-722. The certification results from motions made by Getty, Phillips and Trunkline Gas Company (Trunkline) at the hearing held June 30, and July 1, 1976, and granted by the Presiding Administrative Law Judge.

The Getty and Phillips proceedings were consolidated by Commission order issued April 29, 1976. The proposed settlement agreements in each case are independent of each other.

In the Phillips proceedings gas production attributable to the interest of Phillips in the Erath Field, Vermilion Parish, Louisiana, is presently being sold to Columbia Gas Transmission Corporation (Columbia). Phillips claims that Trunkline is contractually entitled to Phillips' Erath Field Gas, 80% of which gas Trunkline is obligated to redeliver for Phillips' use. Under the Phillips Settlement Agreement Phillips' Erath Field gas would be apportioned one-third each to Columbia, Trunkline and Phillips. All participants to the Phillips' proceedings except the Commission Staff have agreed to the proposed Phillips Settlement Agreement.

In addition, the participants in the Phillips proceedings have concurred with a motion by Trunkline requesting that the Commission issue an interim order providing that Columbia and Trunkline would purchase Phillips' Erath Field gas on a 50-50 interim basis pending the Commission's action on the settlement proposal in the Phillips proceeding. As a part of this interim proposal both Columbia and Trunkline would agree to pay gas back to Phillips, to the extent necessary, in accordance with the Phillips Settlement Agreement from the date the Commission issues the requested interim order. Trunkline's agreement to the Phillips Settlement Agreement is conditioned upon favorable Commission action upon Trunkline's motion for interim order.

In the Getty proceedings gas production attributable to the interest of Getty in the Erath Field is presently being sold to Columbia. Getty claims that Transcontinental Gas Pipeline Corporation (Transco) is contractually entitled to Getty's Erath Field gas of which Transco is obligated to redeliver 9,300 Mcf of gas per day for Getty's use. The Getty Settlement Agreement provides that:

(1) on and after the date of a final order issued in these proceedings the daily volumes of gas production from the Erath Field, attributable to the total working interest of Getty, shall be apportioned fifty (50) percent to Columbia and fifty (50) percent to Transco and (2) at such time, and only at such time as production from Getty's interest in the Brazos Area (South Addition), Block A-76 Field, Offshore Matagorda County, Texas, is insufficient to fulfill the requirements of the Delaware City, Delaware, refinery of Getty Oil Company (Eastern Operations), Inc. because of *force majeure* conditions, as enumerated in the Transco-Getty gas sales contract on file with the Federal Power Commission under Getty's FPC Gas Rate Schedule No. 192, Getty shall be entitled to deliver to Transco for redelivery to Getty Oil Company (Eastern Operations), Inc. pursuant to that certain Gas Transportation Agreement between Getty and Transco dated August 7, 1970, for a period or periods not to exceed ninety (90) days (which days need not be consecutive) during any one calendar year up to 100 percent of Getty's interest in production from the Erath Field Unit, Vermilion Parish, Louisiana. In the event Getty exercises this option deliveries of gas attributable to Getty's interest, as set forth herein, to Columbia and Transco shall be proportionately reduced.

The Getty Settlement Agreement contains a condition which provides that Getty would agree to the proposal only if the effective date of the settlement, if approved by the Commission, is the same date as the effective date of the interim order moved for in connection with the Phillips Settlement Agreement. All the participants to the Getty proceedings have agreed to the Getty Settlement Agreement.

Any person desiring to comment on the proposed Settlement Agreements should file such comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before August 27, 1976. Any reply comments should be filed on or before September 8, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25550 Filed 8-31-76;8:45 am]

[Docket No. RP76-93]

KENTUCKY WEST VIRGINIA GAS CO.

Extension of Time

AUGUST 25, 1976.

On August 12, 1976, the Commission Staff filed a motion to extend the date, fixed by order issued May 28, 1976, on which the Commission Staff is to serve top sheets on all parties in the above-designated proceeding. The motion states that all parties have been contacted and have no objections.

Upon consideration, notice is hereby given that the date for serving top sheets on all parties in the above-designated proceeding is extended to and including December 1, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25552 Filed 8-31-76;8:45 am]

[Docket No. CP76-476]

MOUNTAIN FUEL SUPPLY CO.

Application

AUGUST 25, 1976.

Take notice that on August 11, 1976, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP76-476 for an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of six taps and appurtenant facilities for the sale of natural gas to consumers immediately adjacent to Applicant's interstate pipeline facilities in Colorado, Wyoming, and Utah and one tap as an additional delivery point to receive gas from the Birch Creek Field in Wyoming, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate facilities to make the following sales:

Consumer	Volume (thousand cubic feet at 14.73 lb/in² g	
	Peak day	Annual
James D. James (Colorado), residential heating	2.3	186
Overland Development (Wyoming), 100 units, residential heating	180.0	24,000
Jerrold Richins (Utah), residential heating	3.0	239
Snyderville Water Treatment Plant (Utah), commercial space heating	10.8	916
James Mortenson (Utah), residential heating	3.1	201
Darlene Mortenson (Utah), residential heating	3.1	201
Darrell G. Strong (Utah), residential heating	3.0	200
Total	205.3	25,943

Applicant also proposes to construct and operate facilities at Big Piney, Wyoming, to receive 5,000 Mcf of gas per day and 1,095,000 Mcf of gas per year from the Birch Creek Field.

The sales taps are estimated to cost $2,825 and the field tap is estimated to cost $2,109, all of which would be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25553 Filed 8-31-76;8:45 am]

[Project No. 2323]

NEW ENGLAND POWER CO.

Application for Approval of Easements Over Project Lands

AUGUST 26, 1976.

Public Notice is hereby given that an application was filed on August 5, 1976, under the Federal Power Act, 16 U.S.C. §§ 791a-825r, by New England Power Company (Correspondence to: Mr. Edward A. Plumley, Vice President, New England Power Company, 20 Turnpike Road, Westborough, Massachusetts 01581) for Commission approval of a grant to the U.S. Department of Agriculture, Forest Service, of two easements over certain lands and waters of the Deerfield Project, FPC No. 2323, located in Bennington and Windham Counties, Vermont, and Berkshire and Franklin Counties, Massachusetts, on the Deerfield River.

Applicant proposes to grant an easement over 0.4 acre of project land in Wilmington, Vermont, on which the Forest Service would construct a bridge to replace an existing bridge over the Deerfield River. Applicant also proposes to grant an easement over a 1.5-acre, 66-foot-wide strip of project land in Searsburg, Vermont, on which the Forest Service would construct a road to provide access to certain parts of the Green Mountain National Forest.

Applicant states that the proposed uses of project lands would not affect project operations, and would be consistent with the approved recreational use plan (Exhibit R) for the project.

Applicant has requested the shortened procedure provided for under Section 1.32(b) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.32(b) (1976).

Any person desiring to be heard or to make any protest with reference to said application should, on or before September 20, 1976, file with the Federal Power Commission, 825 N. Capitol Street N.E., 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 C.F.R. § 1.8 or § 1.10 (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. Any person wishing to become 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 conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. § 825g and 825h, and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b), a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25558 Filed 8-31-76;8:45 am]

[Docket No. ER76-811]

PACIFIC GAS AND ELECTRIC CO.

Electric Rates; Suspension

AUGUST 25, 1976.

On July 26, 1976, Pacific Gas and Electric Company (PG&E) tendered for filing revised tariff sheets to Original

Volume Nos. 1 and 2 of its FPC Electric Tariff.[1] For the reasons set forth hereinbelow, the Commission shall accept the tendered sheets for filing, suspend their effectiveness for two months, and establish hearing procedures to determine the justness and reasonableness of the proposed rates and charges.

PG&E requests that the instant filing be permitted to become effective on August 25, 1976. Such filing would increase annual revenues from the ten wholesale customers affected thereby[2] in the amount of $6,817,017 based upon the 12-month period ending July 31, 1977 (Period II). PG&E states that the principal reasons for the proposed increase are to assure coverage of current-year costs and to increase the Company's rate of return to a level deemed necessary to attract new capital required to install additional capacity. PG&E states further that the proposed rates would yield a rate of return of 10.10 percent.

Public Notice of the instant filing was issued on August 4, 1976, with comments, protests or petitions to intervene due on or before August 16, 1976.

On August 13, 1976, Sierra Pacific Power Company (Sierra Pacific) filed a petition for leave to intervene and a request for five month suspension. The Commission's review indicates that Sierra Pacific has an interest in this proceeding which is sufficient to warrant its intervention herein. Accordingly, the petition shall be granted.

On August 16, 1976, the Northern California Power Agency and the Cities of Alameda, Healdsburg, Lodi, Lompoc, Santa Clara, and Ukiah, California (collectively, NCPA) filed, in one pleading, a motion to reject, protest, request for hearing and for five month suspension, and a petition to intervene. NCPA contends that the overall rate of return claimed by PG&E is excessive. Further, says NCPA, PG&E's cost of service to its wholesale customers: is inflated because of its assignment of certain subtransmission facilities; overstates the Company's working capital requirements; reflects an improperly-computed income tax allowance; and includes a controversial "Good Government Fund." NCPA also contends that PG&E exercises "pervasive monopolistic activities" in its service area.

In support of its motion to reject the filing, NCPA contends that it is being subjected to a "price squeeze" at the present time since the rates PG&E charges NCPA are higher than the rates PG&E charges its large industrial customers. Absent a showing by PG&E that it costs substantially less to serve retail industrial customers, NCPA asserts, the rate increase proposed herein is unlawful on its face. Based upon its reading of the *Conway*[3] decisions, NCPA concludes that the proposed increase should be rejected until such time as the California Public Utilities Commission permits PG&E to raise its large industrial rates.

The Commission's review of PG&E's filing and NCPA's pleading indicates that there is no basis for rejection of the filing.[4] Rather, the "price squeeze" issue, like the cost-of-service issues raised by NCPA and noted above, is a matter for development at the evidentiary hearing hereinafter ordered. Accordingly, NCPA's motion to reject shall be denied. However, because NCPA has an interest in this proceeding which is sufficient to warrant its intervention herein, its petition to intervene shall be granted.

The Commission's review indicates that the proposed rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, the Commission shall accept for filing the revised tariff sheets, suspend their use for two months, and establish hearing procedures.

The Commission finds: (1) Good cause exists to accept for filing the proposed tariff changes filed herein on July 26, 1976, and suspend the use thereof for two months until October 26, 1976, when they shall be permitted to become effective subject to refund.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of PG&E's tariff as proposed to be revised herein.

(3) Good cause does not exist to grant NCPA's motion to reject.

(4) Good cause exists to grant the petitions to intervene of Sierra Pacific and NCPA, as hereinafter ordered and conditioned.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, and the Commission's Rules and Regulations, a public hearing shall be held concerning the justness and reasonableness of the rates and charges included in PG&E's FPC Electric Tariff as proposed to be revised by the subject filing.

(B) Pending a hearing and a final decision thereon, PG&E's filing is hereby accepted and suspended for two months, to become effective on October 26, 1976, subject to refund.

(C) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before January 24, 1977. (See Administrative Order No. 157.)

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) PG&E shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by Section 35.19a of the Commission's Regulations, 18 CFR 35.19a.

(F) NCPA's motion to reject is hereby denied.

(G) Sierra Pacific and NCPA 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 petition 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.

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

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25554 Filed 8-31-76;8:45 am]

[Docket No. RP73-113]

TENNECO, INC.
Extension of Time

AUGUST 26, 1976.

On August 10, 1976, Tennessee Pipeline Company, a Division of Tenneco, Inc., filed a motion to extend the date for compliance with Ordering Paragraph B of Opinion No. 769, issued July 9, 1976, until 60 days following the Commission's order on Tennessee's application for rehearing of that Opinion.

Upon consideration, notice is hereby given that the time within which Tennessee must file data required by ordering paragraph B of Opinion No. 769 is extended to 60 days following the Commission's order on Tennessee's application for rehearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25559 Filed 8-31-76;8:45 am]

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[1] Third Revised Sheet No. 1 and First Revised Sheet No. 2 to Original Volume No. 1; Second Revised Sheet Nos. 4, 28 and 29 and First Revised Sheet No. 2 to Original Volume No. 2.

[2] Sierra Pacific Power Company, City of Alameda, Bay Point Light and Power Company, California Pacific Utilities Company, City of Healdsburg, City of Lodi, City of Lompoc, City of Santa Clara, City of Ukiah, and City of Palto Alto.

[3] *Conway Corp.* v. *F.P.C.*, 510 F.2d 1264 (D.C. Cir. 1975), *aff'd* —— U.S. —— (No. 75-342, decided June 7, 1976).

[4] With respect to Commission rejection of filings, *see Municipal Light Boards of Reading and Wakefield, Mass.* v. *F.P.C.*, 450 F.2d 1341, 1345-1346 (D.C. Cir.), *cert. denied* 405 U.S. 989 (1971).

[Rate Schedule Nos. 147, et al.]

TEXACO INC., ET AL.

Rate Change Filings Pursuant to Commission's Opinion No. 699–H

AUGUST 24, 1976.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699–H, issued December 4, 1974. Pursuant to Opinion No. 699–H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before September 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

Filing date	Producer	Rate schedule No.	Buyer	Area
Aug. 2, 1976	Texaco, Inc., P.O. Box 2420, Tulsa, Okla. 74102.	147	Northern Natural Gas Co.	Hugoton-Anadarko.
Do	Sohio Petroleum Co., 1100 Penn Tower, Oklahoma City, Okla. 73118.	32	Natural Gas Pipeline Co. of America.	Do.
Aug. 4, 1976	Sun Oil Co., 2 Northpark East, P.O. Box 20, Dallas, Tex. 75221.	313	El Paso Natural Gas Co.	Permian Basin.
Do	Sohio Petroleum Co.	33, 37, 119	Natural Gas Pipeline Co. of America.	Hugoton-Anadarko.
Aug. 5, 1976	Sun Oil Co.	13	Tennessee Gas Pipeline Co.	Texas Gulf Coast.
Aug. 9, 1976	do	202	United Gas Pipe Line Co.	Other Southwest.
Do	do	203	do	South Louisiana.
Do	Ashland Oil, Inc., P.O. Box 1503, Houston, Tex. 77001.	128	Natural Gas Pipeline Co. of America.	Hugoton-Anadarko.
Do	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	5	Northern Natural Gas Co.	Do.
Aug. 11, 1976	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	363	Montana-Dakota Utilities Co.	Rocky Mountain.
Do	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	43	Natural Gas Pipeline Co. of America.	Hugoton-Anadarko.
Aug. 16, 1976	CRA International, Ltd., 5416 South Yale Ave., Tulsa, Okla. 74135.	3	United Gas Pipeline Co.	South Louisiana.

[FR Doc.76–25465 Filed 8–31–76;8:45 am]

[Docket No. CP76–479]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

AUGUST 25, 1976.

Take notice that on August 16, 1976, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76–479 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the transportation for two years of natural gas in interstate commerce for Aluminum Company of America (Alcoa), a customer of North Carolina Natural Gas Corporation (NCN), which is a resale customer of Applicant, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport for Alcoa approximately 2,000 Mcf of gas per day purchased by Alcoa from Dynamic Exploration, Inc. (Dynamic), from production in the Gum Cove Field, Cameron Parish, Louisiana. The gas would be delivered to Applicant's South Black Bayou lateral pipeline in Cameron Parish for transportation to existing delivery points to NCN. NCN would deliver the gas to Alcoa for use in Alcoa's Badin, North Carolina, plant.

Applicant proposes to construct and operate tap facilities in Cameron Parish to receive the gas from Dynamic. The facilities are estimated to cost $10,500, which the application states would be reimbursed or would be caused to be reimbursed by Alcoa.

Applicant states that it would not be obligated to transport for Alcoa, under the instant proposal, on any day a quantity of gas, less quantities retained for compressor fuel and line loss, which, when added to (1) the quantities of gas transported under similar arrangements, if any, for other industries served by NCN, (2) quantities, if any, transported for NCN itself, and (3) quantities delivered to NCN under Applicant's Rate Schedule CD–2, would exceed NCN's authorized daily entitlement under Rate Schedule CD–2. Applicant would retain 3.8 percent of the volumes received for transportation as make-up for compressor fuel and line loss, which percentage, it is said is based upon Applicant's company-use factor for pipeline throughput to and within the rate zone in which the delivery fould be made. The proposed transportation rate is 22 cents per Mcf.

Alcoa would purchase gas from Dynamic at $1.50 per Mcf the first year and $1.53 per Mcf the second year. In addition Alcoa would pay Dynamic 25.0 cents per Mcf until Dynamic's capital investment in gathering, delivery, and metering facilities has been recouped and thereafter would pay 10.0 cents per Mcf for gathering, delivery, and metering services. Applicant states that it did not consider this natural gas supply to be available for purchase by it and did not attempt to purchase said gas because the Commission has given no indication that it would authorize with respect to other than newly discovered gas a sale of such duration to interstate pipelines at competitive intrastate prices.

An affidavit from Alcoa, included as an exhibit to the instant application, indicates that approximately 55 percent of the Badin works' process gaseous fuel requirements is used for direct flame applications in order to prevent contamination of superpurity aluminum, and approximately 45 percent is required for direct flame applications in which precise temperature control and flame characteristics are necessary. It is alleged that the natural gas required for these uses would be priority 2 uses within the contemplation of Section 2.78 of the Commission's General Policy and Interpretations (18 CFR 2.78) but for the nature of Alcoa's contract with NCN.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 22, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certficate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–25555 Filed 8–31–76;8:45 am]

[Docket No. CP76–480]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

AUGUST 25, 1976.

Take notice that on August 16, 1976, Transcontinental Gas Pipe Line Corpo-

ration (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP 76-480 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to render a storage service to its customers from August 1, 1976, through July 31, 1977, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has arranged with Mid Louisiana Gas Company (Mid Louisiana) to obtain, subject to Mid Louisiana's existing storage requirements, approximately 2,000,000 Mcf of storage capacity, plus additional capacity of approximately 500,000 Mcf if available, with injections to be made into Mid Louisiana's Hester Storage Field, St. James Parish, Louisiana, commencing August 1, 1976, and continuing through the 1976 injection season and withdrawals primarily from April 1, 1977, through July 31, 1977. Mid Louisiana's proposal to render the storage service is the subject of Mid Louisiana's application filed in Docket No. CP76-427.[1] Applicant states that it has offered the storage service to its customers at a rate equivalent to that which Applicant would pay Mid Louisiana for the service, 27.394342 cents per Mcf at 14.7 psia of gas delivered to and received from Mid Louisiana. The stored gas would be from the customers' entitlements under Applicant's Rate Schedules CD, G, and OG.

Applicant proposes to render storage service in the following volumes:

Customer	*Storage Volume (Mcf at 14.7 psia)*
The Brooklyn Union Gas Company	201,435
Carolina Pipeline Company	24,840
Clinton-Newberry Natural Gas Authority	7,705
Commonwealth Natural Gas Corporation	54,685
Consolidated Edison Company of New York, Inc	275,090
City of Danville	22,035
Delmarva Power & Light Company	46,445
Eastern Shore Natural Gas Company	19,420
Fort Hill Natural Gas Authority	10,080
City of Fountain Inn	1,330
City of Greenwood	7,295
City of Kings Mountain	3,475
City of Lawrenceville	4,150
City of Lexington	7,545
Long Island Lighting Company	126,370
North Carolina Natural Gas Corporation	119,525
Owens-Corning Fiberglas Corporation	8,465
Pennsylvania Gas and Water Company	39,760
Philadelphia Electric Company	126,355
Philadelphia Gas Works	135,305
Piedmont Natural Gas Company, Inc	173,945
Public Service Company of North Carolina, Inc	128,335
Public Service Electric and Gas Company	348,845
City of Shelby	9,835
South Jersey Gas Company	105,355
City of Union	4,745
Union Gas Company	16,580
United Cities Gas Company—Georgia Division	6,865
United Cities Gas Company—North Carolina and South Carolina Division	8,405
Total	2,044,220

The application states that no new facilities would be required to render the proposed service. Injections into and withdrawals from storage would be at the existing point of interconnection between the systems of Applicant and Mid Louisiana downstream of Applicant's Compressor Station No. 63 in St. James Parish or any other mutually agreeable point where the delivery of gas for exchange between Applicant and Mid Louisiana is authorized, the application states.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25556 Filed 8-31-76;8:45 am]

[1] Notice published in the FEDERAL REGISTER on July 23, 1976 (41 FR 30397).

[Docket Nos. CP74-138, CP74-139, and CP74-140]

TRUNKLINE LNG CO. AND TRUNKLINE GAS CO., CALCASIEU LNG PROJECT

Availability of Staff Final Environmental Impact Statement

Notice is hereby given in the above dockets that on September 1, 1976, as required by Section 2.82(b) of Commission Order No. 415-C, a Final Environmental Impact Statement (FEIS) prepared by the staff of the Federal Power Commission was made available. This FEIS deals with applications filed by Trunkline LNG Company requesting authorization pursuant to Sections 3 and 7 of the Natural Gas Act to import (CP74-139) liquefied natural gas (LNG) from Algeria to a proposed LNG terminal in Calcasieu Parish, Louisiana, and to construct and operate certain facilities (CP74-138) necessary to unload, store, revaporize and sell the natural gas to Trunkline Gas Company. This latter application seeks approval for the construction and operation of an unloading dock, three 600,000-barrel LNG storage tanks, vaporizer units, and other appurtenant facilities. Concurrent with these applications, Trunkline Gas Company filed an application seeking certification to construct (CP74-140) 45.8 miles of 30-inch diameter pipeline and a metering station in order to transport the revaporized natural gas to its mainline transmission facilities in Longville, Louisiana.

This FEIS has been placed in the public files of the Commission and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 and its regional office located at 819 Taylor Street, Fort Worth, Texas 76102. Copies of the FEIS are available in limited quantities from the Federal Power Commission's Office of Public Information.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25277 Filed 8-31-76;8:45 am]

[Docket No. ID-1797]

WILLIAM A. LYONS

Application

AUGUST 24, 1976.

Take notice that on July 26, 1976, William A. Lyons filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Chairman, Chief Executive Officer and Director, New York State Electric & Gas Corporation, Public Utility.
Director, Empire State Power Resources, Inc., Public Utility.

New York State Electric & Gas Corporation ("NYSEG") is a gas and electric corporation servicing customers in central, eastern and western New York State. In addition to serving retail customers, NYSEG also sells electricity at wholesale.

Empire State Power Resources, Inc. (ESPRI) is a joint venture by the seven major electric utility companies in New York State (including NYSEG) to acquire, construct, own and operate numerous large scale generating facilities and to supply substantially all the energy from such facilities to its sponsors (including NYSEG). The New York State Public Service Commission is presently considering the merits of the ESPRI proposal, no decision has yet been reached.

Any person desiring to be heard or to make any protest with reference to such application should, on or before October 15, 1976, file with the Federal Power Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25551 Filed 8-31-76;8:45 am]

FEDERAL RESERVE SYSTEM

FLORIDA COAST BANKS, INC.

Acquisition of Bank

Florida Coast Banks, Inc., Pompano Beach, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Bank of Perrine, Miami, Florida and Bank of Cutler Ridge, Miami, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 26, 1976.

Board of Governors of the Federal Reserve System, August 26, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-25599 Filed 8-31-76;8:45 am]

FLORIDA SHARES, INC.

Formation of Bank Holding Company

Florida Shares, Inc., Miami, Florida, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent of the Class A preferred voting shares of Florida Coast Banks, Inc., Pompano Beach, Florida. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 26, 1976.

Board of Governors of the Federal Reserve System, August 26, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-25600 Filed 8-31-76;8:45 am]

INDEPENDENT BANK CORP.

Acquisition of Bank

Independent Bank Corporation, Ionia, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3) to acquire 100 percent of the voting shares of the successor by consolidation to Western State Bank, Howard City, Michigan. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 27, 1976.

Board of Governors of the Federal Reserve System, August 26, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-25601 Filed 8-31-76;8:45 am]

BOSSHARD BANCO, LTD.

Formation of Bank Holding Company

Bosshard Banco, Ltd., Bangor, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 86.7 per cent of the voting shares of The First National Bank of Bangor, Bangor, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 26, 1976.

Board of Governors of the Federal Reserve System, August 26, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-25598 Filed 8-31-76;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Order No. 111]

PORT OF SEATTLE COMMISSION

Approval of Application To Relocate Foreign-Trade Zone No. 5 to Terminal 106, Seattle, Washington

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) has adopted the following Order:

Whereas, the Port of Seattle Commission, Grantee of Foreign-Trade Zone No. 5, has made application (filed May 3, 1976) for authority to relocate Foreign-Trade Zone No. 5 from its present site at Pier 20 to Terminal 106, 44 South Nevada Street, Seattle;

Whereas, public notice of the application has been given and full opportunity has been afforded all interested parties to be heard (41 F.R. 19161, 5-10-76);

Whereas, an Examiners Committee has investigated the proposal and recommends approval of the application; and

Whereas, the Board has found that the requirements of the Foreign-Trade Zone Act, as amended, and the Foreign-Trade Zones Board Regulations are satisfied and that the proposal is in the public interest;

Now, therefore, the Board hereby approves the relocation of Foreign-Trade Zone No. 5 from its present site at Pier 20 to its new site at Terminal 106, 44 South Nevada Street, Seattle. The Grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone.

Signed at Washington, D.C. this 25th day of August, 1976.

ELLIOT RICHARDSON,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

[FR Doc.76-22507 Filed 8-31-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-21]

DRY WALL SCREWS

Notice and Order Concerning Procedure for Commission Action

Notice is hereby given that—

1. On July 21, 1976, pursuant to § 210.51(a) of the Commission's Rules of Practice and Procedure (19 CFR 210.51(a)), the United States International Trade Commission investigative staff filed a motion to terminate investigation No.

337–TA–21. On August 12, 1976, in conformity with § 210.53 of the Commission's Rules of of Practice and Procedure (19 CFR 210.53), the presiding officer issued his recommended determination that the Commission grant the motion of the investigative staff to terminate the investigation. Copies of the presiding officer's recommended determination, which has been served on all parties of record, are available for public inspection during the official working hours of the Commission at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

2. Pursuant to § 210.54 of the Commission's Rules of Practice and Procedure (19 CFR 210.54), any party to the instant proceeding or any person or Government agency interested in the outcome of this investigation may file exceptions to the presiding officer's recommended determination and submit alternative findings of fact and conclusions of law to the Commission not later than the close of business on September 10, 1976. Documents setting forth such exceptions and alternative findings of fact and conclusions of law shall be in form and number as provided in § 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), as amended (41 F.R.17710).

3. Briefs filed supporting exceptions to the recommended determination of the presiding officer and supporting alternative findings of fact and conclusions of law shall be in form and number as set forth in § 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), as amended (41 F.R. 17710), and shall be no longer than 25 pages. Such briefs shall be filed with the Commission no longer than 25 pages. Such briefs shall be filed with the Commission no later than the close of business on September 17, 1976.

4. The Commission will not hear oral argument concerning this recommended determination.

By order of the Commission:

Issued: August 27, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76–25585 Filed 8–31–76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NOTICE (76–70)]

FLIGHT INVESTIGATIONS FOR THE JUPITER ORBITER PROBE 1981

Establishment of Advisory Subcommittee; Determination

Pursuant to Section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), and after consultation with the Office of Management and Budget, the NASA has determined that the establishment of an Ad Hoc Advisory Subcommittee to Review Proposals for Participation in the Flight Investigations for the Jupiter Orbiter Probe 1981 (JOP81) Mission is in the public interest in connection with the performance of duties imposed upon NASA by law. The Space Science Steering Committee, under which the Subcommittee will operate, is a NASA internal committee, composed wholly of Government employees.

The function of this Subcommittee will be to obtain the advice of the scientific community on proposals in the specialized areas identified by the name of the Subcommittee.

Dated: August 24, 1976.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs.

[FR Doc.76–25540 Filed 8–31–76;8:45 am]

[Notice (76–71)]

STRATOSPHERIC RESEARCH ADVISORY COMMITTEE

Date and Place of Meeting

The Stratospheric Research Advisory Committee will meet at the Utah States University, Logan, Utah on September 13 and 14, 1976. The meeting will be held in the Walnut Room of the University Center from 9:00 a.m. to 5:00 p.m. on September 13 and from 8:30 a.m. to 4:30 p.m. on September 14. It will be open to the public.

The Stratospheric Research Advisory Committee advises NASA concerning the contents and direction of the NASA Upper Atmospheric Research Program. Topics under discussion at this meeting will include: NASA plans for assessment of CFM's; review of reports on Space Shuttel impact on the stratosphere; and design of a measurement strategy for stratospheric parameters.

For further information regarding the meeting, please contact Dr. David P. Cauffman, Executive Secretary, at Area Code 202/755–3685, National Aeronautics and Space Administration, Washington, DC 20546.

Dated: August 25, 1976.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs.

[FR Doc.76–25539 Filed 8–31–76;8:45 am]

NATIONAL SCIENCE FOUNDATION

COMPREHENSIVE ASSISTANCE TO UNDERGRADUATE SCIENCE EDUCATION (CAUSE) PROJECT DIRECTORS

Postponement of Meeting

The Project Directors' Meeting for the CAUSE Program that was scheduled to be held on September 9 and 10, 1976, at the Sheraton Park Hotel in Washington, D.C., has been postponed. The meeting has been rescheduled for October 12 and 13, 1976 and will be held at the Shoreham Hotel, 2500 Calvert Street, NW., Washington, D.C. The times and agenda for this meeting are unchanged.

The meeting notice appeared in the FEDERAL REGISTER, Vol. 41, No. 159, on Monday, August 16 on page 34712.

For information concerning the meeting, please contact Dr. John A. Maccini at 202–282–7763.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.76–25534 Filed 8–31–76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on August 26, 1976 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Forest Service, feasibility study for Forest Landowners Association, FCFS 01, single-time, Forest Landowners in Larimer County, Blk For. Co., George Hall, Maria Gonzalez, 395–6140.

DEPARTMENT OF COMMERCE

Bureau of East-West Trade, Exporter/Agent Information System Survey, DIB–4064P, businesses, Laverne V. Collins, 395–5867. single-time, exporting and nonexporting

Bureau of East-West Trade, past participation statement, DIB–669P, on occasion, commercial exporters, Warren Topelius, 395–5872.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education, executive high school internships evaluation instruments, NIE 159, single-time, potential students in executive internship program, Human Resources Division, Raynsford, R., 395–3532.

Office of Education, "peanuts" career education materials assessment, OE 534, single-time, Teachers, Counselors and Students, Human Resources Division, Raynsford, R., 395–3532.

Social and rehabilitation service, EPSDT developmental assessment survey, none, single-time, Warren Topelius, 395–5872.

Center for disease control, Cost-effectiveness study of 4 approaches to gaining public acceptance of influenza vaccine, none, human resources division, Reese B. F., 395–3532.

Social Security Administration, request for approval as a supplier of ESRD in the medicare program and request for advance approval as a supplier of ESRD in the medicare program, SSA–3402 3403, on occasion, ESRD facilities, Warren Topelius, 395–5872.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, 1976 IPP Users Survey, BLS 3074, single-time, recipients of WPI Information, Strasser, A., 395–5867.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Flight Instructor Refresher Clinics, none, on occasion, Industry Aviation Organizations, Warren Topelius, 395–5872.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of East-West Trade, Monitoring Report, DIB 661P, monthly, U.S. Exporters and Consuming Firms, Lowry, R. L., 395–3772.

DEPARTMENT OF LABOR

Employment and Training Administration, Quarterly Report of Mandatory Listing Activities, MA5–80, quarterly, State Employment Security Agencies, Lowry, R. L., 395–3772.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, Tobacco Marketing Quota Regulations, Burley, Fire, Air, Sun, Md. Flue-Cured Tobacco, on occasion, Warren Topelius, 395–5872.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Certification and Operations, Air Carriers and Commercial Operators of Large Aircraft, FAR 121, on occasion, Air Carriers/Commercial Operators, Lowry, R. L., 395–3772.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–25680 Filed 8–31–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 19660; 70–5887]

INDIANA AND MICHIGAN ELECTRIC CO.

Proposed Extension of Short-Term Borrowing Authority

AUGUST 25, 1976.

In the matter of Indiana & Michigan Electric Company, 2101 Spy Run Avenue, Fort Wayne, Indiana, 46801.

Notice is hereby given that Indiana & Michigan Electric Company ("I&M"), an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed a declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7 and 12(e) of the Act and Rules 62 and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

I&M proposes to obtain the consent of the holders of its outstanding cumulative preferred stock to approve a 4-year extension of I&M's authority under its Articles of Acceptance ("Charter") to issue or assume short-term debt in an aggregate principal amount exceeding 10%, but which, together with outstanding long-term unsecured debt, would not exceed 20% of IBM's total capitalization at any time. The proposed extension would commence January 1, 1977 and end December 31, 1980 and would be subject to the proviso that the principal amount of such short-term unsecured debt in excess of 10% of total capitalization outstanding on such date shall mature not later than June 30, 1981. I&M at present is permitted to issue or assume unsecured debt securities within the foregoing limit pursuant to an authorization expiring December 31, 1976 (order dated January 26, 1973, HCAR No. 17865). I&M requests the Commission's approval of this extension of borrowing authority. The actual issue and sale of securities related to such extension of borrowing authority will be subject to further authorization of the Commission.

I&M also proposes to amend its Charter to create authority for I&M to issue 4,000,000 shares of its Cumulative Preferred Stock with a par value of $25 per share. I&M's Charter presently authorizes I&M to issue 2,250,000 shares of cumulative preferred stock with $100 par value, of which 780,000 shares remain unissued to date. I&M states that a market for preferred stock priced at less than $100 per share recently has developed. Consequently, I&M states it believes that its ability to sell preferred stock on favorable terms will be strengthened by the creation of authority to issue additional shares of preferred stock with a par value of $25 per share.

The $100 par preferred and the $25 par preferred will be of equal rank and will confer equal rights upon the holders thereof, except as to the par value per share, the number of votes per share, and permissible variations among the series thereof as detailed below. The $100 and $25 par preferred will vote as a single class on matters on which the preferred stockholders may vote, but the holders of the $25 par preferred will have one-quarter vote per share. I&M's Board of Directors is empowered to issue series of the $25 par preferred and to fix the dividend rate, liquidation prices, redemption terms and prices and sinking fund provisions, if any, for such series, as it is currently empowered to do with respect to the authorized and unissued $100 par preferred.

I&M proposes to solicit proxies from its common stockholders and the holders of its $100 par preferred stock to be used at a special meeting of the common and preferred stockholders to be held on October 13, 1976. Holders of the I&M preferred stock will be asked to approve the I&M Charter amendment and the extension of the short-term borrowing authority in excess of 10% of I&M's capitalization. Approval of the Charter amendment requires the affirmative vote of a majority of the outstanding shares of I&M's common stock, voting as a class, and the affirmative vote of holders of a majority of the outstanding shares of I&M's Cumulative Preferred Stock, voting as a class. AEP, owner of all I&M's common stock, has indicated that it intends to vote all of such shares in favor of the Charter amendment. Approval of the extension of time to issue short-term debt in excess of 10% of capitalization requires the affirmative vote of the holders of a majority of the total number of outstanding shares of I&M's Cumulative Preferred Stock.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transactions are estimated at $48,900, including legal fees of $1,500.

Notice is further given, That any interested person may, not later than September 23, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed wiith the request. At any time after said date, the declaration, as amended, or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing that the declaration, as amended, insofar as it proposes the solicitation of proxies from I&M's preferred and common stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration, as amended, regarding the proposed solicitation of proxies from I&M's preferred and common stockholders, be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-25503 Filed 8-31-76;8:45 am]

[Rel. No. 9411; 812-3986]

TRANSAMERICA CAPITAL FUND, INC., ET AL.

Application

AUGUST 25, 1976.

In the matter of Transamerica Capital Fund, Inc., Transamerica Investors Fund, Inc., Transamerica Fund Sales, Inc., P.O. Box 2438, Los Angeles, California, 90051.

Notice is hereby given, That Transamerica Capital Fund, Inc. and Transamerica Investors Fund, Inc., (the "Funds") open-end, diversified management investment companies registered under the Investment Company Act of 1940 (the "Act") and Transamerica Fund Sales, Inc. (the "Underwriter"), the principal underwriter for the Funds, (collectively referred to as the "Applicants") filed an application on July 9, 1976 and an amendment thereto on August 2, 1976 pursuant to Section 6(c) of the Act for an order exempting Applicants from the provisions of Section 22(d) of the Act and the rules thereunder to the extent necessary to permit shares of the Funds to be sold without sales charge to recipients of life insurance death claim proceeds paid by certain life insurance companies. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations therein, which are summarized below.

The Underwriter is wholly-owned by Transamerica Corporation, as are Occidental Life Insurance Company of California, Transamerica Life and Annuity Company, The American Life Insurance Company of New York, and Countrywide Life Insurance Company and certain other life insurance companies (the "Occidental Life Group"). The insurance salesmen who sell the Occidental Life Group policies also sell shares of the Funds through the Underwriter.

The offering price of shares of the Funds is currently the net asset value per share plus a sales charge, which ranges from 8% to 1% of the public offering price. Applicants propose that recipients of death claim proceeds from life insurance policies issued by the Occidental Life Group and any other life insurance companies which may become wholly-owned by Transamerica Corporation be permitted to invest those proceeds at net asset value in the Funds, within 60 days after payment of those proceeds.

Section 22(d) provides, in part, that no registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter, or the issuer, except at a current public offering price described in the prospectus.

Applicants state that no special selling effort and no significant out-of-pocket expense will be involved in connection with such sales. In addition, Applicants assert that the elimination of a sales charge for such purchases will avoid a duplication of sales charges, since life insurance premium rates include a sales expense factor.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions from any provision or provisions of the Act or 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 policy and provisions of the Act.

Notice is further given, That any interested person may, not later than September 20, 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 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 upon 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 said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notice 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, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-25502 Filed 8-31-76;8:45 am]

[Rel. No. 9415; 812-4013]

WHITE, WELD AND CO., INC.

Application

AUGUST 26, 1976.

In the matter of White, Weld & Co., Inc., One Liberty Plaza, 91 Liberty Street, New York, New York 10006.

Notice is hereby given that White, Weld & Co. Incorporated ("White, Weld") has filed an application pursuant to Section 9(c) of the Investment Company Act of 1940 ("the Act") for an order exempting White, Weld from the provisions of Section 9(a) of the Act, and for an order of temporary exemption from Section 9 (a) pending the Commission determination of the application. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Applicant is a registered broker-dealer under Section 15 of the Securities Exchange Act of 1934. To the best of Applicant's knowledge, Swiss Credit Bank owns approximately 41% of the voting securities of Societe anayme financiere de Credit Suisse et de White, Weld which owns approximately 30% of the capital stock (including approximately 25% of the voting securities) of White Weld Holdings, Inc. which owns 100% (except directors' qualifying shares) of the voting securities of Applicant. Applicant has entered into an agreement, dated as of August 1, 1976 to act as administrator and distributor (and, accordingly, would be deemed to be the principal underwriter) for White, Weld Government Fund Incorporated ("WW Government Fund") when WW Government Fund becomes an open-end, diversified management investment company registered under the Act.

On November 25, 1975, the Commission commenced an action in the United States District Court for the District of Columbia entitled *Securities and Exchange Commission* v. *American Institute Counselors, Inc. et al.* (75 Civ. 1965) against various defendants, including Swiss Credit Bank, alleging violations of various provisions of the federal securities laws. Swiss Credit Bank, without admitting or denying any of the allegations of the complaint, has stipulated to the entry of a Final Order terminating the action against it with prejudice and entered into a Stipulation and Undertaking with the Commission.

The Final Order provides that Swiss Credit Bank shall not, directly or indirectly, make use of any means or instruments of transportation or communication or interstate commerce or of the mails to sell, offer to buy or sell, or carry or cause to be carried securities of the Progress Group (as defined in the Final Order) except in accordance with the provisions of Section 5 of the Securities Act of 1933. The order further provides that Swiss Credit Bank shall not transact business with any member of the Progress Group when such member is acting as a broker-dealer or investment adviser or is engaging in investment company activities unless such member has complied with the applicable registration requirements of the securities laws of the United States.

Section 9(a) of the Act, insofar as is pertinent here, makes it unlawful for any person, or any company with which such person is affiliated, to serve or act in the capacity of employee, officer, director, member of an advisory board,

investment adviser, or depositor of any registered investment company, or principal underwriter for any registered open-end company if such person is by reason of any misconduct enjoined in or continuing any conduct or practice in connection with the purchase or sale of any security.

Section 9(c) provides that, upon application, the Commission by order shall grant an exemption from the provisions of Section 9(a) either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of Section 9(a), as applied to the applicant, are unduly or disporportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

Notwithstanding the filing of its application, White, Weld disclaims that Swiss Credit Bank is an "affiliate", as that term is generally applied under the securities laws of the United States, or an "affiliated person" as that term is defined by the Act, of Applicant. However, were Swiss Credit Bank deemed to be an "affiliated person" of White, Weld by virtue of Section 2(3) of the Act, White, Weld would, to the extent that Section 9(a) of the Act is applicable by virtue of the entry of the Final Order against Swiss Credit Bank, be ineligible to serve or act in any of the capacities set forth in Section 9(a) by reason of Section 9(a)(3) of the Act.

White, Weld submits pursuant to Section 9(c) that the prohibitions of Section 9(a) of the Act, to the extent applicable by virtue of the entry of the Final Order against Swiss Credit Bank, would be unduly and disproportionately severe as applied to White, Weld and that the conduct of Swiss Credit Bank has been such as not to make it against the public interest or protection of investors to grant this exemption. In support thereof, White, Weld represents that (i) the prohibitions of Section 9(a) would deprive WW Government Fund of the services of White, Weld as its principal underwriter and (ii) neither White, Weld, nor WW Govermnent Fund participated in any of the alleged conduct set forth in the Commission's action.

The Commission has considered the matter and finds that:

(1) The prohibitions of Section 9(a) may be unduly or disproportionately severe as applied to White, Weld in that White, Weld did not participate in any of the alleged conduct set forth in the Commission's complaint and that the conduct of Swiss Credit Bank has been such as not to make it against the public interest or protection of investors to grant the application of White, Weld for a temporary exemption from Section 9(a) pending determination of the application; and

(2) In order to maintain the uninterrupted services provided by White, Weld to WW Government Fund, it is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act that the temporary order be issued forthwith.

Accordingly, it is ordered, pursuant to Section 9(c) of the Act, that White, Weld is hereby temporarily exempted from any of the provisions of Section 9(a) of the Act operative as a result of the entry of the Final Order against Swiss Credit Bank in *Securities and Exchange Commission* v. *American Institute Counselors, Inc. et al.*, pending final determination by the Commission of White, Weld's application for an order exempting White, Weld from any of the provisions of Section 9(a) operative as a result of the entry of such Final Order.

Notice is further given that any interested person may, not later than September 30, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statetment as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission 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 White, Weld care of Stephen R. Volk, Esquire, 53 Wall Street, New York, New York 10005. 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 herein 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 development in this matter, including the date of hearing (if ordered) and any postponements thereof.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-25501 Filed 8-31-76;8:45 am]

[Rel. No. 9416; 812-4012]

WHITE, WELD AND CO., INC.

Application

AUGUST 26, 1976.

In the matter of White, Weld & Co. Inc., One Liberty Plaza, 91 Liberty Street, New York, New York 10006.

Notice is hereby given that White, Weld & Co. Incorporated ("White, Weld") has filed an application pursuant to Section 9(c) of the Investment Company Act of 1940 ("the Act") for an order exempting White, Weld from the provisions of Section 9(a) of the Act, and for an order of temporary exemption from Section 9(a) pending the Commission's detremination of the application. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Applicant is a registered broker-dealer under Section 15 of the Securities Exchange Act of 1934. To the best of Applicant's knowledge, Swiss Credit Bank owns approximately 41% of the voting securities of Societe anonyme financiere de Credit Suisse et de White, Weld which owns approximately 30% of the capital stock (including 25% of the voting securities) of White Weld Holdings, Inc. which owns 100% (except directors' qualifying shares) of the voting securities of Applicant. Applicant has entered into an agreement, dated as of August 1, 1976 to act as administrator and distributor (and, accordingly, would be deemed to be the principal underwriter) for Advance Investors Corporation ("Advance Investors") which will be converted, on August 30, 1976, from a closed-end, diversified investment company into an open-end, diversified investment company registered under the Act.

On November 25, 1975, the Commission commenced an action in the United States District Court for the District of Columbia entitled *Securities and Exchange Commission* v. *American Institute Counselors, Inc. et al.* (75 Civ. 1965) against various defendants, including Swish Credit Bank, alleging violations of various provisions of the federal securities laws. Swish Credit Bank, without admitting or denying any of the allegations of the complaint, has stipulated to the entry of a Final Order terminating the action against it, with prejudice and entered into a Stipulation and Undertaking with the Commission.

The Final Order provides that Swiss Credit Bank shall not, directly or indirectly, make use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell, offer to buy or sell, or carry or cause to be carried securities of the Progress Group (as defined in the Final Order) except in accordance with the provisions of Section 5 of the Securities Act of 1933. The order further provides that Swiss Credit Bank shall not transact business with any member of the Progress Group when such member is acting as a broker-dealer or investment adviser or is engaging in investment company activities unless such member has complied with the applicable registration requirements of the securities laws of the United States.

Section 9(a) of the Act, insofar as is pertinent here, makes it unlawful for any person, or any company with which such person is affiliated, to serve or act in the capacity of employee, officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company, or principal underwriter for any registered open-end company if such person is by reason of any misconduct enjoined in or continuing any conduct or practice in connection with the purchase or sale of any security.

Section 9(c) provides that, upon application, the Commission by order shall grant an exemption from the provisions of Section 9(a) either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of Section 9(a), as applied to the applicant, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

Notwithstanding the filing of its application, White, Weld disclaims that Swiss Credit Bank is an "affiliate", as that term is generally applied under the securities laws of the United States, or an "affiliated person" as that term is defined by the Act, of Applicant. However, were Swiss Credit Bank deemed to be an "affiliated person" of White, Weld by virtue of Section 2(3) of the Act, White, Weld would, to the extent that Section 9(a) of the Act is applicable by virtue of the entry of the Final Order against Swiss Credit Bank, be ineligible to serve or act in any of the capacities set forth in Section 9(a) by reason of Section 9 (a) (3) of the Act.

White, Weld submits pursuant to Section 9(c) that the prohibitions of Section 9(a) of the Act, to the extent applicable by virtue of the entry of the Final Order against Swiss Credit Bank, would be unduly and disproportionately severe as applied to White, Weld and that the conduct of Swiss Credit Bank has been such as not to make it against the public interest or protection of investors to grant this exemption. In support thereof, White, Weld represents that (i) the prohibitions of Section 9(a) would deprive Advance Investors of the services of White, Weld as its principal underwriter and (ii) neither White, Weld, nor Advance Investors participated in any of the alleged conduct set forth in the Commission's action.

The Commission has considered the matter and finds that:

(1) The prohibitions of Section 9(a) may be unduly or disproportionately severe as applied to White, Weld in that White, Weld did not participate in any of the alleged conduct set forth in the Commission's complaint and that the conduct of Swiss Credit Bank has been such as not to make it against the public interest or protection of investors to grant the application of White, Weld for a temporary exemption from Section 9(a) pending determination of the application; and

(2) In order to maintain the uninterrupted services provided by White, Weld to Advance Investors, it is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act that the temporary order be issued forthwith.

Accordingly, it is ordered, pursuant to Section 9(c) of the Act, that White, Weld is hereby temporarily exempted from any of the provisions of Section 9(a) of the Act operative as a result of the entry of the Final Order against Swiss Credit Bank in *Securities and Exchange Commission* v. *American Institute Counselors, Inc. et al.*, pending final determination by the Commission of White, Weld's application for an order exempting White, Weld from any of the provisions of Section 9(a) operative as a result of the entry of such Final Order.

Notice is further given that any interested person may, not later than September 30, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission 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 White, Weld care of Stephen R. Volk, Esquire, 53 Wall Street, New York, New York 10005. 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 herein 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 development in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76–25504 Filed 8–31–76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

AWARDS SUBCOMMITTEE OF THE GENERAL ADVISORY COMMITTEE

Meeting

AUGUST 30, 1976.

In accordance with the purposes of section 157b(3) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2187), the Awards Subcommittee of the General Advisory Committee has scheduled a meeting to discuss nohinations received for the Enrico Fermi Award and the Ernest Orlando Lawrence Memorial Award of the USERDA. The Subcommittee will meet in executive session on September 14, 1976, beginning at 9 a.m. in the GAC office at 20 Massachusetts Avenue, NW., Washington, D.C. 20545.

The meeting will be in its entirety the exchange of opinions and the formulation of advice to the General Advisory Committee for recommendation to the Administrator relative to the nominations. The meeting will also include the review and discussion of classified documents. I have determined in accordance with subsection 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, that this meeting will consist of exchanges of opinions, and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); will consider material exempt under exemption (6) of 5 U.S.C. 552(b); and will also involve review and discussion of classified documents considered exempt under exemptions (1) and (3) of 5 U.S.C. 552(b). Any nonexempt material that may be discussed during the course of this meeting will be inextricably intertwined with the discussion of the exempt material, and no separation of this material is considered practical; and it is essential to close this meeting to protect such material and protect the free interchange of internal views and avoid undue interference with Committee operations; and to protect classified information.

HARRY L. PEEBLES,
Deputy Advisory Committee, Management Officer.

[FR Doc.76–25838 Filed 8–31–76;10:30 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 134]

ASSIGNMENT OF HEARINGS

AUGUST 27, 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 105566 (Sub-No. 121), Sam Tanksley Trucking, Inc., now being assigned November 12, 1976 (1 day), at Columbus, Ohio in a hearing room to be later designated.

AB–98 (Sub-No. 1) Claremont and Concord Railway Company, Inc., Abandonment Between Claremont and Newport, in Sullivan County, New Hampshire, now assigned September 8, 1976 at Newport, New Hampshire; will be held in the Newport Town Hall, Sunapee Street.

MC 124774 (Sub-No. 94), Midwestern Refrigerated Express, Inc., now assigned September 9, 1976, at Boston, Mass. is canceled and application dismissed.

MC–C–9027, Valdez Transfer, All-State Moving & Storage, Inc., and Colonial Moving & Storage, Inc.—Investigation of Operations and Practices, now assigned September 16, 1976 at Phoenix, Arizona is postponed to December 2, 1976 (2 days), at Phoenix, Arizona; in a hearing room to be later designated.

MC–F–12650, General Transportation, Inc.—Control and Merger—Fopa Transport, Inc.

and MC 116457 (Sub-No. 15), General Transportation, Inc., now assigned September 20, 1976 at Phoenix, Arizona is postponed to December 13, 1976 (1 week), at Phoenix, Arizona; in a hearing room to be later designated.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.76-25569 Filed 8-31-76;8:45 am]

[AB 28 (Sub-No. 1)]

CENTRAL OF GEORGIA RAILROAD CO.

Abandonment of Operation Between Clayton and Ozark in Barbour and Dale Counties, Alabama

AUGUST 20, 1976.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment by Central of Georgia Railroad Company of operations over its line of railroad between Clayton and Ozark, a distance of 39.0 miles, all in Barbour and Dale Counties, Ala., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the associated environmental impacts are considered insignificant because one of the major shippers on the line will continue to be served by Seaboard Coast Line, and diversion of the remaining traffic on the line to motor carrier would not result in a significant addition to levels of energy consumption or air pollution. While there are definitive plans for industrial development in the area, these plans are not reliant upon continued service on the line. The abandonment, therefore, is not expected to have a serious adverse impact upon rural and community development.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before October 1, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-25573 Filed 8-31-76;8:45 am]

[AB 101 (Sub-No. 1)]

DULUTH, MISSABE AND IRON RANGE RAILWAY CO.

Abandonment of Its Line of Railroad Between Alborn, St. Louis County and Pengilly, Itasca County, Minnesota

AUGUST 20, 1976.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment by the Duluth, Missable and Iron Range Railway Company between Alborn, St. Louis County and Pengilly, Itasca County, Minn., a distance of 38.5 miles, and the reclassification from main branch line track to industrial switching of approximately 4.3 miles of trackage from the applicant's station at Calumet to a point one mile south and east of Pengilly, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332 (2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because local environmental quality will be degraded only slightly due to a minor increase of energy consumption and air pollution resulting from diversion of existing rail traffic to motor carrier transport. Various governmental agencies are interested in acquiring the subject right-of-way for use as a recreational trail. No historical or major ecological effects are anticipated if the requested abandonment is approved.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423, on or before October 1, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-25574 Filed 8-31-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 27, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER. FSA No. 43227—Joint Water-Rail *Container Rates—Far Eastern Shipping Company*. Filed by Far Eastern Shipping Company (No. 6), for itself and interested rail carriers. Rates on general commodities, from rail carriers terminals on the U.S. Atlantic and Gulf coasts, to ports in Singapore, Thailand and West Malaysia. Grounds for relief—Water competition.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.76-25570 Filed 8-31-76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

AUGUST 27, 1976.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before October 1, 1976. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the

proposal. No rebuttal statements will be accepted.

No. MC 118831 (Sub-No. 1280), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 2608, High Point, N.C. 27261. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, from points in North Carolina (except Charlotte, N.C.), to points in Illinois (except points in the East St. Louis, Ill. commercial zone as defined by the Commission), Indiana, Kentucky, Michigan, Missouri, (except points in the St. Louis, Mo. commercial zone as defined by the Commission), Ohio, Tennessee and Wisconsin. The purpose of this filing is to eliminate the gateways at (1) any point in South Carolina and (2) Charlotte, N.C. and a point in its commercial zone. (2) *Liquid chemicals*, in bulk, in tank vehicles, from points in South Carolina to points in Illinois (except points in East St. Louis, Ill. commercial zone as defined by the Commission), Indiana, Kentucky, Michigan, Missouri (except points in the St. Louis, Mo. commercial zone as defined by the Commission), Ohio, Tennessee and Wisconsin. The purpose of this filing is to eliminate the gateway at a point in the Charlotte, N.C. commercial zone. (3) *Liquid chemicals*, in bulk, from points in Richmond County, Ga., to points in Illinois (except points in the East St. Louis, Ill. commercial zone as defined by the Commission), Indiana, Kentucky, Michigan, Missouri (except points in the St. Louis, Mo. commercial zone as defined by the Commission), Ohio, Tennessee, and Wisconsin. The purpose of this filing is to eliminate the gateway at a point in the Charlotte, N.C. commercial zone.

(4) *Liquid chemicals* (except vegetable oils and fertilizers), from Lanett, Ala., to points in the territory described in (1) above. The purpose of this filing is to eliminate the gateways at (1) Richmond County, Ga., and (2) a point in the Charlotte, N.C. commercial zone. (5) *Liquid chemicals*, in bulk, from the plant site of Howerton-Gowen Company, Incorporated a Chesapeake, Va. (within the Norfolk, Va. commercial zone), to points in the destination territory specified in (1) above. The purpose of this filing is to eliminate the gateway at a point in the Charlotte, N.C. commercial zone. (6) *Liquid chemicals*, in bulk, in tank vehicles, from the plant site of Howerton-Gowen Company, Incorporated at Chesapeake, Va., (within the Norfok, Va. commercial zone), to points in Arkansas, and to St. Louis, Mo. and E. St. Louis, Ill., and points in the Commercial Zone thereof as defined by the Commission. The purpose of this filing is to eliminate the gateways at (1) a point in Charlotte, N.C. commercial zone and (2) a point in Robertson County, Tenn. (7) *Liquid chemicals*, in bulk, in tank vehicles, from points in North Carolina (except Charlotte, N.C.), to points in the destination territory as specified in (6) above. The purpose of this filing is to eliminate the gateway at (1) any point in South Carolina (2) a point in the Charlotte, N.C. commercial zone, and (3) a point in Robertson County, Tenn. (8) *Liquid chemicals*, in bulk, in tank vehicles, from points in South Carolina, to points in the destination territory specified in (6) above. The purpose of this filing is to eliminate the gateways at (1) a point in the Charlotte, N.C. commercial zone, and (2) a point in Robertson County, Tenn.

(9) *Liquid chemicals*, in bulk, in tank vehicles, from points in Richmond County, Ga., to points in the destination territory specified in (6) above. The purpose of this filing is to eliminate the gateways at (1) a point in the Charlotte, N.C. commercial zone, and (2) a point in Robertson County, Tenn. (10) *Liquid chemicals* (except vegetable oils and fertilizer), in bulk, in tank vehicles, from Lanett, Ala., to points in the destination territory specified in (6) above. The purpose of this filing is to eliminate the gateways at (1) a point in Richmond County, Ga., (2) a point in the Charlotte, N.C. commercial zone and (3) a point in Robertson County, Tenn. (11) *Liquid chemicals*, in bulk, in tank vehicles, from Charlotte, N.C., and points in its commercial zone, to points in the destination territory specified in (6) above. The purpose of this filing is to eliminate the gateway at a point in Robertson County, Tenn.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 13, 1976. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such lettter-notices by number.

No. MC 2368 (Sub-No. E50), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER February 25, 1975, and republished, as corrected, this issue. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, between points in Virginia on and north and west of a line beginning at the Virginia-West Virginia State line and proceeding east along Interstate Highway 64 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Virginia-District of Columbia State line, on the one hand, and, on the other, points in Virginia on and east and south of a line beginning at the Virginia-North Carolina State line and proceeding north along Interstate Highway 95 to junction U.S. Highway 33, thence east along U.S. Highway 33 to its termination at the Chesapeake Bay and points in Accomack and Northampton Counties, Va. The purpose of this filing is to eliminate the gateway of Richmond, Va. The purpose of this correction is to correct the territorial description.

No. MC 40215 (Sub-No. E4), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. 5th St., Salina, Kans. 67401. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in California to points in the District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Missouri, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, east and south of a line beginning at the North Dakota State line, and extending along U.S. Highway 83 to the Nebraska-South Dakota State line; Tennessee, Virginia, West Virginia, Wisconsin, Arkansas, except points in Little Hempstead, Nevada, Columbus, Lafayette and Miller Counties; from points in California on and west of a line beginning at the Pacific Ocean and extending along California Highway 116, to junction U.S. Highway 101, to junction Interstate Highway 5 to the International Boundary line between the United States and Mexico, to points in Colorado on and east of a line beginning at the Colorado-Nebraska State line and extending along Colorado Highway 71, to junction U.S. Highway 350, to junction Interstate Highway 25, to the Colorado-New Mexico State line; to points in Minnesota on and south of a line beginning at the Minnesota-South Dakota State line and extending along Minnesota Highway 23 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line; from points in California on and west of a line beginning at the California-Oregon State line, and extending along Interstate Highway 5 to junction California Highway 36, to junction U.S. Highway 101, to the Pacific Ocean, to points in Nebraska on and east of a line beginning at the South Dakota-Nebraska State line, and extending along U.S. Highway 83 to junction U.S. Highway 83 to the Nebraska-Kansas State line, to points in Texas on and east and north of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 287 to junction U.S. Highway 87, to junction U.S. Highway 84, to junction Texas Highway 16, to junction

U.S. Highway 281, and extending along U.S. Highway 281 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of Garden City, Pratt, Galena, Liberal, Englewood, Arkansas City, Coolidge, Manhattan, Salina, and Syracuse, Kans., and Ravenna, Ohio.

No. MC 40215 (Sub-No. E5), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. 5th St., Salina, Kans. 67401. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Colorado to points in Arkansas, District of Columbia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Upper Peninsula of Michigan, Minnesota, Missouri, New York, North Carolina, to points in Nebraska on and east of a line beginning at the Kansas-Nebraska State line and extending north along U.S. Highway 81 to the Nebraska-South Dakota State line; Ohio, Pennsylvania, points in South Dakota on and east of a line beginning at the North Dakota-South Dakota State line and extending along U.S. Highway 83 to junction U.S. Highway 16, thence along U.S. Highway 16 to U.S. Highway 183 to the South Dakota-Nebraska State line, Tennessee; from points in Colorado, on and east and north of a line beginning at the Colorado-New Mexico State line and extending along Interstate Highway 25 to the Colorado-Wyoming State line to points in Texas, Virginia, West Virginia; from points in Colorado on and west and south of a line beginning at the Colorado-Nebraska State line and extending along Colorado Highway 25, to junction U.S. Highway 6, to the Colorado-Nebraska State line, to points in Iowa. The purpose of this filing is to eliminate the gateways of Garden City, Topeka, Kansas City, Concordia, Liberal, Marysville, Manhattan, Salina, Chanute, Coolidge, Kans., Ravenna, Ohio, Arkansas City, and Englewood, Kans.

No. MC 40215 (Sub-No. E7), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. 5th St., Salina, Kans. 67401. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in the District of Columbia, to points in Arizona, California, Colorado, Idaho, Kansas, Missouri on and west of a line beginning at the Missouri-Iowa State line and extending along U.S. Highway 65 to the Missouri-Arkansas State line; Nebraska, Nevada, New Mexico, Oklahoma, Utah, Wyoming, South Dakota on and west of a line beginning at the North Dakota-South Dakota State line and extending along South Dakota Highway 45 to junction U.S. Highway 14, to the South Dakota-Minnesota State line; to points in Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 271, to junction U.S. Highway 69, to junction U.S. Highway 59 to the International Boundary line between United States and Mexico. The purpose of this filing is to eliminate the gateways of Salina, Pratt, Garden City, Topeka, Marysville, Galena, Kansas City, Kans., Kansas City, Mo., and Ravenna, Ohio.

No. MC 107515 (Sub-No. E186), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER issue of October 17, 1974, and republished, as corrected, this issue. APPLICANT: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd., NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *unfrozen fresh and cured meats*, from that part of Tennessee on and west of a line beginning at the Tennessee-Mississippi State line, thence along U.S. Highway 45 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction Tennessee Highway 21, thence along Tennessee Highway 21 to the Tennessee-Kentucky State line, to the District of Columbia, and to points in Delaware, that part of Virginia on and east of U.S. Highway 1, that part of Maryland on and east of Interstate Highway 95, that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Delaware State line, thence along Interstate Highway 95 to Philadelphia, thence along Interstate Highway 78 to Seronton, thence along Interstate Highway 81 to the Pennsylvania-New York State line, and that part of New York on and east of a line beginning at the Pennsylvania-New York State line, thence along Interstate Highway 81 to Binghamton, thence along New York Highway 7 to junction Interstate Highway 87, thence along Interstate Highway 87 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateway of (1) any point that is both within 10 miles of Atlanta, Ga., and within the Atlanta commercial zone, as defined by the Commission (except Atlanta and (2) Gatesville, N.C.

NOTE.—The purpose of this correction is to indicate the correct origin territory.

No. MC 112520 (Sub-No. E92), filed October 23, 1975. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from points in Georgia on and bounded by a line beginning at St. Simons Island and extending over toll road to Brunswick, thence along U.S. Highway 84 to junction U.S. Highway 82, thence along U.S. Highway 82 to Albany, to junction Georgia Highway 257, thence along Georgia Highway 257 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. Highway 341 to the point of beginning, to points in Alabama on and south of a line beginning at the Alabama-Mississippi State line at or near Moffett and extending along U.S. Highway 98 to Mobile to junction Interstate Highway 10, thence along Interstate Highway 10 to the Alabama-Florida State line.

The purpose of this filing is to eliminate the gateway of Albany, Ga.

No. MC 112520 (Sub-No. E157), filed October 23, 1975. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, varnishes, lacquers, resins, stains, and paint materials*, in bulk, in tank vehicles, from points in Georgia on and bounded by a line beginning at Covington and extending along Interstate Highway 20 to Augusta, thence west along Interstate Highway 20 to junction U.S. Highway 78 to junction Georgia Highway 11 to Interstate Highway 20 to the point of beginning, at the points in Louisiana on and south of a line beginning at the Louisiana-Texas State line near Ged, La., thence along Interstate Highway 10 to Lake Charles, La., thence along Interstate Highway 10 to Baton Rouge, La., thence along Interstate Highway 12 to Ponchatoula, La., thence along Louisiana Highway 22 to Mandeville, La., thence along U.S. Highway 190 to junction Interstate Highway 10 to the Louisiana-Mississippi State line.

The purpose of this filing is to eliminate the gateway of Covington, Ga.

No. MC 113843 (Sub-No. E69) (Partial correction), filed May 5, 1974, published in the FEDERAL REGISTER issue of July 3, 1974, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (5) from Elmira, N.Y., to points in that part of Kansas on, south and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 77 to junction Kansas Highway 96, thence along Kansas Highway 96 to Wichita, thence along U.S. Highway 81 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Kansas Highway 25, thence along Kansas Highway 25 to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateway of Newark, N.J.

NOTE.—The purpose of this partial correction is to indicate the correct highway descriptions. The remainder of this letter-notice remains as previously published.

No. MC 113843 (Sub-No. E94) (Correction), filed May 8, 1974, published in the FEDERAL REGISTER issue of July 8, 1974, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Bos-

ton, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products,* as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C 209 and 766 (except liquid commodities, in bulk, in tank vehicles), from Boston, Mass., to Chicago, Ill., Green Bay, and Milwaukee, Wis., points in Indiana, Michigan, Ohio, and to Williamsport, Pa., and points in that part of Pennsylvania on, north, and west of a line beginning at the Pennsylvania-New York State line at or near Fassett, Pa. and extending along Pennsylvania Highway 14 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

NOTE.—The purpose of this correction is to indicate the correct territorial description.

No. MC 113843 (Sub-No. E269) (Partial Correction), filed May 17, 1974, published in the FEDERAL REGISTER issue of June 17, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass., 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (7) from Blair County, Pa., to Sioux City, Iowa. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

NOTE.—The purpose of this partial correction is to indicate the correct territorial description. The remaineder of this letter-notice remains as previously published.

No. MC 113843 (Sub-No. E480) (Partial correction), filed May 19, 1974, and published in the FEDERAL REGISTER issue of June 9, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* . . . (9) between those points in New Jersey bounded by a line beginning at Toms River and extending along U.S. Highway 9 to junction New Jersey Highway 526, thence along New Jersey Highway 526 to junction New Jersey Highway 23, thence along New Jersey Highway 23 to the New Jersey-Pennsylvania State line, and bounded by a line beginning at the New Jersey-Pennsylvania State line and extending along U.S. Highway 1 to junction New Jersey Highway 440 to the Hudson River, on the one hand, and, on the other, points in Ohio on, north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 20 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction U.S. Highway 25,. thence along U.S. Highway 25 to junction Ohio Highway 81, thence along Ohio Highway 81 to the Ohio-Indiana State line and . . . (59) from points in New Jersey, to points in New York on and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 14 to junction New York Highway 17, thence along New York Highway 17 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway to Lake Ontario. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this partial correction is to state the destination territories in (9) and (59) above. The remainder of this letter-notice remains as previously published.

No MC 113843 (Sub-No. E507) (Correction), filed May 19, 1974, published in the FEDERAL REGISTER issue of October 2, 1974, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and berries, frozen fruit and berry concentrates,* (1) from points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 11 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-Maryland State line, thence along the Pennsylvania-Maryland State line to the point of beginning, to points in Kansas and (2) from points in that part of Pennsylvania bounded by a line beginning at the U.S. Highway 15 at or near Lewisburg and extending along Pennsylvania Highway 192 to junction Pennsylvania Highway 445, thence along Pennsylvania Highway 445 to junction Pennsylvania Highway 64, thence along Pennsylvania Highway 64 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction Pennsylvania Highway 414, thence along Pennsylvania Highway 414 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to U.S. Highway 15, thence along U.S. Highway 15 to the point of beginning, to points in Kansas. The purpose of this filing is to eliminate the gateway of Penn Yan, N.Y.

NOTE.—The purpose of this correction is to state the destination territory.

No. MC 113843 (Sub-No. E549) (partial correction), filed May 17, 1974, published in the FEDERAL REGISTER issue of August 11, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (3) between those points in Pennsylvania west of U.S. Highway 15 and on, west, and north of a line beginning at Lewisburg, and extending along Pennsylvania Highway 45 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, those points in Massachusetts on and north of a line beginning at the Massachusetts-New York State line and extending along Massachusetts Highway 9 to junction Massachusetts Highway 128, thence along Massachusetts Highway 128 to junction Massachusetts Highway 3, thence along Massachusetts Highway 3 to junction Massachusetts Highway 123, thence along Massachusetts Highway 123 to junction unnumbered highway, thence along unnumbered highway to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this partial correction is to indicate a correct highway description. The remainder of the letter-notice remains as previously published.

No. MC 113843 (Sub-No. E559) (Partial Correction), filed May 17, 1974, published in the FEDERAL REGISTER issue of August 27, 1975 and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (2) between those points in Pennsylvania on, north, and west of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 22 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 350, thence along Pennsylvania Highway 350 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, on the one hand, and, on the other, those points in Connecticut on, north, and east of a line beginning at the Connecticut-New York State line and extending along Interstate Highway 84 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction Connecticut Highway 58, thence along Connecticut Highway 58 to Long Island Sound and (3) between those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-Ohio State line and extending along Pennsylvania Highway 68 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this partial correction is to indicate the correct highway descriptions. The remainder of the letter-notice remains as previously published.

No. MC–113843 (Sub-No. E677) (Partial Correction), filed May 21, 1974, published in the FEDERAL REGISTER issue of June 12, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods;* (11) between those points in Pennsylvania on, east, and north of a line beginning at the Pennsylvaia-New York State line and extending along U.S. Highway 15 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction Pennsylvania Highway 54, thence along Pennsylvania Highway 54 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Pennsylvania Turnpike Extension, thence along the Pennsylvania Turnpike Extension to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, those points in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 7, thence along Indiana Highway 7 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this partial correction is to indicate the correct destination territory. The remainder of the letter-notice remains as previously published.

No. MC–113843 (Sub-No. E1057) (Correction), filed December 2, 1974, published in the FEDERAL REGISTER issue of July 22, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* between those points in Michigan south and east of a line beginning at the United States-Canada International Boundary line and extending along Interstate Highway 94 to junction Michigan Highway 60, to junction U.S. Highway 27 to the Michigan-Ohio State line, on the one hand, and, on the other, Salem County, N.J. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC–114019 (Sub-No. E440), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware and such materials, supplies and equipment as are used in the manufacture of glassware*, (except commodities in bulk, and commodities requiring special equipment), (1) between points in Kentucky on the one hand, and, on the other, Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on the west of a line beginning at Windsor Beach, N.Y. and extending to Rochester, N.Y., thence along U.S. Highway 15 to Wayland, N.Y., thence along New York Highway 245 to Dansville, N.Y., thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, N.Y., and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in Pennsylvania; (2) between points in Ohio and West Virginia within 2 miles of the Ohio River northerly from Sistersville, West Virginia and Fly, Ohio and extending to junction West Virginia-Ohio-Pennsylvania State lines, on the one hand, and, on the other, points in the Lower Peninsula of Michigan and Indiana; (3) between points in Pennsylvania, points within 30 miles of New York City and Philadelphia which are in New Jersey and Baltimore, Md., on the one hand, and, on the other, points in that part of Indiana on and south of Indiana Highway 28. Restriction: The authority described above is restricted to the transportation of the commodities described therein when moving from, to, or between glassware manufacturing plants, or warehouses or other facilities of such plants, or when moving from, to, or between warehouses, plants, or other facilities of food packing and processing plants. The purpose of this filing is to eliminate the gateway of Zanesville, Ohio.

No. MC–114019 (Sub-No. E441), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible Dairy products and dairy supplies, butter and butter substitutes, eggs, cheese, buttermilk, frozen condensed milk, frozen cream and dressed poultry and rabbits*, (1) from points in that part of Kansas on and south of Kansas Highway 96 from Cokan to Great Bend and on and east of U.S. Highway 281 from Great Bend to the Kansas-Nebraska State line; points in that part of Nebraska on and east of U.S. Highway 281 from the Kansas-Nebraska State line to its junction with U.S. Highway 30, thence east along U.S. Highway 30 to the Missouri River, to points in New York, Pennsylvania, West Virginia, and points in New Jersey within 30 miles of New York City and Philadelphia, Pa.; Baltimore, Md., points in that part of Ohio on, north and east of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 35 to its junction with Ohio Highway 122, to its junction with Ohio Highway 725, to its junction with Ohio Highway 123, to its junction with Ohio Highway 73, to its junction with U.S. Highway 68, to the Ohio River; points in that part of Indiana on, north and east of a line extending from the Illinois-Indiana State line along Indiana Highway 14 to its junction with U.S. Highway 421, to its junction with Indiana Highway 26, to the Ohio-Indiana State line; and points in Lake, Kane, DuPage, Cook, Kendall, and Will Counties, Ill. (Lima or Columbus, Ohio)*; (2) from points in the above described origin territory to Detroit, Grand Rapids, St. Joseph, Benton Harbor, Niles, Buchanan, Sturgis, and Three Rivers, Michigan. (Lima or Columbus, Ohio and Chicago, Ill.)*;

(3) from points in that part of Missouri on and west of U.S. Highway 65 to points in New York, Pennsylvania, West Virginia, and points in New Jersey within 30 miles of New York City, N.Y. and Philadelphia, Pa.; Baltimore, Md., and points in that part of Ohio, on, north and east of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 35 to its junction with Ohio Highway 122, to its junction with Ohio Highway 725, to its junction with Ohio Highway 123, to its junction with Ohio Highway 132, to its junction with Ohio Highway 276 to its junction with Ohio Highway 32, to its junction with Ohio Highway 247, to the Ohio River; points in that part of Indiana on, north, and east of a line beginning at the Illinois-Indiana State line and extending along Indiana Highway 10 to its junction with U.S. Highway 421, to its junction with U.S. Highway 24, to its junction with Indiana Highway 124, to the Indiana-Ohio State line; and points in Lake, Kane, DuPage, Cook, Kendall, and Will Counties, Ill. (Lima or Columbus, Ohio)*; and Detroit, Grand Rapids, St. Joseph, Benton Harbor, Niles, Buchanan, Sturgis, and Three Rivers, Mich. (Lima or Columbus, Ohio and Chicago, Ill.).* Restrictions: (1) Service to Detroit and Grand Rapids, Mich., is restricted to the transportation of the commodities described above when moving from, to, or between warehouses, and other facilities of retail food business houses; (2) Service to St. Joseph, Benton Harbor, Niles, Buchanan, Sturgis, and Three Rivers, Mich. is restricted to the transportation of the commodities described above when moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business. The purpose of this filing is to eliminate the gateways marked with asterisks.

No. MC 114019 (Sub-No. E444) (Partial Correction), filed May 22, 1974, published in the FEDERAL REGISTER June 23, 1976, and republished, as corrected, this issue. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (e) from points in that part of New York on and west of a

line beginning at Lake Ontario and extending along New York Highway 269 to its junction with New York Highway 104, thence along New York Highway 104 to its junction with New York Highway 271, thence along New York Highway 271 to its junction with New York Highway 239, thence along New York Highway 239 to junction with New York Highway 78, thence along New York Highway 78 to junction with New York Highway 98, thence along New York Highway 98 to junction with New York Highway 16, thence along New York Highway 16 to the New York-Pennsylvania State line, to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Kentucky, West Virginia, Virginia, Maryland, Delaware, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Erie County, Pa., or Chautauqua County, N.Y. The purpose of this correction is to correct the territorial description in part (e) above. The remainder of the letter-notice remains as previously published.

No. MC–114019 (Sub-No. E446), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Such general merchandise as is dealt in by chain grocery stores, and supplies machinery, fixtures, and equipment*, incidental to the production, warehousing and sale thereof (except commodities in bulk and those requiring special equipment); from points in that part of New York on and west of New York Highway 57 from Oswego to junction U.S. Highway 20, thence on and north of U.S. Highway 20 to Geneva, thence on and east of New York Highway 14 to junction New York Highway 96, and thence on, east and north of New York Highway 96 to Rochester, N.Y., to Detroit and Grand Rapids, Michigan. RESTRICTION: The authority described in (a) above is restricted to the transportation of the commodities described therein when moving from, to, or between warehouses, and other facilities of retail food business houses; (b) Canned goods and agricultural commodities, (except commodities in bulk); from points in that part of New York on and west of New York Highway 57 from Oswego to junction U.S. Highway 20, thence on and north of U.S. Highway 20 to Geneva, thence on and east of New York Highway 14 to junction New York Highway 96, and thence on, east and north of New York Highway 96 to Rochester, N.Y., to points in the Lower Peninsula of Michigan. RESTRICTION: The authority described in (b) above is restricted to the transportation of the commodities described therein when moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business houses, or when moving from, to, or between food processing plants, or warehouses or other facilities of such plants. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC–115703 (Sub-No. E18), filed February 5, 1975. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James A. Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Machinery*, between Philadelphia, Pa. and Wilmington, Del., on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways of Berks County, Pa. points in New Jersey within 35 miles of Philadelphia, Pa., and Philadelphia, Pa. (for Wilmington, Del.) (b) *Knitting machines, set up, and accessories* therefor when their transportation is incidental to the transportation of knitting machines, between points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Rhode Island, Virginia (points in Berks County, Pa.*) and West Virginia (points in Luzerne or York Counties, Pa.*), on the one hand, and, on the other, points in Oregon. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 120257 (Sub-No. E2), filed May 12, 1974. Applicant: K. L. BREEDEN & SONS, INC., P.O. Box 5581, Dallas, Tex. 75222. Applicant's representative: K. L. Breeden, Sr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies and equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Oklahoma on and east of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 54/64 to Guymon to junction Oklahoma Highway 136, thence along Oklahoma Highway 136 to the Texas-Oklahoma State line, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of points in Texas.

By the Commission.

GORDON H. HOMME, Jr.,
Acting Secretary.

[FR Doc.76–25575 Filed 8–31–76;8:45 am]

[AB 12 (Sub-No. 25)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Hazen and Fallon in Churchill County, Nevada

AUGUST 23, 1976.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment of the Southern Pacific Transportation Company branch extending 15.8 miles between Hazen and Fallon in Churchill County, Nev., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA) 42 U.S.C. §§ 4321 *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that traffic on the line is low and declining and the diversion of traffic to motor carriers upon abandonment would cause a minimal alteration of environmental quality. Although abandonment would limit the types of industries which would locate in the area and therefore not be commensurate with land use and developmental plans in the area, the action should not have a serious impact on community and rural development. Due to a number of circumstances, the success for significant industrial development in the area is doubtful. Several industrial sites are located adjacent to the line, but despite local efforts to attract industry, none are occupied.

Most of the right-of-way is owned in fee by the railroad but no interest exists, at this time, for State or local acquisition for public use.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before October 4, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–25572 Filed 8–31–76;8:45 am]

[Ex Parte No. 241; Exemption No. 121; Amdt. No. 2]

BALTIMORE AND OHIO RAILROAD CO., ET AL.

Exemption Under Mandatory Car Service Rules

To: The Baltimore and Ohio Railroad Company, The Chesapeake and Ohio Railway Company, Norfolk and Western Railway Company, Western Maryland Railway Company.

Upon further consideration of Exemption No. 121 issued March 29, 1976.

It is ordered, That, under the authority vested in me by Car Service Rule 19,

Exemption No. 121 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire November 30, 1976.

This amendment shall become effective August 31, 1976.

Issued at Washington, D.C., August 24, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76–25567 Filed 8–31–76;8:45 am]

[Ex Parte No. 241; Exemption No. 63]

BESSEMER AND LAKE ERIE RAILROAD CO. AND CONSOLIDATED RAIL CORP.

Exemption Under Mandatory Car Service Rules

Upon further consideration of Exemption No. 63 issued February 12, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 63 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to *expire November 30, 1976.*

This amendment shall become effective August 31, 1976.

Issued at Washington, D.C., August 24, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76–25565 Filed 8–31–76;8:45 am]

[Ex Parte No. 241; Exemption No. 108; Amdt. 3]

CHICAGO & EASTERN ILLINOIS RAILROAD

Exemption Under Mandatory Car Service Rules

To: Chicago & Eastern Illinois Railroad Company, Consolidated Rail Corporation, Missouri-Illinois Railroad Company, Missouri Pacific Railroad Company, The Texas and Pacific Railway Company.

Upon further consideration of Exemption No. 108 issued March 1, 1976.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 108 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to *expire November 30, 1976.*

This amendment shall become effective August 31, 1976.

Issued at Washington, D.C., August 24, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76–25566 Filed 8–31–76;8:45 am]

[Ex Parte No. 241; Exemption No. 55; Amdt. 15]

NORFOLK AND WESTERN RAILWAY CO. AND CONSOLIDATED RAIL CORP.

Exemption Under Mandatory Car Service Rules

Upon further consideration of Exemption No. 55 issued October 31, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 55 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to *expire November 30, 1976.*

This amendment shall become effective August 31, 1976.

Issued at Washington, D.C., August 24, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76–25564 Filed 8–31–76;8:45 am]

federal register

WEDNESDAY, SEPTEMBER 1, 1976



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

COLLEGE WORK-STUDY PROGRAM

Issuance of Guidelines

Title 45—Public Welfare

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

PART 175—COLLEGE WORK-STUDY PROGRAM

The purpose of the College Work-Study Program is to stimulate and promote the part-time employment of students who are in need of earnings to meet their costs of postsecondary education. Under the program grants are provided to eligible institutions of postsecondary education to enable them to create job opportunities for their eligible students. The institution may arrange employment in work for the institution itself (except in the case of proprietary institutions) or in work in the public interest for a public or private nonprofit organization. Up to eighty percent of the student's wages may be paid from the institution's Federal College Work-Study allocation, and the remaining twenty percent, plus any additional employer costs, is paid by the institution or the off-campus employer. The kinds of jobs being performed by College Work-Study students, both on campus and in the community, are vast in number and as varied as the needs of the student, the institution, and the community or area. During Fiscal Year 1976 over 3,200 institutions participated in the program and approximately 973,000 students were employed with earnings averaging $520 per student.

Students interested in applying for employment under the College Work-Study Program should contact the financial aid officer at the institution at which they are enrolled or which they plan to attend. The financial aid officer is responsible for determining student eligibility and arranging job opportunities. He determines the amount a student and his family should be expected to provide to meet the costs the student will incur at his institution. He then subtracts this expected family contribution from the total educational costs to arrive at the student's need. The student's need may be met totally or in part through earnings from College Work-Study employment. Often the earnings will constitute part of a student financial aid "package" in which several other forms of assistance, such as a National Direct Student Loan or a Supplemental Educational Opportunity Grant, may be included. The financial aid officer will attempt whenever possible to assign employment in the student's field of interest. However, since employment opportunities will vary depending on the type and size of institution and the area in which it is located, it may not always be possible for the student to be employed in a career related position. The most important factor is that the job, whatever its nature, provides a source of financial assistance to meet educational expenses.

Notice of proposed rulemaking was published in the FEDERAL REGISTER of October 14, 1975 (40 FR 48266–48277) setting forth regulations for College Work-Study Program, authorized by Title IV, Part C, of the Higher Education Act of 1965, as amended (42 U.S.C. 2751–2756). Pursuant to section 503 of the Education Amendments of 1972 (Pub. L. 92–318), hearings were held in Washington, D.C., Dallas, Texas, and San Francisco, California, and comments were received on the proposed regulation. In addition, interested persons were invited to submit written comments and recommendations to the U.S. Office of Education, Room 2085, Federal Office Building Six, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on Section 503. Written comments were received and considered.

A. *Summary of Comments—Office of Education Response.* The following oral and written comments were received by the Office of Education regarding the proposed regulation. In view of the volume of comments received, the Office of Education has summarized as many of the comments as possible under single headings. After a summary of such comments, a response is set forth stating the changes which have been made in the regulation or the reasons why no change is deemed necessary.

SECTION 175.2 DEFINITIONS

"Academic Year." *Comment.* One commenter requested clarification of the verb "complete" as it is used in this definition, questioning whether it implied a specific requirement upon a student to earn credits or to remain enrolled in a course from which he might otherwise choose to withdraw.

Response. The definition of an "academic year" is an attempt to define a period of time in a manner which will provide comparability among institutions using differing units of measurement for organizing instructional periods. Taken in context the verb "complete" clearly is used in a general sense as part of the definition of a unit of measurement: "* * * a period of time * * * in which a full-time student would normally be expected to complete the equivalent of * * *" Student eligibility requirements are included elsewhere in the regulations.

"Area vocational school." *Comment.* Two commenters requested that the reference to junior and community colleges in § 175.2(c)(4) be deleted and that they be specifically included in the definition of an "eligible institution." Another commenter questioned the ramifications for schools meeting the eligibility criteria under both the definitions "area vocational school" and "institution of higher education."

Response. Section 443(b) of the Higher Education Act of 1965, as amended, which sets forth the types of institutions eligible to participate in the Work-Study Program, stipulates that an eligible area vocational school shall meet the definition of section 8(2) of the Vocational Education Act of 1963. Since the language of the definition is mandated by statute, it cannot be changed by regulation. Furthermore, a single division of a junior or community college cannot qualify as both an area vocational school and an institution of higher education since a junior or community college qualifying as an institution of higher education can admit as regular students only persons having a high school diploma or the recognized equivalent, whereas a department or division of a "junior or community college" which qualifies as an area vocational school must admit as regular students both high school graduates and non-high school graduates.

Comment. Two commenters questioned whether a difference in meaning was intended in the use of the verbs "pursuing" in defining a full-time student and "carrying" in defining a half-time student.

Response. No difference was intended. In response to the commenter's suggestion, the term "carrying" will be used uniformly in both definitions.

"Good standing." *Comment.* Several commenters recommended that the definition of the term "good standing" be expanded to include a more precise standard than simply eligibility to continue in attendance in accordance with institutional standards and practices. These commenters noted that some public institutions are required by State law to permit any State resident to continue in attendance as long as he or she wishes, without regard to the student's academic performance.

Response. The commenter's recommendation has been adopted. The definition of "good standing" has been expanded to require that for purposes of student eligibility under the Work-Study Program, a student must be making measurable progress toward the completion of his course of study. Accordingly, a student who fails all of his courses cannot be considered in good standing for purposes of determining his eligibility for continued employment under the College Work-Study Program.

"Half-time student." *Comment.* One commenter suggested that for purposes of consistency the phrase "whether or not for credit" should either be deleted from the definition of a full-time student or added to the definition of a half-time student.

Response. The commenter's point is well taken; the phrase "whether or not for credit" has been deleted from the definition of a full-time student in § 175.2(k) of the final regulation. The definition of a half-time student is more detailed since it is one of the standards by which student eligibility is determined.

Comment. One commenter suggested that the minimum number of semester or quarter hours cited in § 175.2(1)(2)(i) of the proposed regulation as necessary to constitute a half-time academic work load should be increased from six to eight.

Response. The suggestion was not adopted as a requirement for all institutions; however the commenter's institution may use such a higher standard if it chooses to do so. The Office of Edu-

cation has tried to develop a definition which will accommodate a wide variety of programs and institutions of post-secondary education. The standard for determining half-time student status is to be established by the institution, except that for this program it may not be less than the minimum set by the Office of Education.

Comment. Several commenters noted that institutions frequently have different standards for full-time (and half-time) student status at the graduate level as compared to their standards for undergraduates, often requiring an academic work load of fewer course hours than that required for undergraduates. Therefore, the commenters suggested that the definition of a "half-time student" should be expanded to include a lower minimum number of hours per term for graduate and professional half-time students.

Response. In accordance with the commenter's suggestion, definitions of the terms "graduate student" and "half-time graduate student" have been included in the regulations.

Comment. Two commenters suggested the inclusion in the regulations of a definition of "postsecondary student" to facilitate eligibilty determinations.

Response. The suggestion was not adopted. The Office of Education considers § 175.9 outlining student eligibility criteria to be sufficient to resolve any eligibility questions which may arise.

"Institution of Higher Education." *Comment.* Two commenters objected to the requirement set forth in § 175.2(m)(1) of the proposed regulation defining an institution of higher education as admitting "as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate." One commenter observed that many community colleges regularly enroll students in academic programs without reference to their graduation from high school or other certification. Another commenter noted that some institutions may enroll students who have failed to complete high school and have no recognized equivalent of a diploma, but are considered by the institution to be qualified for admission. One commenter questioned whether an institution following such a practice would be ineligible to participate in the College Work-Study Program and another suggested that the definition be amended to include institutions which admit primarily students with high school diplomas or the equivalent but also others whom the institution deems qualified.

Response. The definition to which the commenters object is set forth in section 1201(a) of the Higher Education Act of 1965, as amended (20 U.S.C. 1141(a)), and cannot be changed by regulation. It should be noted that section 1201(a)(1) of the Higher Education Act and § 175.2(q)(1) of the regulations require that institutions of higher education admit as regular students only persons having a high school diploma or the recognized equivalent. Therefore, any institution which admits as regular students persons who do not have a high school diploma or the recognized equivalent may not qualify as an institution of high education. In order to participate in the College Work-Study Program such an institution must qualify as an area vocational school.

"Proprietary institution of higher education." *Comment.* One commenter suggested that the resolution of eligibility questions could be facilitated if the definition included a definition of a six-month program of training.

Response. The commenter's suggestion has been adopted. A minimum standard for a six-month program of training has been included in the definition of a "Proprietary institution of higher education." Furthermore, a comparable definition has been added to § 175.2(q) with regard to a one-year program of training as well as the definition of a clock hour.

"Self-supporting or independent student." *Comment.* The proposed definition included a requirement that the student "has not lived or will not live for more than two consecutive weeks in the home of a parent during the calendar year." Most of the commenters felt that two weeks was too restrictive a period and many believed that such a limitation would be particularly harsh for veterans just returning from service, for students who became ill, or for a student recently separated from a spouse. Many commenters offered alternative periods of time for visits, varying from three weeks to four months, while others suggested adding a waiver for exceptional circumstances. One commenter objected to the $600 limitation on the amount of assistance a "self-supporting student" could receive from his or her parent(s), and suggested that it should be raised to a higher level. In addition several commenters were concerned that the definition did not make clear whether one or both parents should be deceased for a student to be declared "self-supporting."

Response. The definition of self-supporting or independent student is an attempt to define in objectively measurable terms the nature of a relationship which is essentially subjective rather than objective. This definition is one which is or will be used by the other programs of student financial aid administered by the Office of Education. It is recognized that the proposed definition is somewhat arbitrary, but for the sake of consistency with other programs it is not being changed. However, to accommodate the concerns which were expressed about this definition, provision was made in 175.12 to give the student financial aid officer at an institution the discretionary authority to determine in any particular case whether the relationship between a student and his parents is of such a nature that it is unreasonable to expect the parents to contribute towards the student's cost of education, regardless of whether that student qualifies as an independent student.

The intent of the provision concerning a deceased parent is simply to state the obvious: A student cannot be considered to be dependent on a deceased person. However, the death of one parent does not automatically make it unreasonable to expect the surviving parent to contribute towards the student's cost of education. Therefore, if there is a surviving parent, the test enumerated in the first part of the definition would have to be met with respect to the relationship between the student and the surviving parent before the student could be considered self-supporing or independent. Again, any hardship resulting from the definition may be rectified by the institution's financial aid officer.

Section 175.3 Allotment of Federal Funds to States

Comment. Several commenters recommended that the method stated in former regulations and in § 175.3(b)(3) of the notice of proposed rulemaking by which the Commissioner exercises his discretion to allocate 10 percent of the College Work-Study appropriation after 2 percent has been withheld for allotment to institutions in Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, be phased out and that the Commissioner exercise his discretion by allocating this sum in accordance with the statutory formula under which the 90 percent initial allotment to the States is distributed.

Response. The Office of Education agrees that the current method of allocation needs revision and is currently reviewing alternatives, one of which is that suggested by the commenter. However, since any change would have a substantial effect on the amount of funds some institutions would receive, the Office of Education plans to publish any change in the allocation procedure as a notice of proposed rulemaking on which public comment will be invited.

Comment. Several commenters suggested that the formula set forth in § 175.3(b)(1) for computing the initial allotment to States should be amended to include students enrolled on at least a half-time basis in § 175.3(b)(1)(i) rather than only full-time students and others suggested that the family income cut-off level of $3,000 stated in § 175.3(b)(1)(iii) be raised to a higher level to reflect trends in the economy.

Response. These components of the allotment formula are set forth in the authorizing statute (442(b) of the Act, 42 U.S.C. 2752(b)); therefore the regulation may not be changed.

Section 175.5 Institutional Applications

Comment. Some commenters questioned whether a difference in meaning was intended between the term "average cost of education" in § 175.5(a)(4) and "average cost of attendance" in § 175.5(a)(7).

Response. Section 175.5(a)(7) of the notice of proposed rulemaking was redundant and has been eliminated in the final regulation.

Comment. One commenter questioned the use of the term "annual per student costs" in § 175.5(a)(4) and suggested that the costs to which it refers are intended to cover an academic year rather than a twelve-month period.

Response. The commenter is correct and the phrase has been changed to "per student costs * * * for an academic year" in the final regulation.

Comment. A number of commenters objected to the requirement of a justification of any per student costs for books and supplies in excess of $175 and for personal expenses in excess of $450 since they felt these figures were unrealistically low, inflexible benchmarks. Some suggested raising these amounts while others felt no specific dollar amounts should be stated. Another commenter suggested, as a substitute, a regulation setting guidelines an institution could follow in determining student costs for various budget items.

Response. The proposed regulation was not changed. These amounts are used as an average for all institutions across the nation, and the Office of Education does not consider them unrealistically low. It is recognized that some institutions may vary from the norm and that higher amounts may be justified in some cases. Furthermore, this requirement does not set fixed standard amounts which may not be exceeded, but merely requires that higher amounts be justified.

Comment. One commenter suggested that § 175.5(a)(4) of the regulation should include benchmark amounts for room and board not provided by the institution, and transportation costs as well as for books, supplies, and personal expenses.

Response. The Office of Education is currently planning to conduct a study which will have as its main purpose the establishment of parameters for these educational costs for use in the application review process. At present no fixed amounts have been established to be used as benchmark figures for these educational costs.

Comment. One commenter suggested that § 175.5(a)(5) and (6) should specify that the number of students to be employed is to be an estimated number.

Response. The commenter's suggestion has been adopted. To provide consistency in the listing of items to be included in the application, the adjective "anticipated" has been included in both clauses.

Comment. One commenter recommended that Federally Insured Student Loans made by the institution should not be included in the calculation (cited in § 175.5(a)(10) of the proposed rule) of financial assistance awarded by the institution from its own scholarship and student aid programs for the most recent year for which information is available, since, according to the commenter, these loans are made to fill unmet need caused by inadequate funding of other Federal programs.

Response. No change has been made in response to this comment. The statement made by the commenter could be claimed with respect to any institutional program of student financial aid and is therefore not limited to Guaranteed Loans only.

Comment. One commenter suggested that to provide consistency among program regulations governing the tripartite application, the College Work-Study regulations should include the request for average unmet need per student and justification of any amount in excess of $200 which was included in § 144.5(a)(12) of the notice of proposed rulemaking for the National Direct Student Loan Program.

Response. This item was inadvertently omitted from the College Work-Study notice of proposed rulemaking and has been included in the final regulation as the commenter suggested.

Comment. A number of commenters suggested that § 175.5 include specific reference to the terms and conditions for submitting the abbreviated application, referred to as the "short form," which institutions have been allowed to submit under certain conditions in requesting funds for FY 1976 and FY 1977.

Response. The suggestion of the commenters has been accepted and a new paragraph specifying terms and conditions for submitting a "short form" has been included in the final regulation.

Comment. One commenter suggested that the deadline for submitting the application be included in the regulation.

Response. The deadline for submitting the annual tripartite application is published each year in the FEDERAL REGISTER. Since various unforeseen factors may arise which could necessitate a change in the time of this deadline date from one year to another the Office of Education feels that annual publication of the date in the FEDERAL REGISTER is preferable to including it in the program regulations.

Comment. Some commenters felt the wording of § 175.5(b)(1) as related to the remainder of that subsection could be construed to mean that all correspondence on financial aid matters would be addressed to the president of the institution.

Response. The wording of this subsection has been revised in the final regulation to respond to the commenters' concerns.

SECTION 175.6 FUNDING CRITERIA

Comment. One commenter requested a definition of the term "reasonableness" as it is used in this section.

Response. No special definition was considered necessary. The term "reasonableness" as applied to the funding criteria in § 175.6 should not be construed as having any special meaning outside the normal usage of the term as defined in any modern dictionary. The Office of Education considers it an appropriate term to be used as an evaluation criterion by a panel of experts.

Comment. One commenter noted that § 144.6(g) of the notice of proposed rulemaking for the National Direct Student Loan Program calls for a review of the adequacy of the justification required in § 144.5 of any costs in excess of $175 for books and supplies and $450 for personal expenses, and of the explanation required for any unmet need per student in excess of $200. The commenter suggested that this criterion should be included for this program.

Response. This criterion was inadvertently omitted from the College Work-Study notice of proposed rulemaking and has been included in the final regulations as the commenter suggested.

SECTION 175.7 APPLICATION REVIEW AND APPROVAL OF REQUEST

Comment. Several commenters suggested that the term "qualified persons" as used in this section of the proposed regulations should be restated to specify experienced individuals who work directly with financial aid programs and also that the regulations should require the inclusion of practicing financial aid officers.

Response. The suggestion was not adopted. The Commissioner feels that the wording of this item in the proposed regulations expresses much of the commenter's intent. The regulation stipulates that the Commissioner shall convene panels of "qualified persons" to evaluate institutional applications; obviously, a person cannot be considered "qualified" unless he is conversant with the administration of student financial aid programs.

Comment. One commenter suggested that the final regulation should require the inclusion of practicing financial aid officers in the regional review process outlined in § 175.7(c) of the proposed regulation.

Response. The regional review procedure outlined in § 175.7(c) does not preclude the use of a panel of practicing financial aid officers if the regional office chooses to employ such a panel. In some instances, however, the issues involved in the review of the original panel's recommendation may be handled more expeditiously by direct negotiation between the regional office and the institution. Therefore, the option to use or not use a panel of practicing financial aid officers at this stage of the review process has been left to each regional office as it deems appropriate. In this context it should be noted that the regulation does stipulate that an institution may request a review of the region's recommendation by a national review panel.

Comment. One commenter felt the proposed regulation prevented the introduction of additional material at any point in the appeal process.

Response. The commenter is incorrect in his assumption. Additional information may be presented to the regional office when a review of the original panel recommendation is requested (45 CFR 175.7(c)). However, no new information may be presented to the national review panel, because the regional office should have been given the opportunity to act on any additional information prior to its presentation to a national review panel.

Comment. One commenter suggested that the regulation should require that the panel review guidelines be supplied to institutions as a guide to assist them in completing the application.

Response. The suggestion was not adopted. The panel review guidelines contain no requirements which are not included in the regulation and are an internal working document intended to assist panel members in the review process.

Comment. One commenter suggested that the time period for submission of a request for national review should be specifically stated in the regulation rather than using the phrase "within such time as may be specified by the Commissioner."

Response. As noted in the earlier comment on the deadline for submitting the application, various unforeseen factors may arise which could necessitate changes in deadline dates or in the time period between the original submission of the application and the convening of the national review panel. Consequently, it is considered inappropriate to include a specific time period in these regulations.

SECTION 175.8 INSTITUTIONAL AGREEMENT

Comment. One commenter suggested that the terms of agreement stated in the regulations should include an assurance by the institution that it will seek worthwhile job opportunities for students who are to be employed under the program.

Response. The Office of Education agrees with the goal expressed in this comment. However, since the institution agrees to administer the program in accordance with the regulations, which include this goal in § 175.1, it is not necessary to repeat it as a condition of the terms of agreement in § 175.8.

SECTION 175.9 ELIGIBILITY AND SELECTION OF STUDENTS

Comment. Some commenters felt that there was a conflict between the requirement stated in the proposed regulation that preference in the selection of students for employment under the College Work-Study Program be given to students with greatest financial need taking into account grant assistance provided from any public or private source, and the requirements for awarding a Supplemental Educational Opportunity Grant.

Response. The regulatory provision to which the commenter refers is identical to 444(a)(3) of the Act. This section appears in a sense to be incongruent with 413C(a)(2)(D) of the Higher Education Act of 1966, as amended, (20 U.S.C. 1070b–2) which stipulates that a Supplemental Grant shall be awarded only to a student who "would not, but for a supplemental grant, be financially able to pursue a course of study at such institution." We agree with the commenter's point that these sections appear to conflict. However, the conflict is caused not by the regulation but by the statute which the regulation merely repeats.

Comment. One commenter questioned whether the requirement of granting preference in the selection for employment under the program would preclude taking into account other factors such as the receipt of a student application by a deadline date, willingness and ability to work, previous aid awards, including total outstanding loan obligations, and academic factors such as grade point average and major.

Response. This statutory requirement need not be construed as preventing the institution from establishing and adhering to an application deadline date, or from meeting the need of a student in the preference category with other forms of aid if the student is in agreement or if College Work-Study employment is deemed inappropriate in considering the student's health, academic progress, schedule of classes, etc. However the other factors cited by the commenter (i.e., outstanding indebtedness, grade point average, and academic major) may be used only in making selections among students who have equal need after taking into consideration any grant aid they have received from any public or private source.

Comment. One commenter questioned whether the statutory preference requirement would permit priority consideration for "renewal" students over others who have a greater financial need.

Response. Priority consideration for students who have previously received aid is not permitted. However, in choosing among students who have an equal ranking in the preference category, an institution can use other factors.

Comment. One commenter questioned whether the regulations would preclude an institution from refusing to award any aid in instances where the institution was unable to meet the student's full need.

Response. If the disparity between the amount the institution can award a student and the amount the student needs is so great that it can easily be predicted that student will be forced to withdraw before the end of the academic period for which the aid is awarded, the institution would have justification for refusing to award the insufficient amount.

Comment. One commenter recommended deleting the requirement for granting preference in selection for employment to students with greatest financial need, taking into account grant assistance provided from any public or private sources. The commenter felt that knowledge of such grants may not be known to the financial aid officer at the time the student's need is assessed, and that this preference criterion would favor independent students at the expense of disadvantaged dependent students, and also favor graduate and professional students at the expense of undergraduates.

Response. As noted in the response to the first comment on this section of the regulations, the provision to which the commenter refers is identical to section 444(a)(3) of the Act and may not be changed in the final regulations. With regard to the commenter's first point, the institution would know at least the amount of the student's Basic Grant entitlement.

Comment. Several commenters objected to the provision contained in § 175.9(e) of the proposed regulation, § 175.9(f) of the final regulation, which requires the institution to make employment under the Work-Study Program or "equivalent employment offered or arranged for by the institution reasonably available (to the extent of available funds) to all eligible students in need thereof." They objected on the basis that such a requirement constituted undue interference in institutional affairs and that it would prevent the awarding of institutional employment on the basis of specific skills or academic ability without regard to need.

Response. The provision to which the commenters refer is identical to section 447(a)(7) of the Act and may not be changed in the final regulations. However, this statutory provision should not be interpreted as an attempt to introduce a needs test into all institutional student employment programs. Rather, this provision is intended to apply to those funds of the institution which it has set aside for the employment of needy students.

Comment. One commenter questioned the omission from the student eligibility criteria in § 175.9 of the requirement included in section 444(a)(3)(B) of the Act that the student show evidence of academic or creative promise. The commenter noted that it appeared among the student eligibility criteria in § 175.8 (Institutional Agreement). Another commenter recommended that this eligibility requirement be deleted entirely from the regulations on the grounds that the measurement of academic and creative promise across the range of participating institutions covers such a variety of skills and talents as to make this requirement unenforcible. Several commenters suggested that a definition of the term "evidence of academic or creative promise" should be included in the regulations.

Response. The omission from § 175.9 of the student eligibility requirement cited by the commenters was an oversight which has been corrected in the final regulations. Since this requirement is included in the Act, it cannot be omitted as the second commenter suggested. However, a definition of the term "evidence of academic or creative promise" has not been included since the Commissioner feels that decisions concerning a student's potential may be made by the institution using its own judgment.

Comment. One commenter recommended the deletion of the requirement of a high school diploma as one of the eligibility criteria for students in area vocational schools.

Response. The provision to which the commenter refers is required by 444(b) of the Act, and may not be changed in the final regulations. A further discussion of this point may be found in the responses to the comments on the definitions in § 175.2 of "area vocational school" and "institution of higher education."

Comment. One commenter suggested the inclusion in this section of the regulations of a statement defining student eligibility when the student is participating in a program of study abroad.

Response. The commenter's suggestion has been adopted. A statement on student eligibility during participation in an eligible program of study outside the United States is included as § 175.9(c) of the final regulations.

Comment. One commenter questioned the term "actual cost of education" as it appeared in § 175.9(c) of the proposed regulation, and suggested that institutions should be permitted to use a set of standard or average costs to facilitate need analysis procedures, especially when large groups of students are involved.

Response. The use of such a set of reasonable standard or average costs in need analysis procedures is not necessarily precluded by the regulation for all types of costs. For those costs which are readily identifiable, such as tuition and fees, on-campus housing, and other amounts paid directly to the institution, actual costs should be used. However, with respect to amounts not paid to the institution, such as room and board off-campus, personal expenses and transportation, the institution may use estimates which approximate the amounts reasonably necessary for such purposes.

Comment. Several commenters objected to the requirement that the student affidavit noted in § 175.9(f) of the proposed regulation be signed in the presence of a notary or other person legally authorized to administer oaths or affirmations. One commenter suggested the regulations should specify that the content of the affidavit form could be integrated into other institutional forms and that other items could be included in the affidavit at the discretion of the institution.

Response. The regulation was not changed. Section 498 of the Higher Education Act of 1965, as amended (20 U.S.C. 1088g), requires the student to sign an "affidavit." An "affidavit" is a written statement made under oath or affirmation before a notary public or other person authorized under State law to administer such an oath or affirmation. With regard to the second comment, the affidavit may be integrated into other forms in a manner of the institution's own choosing, provided that it remains clearly identifiable as a document and is properly sworn.

SECTION 175.10 SPECIAL SESSIONS

Comment. One commenter felt that the definition of the term "half-time student" should be expanded to reflect the difference in the number of hours necessary to be considered enrolled half-time during a regular period of enrollment and during a special session. Another commenter suggested that § 175.10 (a)(2) should include the requirement of acceptance for enrollment at the next regular session as well as the student's intention to continue, since at many institutions acceptance for enrollment during a summer session does not necessarily constitute acceptance for enrollment at the next regular session.

Response. A student will be eligible to participate in the College Work-Study Program during a summer vacation period or other periods of nonregular enrollment (special session), regardless of his enrollment status during that period, only if (1) he will be enrolled, or has been accepted for enrollment, as at least a half-time student at that institution for the regular session following such special session or (2) he will complete his course of study during such special session and was enrolled at that institution as at least a half-time student in the regulation session preceding the special session.

A student's eligibility to participate in the College Work-Study Program cannot be established solely on the basis of his enrollment status during a special session. The regulation has been clarified in response to the commenters' questions.

Comment. One commenter suggested that the term "other field experience education program" should be added to the several examples of a period of nonregular enrollment included in the first sentence of § 175.10(a) of the proposed regulation.

Response. The recommendation was not adopted. As indicated by the use of the phrase "such as," the several examples cited in the clause to which the commenter refers were not intended to be all-inclusive. There may be a number of different labels which could be attached to a period of non-regular enrollment; the regulations do not attempt to enumerate all of them.

SECTION 175.11 COST OF EDUCATION

Comment. One commenter suggested that an amount equal to 5 percent of the student's College Work-Study award should be added to the cost of education to account for the various costs the student may incur incidental to his College Work-Study employment.

Response. The suggestion was not adopted since no rewording of the proposed regulation was felt necessary to accomplish the purpose sought by the commenter. In satisfying the student's need, net earnings are considered as that portion of his financial aid package derived from Work-Study employment which are to be used to meet the student's cost of education. Costs incidental to employment are those amounts in addition to taxes which are subtracted from the gross earnings to arrive at the net. These costs will include costs of transportation to and from the job, meals during the work period, and other reasonable costs incurred as expenses of employment.

Comment. One commenter recommended that the section be amended to include a statement of allowable costs for students engaged in a program of study by correspondence.

Response. The recommendation was adopted. While correspondence schools may technically comply with the statutory definition of an institution of higher education for purposes of participation in the Work-Study Program, it seems unlikely that such schools could comply with the statutory and regulatory provisions of the program for a number of reasons, including the problem of entering into the appropriate arrangements for employment of students who are geographically dispersed around the country and the problem of exercising institutional responsibilities to oversee such employment. Therefore, while applications to participate will be entertained from correspondence schools, the institution's capabilities to administer such a program will be carefully reviewed in light of the special difficulties presented. Since such schools are potentially eligible, § 175.11 has been amended to include allowable costs relating to programs of study by correspondence. These allowable costs will include tuition and fees and also travel and room and board costs incurred specifically in fulfillment of a required period of residential training.

Comment. A number of commenters objected to the stipulation that transportation costs related to a program of study abroad could not be included as a cost of education.

Response. In response to the commenters' concern this section has been revised to provide that in the case of a student enrolled in an eligible program of study outside the United States his cost of education may not exceed his cost of education at the location of the campus of the institution he normally attends. In this regard institutions should also note the addition of § 175.9(c).

SECTION 175.12 EXPECTED FAMILY CONTRIBUTION

Comment. A number of commenters requested clarification of § 175.12(c) and suggested that this subsection be rephrased in more specific terms.

Response. The suggestion of the commenters was not adopted. In the past financial aid officers have frequently complained that the standards prescribed by the Office of Education for determining self-supporting student status did not permit them to exercise professional judgment in cases which seemed to them to warrant special consideration. In response to this frequently voiced complaint § 175.12(c) was written in general terms specifically with the intention of providing the latitude for the financial aid officer to exercise his professional judgment on a case-by-case basis.

Comment. One commenter suggested that the phrase "dependent children attending institutions of higher education" in § 175.12(a)(3) should be restated as "dependent children attending institutions of postsecondary education."

Response. The recommendation was not adopted. "Institution of higher education" is a statutory term with a specific meaning. "Institution of postsecondary education" is not included in the statute.

Comment. One commenter pointed out that § 176.12 of the Supplemental Educational Opportunity Grant regulations specifically includes the requirement that the financial aid officer shall take into consideration tuition incurred by dependent children attending elementary and secondary schools in determining the expected family contribution. The commenter objected to the omission of

this item in the College Work-Study regulation as creating a double standard in determining eligibility for assistance under the two programs.

Response. The requirement in the Supplemental Grant regulation to which the commenter refers is set forth in the authorizing statute governing that program (section 413C(a)(2) of the Higher Education Act of 1965, as amended) and therefore must be reflected in the regulations for that program. Since this category of family costs is not specifically addressed in the authorizing statute for the College Work-Study Program, it is not specifically cited in the program regulations. However, such family costs may be one of the factors considered by the financial aid officer in calculating a family's expected contribution pursuant to § 175.12(a)(4).

SECTION 175.13 APPROVED NEED ANALYSIS SYSTEMS

Comment. A number of commenters recommended that the Uniform Methodolgy for Measuring Ability to Pay, developed by the National Task Force on Student Aid Problems, be adopted by the Office of Education as the only acceptable method of need analysis for the College Work-Study Program.

Response. The suggestion was not adopted. The annual review procedures outlined in § 175.13 of the final regulations will accommodate those systems which use the Uniform Methodology. However, the Commissioner does not wish to mandate the use of the Uniform Methodolgy to the exclusion of all other systems.

Comment. Some commenters objected to the inclusion of the Basic Grants and the Income Tax methods of calculating expected family contributions as approved need analysis systems.

Response. The proposed regulation was not changed. The Income Tax method of calculating expected family contributions and the method used by the Basic Grants Program are only two of several such methods or systems of need analysis approved for this purpose. No institution which objects to either method is required to use it.

Comment. One commenter questioned the omission in § 175.13(b) of the College Scholarship Service and American College Testing Program as specifically designated approved need analysis systems.

Response. The Commissioner has the statutory responsibility to provide basic criteria and schedules for the guidance of institutions in making awards to needy students. Prior to 1975, the regulations governing this program had approved certain, specifically named need analysis systems, without specifying any duration for approval, and had provided for the approval of other systems which produced comparable figures for expected parental contributions. The Commissioner has concluded, however, that he should review on an annual basis such need analysis systems as are used for dependent students and should publish each year a list of those systems which he has approved for use by institutions during the subsequent academic year. The proposed rule set forth the procedures and standards for such review and approval. The two systems cited by the commenter will be required to follow the annual review procedure applicable for all need analysis systems except Basic Grants and Income Tax.

Comments. One commenter suggested that the Office of Education should develop benchmarks for approving need analysis systems for independent students in a format similar to that for systems to be used with respect to dependent students. The commenter apparently assumed that any need analysis system developed for use with respect to independent students must follow the methodology of the College Scholarship Service.

Response. The suggestion was not adopted. At the present time the Commissioner does not plan to provide a set of criteria and schedules for the guidance of institutions in making awards to needy independent students. The elements which such a system must take into account are included in § 175.12(b) of the final regulations. To be approved by the Commissioner a proposed need analysis system for independent students must provide results which are comparable to those of currently approved systems. Although the College Scholarship Service System is among those which have received this approval, it is a misinterpretation of the regulation to assume that approval of all future systems is contingent upon their use of CSS methodology.

Comment. One commenter suggested that a family residence of $25,000 or $30,000 should not be included as an asset in computing the expected parental contribution of dependent students, and only the value of the residence in excess of that amount should be taxed as an asset.

Response. The suggestion was not adopted. The regulation governing the methodology for determining an expected parental contribution stipulates that only the net market or cash value of the parent's assets remaining after deduction of related debt and a standard asset reserve of $10,000 shall be considered. Thus in the case of a parent's home, the value of the house minus the mortgage, rather than the total value of the home, would be considered in the computations of the expected parental contribution.

Comment. One commenter suggested that the Commissioner encourage independent research of outside agencies in the area of measuring the ability of families to contribute toward the cost of postsecondary education and incorporate the results of such research into Federal need analysis system guidelines.

Response. The Commissioner does encourage such independent research and would welcome with great interest the results of any such research which may be brought to his attention.

SECTION 175.14 COORDINATION OF STUDENT FINANCIAL AID PROGRAMS, AWARD AMOUNT AND OVER-AWARD

Comment. A number of commenters objected to the inclusion of expected earnings from employment other than that provided under the College Work-Study Program in the listing of resources to be taken into account in determining the student's need. Many commenters felt that since the student may, under certain conditions, borrow under the Guaranteed Student Loan Program to meet this expected parental contribution, he should similarly be able to substitute outside earnings for the amount of his expected parental contribution. Others suggested that considering such earnings as a resource would penalize the ambitious student and stifle initiative when, as a result of obtaining additional employment, he found his aid package reduced.

Response. The proposed regulation was not changed. While many cogent points were put forth in the commenters' objections, the overriding concern with regard to eligibility for employment under the College Work-Study Program is a need for funds to meet educational costs. Since there are seldom, if ever, enough Federal dollars available to meet the needs of all eligible applicants, the Commissioner considers it imperative to assure that no needy student, regardless of which institution he attends, is denied aid while another student, in the same or another institution receives aid in excess of his need. A far greater inequity would result if one student were to be forced to abandon his education because of lack of funds than would result from denying another student an opportunity to exceed his need.

Comment. A number of commenters objected to the requirement that expected earnings from employment other than that provided under the Work-Study Program be considered as a student resource because of the difficulty involved in monitoring all institutional student employment, especially in a large institution.

Response. With regard to the administrative burden caused by this requirement, the statute permits an institution to use a portion of the funds granted to it as a payment in lieu of reimbursement for such administrative expenses. That statutory provision is incorporated in § 175.27(b) of the regulation. In choosing to participate in this program, institutions should be aware that they are accepting an administrative burden. Section 175.14 is an attempt to specify one portion of that burden. It is felt that the requirements stated in § 175.14 in connection with the avoidance of over-awards are basic to the concept of need, which is the central concept on which this program is built. The Office of Education considers institutional employment to be one form of student financial aid. Accordingly, an award of institutional employment which exceeds need is no different than an excess award in grant or loan funds. However in recog-

nition of difficulties involved in administering this program, an institution will not be deemed to have violated this provision unless the overaward exceeds $100.

Comment. One commenter suggested that § 175.14(e) should deal more explicitly with the financial aid officer's responsibility for considering earnings the student may obtain from non-institutional off-campus employment.

Response. As noted in the response to the previous comment, the Office of Education feels it is reasonable to expect the institution to be aware of all opportunities for institutional employment and to consider anticipated earnings from such employment as a resource available to the student in determining eligibility for assistance under the College Work-Study Program. The Office of Education recognizes, however, that the institution cannot be expected to know about non-institutional off-campus employment the student may obtain unless it is informed of such employment by the student. Therefore, the requirement set forth in § 175.14(e) extends only to resources the institution itself makes available or other resources of which it should be aware.

Comment. A number of commenters objected to the limitation on the use of Guaranteed Student Loans to satisfy the expected family contribution, as stated in § 175.14(c)(2) of the proposed regulation, and proposed instead that a student be permitted to substitute a Guaranteed Student Loan for the expected parental contribution in all cases. Another commenter took the opposite viewpoint arguing that a Guaranteed Student Loan should be treated as a resource in all instances.

Response. No change was made in the proposed rule. Under the final regulation any Guaranteed Student Loan, except one for which a needs test is required for interest benefits, may be used as a substitute for the expected parental contribution. This procedure is considered to be consistent with the legislative history of the Guaranteed Student Loan Program, since such loans are considered to be loans of convenience permitting a family to make its expected contribution over a lengthened period of time. If a needs test is required for interest benefits, need is determined by subtracting an expected family contribution plus the sum of all other financial aid from a student's cost of education. Under such a procedure it would not be proper for the Guaranteed Loan to be used as a substitute for the expected family contribution.

Comment. One commenter suggested that the responsibility for determining a student's eligibility for Federal interest benefits on a Guaranteed Student Loan should rest with the financial aid officer rather than the lending agency from which the loan is received.

Response. The commenter's suggestion relates to statutory and regulatory provisions governing the Guaranteed Student Loan Program. Therefore, the change suggested by the commenter would have to be addressed in regulations for that program.

Comment. One commenter suggested that the requirement set forth in § 175.14(a) of the proposed regulation concerning the appointment of an official to be responsible for coordinating the College Work-Study Program with the institution's other student financial aid programs should be put into the form of an agreement to be accepted annually by the chief fiscal officer of the institution and circulated to department chairmen and other institutional officials. The commenter felt that such an agreement would be of value to the coordinator when reductions in financial aid packages were necessary as a result of overawards caused by departmental jobs, scholarships or loans.

Response. The suggestion was not adopted. Section 175.14(a) of the regulations requires that each institution shall appoint an official to be responsible for coordinating the College Work-Study Program with the institution's other student financial aid programs. The Commissioner feels that an institution should have discretion to carry out this requirement as the commenter suggests or in some other appropriate manner.

Comment. One commenter noted that a student could receive financial assistance in an amount greater than his financial need if the institution did not take into account, when awarding his financial aid, the amount of a Basic Grant which that student would be entitled to receive.

Response. The commenter's point is well taken. Therefore, § 175.14(c) has been amended to include as a "resource" the amount of funds a student is entitled to receive under the Basic Educational Opportunity Grants Program regardless of whether the student has applied for such funds. The practical effect of this provision is that an institution shall, when calculating a student's financial aid package, automatically include in that package the amount of the Basic Grant to which that student is entitled regardless of whether he has applied for such a grant. (See also § 175.9(f) of the regulation regarding the treatment of Basic Grant entitlements.)

SECTION 175.15 COORDINATION WITH BUREAU OF INDIAN AFFAIRS GRANTS-IN-AID

A notice of proposed rulemaking pertaining to the coordination of Office of Education sponsored student financial aid programs with Bureau of Indian Affairs grants-in-aid was originally published in the FEDERAL REGISTER of March 7, 1975, 40 FR 10086, as a proposed amendment to the regulations for the Supplemental Educational Opportunity Grant Program. This provision was republished as § 175.15 of the notice of proposed rulemaking for the College Work-Study Program. The final regulation for the Supplemental Educational Opportunity Grant Program was published in the FEDERAL REGISTER of August 27, 1976. The final regulation for the College Work-Study Program has been changed in accordance with the comments received for the Supplemental Educational Opportunity Grant Program. Furthermore, the comments received with regard to § 175.15 are basically the same comments received on the Supplemental Educational Opportunity Grant Program provision, and such comments were discussed in the preamble to the Supplemental Educational Opportunity Grant Program regulation.

SECTION 175.16 PROGRAM ELIGIBILITY

Comment. One commenter objected to the terms set forth in § 175.16(a)(2)(i) and (ii) under which College Work-Study funds may be used to employ students in operations for which an institution has chosen to use a contractor. These terms require that the contract between the institution and the private contractor must provide (i) that the contractor will utilize a specific number of the institution's students in carrying out the contract, and (ii) that the institution will select the students to be employed and determine each student's rate of pay.

Response. No change was made in the proposed regulation. The terms in the regulation cited by the commenter are intended to show that the students so employed are employees of the institution itself to the same degree as if the institution were performing the operation for which it has hired the contractor. Thus, the selection of students, the number to be employed, and the determination of their wage rate are functions which must rest with the institution.

Comment. Two commenters objected to § 175.16(a)(3) of the proposed regulation which prohibits College Work-Study employment in profit making activities engaged in by the institution which are not part of the institution's educational program.

Response. In response to the commenter's concern the final phrase in § 175.16(a)(3) has been expanded to include cultural and athletic programs of the institution as well as educational programs. The intention of this paragraph is to permit College Work-Study employment for the institution itself in any institutional facility being used for an institutional function, but to prohibit employment for the institution in profit making activities not related to the educational, cultural or athletic programs of the institution. The Commissioner deems it inappropriate for the Federal grant to an institution to be used for the employment of students in a profit making enterprise not related to the functions of the institution as an institution of higher education.

Comment. One commenter questioned whether the prohibition (included in § 175.16(b)(3) of the proposed regulations) on employment involving the construction, operation, or maintenance of so much of any facility as is used or is to be used for sectarian instruction or as a place of religious worship would preclude the employment of students under the Work-Study Program in summer camps operated by religious organizations.

Response. If sectarian instruction and/or religious worship are an integral part

of a camp program, no students may be employed at such a camp under the College Work-Study Program. This prohibition includes positions not involved in the programmed worship or instruction, such as life guards, recreation aides, etc., because the summer camp itself exists for a religious purpose; therefore no part of its operation is appropriate for inclusion under the College Work-Study Program.

Comment. Several commenters questioned terms in this section relating to off-campus employment, including the terms "public interest," and "reliable organization," and in general requested more specific guidance concerning eligible off-campus employment.

Response. Because of the multiplicity of employment opportunities with public or private nonprofit organizations this section has intentionally been written in general terms to provide latitude for the institution to develop innovative employment opportunities for its students and thereby to further one of the basic purposes of the program stated in § 175.1(b)(2) of the regulations. It is felt that the wording of this section in its current form will provide sufficient guidance to the institution while still permitting the broadest possible exercise of initiative in job development. Since each potential off-campus employer may pose new questions, institutions are urged to consult the student financial aid program staff in their regional Office of Education whenever guidance is needed.

Comment. One commenter suggested that the institutional responsibility relating to CWS employment for a public or private nonprofit organization implied a high degree of control over the off-campus agency and questioned its feasibility.

Response. The institution has the responsibility to insure that its College Work-Study Program is administered in accordance with the applicable statute and regulations. To the extent that this responsibility requires a review of the procedures of an off-campus agency at which its students are employed, such a review must be considered a part of its general responsibility for program administration. The history of the Work-Study Program over its past ten years of operation indicates that such responsibility is feasible. The Office of Education does not feel that the institutional responsibility for assuring adequate documentation of disbursements and supervision of work could constitute interference in the affairs of an off-campus employer.

Comment. One commenter suggested that the regulations should be amended to permit on-campus employment of Work-Study students by proprietary institutions.

Response. The suggestion was not adopted. Section 444(a)(1) of the Act provides that Work-Study employment may involve work for the institution itself, except in the case of proprietary institutions.

Comment. One commenter suggested that institutions should require each private nonprofit organization wishing to employ students under the College Work-Study Program to include as an addendum to its written agreement with the institution (cited in § 175.16(c)(1)) a copy of the Internal Revenue Service statement of approval of its tax-exempt status. Another commenter suggested that eligibility as a private nonprofit off-campus employer should be contingent upon approval of tax exempt status specifically under section 501(c)(3) of the Internal Revenue Code.

Response. These suggestions were not adopted. Eligible off-campus employers may include nonprofit private organizations that do not qualify for a tax exemption under section 501(c)(3) of the Internal Revenue Code. Furthermore, the Commissioner is not of the view that the type of documentation suggested by the first commenter should be required.

Comment. One commenter questioned whether the prohibition against the displacement of employed workers set forth in § 175.16(b)(1) would be violated if students were employed under the Work-Study Program to substitute for regular employees who are on strike.

Response. Section 444(a)(1)(B) of the program statute (42 U.S.C. 2754(a)(1)(B)) requires that work performed under the College Work-Study Program "will not result in the displacement of employed workers or the impairment of existing contracts for services." The Office of Education views the use of College Work-Study students to fill vacancies created as a result of a strike to be such a displacement and has amended § 175.16(b)(1) to reflect that view.

Comment. One commenter recommended that participating institutions should spend a greater portion of their Federal College Work-Study allocation on off-campus community service oriented jobs. To meet this objective the commenter suggested that 50 percent of all College Work-Study funds in excess of $300,000,000 per fiscal year should be earmarked for community service activities off-campus. The commenter also provided a number of suggestions intended to encourage institutions to expand their off-campus programs in community service areas. Another commenter suggested that institutions should be required to arrange College Work-Study jobs with nonprofit community service organizatons. A third commenter felt that additional emphasis should be included in the regulations on providing a worthwhile job experience for the student.

Response. The Commissioner disagrees with the specific proposal that 50 percent of all College Work-Study funds in excess of $300,000,000 per fiscal year should be earmarked for community service activities off-campus because of the disadvantage such an action would create for those students at institutions which find it difficult to operate off-campus programs. There is also a serious legal question as to whether the Commissioner would have the statutory authority to require that nonproprietary institutions provide any off-campus employment for their students.

With respect to the suggestion that additional emphasis be included in the regulations on providing worthwhile job experiences for students, it should be kept in mind that one of the program objectives set forth in § 175.1 of the regulations is the broadening of the range of worthwhile job opportunities for qualified students in employment for the institution itself (except in the case of proprietary institutions) and for public and private nonprofit organizations. However, the determination as to what constitutes a "worthwhile job opportunity" in the case of an individual student involves subjective judgments which could only be made by officials of the institution and the student, taking into account the student's goals and the various possibilities for employment under the program.

SECTION 175.17 ELIGIBLE EMPLOYMENT

Comment. A number of commenters objected to § 175.17(b) of the proposed regulation which stipulated that work performed for the institution itself by which the student satisfies a requirement of a degree or certificate shall not be considered eligible employment under the College Work-Study Program. A number of commenters cited examples in which a student could be receiving credit at his institution for a particular job performed for a public or private nonprofit organization off-campus, but the same credit-bearing work on-campus would be ineligible as College Work-Study employment.

Response. The intention of the proposed regulation was to prevent an abuse of the program in which students would receive pay for attending classes. However, the Office of Education recognizes the merit in the points raised by the commenters. In response to their concern, § 175.17(b) has been rewritten to permit employment for the institution itself in *work* which satisfies a requirement of a degree or certificate while still attempting to prevent any potential abuse cited above. However, in no event may students be paid for receiving instruction in a classroom, laboratory, or other academic setting.

Comment. One commenter suggested that the criteria for determining eligible employment set forth in § 175.17(a) of the proposed regulation seemed to conflict with the requirement that employment under the program must not result in the displacement of employed workers or the impairment of existing contracts for services.

Response. The Office of Education does not feel the two clauses cited by the commenter are in conflict and no change was made in the wording of the final regulation. The criterion for determining eligible employment in § 175.17(a) is an attempt, through a test of comparability, to determine whether a particular position can legitimately be considered "work."

SECTION 175.18 ESTABLISHMENT OF WAGE RATES

Comment. A number of comments were received concerning the absence in the proposed regulations of a maximum wage rate for employment under the College Work-Study Program. Some commenters agreed with its omission and felt the determination should be left to the institution. However, a majority objected to its omission and felt a maximum wage rate should be established by the Office of Education and included in the regulations. Another suggested that it should be set annually by the Commissioner.

Response. It has been determined that there is no legal authority for the Office of Education to impose a maximum wage limitation.

Comment. One commenter suggested that the minimum wage rate permitted under the program should be set at $3.00 per hour.

Response. The commenter's suggestion was not adopted. The Commissioner is of the view that the minimum wage rates set out in the regulation which parallel the Federal minimum wage law are more appropriate.

Comment. Several commenters objected to the inclusion in the regulations of a minimum wage rate schedule higher than the subminimum wage which institutions are permitted to pay full-time students under the Fair Labor Standards Amendments of 1974 after receiving permission from the Secretary of Labor. Some commenters added that this requirement would create a situation in which College Work-Study students would receive higher pay for the same work than students in institutional employment programs. Others felt that the requirement that an institution seek approval from the Commissioner of Education in order to employ full-time students at the subminimum wage rate under the College Work-Study Program imposed an unwarranted duplication of effort upon the institution.

Response. In response to the commenters' objections, the final regulation has been changed to provide that if the Secretary of Labor has established a subminimum wage rate under provisions of the Fair Labor Standards Act for any category of students at an institution, such subminimum wage rate shall be the minimum wage rate for that category of students who are employed under the College Work-Study Program at that institution. It should be noted, however, that while the College Work-Study Program permits participation by students enrolled on at least a half-time basis, the subminimum wage provisions of the Fair Labor Standards Amendments of 1974 are addressed to the employment of full-time students only. Since institutions must make jobs under the program reasonably available to all needy students, there is the possibility of a situation in which full-time students and half-time students would receive different rates of pay for the same work.

Comment. One commenter assumed that the minimum wage rates stated in § 175.18(b) of the proposed rule would be required to be paid retroactively to the dates stated, if this section were to appear in the final regulations. With this assumption in mind the commenter suggested that the new minimum not be made effective until the coming academic or fiscal year.

Response. The suggestion was not adopted. Contrary to the commenter's assumption, the minimum wage rates included in § 175.18(b)(1) become applicable as of the effective date of the regulation. The wording of the final regulation has been revised to eliminate citations to dates occurring prior to its publication.

SECTION 175.19 LIMITATION ON THE NUMBER OF HOURS OF EMPLOYMENT

Comment. Many commenters objected to the inclusion in this section of the stipulation that during periods when a student's classes are in session the student may not work more than an average of 20 hours per week averaged over the period of enrollment for which the College Work-Study award was received. (One commenter endorsed the proposed limitation.) A number of commenters who objected felt that although few students would work more than 20 hours per week during periods when they were enrolled in classes, the financial aid officer should have the option to permit a greater number of hours in instances where the student's need, academic schedule, and other factors seemed to warrant it. Others felt that the proposed regulation would limit a student to an average of twenty hours per week if he were to enroll in a class or two during his summer vacation period. Many of the commenters argued that since Congress had, in the Education Amendments of 1972, removed a fifteen-hour average without replacing it with a higher average maximum number of hours, the insertion of a twenty-hour limitation was a violation of Congressional intent.

Response. In response to the concern expressed by the financial aid community at large on this issue, the final regulation has been revised to provide that, in exceptional circumstances, a student may be employed under the program for more than twenty hours per week during periods when his classes are in session. The financial aid officer may determine that such exceptional circumstances exist if, after considering all of the student's resources and all other financial aid the institution can make available to him, his need remains so great that it cannot be met with earnings from a job of twenty hours per week and that such extra work will not have a deleterious effect on his health and academic progress.

SECTION 175.20 EARNINGS ATTRIBUTABLE TO COST OF EDUCATION

Comment. Many commenters objected to the requirement in the proposed regulation that costs incidental to obtaining earnings under the program during summer vacation periods or other such periods when the student is not enrolled in classes may not exceed 20 percent of the student's gross income or $200, whichever is less. A substantial number of commenters argued that such a limitation would eliminate opportunities for summer employment especially for independent students and for those dependent students who lived away from home during periods in which their classes were not in session. Many alternatives were proposed for regulating the amount of maintenance costs which could be permitted from College Work-Study earnings and for differentiating between the amount to be allowed for dependent students living with parents and for independent students and dependent students not living with their parents.

Response. The Office of Education recognizes that a portion of a student's summer College Work-Study earnings will of necessity be required for summer maintenance costs. At the same time, however, it must be kept in mind that the purpose of this program as stated in the authorizing statute is to promote the part-time employment of students who are in need of earnings from such employment to meet their cost of education. If a substantial portion of a student's summer College Work-Study earnings were to be dissipated through summer maintenance expenses, this fundamental purpose for which the program was established would not be achieved. Normally, any dependent student employed under the program during his summer vacation period should be placed in a job which will permit him to live with his parents. In such a situation the limitation on expenditures for maintenance costs included in the proposed regulation is not unrealistic. In some instances, such as in the case of a student from a rural area, no employment opportunities may exist within commuting distance of his parents' home and in such cases a higher allowance for maintenance costs may be warranted.

In the case of an independent student whose need is analyzed on the basis of a twelve-month budget, the costs the student incurs during a summer vacation period are included in the computation of his need, and therefore should not be deducted from the amount he earns for that period.

The limitation on the amount of College Work-Study earnings which may be expended as costs incidental to obtaining employment during summer vacation periods or other periods of non-enrollment has been held at the level stated in the proposed regulation, except that the financial aid officer has been given the option to permit a higher level of such costs under exceptional circumstances. In such instances, as for example where the student is unable to live at home, the student's actual incidental costs may be deducted, except that in no event may such costs exceed 40 percent of gross earnings or $400, whichever is less.

SECTION 175.21 PAYMENTS TO STUDENTS

Comment. One commenter requested clarification of the use of payments in kind to students under the program.

Response. The institution may contribute its share of the compensation of any student employed under the College Work-Study Program in the form of services and equipment provided by the institution to that student employee. Any such payment must be supported by adequate documentation. In no case may any such payment consist of remittal of a charge assessed against the student exclusively because of his employment under the College Work-Study Program. Examples of permissible noncash payments include forbearance in the collecting of tuition or any portion thereof, room and board charges or any portion thereof, fees normally charged to all students, and the provision of books and supplies which are not normally furnished free of charge.

If the amount of the institution's noncash contribution is less than the required institutional share of the student's gross earnings, the institution must contribute in cash the difference between the required share of the student's gross earnings and the actual noncash contribution.

If the institution's noncash contribution to any one student in any one pay period exceeds 20 percent of that student's earnings in that pay period, the balance may be claimed as a noncash contribution toward that student's earnings during any subsequent pay period. For example, the institution may carry as a receivable all of a student's tuition for one semester and claim a noncash contribution equal to its share of that student's gross compensation for each pay period until the total of such shares equals the amount of tuition receivable.

All amounts claimed as noncash contributions must be supported by adequate documentation, such as acknowledgment of receipt signed by the student employee to support an amount credited to his account.

Comment. Two commenters objected to the requirement in § 175.21(c) of the proposed regulation that the institution obtain from the student a written acceptance of the award and the terms under which it is granted. Both commenters felt the requirement imposed an unnecessary administrative burden on the institution. One commenter suggested that, in a community college with an open-door admission policy permitting late enrollment, the requirement would cause an undue postponement in the CWS student's assumption of his duties and result in an inconvenience to the employer, or cause the employer to look elsewhere to fill a postion. Another comment was that since such a statement was not required for regular institutional student employment it resulted in a form of discrimination against needy, low-income students employed under the College Work-Study Program.

Response. The proposed regulation was not changed. The requirement set forth in § 175.21(c) provides the institution with a written acknowledgement that the student is aware of the rights and obligations of his award under the College Work-Study Program. The requirement is similar to one set forth in § 176.17(b) of the Supplemental Grant regulations and in § 144.15 of the proposed National Direct Student Loan regulations and in § 144.15 of the procorporated into the student's general statement of acceptance of the aid package.

SECTION 175.22 LIMITATION ON THE FEDERAL SHARE OF STUDENT COMPENSATION

Comment. One commenter questioned whether § 175.22(c)(1)(iii) authorized the assessement of an administrative fee to off-campus College Work-Study employees.

Response. The commenter's question appears to result from a misreading of this section. As indicated by the term "such organization" in § 175.22(c)(1), the costs of administration in excess of three percent cited in § 175.22(c)(1)(iii) may be recovered from the off-campus public or private nonprofit organization employing the student, if the off-campus organization agrees to pay such costs. No fee, compensation, or gratuity of any kind may be solicited or accepted from any student as a consideration or prerequisite for employment under the College Work-Study Program. This prohibition is set forth in § 175.23(b) of the regulations.

Comment. A number of commenters requested clarification of the meaning of § 175.22(d) and several questioned the statutory authority for including it.

Response. The paragraph questioned by the commenters is intended to prohibit an institution from making a profit on the off-campus portion of its College Work-Study Program. Section 441(a) of the Act states that the purpose of the Work-Study Program is to stimulate and promote the part-time employment of students who are in need of earnings from such employment to pursue courses of study at eligible institutions. It is not a purpose of the program to provide a source of profit for the institution. Section 444(a)(8) authorizes the Commissioner to include in his agreement with each participating institution such other provisions as he deems necessary or appropriate to carry out the purposes of this part. This paragraph of the regulations is intended to provide that any excess funds received from an off-campus agency shall be used either as later payments for students or to reduce the Federal share. The paragraph has been revised to clarify this intent.

Comment. One commenter described a situation in which off-campus agencies employing students would deposit funds at the beginning of the fiscal year with an institution to be held in trust by the institution and used to provide the 20 percent non-Federal matching share plus necessary employer costs. Under the arrangement any funds remaining with the institution at the end of the fiscal year were to be carried over to the next fiscal year and supplemented by an additional contribution from the off-campus agency sufficient to continue to provide a 20 percent non-Federal matching share plus employer costs. The commenter questioned whether § 175.22(d) would prohibit such a carryover arrangement and require that the Federal share of student compensation paid to students employed by off-campus agencies be reduced by the amount of the off-campus agency funds which remained on deposit at the institution at the close of the fiscal year.

Response. The carryover of off-campus agency funds held on deposit by the institution in the arrangement described by the commenter is not prohibited by § 175.22(d), nor is the refunding of any excess contributions to the off-campus agency.

Comment. One commenter, citing § 175.22(e) of the proposed regulation, requested a clarification of the procedures to be followed by an institution for requesting a Federal share in excess of eighty percent as a "developing institution."

Response. No change was made in the proposed regulation. No additional procedures for applying for a Federal share in excess of eighty percent will be required, since such a request will be part of the regular application process.

Comment. One commenter objected to the use of a standard based on parental income in determining institutional eligibility for a Federal share in excess of eighty percent under § 175.22(e)(1)(ii). The commenter felt that a criterion based on parental income would work to the disadvantage of institutions having a large percentage of self-supporting students.

Response. The regulation was not changed. The criterion in § 175.22(e)(1)(ii) stipulates that the Commissioner may approve a Federal share in excess of eighty percent if an institution demonstrates that at least fifty percent of its students enrolled on at least a half-time basis have parents whose annual adjusted gross income does not exceed $7,500 per year. This regulation is intended to provide an opportunity for institutions with a large proportion of students from historical conditions of great financial need to obtain additional Federal funds to meet the needs of those students. This regulation is based on an assumption that institutions with large proportions of such students typically and usually experience greater difficulty in raising funds to provide the institutional share of College Work-Study expenditures than do institutions whose students come from more prosperous families.

SECTION 175.25 MAINTENANCE OF EFFORT

Comment. One commenter questioned whether, in computing maintenance of effort, an increase in a program of State grants directly to students could compensate for a reduction in an institutionally administered grant program at a State supported institution. Another commenter suggested that because of necessary institutional administrative involvement in the administration of State scholarship programs, funds from such programs should be included as institutional funds in maintenance of effort calculations even when the selection of recipients is made by a State agency.

Response. Section 494 of the Act sets forth a maintenance of effort requirement for the institution "in its own scholarship and student aid program." The purpose of this requirement is to insure that financial aid provided under the Work-Study Program will supplement, rather than replace, existing institutional student assistance programs. To be considered as part of its "own scholarship and student aid program" a source of aid must be under the control of the institution. As an index of determining institutional control the Office of Education asks whether the institution has responsibility for selecting the recipients and determining the amount of aid each will receive. Funds from a State scholarship program may be considered as institutional funds and included in maintenance of effort calculations in those instances where the institution chooses the recipients and determines the amount each recipient will receive. A program of State grants directly to students in which the institution did not choose the recipient or determine the amount of the grant would not be included in maintenance of effort calculations and therefore would not compensate for a reduction in amounts awarded from institutional programs.

Comment. One commenter suggested that the regulation should include provision for waiver of the maintenance requirement for public institutions when appropriations supporting such institutions are reduced.

Response. No change was made in the regulation. The intent of the maintenance of effort provision is to prevent Federal funds from being substituted for other funds, including other public funds.

Comment. One commenter suggested that the institutional matching share required for Federal student aid programs should be specifically included as "institutional funds" for maintenance of effort calculations.

Response. No change was made in the regulation. It is felt that the more all-inclusive terminology in § 175.25(d) is sufficient to indicate that the matching amounts cited by the commenter are to be included in maintenance of effort calculations.

Comment. One commenter recommended that Federally Insured Student Loans made by institutions be exempt from inclusion in maintenance of effort calculations if the capital for such loans was acquired from non-institutional sources such as loans from organizations external to the institution.

Response. The suggestion was not adopted. Provision is included in § 175.25 (b)(2) of the regulation for the institution to substitute alternate sources of aid in an amount equal to the average annual amount of loans made by the institution as a direct lender under the Guaranteed Student Loan Program during its 3-year base period.

In addition to the above questions, the Commissioner has altered the language in § 175.25(b)(2) concerning a maintenance of effort waiver when the institution no longer participates as a direct lender in the Guaranteed Student Loan Program. This revision is made in order to clarify the point that such a waiver is to be granted by allowing an institution to maintain its three-year average through the inclusion of alternate sources of financing which normally would not be considered as institutional scholarship or student financial aid, rather than by permitting the institution to maintain a level of effort which is lower than its three-year average.

SECTION 175.26 TRANSFER OF FUNDS

Comment. One commenter recommended that the 10 percent transfer option cited in § 175.26 be expanded to include the National Direct Student Loan Program, as well as the College Work-Study and Supplemental Grant Programs.

Response. No change was made in the regulation. Section 496 of the Higher Education Act authorizes the transfer of funds only between the Work-Study and Supplemental Educational Opportunity Grant Programs. It does not include the National Direct Student Loan Program.

Comment. Two commenters suggested the inclusion of a regulation permitting a deficit expenditure to be recovered in the next fiscal year or a carryover to the next fiscal year of up to 10 percent of the institution's Federal Work-Study allocation.

Response. The suggestion was not adopted. The Commissioner lacks statutory authority to permit a deficit expenditure of a Federal College Work-Study allocation. If an institution has an unexpended balance in its Federal College Work-Study allocation for a given fiscal year, the unexpended amount will be reallocated to other institutions in the State.

SECTION 175.27 USE OF FUNDS

Comment. Several commenters objected to the three percent administrative expense allowance as inadequate and recommended that it be increased to five percent. One of the commenters suggested that the funds should be specifically earmarked solely for the administrative use of the institution's financial aid office.

Response. These suggestions were not adopted. Section 493 of the Higher Education Act sets the percentage of the administrative expense allowance, and provides that the funds are a payment in lieu of reimbursement for an institution's administrative expenses in operating the Work-Study Program. Since the amount is a payment for expenses presumed to have already been met by the institution, there is no requirement that the funds be spent for the same purpose for which the original expenses were incurred.

SECTION 175.28 FISCAL PROCEDURES AND RECORDS

Comment. A number of commenters objected to the five-year period of retention of records set forth in § 175.28(c)(2) as excessive. Some commenters questioned whether it would be permissible to dispose of records in a shorter period of time if they had been reviewed in a Federal audit and all audit questions were considered resolved by the Office of Education.

Response. The proposed regulation was not revised. The period of record retention is identical to the record retention requirements in section 434(a) of the General Education Provisions Act (20 U.S.C. 1232c(a)).

Comment. A number of commenters suggested that the requirements set forth in § 175.28(d) that program transactions be audited no less frequently than once every two years should be accompanied by a prescribed audit format and a procedure for reimbursing the institution for the cost of the audit.

Response. In response to the commenters' concern § 175.28 has been revised to require that the audit format prescribed by the DHEW Audit Agency shall be used in official audits of the institution's College Work-Study Program. Copies of this format may be obtained from the DHEW regional office serving the institution. While the Office of Education recognizes the validity of institutional complaints concerning the cost of a program audit, the authorizing statute does not permit the recovery of such costs in excess of the three percent payment in lieu of reimbursement for administrative expenses cited in § 175.27 of the regulation.

Comment. Several commenters questioned whether the regulations would apply retroactively and expressed concern about institutional liability for procedures not required by statute and which had not been included in previous regulations.

Response. The procedures for establishing the effective date of these regulations are set forth below. Prior to the effective date the institution remains responsible for administering the program in accordance with the terms of the statute and the relevant previously published regulations.

B. *Adoption of regulation.* After consideration of all comments, the Commissioner hereby adopts the proposed regulation which was published in the FEDERAL REGISTER on October 14, 1975 with the changes noted above. This regulation is set forth below.

C. *Effective date.* Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), this regulation has been transmitted to the Congress concurrently with its publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of

such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance No. 13.463 Higher Education Work-Study (College Work-Study Program))

Dated: May 24, 1976.

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

Approved: August 13, 1976.

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

Part 175 of Title 45 of Code of Federal Regulations is amended to read as follows:

Sec.

175.1 Purpose and objectives.
175.2 Definitions.
175.3 Allotment of Federal funds to States.
175.4 Allocation, reallocation, and payment of funds to institutions.
175.5 Institutional applications.
175.6 Funding criteria.
175.7 Appplication review and approval of request.
175.8 Institutional agreement.
175.9 Eligibility and selection of students.
175.10 Special sessions.
175.11 Cost of education.
175.12 Expected family contribution.
175.13 Approved need analysis systems.
175.14 Coordination of student financial aid programs, award amount and overaward.
175.15 Coordination with Bureau of Indian Affairs grants-in-aid.
175.16 Program eligibility.
175.17 Eligible employment.
175.18 Establishment of wage rates.
175.19 Limitations on the number of hours of employment.
175.20 Earnings attributable to cost of education.
175.21 Payments to students.
175.22 Limitations on the Federal share of student compensation.
175.23 Nature and source of institutional share of student compensation.
175.24 Federal interest in allocated funds.
175.25 Maintenance of effort.
175.26 Transfer of funds.
175.27 Use of funds.
175.28 Fiscal procedures and records.
175.29 Termination and suspension.
Appendix A Allotment of funds to States for fiscal year 1972.
Appendix B Model off-campus agreement.

AUTHORITY: Sec. 441–446 of Pub. L. 89–329, Title IV, 79 Stat. 1219, as amended (42 U.S.C. 2751–2756), unless otherwise noted.

§ 175.1 Purpose and objectives.

(a) The purpose of the College Work-Study Program is to stimulate and promote the part-time employment of students, particularly those with great financial need, who are in need of the earnings from such employment in order to pursue courses of study at eligible institutions.

(b) This purpose will be promoted through the development of student employment programs designed to meet the following objectives:

(1) Provide financial aid for eligible students through combining the earnings from part-time employment with other forms of financial assistance to enable students to meet their educational expenses without the necessity of incurring an unduly heavy burden of indebtedness; and

(2) Broaden the range of worthwhile job opportunities for qualified students in employment for the institution itself (except in the case of proprietary institutions of higher education) or for public or private nonprofit organizations.

(42 U.S.C. 2751–2756)

§ 175.2 Definitions.

For the purposes of this part:

(a) "Academic year" means a period of time generally of not less than 8 months in which a full-time student would normally be expected to complete the equivalent of two semesters, two trimesters, three quarters, or 900 clock hours of instruction.

(b) "Act" means Title IV, Part C of the Higher Education Act of 1965, as amended.

(42 U.S.C. 2751–2756)

(c) "Area vocational school" means—

(1) A specialized high school used exclusively or principally for the provision of vocational education to persons who are available for full-time study in preparation for entering the labor market, or

(2) The department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to persons who are available for full-time study in preparation for entering the labor market, or

(3) A technical or vocational school used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for full-time study in preparation for entering the labor market, or

(4) The department or division of a junior college or community college or university which provides vocational education in no less than five different occupational fields, under the supervision of the State Board, leading to immediate employment but not necessarily leading to a baccalaureate degree—if such a school is available to all residents of the State or an area of the State designated and approved by the State Board, and if, in the case of a school, department, or division described in subparagraph (3) or (4) of this paragraph, it admits as regular students both persons who have completed high school and persons who have left high school. The term "State Board" as used in this definition means a State Board for vocational education designated or created by State law as the sole State agency responsible for the administration of vocational education, or for supervision of the administration thereof by local educational agencies in the State.

(42 U.S.C. 2753; 20 U.S.C. 1248)

(d) "Basic Educational Opportunity Grants Program" means the program authorized by Title IV–A, Subpart 1 of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1070a)

(e) "Clock hour" means a period of time which is the equivalent of (1) a 50 to 60 minute class, lecture, or recitation, or (2) a 50 to 60 minute faculty supervised laboratory, shop training, or internship.

(f) "Dependent student" means a student who does not qualify as a "self-supporting or independent student" as defined in paragraph (w) of this section.

(42 U.S.C. 2751–2756)

(g) "Eligible institution" or "institution" means an institution of higher education, an area vocational school, or a proprietary institution of higher education.

(42 U.S.C. 2753(b))

(h) "Expected family contribution of a dependent student" means the sum of the amounts which reasonably may be expected from the student and his spouse to meet the student's cost of education as described in § 175.11 and the amount which reasonably may be expected to be made available to him by his parents for such purpose.

(i) "Expected family contribution of an independent or self-supporting student" means the amount which reasonably may be expected from the student and his spouse to meet the student's cost of education as described in § 175.11.

(j) "Financial need" means the difference between a student's cost of education and his expected family contribution.

(k) "Full-time student" means a student who is carrying any combination of courses, research, or special studies which, according to the standards and practices of the institution in which the student is enrolled, is considered full-time study.

(l) "Good standing" means, with regard to a student, that the institution in which the student is enrolled has determined that (1) the student is eligible, in accordance with its own standards and practices, to continue in attendance at the institution, and (2) the student is making measurable progress toward the completion of his course of study.

(m) "Graduate or professional student" means, in general, a student who is enrolled in an academic program of instruction above the college level which is provided at an institution of higher education. The term includes (1) that portion of any program involving a period of study beyond four years of study at the college level, or (2) any portion of a program leading to (i) a degree beyond the bachelor's or first professional degree, or (ii) a first professional degree, when at least three years of study at the college level are required for entrance into a program leading to such degree.

(42 U.S.C. 2751–2756)

(n) "Guaranteed Student Loan Program" means the student loan program

authorized by Title IV, Part B of the Higher Education Act of 1965.

(20 U.S.C. 1071–1087–2)

(o) "Half-time graduate student" means a graduate or professional student who is carrying any combination of courses, research, or special studies which, according to the standards and practices of the institution in which the student is enrolled, is considered half-time graduate study.

(p) "Half-time undergraduate student" means an undergraduate student who is carrying a half-time undergraduate academic work load measured in terms of (1) the tuition and fees customarily charged for such half-time study by the institution and (2) the course work or other required activities as determined by the institution in which the student is enrolled; *Provided, however,* That such source work and activities amount to the equivalent of a minimum of (i) 6 semester hours or 6 quarter hours per academic term for institutions utilizing semester, trimester, or quarter hour systems; (ii) 12 semester hours or 18 quarter hours per academic year for institutions which measure progress in terms of credit hours but which do not utilize semester, trimester, or quarter systems; or (iii) 12 clock-hours per week for institutions which utilize clock hours to measure progress.

(20 U.S.C. 1088(c)(2))

(q) "Institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) (i) is accredited by a nationally recognized accrediting agency or association, or (ii) in the case of a public institution offering postsecondary vocational education, is approved by a State approval agency recognized by the Commissioner as a reliable authority as to the quality of public postsecondary vocational education in that State, or (iii) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (iv) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

The term "institution of higher education" also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of subparagraphs (1), (2), (4), and (5) of this paragraph. For purposes of this part a one-year program of training means a program of study in which a student will receive supervised training totaling at least 900 clock hours of instruction. The term "institution of higher education" also includes any proprietary institution of higher education, as defined in paragraph (v) of this section which has an agreement with the Commissioner containing such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under this part has not resulted, and will not result, in an increase in the tuition, fees or other charges to such students.

(20 U.S.C. 1087–1(b), 1088(b) and 1141(a))

(r) "National Direct Student Loan Program" means the student loan program authorized by Title IV, Part E of the Higher Education Act of 1965.

(20 U.S.C. (1087 aa–ff))

(s) "National of the United States" means (1) a citizen of the United States, or (2) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

(8 U.S.C. 1101(a)(22))

(t) "Nonprofit" as applied to a school, agency, organization, or institution, means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(20 U.S.C. 1141(c))

(u) "Parent" means the mother or father of the student, unless any other person, except the student's spouse, provides more than one-half of the student's support and claims or is eligible to claim the student as an exemption for Federal income tax purposes, in which case such person shall be considered a parent.

(42 U.S.C. 2751–2756)

(v) "Proprietary institution of higher education" means a school which (1) provides not less than a six-month program of training to prepare students for gainful employment in a recognized occupation, (2) admits as regular students only persons having a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate, (3) is legally authorized by the State in which it is located to provide a program of education beyond secondary education, (4) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, (5) is not a public or other nonprofit institution, and (6) has been in existence for at least two years. For purposes of this part a six-month program of training means a program of study, which does not include such study by correspondence, in which a student will receive supervised training totaling at least 600 clock hours of instruction, or, in the case of a program offered by correspondence, a program of study requiring at least 600 hours of preparation.

(20 U.S.C. 1088(b)(3))

(w) "Self-supporting or Independent Student" means a student who:

(1) Has not and will not be claimed as an exemption for Federal income tax purposes by any person except his or her spouse for the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested;

(2) Has not received and will not receive financial assistance of more than $600 from his or her parent(s) in the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested; and

(3) Has not lived or will not live for more than 2 consecutive weeks in the home of a parent during the calendar year in which aid is received and the calendar year prior to the academic year for which aid is requested.

For purposes of this paragraph, a student will not be considered to have been claimed as an exemption by a parent, or to have received $600 from a parent, or to have lived with a parent if that parent has died prior to the student's submission of an application for employment under the College Work-Study Program.

(42 U.S.C. 2751–2756)

(x) "State" means, in addition to the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(20 U.S.C. 1141(b); 20 U.S.C. 1088(a))

(y) "Supplemental Educational Opportunity Grant Program" is the grant program authorized by Title IV, Part A, Subpart 2 of the Higher Education Act of 1965.

(20 U.S.C. 1070b)
(42 U.S.C. 2751–2756, unless otherwise noted)

§ 175.3 Allotment of Federal funds to States.

(a) *Initial allotments.* From sums appropriated to carry out this part for a fiscal year, not to exceed 2 percent will be allotted by the Commissioner among Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, according to their respective needs for assistance under this part. In addition to such sum, an amount will be reserved to provide Work-Study assistance to students who reside in, but attend eligible institutions outside of, American Samoa or the Trust Territory of the Pacific Islands. The amount so

reserved will be allotted to eligible institutions and shall be available only for the purpose of providing Work-Study assistance to such students. The remainder of the sums will be allotted among the States as provided in paragraph (b) of this section. For the purpose of computing this allotment, the Commissioner will use information for the most recent year for which satisfactory data are available to him.

(42 U.S.C. 2752)

(b) (1) *Initial allotment to States.* Ninety percent of the sums remaining after the allotment of funds under paragraph (a) of this section will be allotted as follows:

(i) One-third will be allotted by the Commissioner among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of persons enrolled on a full-time basis in institutions of higher education in such State bears to the total number of persons enrolled on a full-time basis in institutions of higher education in all the States;

(ii) One-third will be allotted by the Commissioner among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of high school graduates (as defined in section 702(f) of the Higher Education Act of 1965—formerly section 103 (d) (3) of the Higher-Education Facilities Act of 1963) of such State bears to the total number of such high school graduates in all the States; and

(iii) One-third will be allotted by the Commissioner among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of related children under 18 years of age living in families with annual incomes of less than $3,000 in such State bears to the number of related children under 18 years of age living in families with annual incomes of less than $3,000 in all the States.

(2) If the amount allotted to any State under subparagraph (1) of this paragraph is less than its allotment under section 442(b) of Title IV, Part C, of the Higher Education Act of 1965 for fiscal year 1972, additional sums will be allotted to each such State from the sums remaining to make its allotment for such year equal to its allotment for fiscal year 1972 under section 442(b). (See Appendix A for the amounts allotted to each State under such section 442(b) for the fiscal year ending June 30, 1972.) In the event that the funds available are insufficient to meet that level, the Commissioner will instead allot the remaining sums so that no State will receive less than a uniform minimum percentage of its fiscal year 1972 allotment under section 442(b).

(3) The Commissioner will allot the sums remaining, if any, after the allotment of funds under paragraph (a) of this section and subparagraphs (1) and (2) of this paragraph, to those State(s) which received the lowest percentage of approved requests for funds as a result of the allotment under subparagraphs (1) and (2) of this paragraph so that no State will receive less than a uniform minimum percentage of its total approved requests for funds.

(c) *Reallotment.* The amount of any State's allotment which has not been granted to any institution at the end of the fiscal year for which appropriated will be reallotted by the Commissioner to those remaining States which received the lowest percentage of approved requests for funds under paragraph (b) of this section in such a manner that no State will receive less than a uniform minimum percentage of its total approved requests for funds.

(d) For purposes of paragraphs (b) and (c) of this section, the term "State" does not include Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(42 U.S.C. 2752)

§ 175.4 Allocation, reallocation, and payment of funds to institutions.

(a) *Allocation of funds to institutions.* When funds available for distribution among the institutions within a State are not sufficient to honor all approved requests of institutions within such State, such sums as are available will be distributed on a pro rata basis among all institutional applicants in the State in the same ratio that the total funds available for the State, including any reapportionments, bears to the total approved requests for that State.

(b) *Reallocation of funds.* Funds allocated to an institution which the institution anticipates will not be used by the end of the period for which such funds were made available may be reallocated on an equitable basis to other institutions in that State.

(c) *Payment of funds.* Funds will be made available for a specific period of time as determined by the Commissioner and may be payable in advance or by way of reimbursement on the basis of substantiated need and periodic fiscal reports submitted by the institution.

(42 U.S.C. 2756)

§ 175.5 Institutional applications.

(a) An institution that wishes to participate in the College Work-Study Program shall file an application with the Commissioner before the closing date for such applications established annually by the Commissioner. Such application shall contain the following information and shall be in such form and contain such other information as the Commissioner may from time to time prescribe:

(1) The institution's requests for Federal student financial aid funds under this part, the Supplemental Educational Opportunity Grant Program, the National Direct Student Loan Program, and its anticipated disbursements under the Basic Educational Opportunity Grants Program;

(2) The institution's anticipated enrollment for the forthcoming academic year;

(3) The anticipated number of enrolled students eligible for employment under the College Work-Study Program;

(4) The institution's average cost of education, including a justification of per student costs in excess of $175 for books or $450 for personal expenses for an academic year;

(5) The anticipated number of students to be employed by the institution;

(6) The anticipated number of students to be employed by public and private nonprofit organizations other than the institution;

(7) An estimate of the average amount which reasonably may be expected to be made available by the parents of students at the institution who are expected to be eligible for employment under this part;

(8) The anticipated amount of student need to be met through employment under this part;

(9) The amount of financial assistance awarded by the institution from its own scholarship and student aid programs for the most recent academic year for which information is available;

(10) The anticipated amount of other financial assistance available to students with financial need at the institution, such as State scholarships, Veteran's Benefits, and off-campus employment;

(11) The average unmet need per student; if the average amount of unmet need exceeds $200, the explanation for this situation; and

(12) The qualifications of the professional personnel who will be administering the College Work-Study Program.

(b) The application shall be signed by the official authorized to submit the application and by the institution's Director of Student Financial Aid, and shall contain the name of the individual or official who shall be responsible for the receipt, custody, and disbursement of Federal funds.

(c) Notwithstanding the requirements of paragraph (a) of this section, an institution may file an application omitting the information required by subparagraphs (4) (7), (10), and (11) of paragraph (a) of this section if (i) it has received an allocation under this part for at least the two academic years prior to the academic year for which assistance is requested, (ii) it is requesting not more than 110 percent of its approved request for the previous academic year, and (iii) it has filed an application containing the information required by paragraphs (a) (4), (7), (10), and (11) of this section for one of the three preceding academic years.

(42 U.S.C. 2756)

§ 175.6 Funding criteria.

Institutional applications for funds under this part will be reviewed in accordance with the following criteria:

(a) The reasonableness of the institution's request for Federal student financial aid funds under this part (1) in light of its requests under the Supplemental Educational Opportunity Grant Program and the National Direct

Student Loan Program, and (2) in relation to the institution's anticipated enrollment, its average cost of education, and the average expected family contribution of its students eligible under this part;

(b) The reasonableness of the institution's projections of its anticipated enrollment and of its average cost of education and the average expected family contribution of its students eligible under this part;

(c) The reasonableness of the anticipated number of students eligible for employment under the College Work-Study Program in view of the institution's anticipated enrollment;

(d) The reasonableness of the amount of the average compensation anticipated in relation to the average need per student at the institution, after taking into account other available student financial aid resources;

(e) The extent to which the institution has effectively utilized Federal financial aid funds allocated in previous years;

(f) The adequacy of the reasons provided by the institution pursuant to § 175.5(a) (4) and (11); and

(g) The extent to which the institution has effectively administered or made provision for the effective administration of the program, including effective coordination with institutional and other programs of student financial aid. In making this evaluation, consideration will be given to the adequacy of the qualifications and experience of the personnel designated by the institution to administer the program.

(42 U.S.C. 2756)

§ 175.7 Application review and approval of request.

(a) (1) The Commissioner will convene panels of qualified persons in each of the regions served by regional offices of the Office of Education to review applications submitted under this part by institutions situated in those regions. The review panel shall evaluate each institution's request for funds in accordance with the criteria set forth in § 175.6 and shall recommend an amount which it deems appropriate.

(2) No panelist shall participate in the consideration of any application from his own institution or any application from any other institution which he has prepared or assisted in preparing or in which he has any personal or financial interest.

(b) Institutions which file applications for funding under this part will be notified of the amount recommended by the review panel pursuant to paragraph (a) of this section. If the amount recommended is less than the institution's request, the reasons for such a reduction will be forwarded to the institution. The institution shall notify the regional office of the Office of Education serving the area in which the institution is located of any arithmetic or other technical errors with regard to the panel recommendations. The regional office will adjust the recommendation to correct such errors.

(c) If an institution wishes to request a review of the panel's recommendation for other than arithmetic and technical errors it shall submit a written request for such review to the regional office of the Office of Education serving the area in which the institution is located within such time as may be specified by the Commissioner. The request for review may include additional information relevant to the recommendation. The regional office will review such requests and will notify the institution in writing of its recommendation and the reasons therefor.

(d) (1) If an institution wishes a review of the regional office recommendation made pursuant to paragraph (c) of this section, it may request a review by a national review panel. Such a national review panel shall consist of institutional student financial aid officers from each of the regions served by the Office of Education and personnel of the Office of Education.

(2) A request for national review shall be submitted in writing by the institution to the regional office of the Office of Education serving the area in which the institution is located within such time as may be specified by the Commissioner. However, no additional information beyond that given to the regional office by the institution pursuant to paragraph (c) of this section will be considered.

(3) The national review panel will review such requests and notify the institution and the Commissioner of its recommendation and the reasons therefor.

(e) The Commissioner will establish an approved level of funding (approved request) for each applicant institution taking into consideration the recommendation of the relevant panel or regional office.

(42 U.S.C. 2756)

§ 175.8 Institutional agreement.

(a) An institution of higher education which desires to participate in the College Work-Study Program shall enter into an agreement with the Commissioner for that purpose. Such agreement shall:

(1) Provide for the operation by the institution of a program for the part-time employment of its students in work for the institution itself (except in the case of a proprietary institution of higher education) or work in the public interest for a public or private nonprofit organization under an arrangement between the institution and such organization, and such work:

(i) Will not result in the displacement of employed workers or impair existing contracts for services;

(ii) Will be governed by such conditions of employment as will be appropriate and reasonable in light of such factors as type of work performed, geographical region, and proficiency of the employee; and

(iii) Does not involve the construction, operation, or maintenance of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship;

(2) Provide that funds received by the institution under this part will be used solely for the purposes specified in, and in accordance with, the provisions of this part;

(3) Provide that in the selection of students for employment under the College Work-Study Program preference shall be given to students with the greatest financial need taking into account grant assistance provided such student from any public or private sources;

(4) Provide that employment under the College Work-Study Program shall be furnished only to a student who—

(i) Is in need of the earnings from such employment in order to pursue a course of study at such institution (taking into consideration the actual cost of attendance at such institution);

(ii) Shows evidence of academic or creative promise and capability of maintaining good standing in such course of study while employed under the program covered by the agreement; and

(iii) Has been accepted for enrollment at the institution as at least a half-time student or, in the case of a student already enrolled in and attending the institution, is in good standing and in attendance there as at least a half-time student on an undergraduate, graduate, or professional level;

(5) Include provisions which specify that the institution will comply with the provisions of this part contained in § 175.25 relating to maintenance of effort and § 175.27 relating to costs of administration;

(6) Provide that the Federal share of compensation of students employed in the College Work-Study Program in accordance with the agreement will not exceed 80 percent of such compensation; except that, the Federal share may exceed 80 percent of such compensation if the Commissioner determines pursuant to § 175.22 that a Federal share in excess of 80 percent is required in furtherance of the purposes of this part;

(7) Include provisions designed to make employment under the College Work-Study Program, or equivalent employment offered or arranged for by the institution, reasonably available (to the extent of available funds) to all eligible students in the institution in need thereof; and

(8) Include such other provisions as the Commissioner shall deem necessary or appropriate to carry out the purposes of this part.

(b) An agreement entered into pursuant to this part with an area vocational school shall contain, in addition to the provisions described in paragraph (a) of this section, a provision that a student in such a school shall be eligible to participate in a program under this part only if the student—

(1) Has a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate; and

(2) Is pursuing a program of education or training which requires at least six months to complete and is designed to prepare the student for gainful employment in a recognized occupation.

(20 U.S.C. 2754)

§ 175.9 Eligibility and selection of students.

(a) *Eligibility.* A student enrolled in an institution of higher education is eligible for part-time employment under this part if such student—

(1) Is a national of the United States, is in the United States for other than a temporary purpose and intends to become a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands;

(2) Has been accepted for enrollment as at least a half-time student at the institution or, in the case of a student already attending the institution, is enrolled as at least a half-time student and is in good standing as an undergraduate, graduate, or professional student.

(3) Shows evidence of academic or creative promise and is capable, in the opinion of the institution, of maintaining good standing in such course of study while employed under this program; and

(4) Is in need of the earnings from such employment in order to pursue a course of study at the institution.

(b) *Eligibility of area vocational school students.* A student enrolled in an area vocational school is eligible for part-time employment under this part if, in addition to the conditions described in paragraphs (a)(1) through (4) of this section, such student—

(1) Has a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate; and

(2) Is pursuing a program of education or training which requires at least 6 months to complete and which is designed to prepare the student for gainful employment in a recognized occupation.

(c) *Programs of study abroad.* A student participating in a program of study abroad will be considered to be enrolled in his "home" institution if (1) the program of study abroad is arranged or approved in advance by the home institution and (2) the student's academic performance during the program of study abroad becomes a part of his permanent academic record at the home institution in the same manner as if performed at that institution.

(d) *Need.* (1) In determining whether a student is in need as described in paragraph (a)(4) of this section, the institution shall take into account the student's actual cost of education at such institution as described in § 175.11 and his expected family contribution as determined pursuant to § 175.12.

(2) A member of a religious community, society, or order who by direction of his or her community, society, or order is pursuing a course of study in an institution or who receives support and maintenance from the community, society, or order shall be deemed not to have financial need.

(e) *Institutional responsibility.* Each institution participating in the College Work-Study Program shall be responsible for determining the eligibility of the students participating in its program regardless of whether the students will be engaged in work for the institution itself or for a public or private nonprofit organization.

(f) *Selection.* An eligible institution shall make employment under the Work-Study Program, or equivalent employment offered or arranged for by the institution, reasonably available (to the extent of available funds) to all eligible students in the institution in need thereof. In the event that requests for employment exceed available funds, the institution shall give preference in the awarding of employment to those of its students with the greatest financial need. In determining such need the institution shall take into account grant assistance provided such student from any public or private source including grant funds which the student is entitled to receive under the Basic Educational Opportunity Grants Program, whether or not he has applied for such funds. The institution's selection procedures shall be uniformly applied, set forth in writing, and maintained in the files of the institution's office which selects student aid recipients. All applications for employment under this part shall be maintained on file by the institution as specified in § 175.28(c)(2).

(42 U.S.C. 2754)

(g) *Affidavit.* No employment may be made available under this part unless the student to whom it is made available has filed with the institution of higher education which he intends to attend, or is attending, an affidavit on a form approved by the Commissioner stating that the money attributable to such employment will be used solely for expenses related to attendance or continued attendance at such institution. The student must sign the affidavit in the presence of a notary or other person who is legally authorized to administer oaths or affirmations and who does not take part in the recruiting of students for enrollment at such institution. The notary or other person must enter his signature and, as applicable, his seal or stamp on the affidavit form.

(42 U.S.C. 2754; 20 U.S.C. 1088g)

§ 175.10 Special sessions.

(a) During a period of nonregular enrollment (special session), such as a summer or equivalent vacation period or the full time work period of a cooperative education program, a student will be eligible for employment under the College Work-Study Program if he meets the eligibility requirements of § 175.9 and (1) was enrolled and was in attendance as at least a half-time student at the institution during the preceding period of regular enrollment (regular session at that institution and will complete his course of study during such special session or (2) will be enrolled, or has been accepted for enrollment, at the institution as at least a half-time student for the regular session following such special session.

(b) The institution may provide employment under this part to a student during a special session preceding a regular session during which the student will be studying at an eligible program of study abroad if the student otherwise meets the requirements of paragraph (a) of this section.

(c) If the institution provides employment under this part to a student during a special session in which he is not enrolled as at least a half-time student at that institution, it shall maintain a written record demonstrating that it accepted the student for enrollment as at least a half-time student during the following regular session and that the student accepted such offer; *Provided, however,* That the institution shall refrain from furnishing such employment to a student if it has evidence that he does not intend to honor his acceptance of such offer and shall immediately terminate such employment if it becomes aware of such evidence after the employment has begun.

(42 U.S.C. 2754)

§ 175.11 Cost of education.

(a) The amount required to enable a student to pursue his education at an institution of higher education includes amounts charged for tuition and fees, the amounts charged by the institution or the expenses reasonably incurred for room and board, books, supplies, transportation, and miscellaneous personal expenses, and expenses related to maintenance of a student's dependents.

(b) In the case of a student engaged in a program of study by correspondence, only his costs of tuition and fees shall be recognized as a cost of education for the purpose of this part: *Provided however,* That travel and room and board costs incurred specifically in fulfillment of a required period of residential training may be considered a cost of education for such a student.

(c) If a student is enrolled in a program of study outside the United States which has been determined to be an eligible program pursuant to § 175.9(c), his cost of education may not exceed his cost of education at his home campus.

(42 U.S.C. 2754)

§ 175.12 Expected family contribution.

(a) *Dependent students.* In determining the amount of income and net assets that should reasonably be made available by the dependent student, the student's spouse, and the student's parents to meet that student's cost of education, the student financial aid officer shall take into consideration:

(1) Any serious illness in the family (family members include the student, the student's spouse, the student's parents, and persons for whom the parent may claim an exemption under section 151 of the Internal Revenue Code);

(2) The number of dependent children of the student's parents;

(3) The number of such dependent children attending institutions of higher education; and

(4) Such other circumstances as may affect the ability of the student, the student's spouse, and the student's parents to contribute toward the student's cost of education.

(b) *Independent students.* In determining the amount of income and net assets that should reasonably be made available by a self-supporting or independent student and that student's spouse to meet such student's cost of education, the student financial aid officer shall take into consideration:

(1) Any serious illness in the family (family members include the student, the student's spouse, and persons for whom the student or spouse may claim an exemption under section 151 of the Internal Revenue Code);

(2) The number of dependent children of the student;

(3) The number of such dependent children attending institutions of higher education; and

(4) Such other circumstances as may affect the ability of the student or the student's spouse to contribute toward the student's cost of education.

(c) Upon the request of a student who does not live with his parents, who visits his parents for periods of time no longer than those which are typical for adults visiting their parents, and who does not receive from his parents gifts which exceed in value the amounts typically given by parents as incidental gifts to their adult, nondependent offspring, the student financial aid officer shall make a determination as to whether the relationship between that student and his parents is of such a nature that it is unreasonable to expect the parents to contribute toward his cost of education, regardless of their ability to do so. The student financial aid officer shall make the reasons for such determination part of the institution's written records. In any event, before making such a finding, the student financial aid officer shall make such efforts as he deems appropriate to ascertain whether the student's parents are in fact willing to contribute toward the student's cost of education.

(42 U.S.C. 2754)

§ 175.13 Approved need analysis systems.

(a) In order to comply with the requirements of § 175.12 of this part, an institution shall utilize a need analysis system or method of calculation approved by the Commissioner for that purpose pursuant to this section.

(b) *Dependent students.* (1) The Commissioner has approved the following systems for the purpose of § 175.12 (a), with respect to dependent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190); and

(ii) The Income Tax System, if adjusted to reflect the number of the parents' dependent children who are attending institutions of higher education. For purposes of this section, the expected family contribution calculated according to the Income Tax System shall be an amount equal to the amount of Federal income tax paid by the parents of a student, plus 5 percent of such parents' net assets in excess of $12,500 if such assets do not include farm or business assets and $25,000 if such assets do include farm and business assets, except that no more than $12,500 may be deducted from non-farm and non-business assets, and any amount the student is reasonably able to contribute.

(2) The Commissioner will approve any other need analysis system for the purpose of § 175.12(a), for use with respect to dependent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected parents' contribution figures for dependent students which: (A) Increase in reasonably smooth increments as the parents' financial strength, measured in real terms, increases; and (B) are equal for families of equal measured financial strength; and

(ii) The system must produce expected parents' contribution figures which, for at least 75 percent of a set of sample cases developed and made available by the Commissioner, deviate by less than $50 from the figures produced for such sample cases by the following calculations:

(A) From the sum of the adjusted gross income and non-taxable income of the parents, there will be deducted the amount of Federal income taxes and Social Security taxes, an allowance of 8 percent of total income for state and local taxes, and an amount required to maintain the family (exclusive of the student's maintenance during the academic year) at the Bureau of Labor Statistics consumption cost estimates at a low standard of living;

(B) To the remainder obtained in subparagraph (A) will be added 12 percent of the net market or cash value of the parents' assets remaining after deduction of related debt and a standard asset reserve of $10,000; and

(C) The following rate schedule of expected contributions will then be applied to the sum obtained in subparagraph (B):

If the sum is—		The expected contribution is—
At least—	But less than—	
$0	$4,000	22 percent of the amount over $0.
$4,000	5,000	$880+25 percent of the amount over $4,000.
$5,000	6,000	$1,130+29 percent of the amount over $5,000.
$6,000	7,000	$1,420+34 percent of the amount over $6,000.
$7,000	8,000	$1,760+40 percent of the amount over $7,000.
$8,000		$2,160+47 percent of the amount over $8,000.

(iii) In developing the sample cases for the purposes of this paragraph, the Commissioner shall select only cases in which the age of the main wage earner is 45 years and in which the elements set forth in subparagraph (2) (ii) of this paragraph are generally present. Accordingly, cases will not be selected which involve medical and dental expenses, casualty and theft losses, housekeeping allowances, farm or business assets, more than one family member attending postsecondary institutions, Social Security or Veteran's benefits or any unusual family circumstance.

(iv) In comparing the output of a system submitted for approval under these regulations with the figures for the standard sample cases, an expected parental contribution of less than zero shall be treated as zero.

(v) The figures for the set of sample cases used for purposes of this paragraph shall be revised annually for inflation by adjusting the deductions for family maintenance, the $10,000 standard deduction from assets and the rates of contribution from income and assets as necessary in such a manner that the revised standard expected contributions, expressed in constant dollars, remain constant for families with equal income and asset positions measured in constant dollars.

(c) *Independent students.* (1) The Commissioner has approved the following systems for the purpose of § 175.12 (b), with respect to independent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190);

(ii) The system of need analysis published by the American College Testing Program;

(iii) The system of need analysis published by the College Scholarship Service;

(iv) The system of need analysis published by the Graduate and Professional Student Financial Aid Service; and

(v) The system of need analysis published by Financial Analysis Service, Inc., a division of Donley, Richardson & Associates.

(2) The Commissioner will approve any other need analysis system for the purpose of § 175.12(b), for use with respect to independent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected family contribution figures for independent students which: (*a*) Increase in reasonably smooth increments as the family financial strength, measured in real terms, increases; and (*b*) are equal for families of equal measured financial strength; and

(ii) The system must produce expected family contribution figures which are comparable to those produced by one of the systems specified in subparagraph (1) of this paragraph.

(d) *Application procedures for system approval.* Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant

to paragraph (b)(2) of this section shall submit such system to the Commissioner prior to June 30 of each year. Such submissions shall consist of sufficient information to enable the Commissioner to determine that the system meets the criteria set forth in that subparagraph, including the expected family contribution figures produced by the system for the sample cases developed and made available by the Commissioner. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (c)(2) of this section shall, prior to June 30 of any year, submit to the Commissioner sufficient information to enable him to determine that the system meets the criteria set forth in that subparagraph. On or before September 1 of each year, the Commissioner will publish in the FEDERAL REGISTER a list of all need analysis systems or methods of calculation which have been approved for use in the succeeding academic year.

(e) *Duration of approval.* Need analysis systems approved pursuant to paragraphs (b)(1) and (c)(1) of this section are approved without a specified expiration date. A need analysis system approved pursuant to paragraph (b)(2) of this section, and included on the list published by the Commissioner on or before September 1 of one year, may be used by an institution (1) in preparing its application for funds under this part which is to be submitted on or before the published closing date next following that September 1; and (2) in determining the eligibility of students for employment under this part and in calculating the amount of such employment to be made available to a student during any academic year commencing not earlier than 9 months and not later than 22 months following that September 1. A need analysis system approved pursuant to paragraph (c)(2) of this section shall be approved for an indefinite period of time, but the Commissioner may request periodic confirmation that the system remains in compliance with the criteria set forth in that paragraph.

(f) *Adjustments.* The institution may, in an individual case, further adjust the expected family contribution calculated according to one of the need analysis systems approved pursuant to this section if the student financial aid officer of the institution has reason to believe that such expected family contribution does not realistically reflect the ability of the student and his parents to contribute towards the student's cost of education. Such adjustments shall be documented in writing, with an accompanying explanation, and made a part of the institution's records with respect to this part.

(42 U.S.C. 2754)

§ 175.14 Coordination of student financial aid programs, award amount, and over-award.

(a) *Coordinating official.* The institution shall appoint an official who shall have the responsibility of coordinating the program covered by this part with the institution's other Federal and non-Federal programs of student financial aid.

(b) *Total award.* The institution shall not award assistance under this part to a student in an amount which, when combined with all of the resources made available to the student from Federal and non-Federal sources, would exceed the difference between the student's cost of education and his expected family contribution, as determined in accordance with one of the need analysis systems or methods of calculation approved by the Commissioner pursuant to § 175.13; *Provided, however,* That in no event may the total amount of aid received from all Federal and non-Federal sources exceed the student's cost of education.

(c) *Resources.* For purposes of paragraph (b) of this section, the term "resources made available to the student from Federal and non-Federal sources" includes, but is not limited to, the amount of funds a student is entitled to receive under the Basic Educational Opportunity Grants Program, regardless of whether the student has applied for such funds, any waiver of tuition and fees, any scholarship or grant including Supplemental Educational Opportunity Grants and athletic scholarships, any fellowship or assistantship, any loan made under the Guaranteed Student Loan Program (Title IV–B of the Higher Education Act) except in cases in which paragraph (d) of this section applies, any long-term loan made by the institution other than under the Guaranteed Student Loan Program, including any loan made under the National Direct Student Loan Program, and any expected net earnings from employment during periods for which the student receives assistance under this part. For purposes of this section, "net earnings" means gross earnings minus required withholdings and any costs incidental to obtaining such earnings.

(d) *Treatment of Guaranteed Loans.* (1) Except as provided in paragraph (d)(2) of this section, loans made under the Guaranteed Student Loan Program shall not be considered to be a student resource and may be used to satisfy the expected family contribution of the borrower calculated in accordance with § 175.13. If the amount of such a loan exceeds the borrower's expected family contribution, only such excess shall be considered a student resource.

(2) Loans for which interest benefits are payable under section 428 of Title IV–B of the Higher Education Act (20 U.S.C. 1078) shall be considered a student resource and may not be used to satisfy a student's expected family contribution if (i) the borrower has an adjusted family income of more than $15,000, as determined in accordance with applicable Guaranteed Student Loan Program Regulations (45 CFR Part 177), or (ii) the amount of the loan would cause the total amount of the borrower's loan insured by the Commissioner, or by a State or nonprofit private institution having an agreement with the Commissioner under section 428(b) of the Higher Education Act (20 U.S.C. 1078(b)), to exceed $2,000 for the academic year.

(e) *Administrative responsibility.* The institution's responsibility under paragraph (b) of this section shall extend only to those resources which the institution itself makes available to the student, or about which it knows or has reason to know, or can reasonably anticipate at the time that the assistance under this part is disbursed to the student. The amount of net earnings from any employment provided by the institution for any academic year and/or special session during which the student is receiving assistance under this part shall be deemed to have been known by the institution at the time of disbursement of such assistance. However, an institution will not be deemed to have violated the requirements of this section if the sum of all the resources made available to the student, including assistance under this part, exceeded that student's need by not more than $100.

(42 U.S.C. 2754)

§ 175.15 Coordination with Bureau of Indian Affairs grants-in-aid.

(a) In determining the amount, if any, of College Work-Study compensation to be awarded to a student who is eligible for such employment and, in addition, is eligible for an educational grant-in-aid under a program administered by the Bureau of Indian Affairs (BIA), the institution shall observe the following practice:

(1) A "package" of student assistance will be prepared in accordance with § 175.14 for each such student from resources other than BIA grants-in-aid. In preparing such a package, the institution shall not take into consideration any BIA grant-in-aid which the student has received or is expected to receive and such package shall be consistent, as to the types and amounts of the respective awards included therein, with packages prepared for students who are not eligible for BIA grants-in-aid, who have similar levels of financial need and who are similar with respect to any other general characteristics used by the institution in preparing such packages.

(2) The amount of any BIA grant-in-aid, whether received by the student prior to the preparation of the package described in paragraph (a)(1) of this section or subsequent thereto, shall be supplementary to the package of aid from other resources, and no adjustment shall be made to such package so long as the total of such package and the BIA grant-in-aid does not exceed the institution's determination of the student's need (i.e., the difference between the student's cost of education at the institution and his expected family contribution).

(3) If the total amount of the BIA grant-in-aid, when combined with the package of other assistance prepared in accordance with paragraph (a)(1) of this section exceeds the institution's determination of the student's need, the amount of such excess only shall be deducted from the package of other assist-

ance. Except as provided for in subparagraph (4) of this paragraph, such deduction shall be done in sequence, so that such excess is first deducted from any awards, or proposed awards, in the form of loans; if an excess still remains after all such loan awards have been adjusted, deductions shall next be made from any awards, or proposed awards, in the form of work-study; if an excess still remains after all such work-study awards have been adjusted, deductions shall be made from any award, or proposed award, in the form of a grant, other than a grant under the Basic Educational Opportunity Grants Program.

(4) If requested by an eligible recipient, the sequence of deductions provided in subparagraph (3) of this paragraph may be altered if such an alteration more adequately meets the need of that student.

(b) In determining the amount of financial need of students eligible for BIA grants-in-aid, the institution's student financial aid officer is encouraged to consult with BIA area officials who are responsible for administering BIA postsecondary financial assistance programs and are familiar with the individual financial circumstances of such students.

(42 U.S.C. 2754)

§ 175.16 Program eligibility.

(a) (1) *General eligibility of employment.* Work-Study programs conducted under this part may, except in the case of a proprietary institution of higher education, involve work for the institution itself, or work in the public interest for a public or nonprofit private organization. In the case of a proprietary institution of higher education the employment provided may involve only work performed in the public interest for a public or nonprofit private organization. For purposes of this paragraph a proprietary institution of higher education also includes any nonprofit organization owned or controlled by the proprietary institution or by the corporation, association, partnership or individual which owns or controls the proprietary institution.

(2) Work for the institution itself may include work performed in those institutional operations which are typically performed by the institution for its students but which the institution chooses to contract for, such as food service, cleaning, maintenance and security, if the contract between the institution and the private contractor supplying that service provides (i) that the contractor will utilize a specific number of the institution's students in carrying out the contract and (ii) that the institution will select the students to be employed and determine each student's rate of pay.

(3) If an institution is engaged in profitmaking activities such as the operation or rental of athletic fields, auditoriums, theaters, and parking lots and the performance of administrative functions in connection therewith, employment in connection with such activities shall not be considered work for the institution or work in the public interest except to the extent that such employment is connected with events conducted as part of the educational, cultural, or athletic programs of that institution.

(4) *Work in the public interest.* Work in the public interest means work that is devoted to the national or community welfare rather than that of a particular interest or group. In no event shall work be considered to be work in the public interest if (i) it is primarily for the benefit of the members of a limited membership organization (such as a credit union, a fraternal or religious order, or a cooperative), rather than for the public at large, (ii) it is to be performed for an elected official other than as part of the regular administration of Federal, State, or local government or, (iii) it is work for which the political support or affiliation of the student is a prerequisite or consideration for employment.

(b) *General limitations on employment.* Employment provided under this part—

(1) May not result in the displacement of employed workers, the impairment of existing contracts for services, nor the filling of positions that are vacant because the employer's regular employees are on strike.

(2) May not involve the construction, operation, or maintenance of so much of any facility as is used or is to be used for sectarian instruction or as a place of religious worship;

(3) May not involve any partisan or nonpartisan political activity associated with a candidate or with a contending faction or group in an election for public or party office;

(4) May not involve any lobbying on the Federal level; and

(5) Shall be governed by such conditions of employment, including compensation, as will be appropriate and reasonable in light of such factors as type of work performed, geographical region, proficiency of the employee, and any applicable Federal, State, or local legislation.

(c) (1) *Agreement.* Work for a public or private nonprofit organization, other than work for the institution itself, must be evidenced by a written agreement between the institution and the employing organization containing the conditions of such work. (See Appendix B for a sample agreement.) The institution may enter into such an agreement only with a reliable organization with professional direction and staff.

(2) The institution will be responsible for ensuring (i) that any disbursements for work performed under such an agreement will be properly documented and (ii) that the work performed by each student will be properly supervised and in accordance with the requirements of this part.

(42 U.S.C. 2754)

§ 175.17 Eligible employment.

(a) *General.* In order for a position to be considered eligible employment under this part, the position must be one for which the employer normally has compensated other persons not employed under this part. If no other person has held or is holding that position for that employer, such a position is one for which most other employers would normally compensate persons holding that position.

(b) *Work for academic credit.* Work which is otherwise eligible employment is not made ineligible solely because it satisfies a requirement of a degree or a certificate pursued by the student.

(42 U.S.C. 2754)

§ 175.18 Establishment of wage rates.

(a) *Wage rates.* Compensation under this part shall be computed on an hourly wage rate basis for actual time on the job. Fringe benefits may not be included as part of such wage rate. Students may not be compensated on a salary, commission, or fee arrangement.

(b) (1) *Minimum rate.* Except as provided for in subparagraphs (2) and (3) of this paragraph, the minimum rate for a student employed under the Work-Study Program shall be $2.20 an hour until December 31, 1976, and $2.30 an hour after December 31, 1976, or such higher minimum wage as may be required under any applicable Federal, State, or local legislation.

(2) The Commission may approve a rate of compensation lower than that established under subparagraph (1) of this paragraph if exceptional circumstances warrant a lower rate and the approval of a lower rate is not precluded by law and is consistent with and promotive of the purposes of this part.

(3) If the Secretary of Labor has established a subminimum wage rate under provisions of the Fair Labor Standards Act for any category of students at an institution, such subminimum wage rate shall be the minimum wage rate under this part for those students.

(c) The wage rate established for each Work-Study position must meet the requirements of § 175.16(b)(5).

(42 U.S.C. 2754)

§ 175.19 Limitations on the number of hours of employment.

(a) Except as provided in paragraph (b)(2) of this section, Work-Study funds may not be used to pay a student for work of more than an average of 20 hours per week, averaged over the period of enrollment for which the student has received an award under this part during periods when classes in which the student is enrolled are in session, or for more than 40 hours per week during periods when such classes are not in session. Work during periods when such classes are not in session shall not be included in determining the 20 hour per week limitation.

(b) (1) An institution shall determine the number of hours which an eligible student may be employed under this program in accordance with its own standards and practices after considering (i) the extent of the student's financial need, and (ii) the potential harm of a particular combination of hours of work and

hours of study on a given student's health or academic progress.

(2) Work-Study funds may be used to pay a student for work in excess of an average of 20 hours per week, but not more than 40 hours per week, if the institution determines that, in spite of the financial assistance made available to the student, the student's financial need remains so great that it cannot be met from earnings from a job of 20 hours per week, and that such extra work will not impair the student's health or academic progress.

(c) An institution may utilize its own funds to employ students in excess of the limitations set forth in paragraphs (a) and (b) of this section and a public or private nonprofit organization participating in the Work-Study program may similarly utilize its own or the institution's funds to employ students in excess of such hours. However, in neither case may any portion of a students' earnings for hours in excess of such limitations be charged to funds received under this part. Any such payments shall be taken into account in determining, pursuant to § 175.14(c), the resources available to the student.

(42 U.S.C. 2754)

§ 175.20 Earnings attributable to cost of education.

(a) The amount of compensation earned by a student under this part to be applied against the student's cost of education shall be the difference between the student's gross earnings and any required withholding of taxes and any costs incident to obtaining such earnings.

(b) (1) Except as provided in subparagraph (2) of this paragraph, for a summer vacation period or other such period during which the student is not enrolled in any classes, costs incident to employment shall be deemed to be the lesser of 20 percent of the student's gross earnings or $200.

(2) If a student is only able to obtain a job where his actual cost incident to employment exceeds $200 or 20 percent of the student's gross earnings, then such student's reasonable actual costs incident to employment may be deducted from gross earnings up to a limit of $400 or 40 percent of gross earnings whichever is less.

(c) Costs incident to employment include commuting costs between the student's home and his place of employment, the cost of meals at work, and, if the student does not live with his parents, any necessary rent and food payments.

(d) Net earnings, that is, gross earnings minus taxes and incidental expenses, shall be applied against the student's cost of education for his next period of regular enrollment at that institution.

(42 U.S.C. 2754)

§ 175.21 Payments to students.

(a) Payments to students shall be made at least once a month. The Federal share of each payroll disbursement must be made by check or similar instrument which may be cashed by the student on his own endorsement without further restriction. Accounting devices or procedures which result in the direct transfer of the Federal share of student compensation to expenses or bills are not permissible. The institution is responsible for ensuring that each payroll disbursement to any student represents the net amount of wages earned under the program during the previous payroll period whether the work is for the institution itself or for a public or private nonprofit organization. Funds for personal services shall be considered to have been obligated as of the time such services were rendered.

(b) If the institution's share of a student's compensation is paid by check, it shall be disbursed to the student in conjunction with the Federal share of such compensation. If the institution's share is paid in the form of tuition, fees, services or equipment for an academic period during which the student is employed, that share shall be contributed prior to the close of the student's final pay period. If such share is in the form of prepaid tuition, fees, services or equipment for a forthcoming academic period, the institution shall, prior to the close of the student's last pay period, give the student a statement indicating the amount of such tuition, fees, services, and equipment earned.

(c) Before making employment available under this part for any year to a student, the institution shall obtain from that student a written acceptance of the employment and a signed statement indicating that the student received notice of the amount of his College Work-Study award, of the nature and source of the other student financial aid made available to him through the institution, and of the fact that continued employment under the College Work-Study Program is conditional on the recipient's maintaining good standing in the course of study he is pursuing according to the regularly prescribed standards and practices of the institution which awarded the employment and on the recipient's carrying an academic workload sufficient to qualify him as at least a half-time student during the academic year.

(42 U.S.C. 2754)

§ 175.22 Limitations on the Federal share of student compensation.

(a) Except as otherwise provided for under paragraph (e) of this section, the Federal share of the compensation paid to students employed under this part from funds allocated to the institution pursuant to § 175.4 shall not exceed 80 percent.

(b) The Federal share of compensation for employment under this part shall be calculated on the basis of the hourly rate paid a student for actual time on the job. The following may not be included in determining the Federal share:

(1) Compensation which results from working more than 40 hours per week;

(2) Fringe benefits such as paid sick leave, vacation pay and holiday pay; or

(3) The employer's contribution to Social Security, workmen's compensation, retirement, or any other welfare or insurance programs which must be paid by the employer on account of a student employed under this part.

(c) If the institution arranges employment for its students with a public or private nonprofit organization, the agreement under which such employment is arranged pursuant to § 175.16(c) (1) may provide for the institution to recover from such organization (i) the non-Federal share of student compensation, (ii) any required employer contributory costs such as the employer's share of Social Security or workmen's compensation insurance to the extent that such costs are paid by the institution on account of the employment of its students by the organization under such agreement, and (iii) any costs of administration incurred by the institution in administering such agreement, either directly or through an agent, to the extent that such costs exceed 3 percent of the compensation paid to students under the agreement.

(d) Any funds an institution receives for a fiscal year under agreements with various employer organizations which exceed the cost the institution incurs in paying the non-Federal share of the compensation paid to its students and in administering the Work-Study Program (after taking into account the payment it receives for administrative expenses pursuant to § 175.27(b)) shall (1) be used to reduce on a dollar for dollar basis the Federal share of compensation paid to its students, (2) be held in trust for off-campus student employment in the subsequent fiscal year, or (3) be refunded to the off-campus organization which paid those funds to the institution.

(e) (1) The Commissioner may approve for an institution, pursuant to an application filed in accordance with § 175.5, a Federal share of up to 100 percent of the compensation paid to its students employed under this part if such institution (i) is designated as a "developing institution of higher education" in accordance with the provisions of Part 169 of this title (45 CFR Part 169), or (ii) demonstrates that at least 50 percent of its students who are enrolled as at least half-time students have parents whose annual adjusted gross income does not exceed $7,500 per year.

(2) A Federal share of 100 percent shall be applicable only to such compensation as is paid to students which is in excess of (i) the amount of compensation paid to students under this part during the twelve months ending on June 30, 1976, or (ii) for institutions not participating in the College Work-Study Program during the twelve months ending on June 30, 1976, such amount as may be specified by the Commissioner.

(42 U.S.C. 2754)

§ 175.23 Nature and source of institutional share of student compensation.

(a) An institution may use any source available to it to pay its share of the

compensation paid to any students employed under this part. Such share may be paid to the student in the form of services and equipment (including tuition, room, board, and books) furnished by the institution. All amounts claimed as non-cash contributions shall be supported by adequate documentation, such as a receipt signed by the student employee. In no case may any such payment consist of remittal of a charge assessed against the student exclusively because of his employment under the Work-Study Program.

(b) No institution shall solicit or accept, or permit any public or private nonprofit organization with which it has an agreement pursuant to § 175.16(c)(1) to solicit or accept, from a student or a student's parents or spouse, any fee, commission, or compensation of any kind, or the granting of a gift or gratuity of any kind, as a consideration or a prerequisite for the employment of a particular student under the program.

(42 U.S.C. 2754)

§ 175.24 Federal interest in allocated funds.

Funds received by an institution pursuant to this part, excluding funds authorized for administrative expenses, are to be held in trust for the intended student beneficiary. Such funds may be used only for the purposes for which they were allocated and may not be pledged or hypothecated for any other purpose.

(42 U.S.C. 2751–56)

§ 175.25 Maintenance of effort.

(a) For each fiscal year for which it receives an allocation of funds under this part, the institution shall continue to expend, in its own scholarship and student aid programs, an amount which is not less than the average expenditure per year made for that purpose during the three fiscal years preceding the latest of the following dates or fiscal years: (1) The effective date of any agreement required by section 443 of the College Work-Study Program (42 U.S.C. 2753) or section 407 of the Educational Opportunity Grants Program (20 U.S.C. 1067) which was in effect on June 30, 1973, (2) the fiscal year for which the institution receives or received its first allocation of funds under the College Work-Study Program, (3) the fiscal year for which the institution received its first allocation of funds under the Educational Opportunity Grants Program (20 U.S.C. 1061–1067, 1069), or (4) the fiscal year for which the institution receives or received its first allocation of funds under the Supplemental Educational Opportunity Grants Program (20 U.S.C. 1070b–1070b–3 if the institution did not participate in the Educational Opportunity Grants Program in the fiscal year immediately preceding that fiscal year.

(b)(1) The Commissioner may waive the requirements set forth in paragraph (a) of this section for a fiscal year under special and unusual circumstances, such as, where the institution's inability to expend the amount required thereunder is attributable to (i) a withdrawal of funds from outside sources (for public institutions, public appropriations are not considered an outside source), or (ii) a decline in enrollment where the institution continued to expend in its own scholarship and student aid program on a per-enrolled-student basis an amount at least equal to the average amount expended per enrolled student during the three year base period.

(2) Where an institution has failed to meet the requirements set forth in paragraph (a) of this section for a particular fiscal year because it withdrew as a direct lender under the Guaranteed Student Loan Program, the Commissioner may waive that portion of the failure that is equivalent to the average amount of loans made by the institution as a direct lender under the Guaranteed Student Loan Program during the 3 year base period if (i) the institution provides financial assistance to its students in an amount equivalent to the amount it is required to maintain pursuant to paragraph (a) of this section through its own scholarship and student financial aid expenditures and by arranging alternative sources of such assistance, and (ii) the amount of alternative sources that is included does not exceed the amount that the Commissioner may waive.

(3) Where an institution has failed to meet the requirements set forth in paragraph (a) of this section for a particular fiscal year because its authority to participate as a direct lender under the Guaranteed Student Loan Program was withdrawn by the Commissioner prior to July 1, 1976, the Commissioner may waive that portion of the failure for each such fiscal year prior to July 1, 1976 that is equivalent to the average amount of loans made by the institution as a direct lender under the Guaranteed Student Loan Program during the 3 year base period.

(4) Where an institution has failed to meet the requirements set forth in paragraph (a) of this section because its authority to participate as a direct lender under the Guaranteed Student Loan Program was withdrawn by the Commissioner after June 30, 1976, the Commissioner may waive for that fiscal year that portion of the failure that is equivalent to the average amount of loans made by the institution as a direct lender under the Guaranteed Student Loan Program during the 3 year base period. The Commissioner may also waive that amount for future fiscal years if (i) the institution provides financial assistance to its students in an amount equivalent to the amount it is required to maintain pursuant to paragraph (a) through its own scholarship and student financial aid expenditures and by arranging alternative sources of such assistance, and (ii) the amount of alternative sources that is included does not exceed the amount that the Commissioner may waive.

(5) For purposes of this paragraph the Commissioner will consider that the institution has arranged alternate sources of assistance for its students if such assistance is provided to the institution's students pursuant to a written agreement between the institution and the funding source.

(6) For purposes of this section "fiscal year" means a period beginning on July 1 and ending on the following June 30. (A fiscal year is designated in accordance with the calendar year in which the ending date of the fiscal year occurs.)

(c) In order to obtain a waiver of the maintenance of effort requirement set forth in paragraph (a) of this section for a particular fiscal year, an institution shall submit to the Commissioner a request for such a waiver and a description of the circumstances justifying such a waiver.

(d) An institution's "own scholarship and student financial aid program" includes any expenditure of institutional funds for scholarships, grants, loans, tuition and fee waivers or remissions, and employment given to students enrolled at the institution at both the graduate and undergraduate level, whether or not such students are eligible to participate in the College Work-Study or Supplemental Grant programs. Funds given to the institution from an outside source to be used for scholarships or other forms of student financial aid, but with respect to which the institution has the authority to choose the recipients and the amount such recipients will receive, shall be deemed to be institutional funds. However, funds received from Federal sources to be used for student financial aid may not, in any event, be considered as part of an institution's own scholarship and student financial aid program for purposes of paragraph (a) of this section.

(e)(1) An institution may, in accordance with its stated practice, consider scholarships and other student financial assistance given to students who are dependents of faculty members or other employees of the institution as either student financial aid or employee benefits.

(2) An institution shall include fellowships and assistantships as part of its program of student financial assistance unless it is the stated practice of the institution to consider such holders of fellowships and assistantships as members of the institution's faculty. In such a case payments under such fellowships and assistantships need not be considered financial aid.

(3) An election of treatment under subparagraphs (1) and (2) of this paragraph shall apply to both the base year period and current year expenditures. A change of treatment will be permitted only with the express written approval of the Commissioner.

(20 U.S.C. 1088c)

§ 175.26 Transfer of funds.

(a) An institution may transfer up to 10 percent of its allocation for a fiscal year under the College Work-Study Program to its allocation of funds for that fiscal year under the Supplemental Grants Program to be used in accordance with the provisions of that latter program. Such transferred funds may be allocated by the institution between its allocations for initial and continuing

grants as the institution sees fit. Similarly, an institution may transfer up to 10 percent of its allocation for a fiscal year under the Supplemental Grants Program to its allocation of funds for that fiscal year under the College Work-Study Program to be used in accordance with the provisions of this part.

(b) Any amount transferred pursuant to paragraph (a) of this section shall be reported on the annual Institutional Fiscal-Operations Report required by § 175.28(b)(2).

(20 U.S.C. 1088e)

§ 175.27 Use of funds.

(a) Federal funds allocated to an institution under this part may be used by the institution (1) to pay the Federal share of compensation for the services rendered by its eligible students employed in its eligible Work-Study Program, (2) as payments in lieu of reimbursement for its expenses in administering the program during the fiscal year, and (3) to transfer to the Supplemental Educational Opportunity Grant Program pursuant to § 175.26.

(b) An institution of higher education shall be entitled to use as payment in lieu of reimbursement for its administrative expenses for each fiscal year for which it receives an allocation under § 175.4 an amount equal to not more than three percent of the compensation earned by students, including the Federal share from its allocation for that fiscal year and the institutional share for both on and off-campus programs. However the aggregate amount paid to an institution in lieu of expenses for administration under this part and the Supplemental Educational Opportunity Grants Program plus the amount withdrawn for such purposes from the institution's National Direct Student Loan fund may not in the aggregate exceed $125,000 for any fiscal year.

(42 U.S.C. 2754; 20 U.S.C. 1088b)

§ 175.28 Fiscal procedures and records.

(a) *Fiscal procedures.* (1) The institution shall administer the College Work-Study Program in such a manner as to provide for an adequate system of internal controls. The various administrative procedures shall be divided so as to provide for a system of checks and balances under which no person will be responsible for all aspects of the program. The functions of authorizing payment and disbursing funds shall be divided in such a fashion that no office has responsibility for both functions with respect to any particular student aided under the program.

(2) If a fiscal agent is utilized by the institution, its function must be limited solely to the performance of ministerial acts.

(3) Physical segregation of cash depositories for Federal funds which are provided to an institution is not required. However, institutions shall give notice to any bank in which they deposit Federal funds of all accounts in that bank in which such funds are deposited. This notice can be accomplished in either of the following ways:

(i) Include in the name of the account the fact that Federal funds are deposited therein; or,

(ii) Send a letter to the bank listing the accounts in which Federal funds will be deposited. A copy of this letter must be retained in the institution's files.

(b) *Records and reporting.* (1) Each institution shall establish and maintain on a current basis, adequate records which reflect all transactions with respect to the program and shall establish and maintain such general ledger control accounts and related subsidiary accounts as are necessary to identify separately all transactions relating to the program. Such records shall:

(i) Be maintained in such a manner as to identify all program transactions separately from other institutional funds and activities;

(ii) Be reconciled no less frequently than monthly;

(iii) Include a weekly (or monthly) time record showing hours worked per day for each student. This form must contain a certification by an official of the institution (or off-campus agency) who is the student's supervisor stating that the student has worked the number of hours listed and whether the work has been performed in a satisfactory manner;

(iv) Include a payroll voucher containing sufficient information to support all payroll disbursements;

(v) Include a noncash contribution record to support by adequate documentation any payment or partial payment of the institution's share of the student's earnings which has been made in the form of services and equipment as permitted by § 175.23;

(vi) Afford ready identification of each student's account and the status thereof;

(vii) Be adequate to demonstrate the eligibility of every student aided under the program;

(viii) Indicate the amount of need determined for each student and the way that need has been met; and

(ix) Identify the institutional officer who made the determination of such need.

(2) An institution shall submit an annual Institutional Fiscal-Operations Report and such other reports and information in such form and at such times as the Commissioner may require in connection with the administration of this part and shall comply with such requirements as the Commissioner may find necessary to insure the correctness of such reports.

(c) *Retention of records.* (1) *Records.* Each institution shall keep intact and accessible records relating to the receipt and expenditure of Federal funds in accordance with section 434(a) of the General Education Provisions Act (20 U.S.C. 1232c), including all accounting records and related original and supporting documents that substantiate costs charged to the award and such records required by § 175.9(e).

(2) *Period of retention.* Except as provided in subparagraph (4) of this paragraph, the records specified in subparagraph (1) of this paragraph shall be retained for 5 years after the date of the submission of the annual Institutional Fiscal-Operations Report.

(3) *Microfilm copies.* An institution may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(4) *Audit questions.* The records involved in any claim or expenditure which has been questioned by Federal audit shall be further retained until resolution of any such audit questions; *provided*, however, that records need not be retained if they relate to a grant with respect to which actions by the United States to recover for diversion of Federal funds are barred by the statute of limitation in 28 U.S.C. 2415 (b).

(5) *Audit and examination.* The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to the records specified in subparagraph (1) of this paragraph and to any other pertinent books, documents, papers, and records of the recipient.

(d) *Audits—non-Federal.* All of an institution's transactions involving its Work-Study Program funds shall be audited by the institution or at the institutions' direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and whether such transactions are in compliance with applicable laws and regulations. Such audits shall be performed in accordance with the Department of Health, Education, and Welfare "Audit Guide" for student financial aid programs, and shall be scheduled with reasonable frequency, usually annually, but not less frequently than once every two years, considering the size and the complexity of the activity of the program.

(e) Such audit reports shall be submitted to the regional office of the Department of Health, Education, and Welfare Audit Agency serving the region in which the institution is located for its review. The Audit Agency and the Commissioner shall also be given access to records or other documents as may be necessary to review the results of such audits.

(42 U.S.C. 2754; 20 U.S.C. 1232c)

§ 175.29 Termination and suspension.

(a) *General.* If the Commissioner finds that any of the assurances or representations made by an institution in connection with the administration and operation of the College Work-Study Program is incomplete or inaccurate in any material respect or that there has been a failure to comply with any of the provisions of this part, he may, after giving the institution notice and an opportunity for a hearing, terminate the agreement entered into pursuant to § 175.8 or take such other actions as may be necessary and appropriate to protect the interest of the United States. The termination of the institution's participation in the program shall not affect the obligations previously incurred by either party under that agreement or this part. An obligation shall be considered to have been incurred as of the date a student worked, as specified in § 175.21(a).

(b) *Notice of termination.* Proceedings with respect to the termination of the program shall be initiated by the mailing of a notice to the institution setting forth the basis of the proposed termination and the procedures available to the recipient under this section.

(c) *Suspension of assistance.* Subject to paragraph (e) of this section, assistance may be suspended during the pendency of a termination proceeding initiated pursuant to this section.

(d) *Notice of suspension.* If the Commissioner determines that suspension of assistance during the pendency of a termination proceeding is necessary, notice of the suspension shall be mailed to the recipient (which may be included in the notice of termination). The notice of suspension shall: (1) Inform the recipient of that determination, (2) advise the recipient of the effective date of the suspension, and (3) offer the recipient an opportunity to show cause why such action should not be taken.

(e) *Opportunity to show cause.* If the recipient requests an opportunity to show cause why a suspension of assistance should not be continued or imposed, the Commissioner will, within 7 days after receiving such request, hold an informal meeting for that purpose.

(42 U.S.C. 2754)

APPENDIX A

ALLOTMENT OF FUNDS TO STATES FOR FISCAL YEAR 1972

Alabama	$5,802,379
Alaska	222,401
Arizona	2,163,160
Arkansas	3,357,696
California	19,625,311
Colorado	2,643,202
Connecticut	2,537,476
Delaware	520,542
District of Columbia	1,110,472
Florida	6,830,771
Georgia	6,390,308
Hawaii	796,559
Idaho	899,577
Illinois	10,371,320
Indiana	5,396,896
Iowa	3,925,939
Kansas	2,844,022
Kentucky	4,770,515
Louisiana	5,759,805
Maine	1,156,396
Maryland	3,549,625
Massachusetts	5,863,354
Michigan	9,157,777
Minnesota	4,773,195
Mississippi	4,885,174
Missouri	5,420,293
Montana	933,670
Nebraska	2,015,607
Nevada	335,527
New Hampshire	767,114
New Jersey	5,111,397
New Mexico	1,548,112
New York	16,923,121
North Carolina	8,181,440
North Dakota	1,067,895
Ohio	10,424,770
Oklahoma	3,522,127
Oregon	2,401,584
Pennsylvania	12,087,462
Rhode Island	995,991
South Carolina	4,483,023
South Dakota	1,185,126
Tennessee	5,964,544
Texas	14,171,730
Utah	1,532,910
Vermont	613,709
Virginia	$5,605,999
Washington	3,641,590
West Virginia	2,934,188
Wisconsin	5,012,671
Wyoming	416,528
Outlying areas [1]	4,748,000
Total	$237,400,000

[1] Outlying areas include Puerto Rico, Virgin Islands, Guam, American Samoa, and Trust Territory of the Pacific Islands.

APPENDIX B

MODEL OFF-CAMPUS AGREEMENT

(The paragraphs below are suggested as models for the development of a written agreement between an institution of higher education and a public or private non-profit organization which provides for employment of college students participating in the College Work-Study Program. Institutions and organizations may devise additional or substitute paragraphs which are not inconsistent with the statute or regulations.)

This agreement is entered into between _____, hereinafter known as the "Institution," and _____, hereinafter known as the "Organization," a *(public organization)*, *(private nonprofit organization)*, (strike one), for the purpose of providing work to students eligible to participate in the College Work-Study Program.

Schedules to be attached to this agreement from time to time, bearing the signature of an authorized official of the Institution and of the Organization, will set forth brief descriptions of the work to be performed by students under this agreement, the total number of students to be employed, the hourly rates of pay, and the average number of hours per week each student will be utilized. These schedules will also state the total length of time the project is expected to run, the total percent, if any, of student compensation that the Organization will pay to the Institution, and the total percent, if any, of the cost of employers' payroll contribution to be borne by the Organization. The Institution will inform the Organization of the maximum number of hours per week a student may work.

Students will be made available to the Organization by the Institution for performance of specific work assignments. Students may be removed from work on a particular assignment or from the Organization by the Institution, either on its own initiative or at the request of the Organization. The Organization agrees that no student will be denied work or subjected to different treatment under this agreement on the grounds of race, color, national origin, or sex, and that it will comply with the provisions of the Civil Rights Act of 1964 (P.L. 88-352; 78 Stat. 252) and Title IX of the Education Amendments of 1972 (P.L. 92-318) and the Regulations of the Department of Health, Education, and Welfare which implement those Acts.

(Where appropriate any of the following 3 paragraphs or other provision may be included.)

(1) Transportation for students to and from their work assignments will be provided by the Organization at its own expense and in a manner acceptable to the Institution.

(2) Transportation for the students to and from their work assignments will be provided by the Institution at its own expense.

(3) Transportation for students to and from their work assignments will not be provided by either the Institution or the Organization.

(Whether the Institution or the Organization will be considered the employer of the students covered under the agreement depends upon the specific arrangement as to the type of supervision exercised by the Organization. It is advisable to include some provision to indicate the intent of the parties as to who shall be considered the employer. As appropriate, one of the following two paragraphs may be included.) [1]

(1) The Institution shall be deemed the employer for purposes of this agreement. It has the ultimate right to control and direct the services of the student for the Organization. It shall also determine that the students meet the eligibility requirements for employment under the College Work-Study Program, assign students to work for the Organization, and determine that the students do perform their work in fact. The Organization's right shall be limited to direction of the details and means by which the result is to be accomplished.

(2) The Organization shall be deemed the employer for purposes of this agreement. It has the right to control and direct the services of the student, not only as to the result to be accomplished, but also as to the means by which the result is to be accomplished. The Institution shall be limited to determining that the students meet the eligibility requirements for employment under the College Work-Study Program, to assigning students to work for the Organization, and to determining that the students do perform their work in fact.

(Wording of the following nature may be included, as appropriate, to locate responsibility for payroll disbursements and payment of employers' payroll contributions.) Compensation of students for work performed on a project under this agreement will be disbursed—and all payments due as an employer's contribution under State or local workmen's compensation laws, under Federal or State social security laws, or under other applicable laws, will be made—by the (Organization), (Institution), (strike one).

(Where appropriate any of the following paragraphs may be included.)

(1) At such times as are agreed upon in writing, the Organization will pay to the Institution an amount calculated to cover the Organization's share of the compensation of students employed under this agreement.

(2) In addition to the payment specified in paragraph (1) above, at such times as are agreed upon in writing, the Organization will pay, by way of reimbursement to the Institution, or in advance, an amount equal to any and all payments required to be made by the Institution under State or local workmen's compensation laws, or under Federal or State social security laws, or under any other applicable laws, on account of students participating in projects under this agreement.

(3) At such times as are agreed upon in writing, the Institution will pay to the Organization an amount calculated to cover the

[1] (It should be noted that although the following paragraphs attempt to fix the identity of the employer, they will not necessarily be determinative if the actual facts indicate otherwise. Additional wording which specifies the employer's responsibility in case of injury on the job may also be advisable, since Federal funds are not available to pay for hospital expenses or claims in case of injury on the job. In this connection it may be of interest that one or more insurance firms in at least one State have in the past been willing to write a workmen's compensation insurance policy which covers a student's injury on the job regardless of whether it is the Institution or the Organization which is ultimately determined to have been the student's employer when he was injured.)

Federal share of the compensation of students employed under this agreement and paid by the Organization. Under such an arrangement the Organization will furnish to the Institution for each payroll period the following records for review and retention:

(a) Time reports indicating the total hours worked each week and containing the supervisor's certification as to the accuracy of the hours reported and of satisfactory performance on the part of the students;

(b) A payroll form identifying the period of work, the name of each student, his rate per hour, the number of hours worked, his gross pay, all deductions and net earnings, and the total Federal share applicable to each payroll; [2] and

(c) Documentary evidence that students received payment for their work, such as photographic copies of cancelled checks.

[FR Doc.76-25046 Filed 8-31-76;8:45 am]

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[2] (These forms, when accepted, must be countersigned by the Institution as to hours worked and satisfactory performance, as well as to the accuracy of the total Federal share which is to be reimbursed to the off-campus organization.)

federal register

WEDNESDAY, SEPTEMBER 1, 1976



PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

■

COMMUNITY DEVELOPMENT BLOCK GRANTS

Eligible Activities

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Eligible Activities

On March 1, 1976, the Department of Housing and Urban Development published in the FEDERAL REGISTER (41 FR 8797) a notice of proposed rulemaking for determining the eligibility of public services and certain public works to be carried out under the community development block grant program under Title I of the Housing and Community Development Act of 1974. Interested persons were given until March 25, 1976, to submit written comments. All comments with respect to the proposed rulemaking were given due consideration.

As a result of the coments received, the following changes were made:

1. A number of comments, including a joint comment by Senator William Proxmire, Chairman, Senate Committee on Banking, Housing and Urban Affairs, and Congressman Henry S. Reuss, Chairman, House Committee on Banking, Currency and Housing, indicated that the proopsed inclusion of sewage treatment works as an eligible activity was contrary to the Housing and Community Development Act of 1974. The Conference Report of the 1974 Act states (at page 128) that it "makes clear that the construction of a particular facility is eligible [under title I] only if previously eligible under any consolidated [categorical] program, except the public facility loan program or the model cities program, or specifically mentioned in the conference report." Sewage treatment works were not eligible under the basic water and sewer grant program and are not listed in the Housing and Community Development Act of 1974. Accordingly, the revisions to paragraph (a)(2)(vi) of § 570.200 and paragraph (a)(7) of § 570.201 which proposed the deletion of the exclusion of sewage treatment works have been eliminated.

There were many comments requesting details concerning the eligibility of the administration of sewage treatment facilities for funding under the community development block grant program. As the proposed eligibility of such facilities has been eliminated from consideration, the discussion of these issues is unnecessary.

2. In response to several comments, the language of the first paragraph of § 570.200(a)(8) has been clarified to indicate that public services, otherwise eligible, may be provided by State and local governments, quasi-public, private or nonprofit agencies selected by the applicant.

3. The language of paragraph (a)(8)(i) of § 570.200 has been clarified to indicate that public services must principally serve the needs of residents of areas where physical development activities are to be carried out with block grant assistance and may only incidentally be used to serve other residents of community.

4. A number of comments requested a definition of the term "area." Paragraph (a)(8)(i) of § 570.200 has been clarified to indicate that an "area" is a designated geographical area identified by census tracts or enumeration districts on maps which are a part of the Community Development Program submitted pursuant to paragraph (b) of § 570.303.

5. A number of comments referred to the statutory requirement that "other activities assisted under this Title are being carried out in a concentrated manner." Accordingly, paragraph (a)(8)(ii) of § 570.200 has been clarified to indicate that within the areas where public services will be provided, the physical development activities assisted by the community development block grant program must be carried out in a concentrated manner.

6. The language of paragraph (a)(8)(ii) of § 570.200 has been modified to provide a definition of the term "concentrated manner." The definition requires that the physical development activities are being carried out in a coordinated manner to serve a common objective or purpose pursuant to a locally developed plan or strategy in a geographically delineated area, such as an urban renewal area, a concentrated code enforcement and rehabilitation area, or similar area with a comprehensive, physical development program for neighborhood improvement, conservation, or preservation. The paragraph also has language clarifying which block grant activities are considered as physical development activities for the purposes of this section.

7. The language of paragraph (a)(8)(iii) of § 570.200 has been clarified to provide a definition of the term "not be otherwise available," which indicates that a public service shall either be a new service or a quantifiable increase in the level of a public service above that currently being provided from local sources. Any increase of funding provided by community development block grant program funds for an existing service is not to be used to compensate for the added costs of operating the public service at its current level due to inflation, salary escalations, and similar cost increases. The use of program funds to augment a public service currently being provided by local sources must result in an actual increase in the level of the service being provided to residents (e.g., a greater number of residents receive the service).

8. A number of comments referred to the statutory requirement that a public service support other activities. Accordingly, paragraph (a)(8)(iv) of § 570.200 requires that the applicant first make a determination that public services are necessary or appropriate to support physical development activities. The Department of Housing and Urban Development does not require that the applicant include the specific determination of support for each public service included in its application. Rather, the applicant, having determined that a proposed public service included in the Community Development Program pursuant to paragraph (b) of § 570.303 meets the support criteria, shall then indicate an appropriate relationship within the description of short term objectives in the community development plan summary pursuant to paragraph (a) of § 570.303. No additional documentation or submission will normally be required. The Secretary will accept the applicant's determination unless there is substantial evidence to the contrary, in which case, pursuant to paragraph (b)(1) of § 570.306, the Secretary may require additional information or assurances from the applicant prior to his determination of eligibility.

Several comments requested clarification whether paragraph (a)(9) of § 570.200, which permits the use of program funds to match other Federal grants, applies to public services provided under paragraph (a)(8) of § 570.200. If all the requirements of paragraph (a)(8) of § 570.200 are complied with, in such cases, then paragraph (a)(9) of § 570.200 would apply.

Several comments indicated support for local determination of the appropriateness of public services. This is included in paragraph (a)(8)(iv) of § 570.200.

Several comments were made regarding the eligibility of communitywide facilities pursuant to paragraph (a)(2) of § 570.200. As this was not the subject of the proposed revisions to the regulations, these comments were not appropriate for consideration in the current matter. These comments will be considered at such time as paragraph (a)(2) of § 570.200 is reviewed for potential revision.

This amendment to paragraph (a)(8) of § 570.200 is effective for all applications for entitlement and discretionary funds to be granted from appropriations for Fiscal Year 1977 and thereafter. All mid-program year amendments received by HUD on or after October 1, 1976, regardless of the Fiscal Year from which the funds were appropriated, are subject to these amended provisions of paragraph (a)(8) of § 570.200. Applications for entitlement and discretionary funds to be granted from appropriations for Fiscal Year 1976, regardless of the actual date of receipt by HUD, and mid-program year amendments to ongoing community development block grant programs received by HUD on or before September 30, 1976, are subject to the provisions of paragraph § 570.200 as published on January 19, 1976, in the FEDERAL REGISTER (41 FR 2766). The effective date has been delayed in order to provide advance notice to applicants of the revisions and to complete the review of entitlement and discretionary applications presently on hand or expected to be submitted to HUD in the near future.

In connection with the environmental review of these amendments to the regulations, a Finding of Inapplicability has been made under HUD Handbook 1390.1, 38 FR 19182. A copy of the Finding is

available for inspection in the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C.

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

In consideration of the foregoing, 24 CFR Part 570 is amended by revising § 570.200(a)(8) to read as follows:

§ 570.200 Eligible activities.

(a) * * *

(8) Provision of public services which are directed toward improving the community's public services and facilities, including those concerned with employment, economic development, crime prevention, child care, health, drug abuse, education, welfare, or recreational needs, and which are directed toward coordinating public and private development programs. Such services may be provided by State or local governments, quasi-public, private, or nonprofit agencies selected by the applicant for funds provided under this Part. Public services must meet the following criteria:

(i) Public services must principally serve residents of those areas identified, by census tracts or enumeration districts, on the maps and in the Community Development Program submitted pursuant to § 570.303(b) in which physical development activities are to be carried out with assistance provided under this Part. Such services must be directed toward meeting the needs of residents of such areas and funds available under this Part for such services may only incidentally be used to serve other residents of the applicant jurisdiction.

(ii) The applicant's Community Development Program must indicate that within the areas referred to in paragraph (a)(8)(i) of this section, other physical development activities assisted under this Part shall be carried out in a concentrated manner. Such physical development activities include only those described in § 570.200(a)(1)–(5), (7), and (9)–(10). The phrase "concentrated manner" shall mean that the physical development activities are being carried out in a coordinated manner to serve a common objective or purpose pursuant to a locally developed plan or strategy in a geographically delineated area, such as an urban renewal area, a concentrated code enforcement and rehabilitation area, or similar area with a comprehensive, physical development program for neighborhood improvement, conservation, or preservation.

(iii) Public services assisted under this Part must not be otherwise available. For the purpose of this paragraph, "not be otherwise available" means a new service is being assisted or that there is a quantifiable increase in the level of a service above that currently being provided from local sources. Also, Federal assistance in providing or securing such services must have been applied for and denied or not made available pursuant to the provisions of § 570.607.

(iv) Such services must be determined first by the applicant to be necessary or appropriate to support the physical development activities identified within the same delineated areas set forth in the Community Development Program. The specific determination of support for each proposed public service in an application for assistance under this Part is not required to be included in the application. Rather, having determined that each public service to be included in an application complies with the support requirement, the applicant shall indicate the appropriate relationship within the description of short-term objectives in the Community Development Plan Summary pursuant to § 570.303(a). The Secretary will accept the applicant's determination unless there is substantial evidence to the contrary, as described in § 570.306(b)(1), in which case additional information or assurances may be requested from the applicant prior to a determination of eligibility by the Secretary.

(v) Effective date: (A) This amendment to § 570.200(a)(8) becomes effective as to all applications for entitlement or discretionary funds pursuant to Subpart D and Subpart E, respectively, of this Part, to be granted from appropriations for Fiscal Year 1977 and thereafter and for mid-program year amendments pursuant to § 570.305(a) to ongoing community development block grant programs received by HUD on or after October 1, 1976. (B) All applications for entitlement and discretionary funds pursuant to Subpart D and Subpart E, respectively, of this Part, to be granted from appropriations for Fiscal Year 1976, regardless of actual date of receipt by HUD, and all mid-program year amendments pursuant to § 570.305(a) received by HUD on or before September 30, 1976, shall be subject to the provisions of § 570.200(a)(8) as published on January 19, 1976, in the FEDERAL REGISTER (41 FR 2766).

* * * * *

(Title I of the Housing and Community Development Act of 1974, 42 U.S.C. 5301 et seq.; sec. 7(d) HUD Act, 42 U.S.C. 3535(d))

Effective date: This regulation shall be effective on September 1, 1976.

DAVID O. MEEKER, Jr.,
FAIA, AIP Assistant Secretary for Community Planning and Development.

[FR Doc.76-25536 Filed 8-31-76;8:45 am]

federal register

WEDNESDAY, SEPTEMBER 1, 1976



PART IV:

ENVIRONMENTAL PROTECTION AGENCY

■

REQUESTS FOR INFORMATION

Confidentiality of Business Information

Title 40—Protection of Environment

[FRL 567-7]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

Requests for Information; Confidentiality of Business Information

On May 20, 1975, the Environmental Protection Agency (EPA) caused to be published in the FEDERAL REGISTER a document (40 FR 21987) proposing to amend 40 CFR Part 2 by adding a new Subpart B entitled "Confidentiality of Business Information." Certain corrections and revisions to that document were made by a document published in the FEDERAL REGISTER on July 9, 1975 (40 FR 28814). Interested persons were given until July 22, 1975, to submit written comments, suggestions, or objections. Some 60 comments were received; commenters included trade associations, business firms, environmental organizations, state agencies, and others. Full and careful consideration was given to all written comments received.

As promulgated below, the rule reflects a number of changes from the proposed rule. Many of these changes were suggested by comments on the proposed rule made by interested members of the public; others were found desirable in order to simplify and clarify various provisions, even though they were not specifically suggested by comments from the public. The changes do not introduce significant variations from the subject matter and issues presented in the May 20 and July 9, 1975, documents. A summary of the significant comments, the Administrator's responses to those comments, and the other changes that have been made appear as Appendix A. The Preamble to the May 20, 1975, document also discussed many of the issues presented by this rule-making proceeding.

The purpose of Subpart B is to establish and make known to the public the rules and procedures which EPA will use in handling information gathered by EPA which may be entitled confidential treatment for reasons of business confidentiality. The regulation represents EPA's attempt to devise a procedure which protects the interests of the businesses which furnish information to EPA, the interests of members of the public who request that EPA disclose such information, and the interests of EPA in carrying out its statutory missions. As stated more fully in the Preamble to the May 20 document, these various interests may from time to time be in conflict. Businesses have recently expressed concern that Federal agencies may disclose proprietary information the agencies possess and thereby harm the businesses. On the other hand, members of the public have asserted that understanding and criticizing Government proposals or decisions is difficult or impossible if the business data upon which the Government relied are unavailable for scrutiny. EPA understands the importance of both these arguments and, in addition, is aware that the continuing flow of information from businesses needed for sound EPA decisionmaking may be affected adversely if businesses do not feel that EPA gives full and fair consideration to their confidentiality claims.

Subpart B, as promulgated below, establishes procedures and substantive rules designed to: Limit the likelihood of inadvertent disclosure of confidential business information; afford businesses a fair opportunity both to assert a confidentiality claim and to substantiate the claim prior to an EPA ruling on the claim; allow a business to seek judicial review of an EPA ruling unfavorable to it; protect the interests of members of the public who request disclosure of business information under the Freedom of Information Act, 5 U.S.C. 552; and furnish guidance to those EPA officers and employees who must deal with confidentiality claims and requests for information while carrying out other important Agency business.

Subpart B consists of a series of generally applicable rules (§§ 2.201–2.213) and certain special rules which modify the general rules when necessary to implement several statutes under which EPA operates and which contain special provisions governing the treatment of business information.

A revision of Subpart A of 40 CFR Part 2 is also promulgated below. (Subpart A contains the Agency's basic regulations concerning the treatment of requests for information under 5 U.S.C. 552). Many of the changes to Subpart A are merely matters of style designed to more clearly set forth procedural rules which were stated in the earlier version of the subpart. Former § 2.107 has been redesignated as § 2.106, and a new § 2.107 has been added, dealing with the treatment of misdirected written requests and oral requests. The subpart has been revised in several places to indicate more clearly that a discretionary decision to withhold exempt documents should be based on a finding that the public interest would not be served by disclosure. Section 2.119(b) has been revised to indicate that matters exempt under 5 U.S.C. 552 (b)(8) or (b)(9) normally will not be disclosed as a matter of policy. Section 2.120 has been extensively revised to state additional examples of search and duplication efforts for which the fee will be the actual direct cost to EPA, to indicate items for which no charge shall be made, and to clarify the procedure to be used in considering requests for reduction of waiver of fees. Former § 2.121, which recited a statutory requirement concerning an annual report to Congress, has been deleted as unnecessary. Because the changes to Subpart A consist of rules of agency organization, procedure, or practice, and because public comment on these changes is unnecessary and would not serve the public interest, good cause is hereby found for promulgating the revision of Subpart A without use of the proposed rulemaking procedure of 5 U.S.C. 553(c).

Finally, minor changes to other parts in Chapter I of 40 CFR are also being made for the purpose of conforming these parts to the newly promulgated Subpart B of Part 2.

Accordingly, Chapter I of 40 CFR is amended as set forth below.

Effective date: These regulations shall become effective on October 1, 1976.

Dated: August 12, 1976.

RUSSELL E. TRAIN,
Administrator.

Chapter I of 40 CFR is amended as follows:

1. Part 2 is amended by revising Subpart A and by adding a new Subpart B, so that the Part reads as follows:

PART 2—PUBLIC INFORMATION

Subpart A—Requests for Information

Sec.
2.100 Definitions.
2.101 Policy on disclosure of EPA records.
2.102 [Reserved]
2.103 Partial disclosure of records.
2.104 Requests to which this subpart applies.
2.105 Existing records.
2.106 Where requests for agency records shall be filed.
2.107 Misdirected written requests; oral requests.
2.108 Form a request.
2.109 Requests which do not reasonably describe records sought.
2.110 Responsibilities of Freedom of Information Officers.
2.111 Action by office responsible for responding to request.
2.112 Time allowed for issuance of initial determination.
2.113 Initial denials of requests.
2.114 Appeals from initial denials; manner of making.
2.115 Appeal determinations; by whom made.
2.116 Contents of determination denying appeal.
2.117 Time allowed for issuance of appeal determination.
2.118 Exemption categories.
2.119 Discretionary release of exempt documents.
2.120 Fees; payment; waiver.
2.121–2.200 [Reserved].

Subpart B—Confidentiality of Business Information

2.201 Definitions.
2.202 Applicability of subpart; priority where provisions conflict; records containing more than one kind of information.
2.203 Notice to be included in EPA requests, demands, and forms; method of asserting business confidentiality claim; effect of failure to assert claim at time of submission.
2.204 Initial action by EPA office.
2.205 Final confidentiality determination by EPA legal office.
2.206 Advance confidentiality determinations.
2.207 Class determinations.
2.208 Substantive criteria for use in confidentiality determinations.
2.209 Disclosure in special circumstances.
2.210 Nondisclosure for reasons other than business confidentiality or where disclosure is prohibited by other statute.
2.211 Safeguarding of business information; penalty for wrongful disclosure.
2.212 Establishment of control offices for categories of business information.
2.213 Designation by business of addressee for notices and inquiries.

Sec.
2.214–2.300 [Reserved].
2.301 Special rules governing certain information obtained under the Clean Air Act.
2.302 Special rules governing certain information obtained under the Federal Water Pollution Control Act.
2.303 Special rules governing certain information obtained under the Noise Control Act of 1972.
2.304 Special rules governing certain information obtained under the Safe Drinking Water Act.
2.305 [Reserved].
2.306 [Reserved].
2.307 Special rules governing certain information obtained under the Federal Insecticide, Fungicide, and Rodenticide Act.
2.308 Special rules governing certain information obtained under the Federal Food, Drug, and Cosmetic Act.
2.309 Special rules governing certain information obtained under the Marine Protection, Research and Sanctuaries Act of 1972.

AUTHORITY: 5 U.S.C. 301, 552, 553; secs. 114, 208, 301, and 307 of the Clean Air Act, as amended, 42 U.S.C. 1857c–9, 1857f–6, 1867g, 1857h–5; secs. 308, 501, and 509(a) of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1318, 1361, 1369(a); sec. 13 of the Noise Control Act of 1972, 42 U.S.C. 4912; secs. 1445 and 1450 of the Safe Drinking Water Act, 42 U.S.C. 300j–4, 300j–9; secs. 10, 12, and 25 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, 7 U.S.C. 136h, 136j, 136v; sec. 408(f) of the Federal Food, Drug and Cosmetic Act, as amended, 21 U.S.C. 346a(f); and secs. 104(f) and 108 of the Marine Protection, Research, and Sanctuaries Act of 1972, 33 U.S.C. 1414 (f), 1418.

Subpart A—Requests for Information

§ 2.100 Definitions.

For the purposes of this part:

(a) "EPA" means the United States Environmental Protection Agency.

(b) "EPA record" or, simply, "record" means and document, writing, photograph, sound or magnetic recording, drawing, or other similar thing by which information has been preserved, from which the information can be retrieved and copied, and which is, was, or is alleged to be possessed by EPA. The term includes informal writings (such as handwritten notes, drafts, and the like), and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. The term includes documents and the like which were created or acquired by EPA, its predecessors, its officers, and employees by use of Government funds or in the course of transacting official business. However, the term does not include materials which are legally owned by an EPA officer or employee in his or her purely personal capacity. Nor does the term include materials published by non-Federal organizations which are readily available to the public, such as books, journals, and periodicals available through reference libraries, even if such materials are in EPA's possession.

(c) "Request" means a request to inspect or obtain a copy of one or more records.

(d) "Requestor" means any person who has submitted a request to EPA.

§ 2.101 Policy on disclosure of EPA records.

(a) EPA will make the fullest possible disclosure of records to the public, consistent with the rights of individuals to privacy, the rights of persons in business information entitled to confidential treatment, and the need for EPA to promote frank internal policy deliberations and to pursue its official activities without undue disruption.

(b) All EPA records shall be available to the public unless they are exempt from the disclosure requirements of 5 U.S.C. 552.

(c) All nonexempt EPA records shall be available to the public upon request regardless of whether any justification or need for such records has been shown by the requestor.

§ 2.102 [Reserved]

§ 2.103 Partial disclosure of records.

If a requested record contains both exempt and nonexempt material, the nonexempt material shall be disclosed, after the exempt material has been deleted in accordance with § 2.119.

§ 2.104 Requests to which this subpart applies.

(a) This subpart applies to any written request (other than a request made by another Federal agency) received by any EPA office, whether or not the request cites the Freedom of Information Act, 5 U.S.C. 552. See § 2.107(a) and § 2.112(b) regarding the treatment of requests which are directed by the requestor to offices other than those listed in § 2.106.

(b) Any written request to EPA for existing records prepared by EPA for routine public distribution, e.g., pamphlets, copies of speeches, press releases, and educational materials, shall be honored. No individual determination under § 2.111 is necessary in such cases, since preparation of the records for routine public distribution itself constitutes a determination that the records are available to the public.

§ 2.105 Existing records.

(a) The Freedom of Information Act, 5 U.S.C. 552, does not require the creation of new records in response to a request, nor does it require EPA to place a requestor's name on a distribution list for automatic receipt of certain kinds of records as they come into existence. The Act establishes requirements for disclosure of existing records.

(b) All existing EPA records are subject to routine destruction according to standard record retention schedules.

§ 2.106 Where requests for agency records shall be filed.

(a) A request for records may be filed with the EPA Freedom of Information Officer, A–101, 401 M Street, SW., Washington, D.C. 20460.

(b) Should the requestor have reason to believe that the records sought may be located in an EPA regional office, he may transmit his request to the appropriate regional Freedom of Information Office indicated below:

(1) Region I (Massachusetts, Connecticut, Maine, New Hampshire, Rhode Island, Vermont):

U.S. Environmental Protection Agency, Freedom of Information Officer, Room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203.

(2) Region II (New Jersey, New York, Puerto Rico, Virgin Islands):

U.S. Environmental Protection Agency, Freedom of Information Officer, Room 1005, 26 Federal Plaza, New York, NY 10007.

(3) Region III (Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia):

U.S. Environmental Protection Agency, Freedom of Information Officer, Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106.

(4) Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee):

U.S. Environmental Protection Agency, Freedom of Information Officer, Suite 504, 1421 Peachtree Street, NE., Atlanta, GA 30309.

(5) Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin):

U.S. Environmental Protection Agency, Freedom of Information Officer, 230 Dearborn Street, Chicago, IL 60604.

(6) Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas):

U.S. Environmental Protection Agency, Freedom of Information Officer, Suite 1100, 1600 Patterson Street, Dallas, TX 75201.

(7) Region VII (Iowa, Kansas, Missouri, Nebraska):

U.S. Environmental Protection Agency, Freedom of Information Officer, 1735 Baltimore Avenue, Kansas City, MO 64108.

(8) Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming):

U.S. Environmental Protection Agency, Freedom of Information Officer, Suite 900, 1860 Lincoln Street, Denver, CO 80203.

(9) Region IX (Arizona, California, Hawaii, Nevada, American Samoa, Guam, Trust Territory of Pacific Islands, Wake Island):

U.S. Environmental Protection Agency, Freedom of Information Officer, 100 California Street, San Francisco, CA 94111.

(10) Region X (Alaska, Idaho, Oregon, Washington):

U.S. Environmental Protection Agency, Freedom of Information Officer, 1200 Sixth Avenue, Seattle, WA 98101.

§ 2.107 Misdirected written requests; oral requests.

(a) EPA cannot assure that a timely or satisfactory response under this subpart will be given to written requests that are addressed to EPA offices, officers, or employees other than the Freedom of Information Officers listed in § 2.106. Any EPA officer or employee who receives a written request for inspection or disclosure of EPA records shall promptly

forward a copy of the request to the appropriate Freedom of Information Officer, by the fastest practicable means, and shall, if appropriate, commence action under § 2.111.

(b) While EPA officers and employees will attempt in good faith to comply with requests for inspection or disclosure of EPA records made orally, by telephone or otherwise, such oral requests are not required to be processed in accordance with this Subpart.

§ 2.108 Form of request.

A request shall be made in writing, shall reasonably describe the records sought in a way that will permit their identification and location, and should be addressed to one of the addresses set forth in § 2.106, but otherwise need not be in any particular form.

§ 2.109 Requests which do not reasonably describe records sought.

(a) If the description of the records sought in the request is not sufficient to allow EPA to identify and locate the requested records, the EPA office taking action under § 2.111 will notify the requestor (by telephone when practicable) that the request cannot be further processed until additional information is furnished.

(b) EPA will make every reasonable effort to assist in the identification and description of records sought and to assist the requestor in formulating his request. If a request is described in general terms (e.g., all records having to do with a certain area), the EPA office taking action under § 2.111 may communicate with the requestor (by telephone when practicable) with a view toward reducing the administrative burden of processing a broad request and minimizing the fees payable by the requestor. Such attempts will not be used as a means to discourage requests, but rather as a means to help identify with more specificity the records actually sought.

§ 2.110 Responsibilities of Freedom of Information Officers.

(a) Upon receipt of a written request, the Freedom of Information Officer (whether at EPA Headquarters or at an EPA region) shall mark the request with the date of receipt, and shall attach to the request a control slip indicating the date of receipt, the date by which response is due, a unique Request Identification Number, and other pertinent administrative information. The request and control slip shall then be forwarded immediately to the EPA office believed to be responsible for maintaining the records requested. (If the records requested are believed to be located at two or more EPA offices, each such office shall be furnished a copy of the request and control slip, with instructions concerning which office shall serve as the lead office for coordinating the response.) The Freedom of Information Officer shall retain a file copy of the request and control slip, and shall monitor the handling of the request to ensure a timely response.

(b) The Freedom of Information Officer shall maintain a file concerning each request received, which shall contain a copy of the request, initial and appeal determinations, and other pertinent correspondence and records.

(c) The Freedom of Information officer shall collect and maintain the information necessary to compile the reports required by 5 U.S.C. 552(d).

§ 2.111 Action by office responsible for responding to request.

(a) Whenever an EPA office becomes aware that it is responsible for responding to a request, the office shall:

(1) Take action under § 2.109, if required, to obtain a better description of the records requested;

(2) Locate the records as promptly as possible, or determine that the records are not known to exist, or that they are located at another EPA office, or that they are located at another Federal agency and not possessed by EPA;

(3) When appropriate, take action under § 2.120(c) to obtain payment or assurance of payment;

(4) If any located records contain business information, as defined in § 2.201(c), comply with subpart B of this part;

(5) Determine which of the requested records legally must be withheld, and why (see § 2.119(b));

(6) Of the requested records which are exempt from mandatory disclosure but which legally may be disclosed (see § 2.119(a)), determine which records will be withheld, and why;

(7) Issue an initial determination within the allowed period (see § 2.112), specifying (individually or by category) which records will be disclosed and which will be withheld, and signed by a person authorized to issue the determination under § 2.113(b). Denials of requests shall comply with § 2.113; and

(8) Furnish the appropriate Freedom of Information Officer a copy of the determination. If the determination denied a request for one or more existing, located records, the responding office shall also furnish the Freedom of Information Officer the name, address, and telephone number of the EPA employee(s) having custody of the records, and shall maintain the records in a manner permitting their prompt forwarding to the General Counsel upon request if an appeal from the initial denial is filed. See also § 2.204(f).

(b) If it appears that some or all of the requested records are not in the possession of the EPA office which has been assigned responsibility for responding to the request but may be in the possession of some other EPA office, the Freedom of Information officer who is monitoring the request shall be so informed immediately.

§ 2.112 Time allowed for issuance of initial determination.

(a) Except as otherwise provided in this section, not later than the tenth working day after the date of receipt by a Freedom of Information Office of a request for records, the EPA office responsible for responding to the request shall issue a written determination to the requestor stating which of the requested records will, and which will not, be released, and the reason for any denial of a request.

(b) The period of 10 working days shall be measured from the date the request is first received and logged in by the Headquarters or regional Freedom of Information Office.

(c) There shall be excluded from the period of 10 working days (or any extension thereof) any time which elapses between the date that a requestor is notified by EPA under § 2.109 that his request does not reasonably identify the records sought, and the date that the requestor furnishes a reasonable identification.

(d) There shall be excluded from the period of 10 working days (or any extension thereof) any time which elapses between the date that a requestor is notified by EPA under § 2.120 that prepayment of fees is required, and the date that the requestor pays (or makes suitable arrangements to pay) such charges.

(e) The EPA office taking action under § 2.111, after notifying the appropriate Freedom of Information Office, may extend the basic 10-day period established under subsection (a) of this section by a period not to exceed 10 additional working days, by furnishing written notice to the requestor within the basic 10-day period stating the reasons for such extension and the date by which the office expects to be able to issue a determination. The period may be so extended only when absolutely necessary, only for the period required, and only when one or more of the following unusual circumstances require the extension:

(1) There is a need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) There is a need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) There is a 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 EPA.

(f) Failure of EPA to issue a determination within the 10-day period or any authorized extension shall constitute final agency action which authorizes the requestor to commence an action in an appropriate Federal district court to obtain the records.

§ 2.113 Initial denials of requests.

(a) An initial denial of a request may be issued only for the following reasons:

(1) The record requested is not known to exist;

(2) The record is not in EPA's possession;

(3) The record has been published in the FEDERAL REGISTER or is otherwise published and available for sale;

(4) A statutory provision, provision of this part, or court order requires that the information not be disclosed;

(5) The record is exempt from mandatory disclosure under 5 U.S.C. 552(b) and EPA has decided that the public interest would not be served by disclosure;

(6) Section 2.204(d)(1) requires initial denial because a third person must be consulted in connection with a business confidentiality claim; or

(7) The record is believed to exist in EPA's possession but has not yet been located (see subsection (h) of this section).

(b) Assistant Administrators, heads of headquarters staff offices, and Regional Administrators are delegated the authority to issue initial determinations. This authority may be redelegated; *provided*, that the authority to issue initial denials of requests for existing, located records (other than denials based solely on § 2.204(d)(1)) may be redelegated only to persons occupying positions not lower than division director or equivalent.

(c) [Reserved]

(d) Each initial determination to deny a request shall be written, signed, and dated, shall contain a reference to the Request Identification Number, shall identify the records that are being withheld (individually, or, if the denial covers a large number of similar records, by described category), and shall state the basis for denial of each record or category of records being withheld.

(e) If the issuance of the determination to deny a request was directed by some EPA officer or employee other than the person signing the determination letter, that other person's identity and position shall be stated in the determination letter.

(f) Each initial determination which denies, in whole or in part, a request for one or more existing, located EPA records shall state that the requestor may appeal the initial denial by sending a written appeal to the address shown in § 2.106(a) within 30 days of receipt of the determination.

(g) A determination shall be deemed issued on the date the determination letter is placed in EPA mailing channels for first class mailing to the requestor, delivered to the U.S. Postal Service for mailing, or personally delivered to the requestor, whichever date first occurs.

(h) When a request must be denied because the record has not yet been located (although it is believed to exist in EPA's possession), the EPA office responsible for maintaining the record shall continue to search diligently until it is located or it appears that the record does not exist or is not in EPA's possession, and shall periodically inform the requestor of the office's progress.

§ 2.114 Appeals from initial denials; manner of making.

(a) Any person whose request has been denied in whole or in part by an initial determination may appeal that denial by addressing a written appeal to the address shown in § 2.106(a).

(b) An appeal should be mailed no later than 30 calendar days after the date the requestor received the initial determination on the request. An untimely appeal may be treated either as a timely appeal or as a new request, at the option of the Freedom of Information Officer.

(c) The appeal letter shall contain a reference to the Request Identification Number (RIN), the date of the initial determination, and the name and address of the person who issued the initial denial. The appeal letter shall also indicate which of the records to which access was denied are the subjects of the appeal.

§ 2.115 Appeal determination; by whom made.

(a) The General Counsel shall make one of the following legal determinations in connection with every appeal from the initial denial of a request for an existing, located record:

(1) The record must be disclosed;

(2) The record must not be disclosed, because a statute or a provision of this part so requires; or

(3) The record is exempt from mandatory disclosure but legally may be disclosed as a matter of Agency discretion.

(b) Whenever the General Counsel has determined under paragraph (a)(3) of this section that a record is exempt from mandatory disclosure but legally may be disclosed, the matter shall be referred to the Director of the EPA Office of Public Affairs. If the Director of the EPA Office of Public Affairs determines that the public interest would not be served by disclosure, a determination denying the appeal shall be issued by the General Counsel. If the Director of the EPA Office of Public Affairs determines that the public interest would be served by disclosure, the record shall be disclosed unless the Administrator (upon a review of the matter requested by the appropriate Assistant Administrator, Regional Administrator, or the Director of a Headquarters Staff Office) determines that the public interest would not be served by disclosure, in which case the General Counsel shall issue a determination denying the appeal.

(c) The General Counsel may delegate his authority under paragraph (a) of this section to a Regional Counsel, or to any other attorney employed on a full-time basis by EPA, in connection with any category of appeals or any individual appeal.

§ 2.116 Contents of determination denying appeal.

A determination denying an appeal from an initial denial shall be in writing, shall state which of the exemptions in 5 U.S.C. 552(b) apply to each requested existing record, and shall state the reason(s) for denial of the appeal. A denial determination shall also state the name and position of each EPA officer or employee who directed that the appeal be denied. Such a determination shall further state that the person whose request was denied may obtain de novo judicial review of the denial by complaint filed with the district court of the United States in the district in which the complainant resides, or in which the Agency records are situated, or in the District of Columbia, pursuant to 5 U.S.C. 552(a)(4).

§ 2.117 Time allowed for issuance of appeal determination.

(a) Except as otherwise provided in this section, not later than the twentieth working day after the date of receipt by the Freedom of Information Officer at EPA Headquarters of an appeal from an initial denial of a request for records, the General Counsel shall issue a written determination stating which of the requested records (as to which an appeal was made) shall be disclosed and which shall not be disclosed.

(b) The period of 20 working days shall be measured from the date an appeal is first received by the Freedom of Information Officer at EPA Headquarters, except as other provided in § 2.205(a).

(c) The Office of General Counsel, after notifying the Freedom of Information Officer at EPA Headquarters, may extend the basic 20-day period established under subsection (a) of this section by a period not to exceed 10 additional working days, by furnishing written notice to the requestor within the basic 20-day period stating the reasons for such extension and the date by which the office expects to be able to issue a determination. The period may be so extended only when absolutely necessary, only for the period required, and only when one or more of the following unusual circumstances require the extension:

(1) There is a need to search for and collect the records from field facilities or other establishments that are separate from the office processing the appeal;

(2) There is a need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) There is a 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 EPA.

(d) No extension of the 20-day period shall be issued under subsection (c) of this section which would cause the total of all such extensions and of any extensions issued under § 2.112(e) to exceed 10 working days.

§ 2.118 Exemption categories.

(a) 5 U.S.C. 552(b) establishes nine exclusive categories of matters which are exempt from the mandatory disclosure requirements of 5 U.S.C. 552(a). No request under 5 U.S.C. 552 for an existing, located record in EPA's possession shall be denied by any EPA office or employee unless the record contains (or its disclosure would reveal) matters that are—

(1) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order;

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

(3) Specifically exempted from disclosure by statute;

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

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

(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: (a) interfere with enforcement proceedings; (b) deprive a person of a right to a fair trial or an impartial adjudication; (c) constitute an unwarranted invasion of personal privacy; (d) 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; (e) disclose investigative techniques and procedures; or (f) 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.

(b) The fact that the applicability of an exemption permits the withholding of a requested record (or portion thereof) does not necessarily mean that the record must or should be withheld. See § 2.119.

§ 2.119 Discretionary release of exempt documents.

(a) An EPA office may, in its discretion, release requested records despite the applicability of one or more of the exemptions listed in § 2.118 (a)(2), (a)(5), or (a)(7). Disclosure of such records is encouraged if no important purpose would be served by withholding the records.

(b) As a matter of policy, EPA will not release a requested record if EPA has determined that one or more of the exemptions listed in § 2.118 (a)(1), (a)(3), (a)(4), (a)(6), (a)(8), or (a)(9) applies to the record, except when ordered to do so by a Federal court or in exceptional circumstances under appropriate restrictions with the approval of the Office of General Counsel or a Regional Counsel.

§ 2.120 Fees; payment; waiver.

(a) *Fee schedule.* Fees will be charged requestors for searching for and reproducing requested records, in accordance with the following schedule:

Record search time (EPA employees), $2.50 per half hour.
Computer programming time (EPA employees), $4.50 per half hour.
Reproduction of documents (paper copy of paper original), $0.20 per page.
Other costs of searching for or duplicating records (including such items as: computer system time; contractor computer programming time; reproduction of photographs, microforms, or magnetic tape; computer printouts; and transportation of records), actual direct cost to EPA.

No charge shall be made—

(1) For examination and evaluation of records which have been located and which are known to be among those requested;

(2) For the cost of preparing or reviewing letters of response to a request or appeal;

(3) If the total fee in connection with a request is less than $10.00, or if the costs of collecting the fee would otherwise exceed the amount of the fee;

(4) For search time or computer programming time by EPA employees, if less than one half hour of such time was required in connection with the request;

(5) For responding to a request for one copy of the official personnel record of the requestor;

(6) For furnishing records requested by either House of Congress, or by a duly authorized committee or subcommittee of Congress, unless the records are requested for the benefit of an individual Member of Congress or for a constituent;

(7) For furnishing records requested by and for the official use of other Federal agencies; or

(8) For furnishing records needed by an EPA contractor or grantee to perform the work required by the EPA contract or grant.

(b) *Method of payment.* All fee payments shall be in the form of a check or money order payable to the order of the "U.S. Environmental Protection Agency" and shall be sent (accompanied by a reference to the pertinent Request Identification Number(s)) to the appropriate EPA Freedom of Information Officer.

(c) *Prepayment or assurance of payment.* If an EPA office determines or estimates that the unpaid fees attributable to one or more requests by the same requestor exceed or will exceed $25.00, that office need not search for, duplicate or disclose records in response to any request by that requestor until the requestor pays, or makes acceptable arrangements to pay, the total amount of fees due (or estimated to become due) under this section. In such a case, the EPA office shall promptly inform the requestor (by telephone, if practicable) of the need to make payment or arrangements to pay. See also § 2.112(d).

(d) *Reduction or waiver of fee.* The fee chargeable under this section may be reduced or waived by EPA if the public interest would be served thereby. Reduction or waiver of fees shall be considered (but need not necessarily be granted) in connection with each request from a representative of the press or other communications medium, or from a public interest group. A request for reduction or waiver of fees shall be addressed to the appropriate Freedom of Information Officer or to the EPA office which is responding to the request for records. The latter office shall initially determine whether the fee shall be reduced or waived, and shall so inform the requestor. The initial determination may be appealed by letter addressed to the appropriate Freedom of Information Officer. The Director of the EPA Office of Public Affairs, or the Director's designee in an EPA regional office, shall decide such appeals.

§ 2.121–§ 2.200 [Reserved]

Subpart B—Confidentiality of Business Information

§ 2.201 Definitions.

For the purposes of this subpart:

(a) "person" means an individual, partnership, corporation, association, or other public or private organization or legal entity, including Federal, State or local governmental bodies and agencies and their employees.

(b) "Business" means any person engaged in a business, trade, employment, calling or profession, whether or not all or any part of the net earnings derived from such engagement by such person inure (or may lawfully inure) to the benefit of any private shareholder or individual.

(c) "Business information" (sometimes referred to simply as "information") means any information which pertains to the interests of any business, which was developed or acquired by that business, and (except where the context otherwise requires) which is possessed by EPA in recorded form.

(d) "Affected business" means, with reference to an item of business information, a business which has asserted (and not waived or withdrawn) a business confidentiality claim covering the information, or a business which could be expected to make such a claim if it were aware that disclosure of the information to the public was proposed.

(e) "Reasons of business confidentiality" include the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information. The definition is meant to encompass any concept which authorizes a Federal agency to withhold business information under 5 U.S.C. 552(b)(4), as well as any concept which requires EPA to withhold information from the public for the benefit of a business under 18 U.S.C. 1905 or any of the various statutes cited in § 2.301 through § 2.309.

(f) [Reserved]

(g) Information which is "available to the public" is information in EPA's possession which EPA will furnish to any member of the public upon request and which EPA may make public, release or otherwise make available to any person

whether or not its disclosure has been requested.

(h) "Business confidentiality claim" (or, simply, "claim") means a claim or allegation that business information is entitled to confidential treatment for reasons of business confidentiality, or a request for a determination that such information is entitled to such treatment.

(i) "Voluntarily submitted information" means business information in EPA's possession—

(1) The submission of which EPA had no statutory or contractual authority to require; and

(2) The submission of which was not prescribed by statute or regulation as a condition of obtaining some benefit (or avoiding some disadvantage) under a regulatory program of general applicability, including such regulatory programs as permit, licensing, registration, or certification programs, but excluding programs concerned solely or primarily with the award or administration by EPA of contracts or grants.

(j) "Recorded" means written or otherwise registered in some form for preserving information, including such forms as drawings, photographs, videotape, sound recordings, punched cards, and computer tape or disk.

(k) [Reserved]

(l) "Administrator," "Regional Administrator," "General Counsel," "Regional Counsel," and "Freedom of Information Officer" mean the EPA officers or employees occupying the positions so titled.

(m) "EPA office" means any organizational element of EPA, at any level or location. (The terms "EPA, office" and "EPA legal office" are used in this subpart for the sake of brevity and ease of reference. When this subpart requires that an action be taken by an "EPA office" or by an EPA legal office," it is the responsibility of the officer or employee in charge of that office to take the action or ensure that it is taken.)

(n) "EPA legal office" means the EPA General Counsel and any EPA office over which the General Counsel exercises supervisory authority, including the various Offices of Regional Counsel. (See paragraph (m) of this section.)

(o) A "working day" is any day on which Federal government offices are open for normal business. Saturdays, Sundays, and official Federal holidays are not working days; all other days are.

§ 2.202 Applicability of subpart; priority where provisions conflict; records containing more than one kind of information.

(a) Sections 2.201 through 2.213 establish basic rules governing business confidentiality claims, the handling by EPA of business information which is or may be entitled to confidential treatment, and determinations by EPA of whether information is entitled to confidential treatment for reasons of business confidentiality.

(b) Various statutes (other than 5 U.S.C. 552) under which EPA operates contain special provisions concerning the entitlement to confidential treatment of information gathered under such statutes. Sections 2.301 through 2.309 prescribe special rules for treatment of certain categories of business information obtained under the various statutory provisions. Paragraph (b) of each of those sections should be consulted to determine whether any of those sections applies to the particular information in question.

(c) The basic rules of §§ 2.201 through 2.213 govern except to the extent that they are modified or supplanted by the special rules of §§ 2.301 through 2.309. In the event of a conflict between the provisions of the basic rules and those of a special rule which is applicable to the particular information in question, the provision of the special rule shall govern.

(d) If two or more of the sections containing special rules apply to the particular information in question, and the applicable sections prescribe conflicting special rules for the treatment of the information, the rule which provides greater or wider availability to the public of the information shall govern.

(e) For most purposes, a document or other record may usefuly be treated as a single unit of "information," even though in fact the document or record is comprised of a collection of individual items of information. However, in applying the provisions of this subpart, it will often be necessary to separate the individual items of information into two or more categories, and to afford different treatment to the information in each such category. The need for differentiation of this type may arise, e.g., because a business confidentiality claim covers only a portion of a record, or because only a portion of the record is eligible for confidential treatment. EPA offices taking action under this subpart must be alert to this problem.

(f) In taking actions under this subpart, EPA offices should consider whether it is possible to obtain the affected business's consent to disclosure of useful portions of records while protecting the information which is or may be entitled to confidentiality (e.g., by withholding such portions of a record as would identify a business, or by disclosing data in the form of industry-wide aggregates, multi-year averages or totals, or some similar form).

(g) This subpart does not apply to questions concerning entitlement to confidential treatment or information which concerns an individual solely in his personal, as opposed to business, capacity.

§ 2.203 Notice to be included in EPA requests, demands, and forms; method of asserting business confidentiality claim; effect of failure to assert claim at time of submission.

(a) *Notice to be included in certain requests and demands for information, and in certain forms.* Whenever an EPA office makes a written request or demand that a business furnish information which, in the office's opinion, is likely to be regarded by the business as entitled to confidential treatment under this subpart, or whenever an EPA office prescribes a form for use by businesses in furnishing such information, the request, demand, or form shall include or enclose a notice which—

(1) States that the business may, if it desires, assert a business confidentiality claim covering part or all of the information, in the manner described by paragraph (b) of this section, and that information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in this subpart;

(2) States that if no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to the business; and

(3) Furnishes a citation of the location of this subpart in the Code of Federal Regulations and the FEDERAL REGISTER.

(b) *Method and time of asserting business confidentiality claim.* A business which is submitting information to EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

(c) *Effect of failure to assert claim at time of submission of information.* If information was submitted by a business to EPA on or after [the effective date of this subpart], in response to an EPA request or demand (or on an EPA-prescribed form) which contained the substance of the notice required by paragraph (a) of this section, and if no business confidentiality claim accompanied the information when it was received by EPA, the inquiry to the business normally required by § 2.204(c)(2) need not be made. If a claim covering the information is received after the information itself is received, EPA will make such efforts as are administratively practicable to associate the late claim with copies of the previously-submitted information in EPA files (see § 2.204(c)(1)). However, EPA cannot assure that such efforts will be effective, in light of the possibility of prior disclosure or widespread prior dissemination of the information.

§ 2.204 Initial action by EPA office.

(a) *Situations requiring action.* This section prescribes procedures to be used by EPA offices in making initial determinations of whether business information is entitled to confidential treatment for reasons of business confidentiality.

Action shall be taken under this section whenever an EPA office:

(i) learns that it is responsible for responding to a request under 5 U.S.C. 552 for the release of business information; in such a case, the office shall issue an initial determination within the period specified in § 2.112;

(ii) desires to determine whether business information in its possession is entitled to confidential treatment, even though no request for release of the information has been received; or

(iii) determines that it is likely that EPA eventually will be requested to disclose the information at some future date and thus will have to determine whether the information is entitled to confidential treatment. In such a case this section's procedures should be initiated at the earliest practicable time, in order to increase the time available for preparation and submission of comments and for issuance of determinations, and to make easier the task of meeting response deadlines if a request for release of the information is later received under 5 U.S.C. 552.

(b) *Previous confidentiality determination.* The EPA office shall first ascertain whether there has been a previous determination, issued by a Federal court or by an EPA legal office acting under this subpart, holding that the information in question is entitled to confidential treatment for reasons of business confidentiality.

(1) If such a determination holds that the information is entitled to confidential treatment, the EPA office shall furnish any person whose request for the information is pending under 5 U.S.C. 552 an initial determination (see § 2.111 and § 2.113) that the information has previously been determined to be entitled to confidential treatment, and that the request is therefore denied. The office shall furnish such person the appropriate case citation or EPA determination. If the EPA office believes that a previous determination which was issued by an EPA legal office may be improper or no longer valid, the office shall so inform the EPA legal office, which shall consider taking action under § 2.205(h).

(2) With respect to all information not known to be covered by such a previous determination, the EPA office shall take action under paragraph (c) of this section.

(c) *Determining existence of business confidentiality claims.*

(1) Whenever action under this paragraph is required by paragraph (b)(2) of this section, the EPA office shall examine the information and the office's records to determine which businesses, if any, are affected businesses (see § 2.201 (d)), and to determine which businesses if any, have asserted business confidentiality claims which remain applicable to the information. If any business is found to have asserted an applicable claim, the office shall take action under paragraph (d) of this section with respect to each such claim.

(2)(i) If the examination conducted under paragraph (c)(1) of this section discloses the existence of any business which, although it has not asserted a claim, might be expected to assert a claim if it knew EPA proposed to disclose the information, the EPA office shall contact a responsible official of each such business to learn whether the business asserts a claim covering the information. However, no such inquiry need be made to any business—

(A) which failed to assert a claim covering the information when responding to an EPA request or demand, or supplying information on an EPA form, which contained the substance of the statements prescribed by § 2.203(a);

(B) which otherwise failed to assert a claim covering the information after being informed by EPA that such failure could result in disclosure of the information to the public; or

(C) which has otherwise waived or withdrawn a claim covering the information.

(ii) If a request for release of the information under 5 U.S.C. 552 is pending at the time inquiry is made under this paragraph (c)(2), the inquiry shall be made by telephone or equally prompt means, and the responsible official contacted shall be informed that any claim the business wishes to assert must be brought to the EPA office's attention no later than the close of business on the third working day after such inquiry.

(iii) A record shall be kept of the results of any inquiry under this paragraph (c)(2). If any business makes a claim covering the information, the EPA office shall take further action under paragraph (d) of this section.

(3) If, after the examination under paragraph (c)(1) of this section, and after any inquiry made under paragraph (c)(2) of this section, the EPA office knows of no claim covering the information and the time for response to any inquiry has passed, the information shall be treated for purposes of this subpart as not entitled to confidential treatment.

(d) *Preliminary determination.* Whenever action under this paragraph is required by paragraph (c)(1) or (c)(2) of this section on any business's claim, the EPA office shall make a determination with respect to each such claim. Each determination shall be made after consideration of the provisions of § 2.203, the applicable substantive criteria in § 2.208 or elsewhere in this subpart, and any previously-issued determinations under this subpart which are applicable.

(1) If, in connection with any business's claim, the office determines that the information may be entitled to confidential treatment, the office shall—

(i) Furnish the notice of opportunity to submit comments prescribed by paragraph (e) of this section to each business which is known to have asserted an applicable claim and which has not previously been furnished such notice with regard to the information in question;

(ii) Furnish, to any person whose request for release of the information is pending under 5 U.S.C. 552, a determination (in accordance with § 2.113) that the information may be entitled to confidential treatment under this subpart and 5 U.S.C. 552(b)(4), that further inquiry by EPA pursuant to this subpart is required before a final determination on the request can be issued, that the person's request is therefore initially denied, and that after further inquiry a final determination will be issued by an EPA legal office; and

(iii) Refer the matter to the appropriate EPA legal office, furnishing the information required by paragraph (f) of this section.

(2) If, in connection with all applicable claims, the office determines that the information clearly is not entitled to confidential treatment, the office shall take the actions required by § 2.205(f). However, if a business has previously been furnished notice under § 2.205(f) with respect to the same information, no further notice need be furnished to that business. A copy of each notice furnished to a business under this paragraph (d)(2) and § 2.205(f) shall be forwarded promptly to the appropirate EPA legal office.

(e) *Notice to affected businesses; opportunity to comment.*

(1) Whenever required by paragraph (d)(1) of this section, the EPA office shall promptly furnish each business a written notice stating that EPA is determining under this subpart whether the information is entitled to confidential treatment, and affording the business an opportunity to comment. The notice shall be furnished by certified mail (return receipt requested), by personal delivery, or by other means which allows verification of the fact and date of receipt. The notice shall state the address of the office to which the business's comments shall be addressed (the appropirate EPA legal office, unless the General Counsel has directed otherwise), the time allowed for comments, and the method for requesting a time extension under § 2.205(b)(2). The notice shall further state that EPA will construe a business's failure to furnish timely comments as a waiver of the business's claim.

(2) If action under this section is occasioned by a request for the information under 5 U.S.C. 552, the period for comments shall be 15 working days after the date of the business's receipt of the written notice. In other cases, the EPA office shall establish a reasonable period for comments (not less than 15 working days after the business's receipt of the written notice). In all cases, the notice shall call the business's attention to the provisions of § 2.205(b).

(3) At or about the time the written notice is furnished, the EPA office shall orally inform a responsible representative of the business (by telephone or otherwise) that the business should expect to receive the written notice, and shall request the business to contact the EPA office if the written notice has not been received within a few days, so that EPA may furnish a duplicate notice.

(4) The written notice required by paragraph (e)(1) of this section shall invite the business's comments on the fol-

lowing points (subject to paragraph (e)(5) of this section):

(i) The portions of the information which are alleged to be entitled to confidential treatment;

(ii) The period of time for which confidential treatment is desired by the business (e.g., until a certain date, until the occurrence of a specified event, or permanently);

(iii) The purpose for which the information was furnished to EPA and the approximate date of submission, if known;

(iv) Whether a business confidentiality claim accompanied the information when it was received by EPA;

(v) Measures taken by the business to guard against undesired disclosure of the information to others;

(vi) The extent to which the information has been disclosed to others, and the precautions taken in connection therewith;

(vii) Pertinent confidentiality determinations, if any, by EPA or other Federal agencies, and a copy of any such determination, or reference to it, if available;

(viii) Whether the business asserts that disclosure of the information would be likely to result in substantial harmful effects on the business's competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the casual relationship between disclosure and such harmful effects; and

(ix) Whether the business asserts that the information is voluntarily submitted information as defined in § 2.201(i), and if so, whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.

(5) To the extent that the EPA office already possesses the relevant facts, the notice need not solicit responses to the matters addressed in paragraphs (e)(4)(i) through (e)(4)(ix) of this section, although the notice shall request confirmation of EPA's understanding of such facts where appropriate.

(6) The notice shall refer to § 2.205(c) and shall include the statement prescribed by § 2.203(a).

(f) *Materials to be furnished to EPA legal office.* When a matter is referred to an EPA legal office under paragraph (d)(1) of this section, the EPA office taking action under this section shall forward promptly to the EPA legal office the following items:

(1) A copy of the information in question, or (where the quantity or form of the information makes forwarding a copy of the information impractical) representative samples, a description of the information, or both;

(2) A description of the circumstances and date of EPA's acquisition of the information;

(3) The name, address, and telephone number of the EPA employee(s) most familiar with the information;

(4) The name, address and telephone number of each business which asserts an applicable business confidentiality claim;

(5) A copy of each applicable claim (or the record of the assertion of the claim), and a description of when and how each claim was asserted;

(6) Comments concerning each business's compliance or noncompliance with applicable requirements of § 2.203;

(7) A copy of any request for release of the information pending under 5 U.S.C. 552;

(8) The office's comments concerning the appropriate substantive criteria under this subpart, and information the office possesses concerning the information's entitlement to confidential treatment; and

(9) Copies of other correspondence or memoranda which pertain to the matter.

§ 2.205 Final confidentiality determination by EPA legal office.

(a) *Role of EPA legal office.*

(1) The appropriate EPA legal office (see paragraph (i) of this section) is responsible for making the final administrative determination of whether or not business information covered by a business confidentiality claim is entitled to confidential treatment under this subpart.

(2) When a request for release of the information under 5 U.S.C. 552 is pending, the EPA legal office's determination shall serve as the final determination on appeal from an initial denial of the request.

(i) If the initial denial was issued under § 2.204(b)(1), a final determination by the EPA legal office is necessary only if the requestor has actually filed an appeal.

(ii) If the initial denial was issued under § 2.204(d)(1), however, the EPA legal office shall issue a final determination in every case, unless the request has been withdrawn. (Initial denials under § 2.204(d)(1) are of a procedural nature, to allow further inquiry into the merits of the matter, and a requestor is entitled to a decision on the merits.) If an appeal from such a denial has not been received by the EPA Freedom of Information Officer on the tenth working day after issuance of the denial, the matter shall be handled as if an appeal had been received on that day, for purposes of establishing a schedule for issuance of an appeal decision under § 2.117 of this part.

(b) *Comment period; extensions; untimeliness as waiver of claim.*

(1) Each business which has been furnished the notice and opportunity to comment prescribed by § 2.204(d)(1) and § 2.204(e) shall furnish its comments to the office specified in the notice in a manner reasonably calculated to result in receipt of the comments by that office not later than the date specified for receipt in the notice (or the date established in lieu thereof under this section).

(2) The period for submission of comments may be extended if, before the comments are due, a request for an extension of the comment period is made by the business and approved by the EPA legal office. Except in extraordinary circumstances, the EPA legal office will not approve such an extension without the consent of any person whose request for release of the information under 5 U.S.C. 552 is pending.

(3) The period for submission of comments by a business may be shortened in the manner described in paragraph (g) of this section.

(4) If a business's comments have not been received by the specified EPA office on the date they are due, that office shall promptly inquire whether the business has complied with paragraph (b)(2) of this section. If the business has complied but the comments have been lost in transmission, duplicate comments shall be requested.

(c) *Confidential treatment of comments from business.* If information submitted to EPA by a business as part of its comments under this section pertains to the business's claim, is not otherwise possessed by EPA, and is marked when received in accordance with § 2.203(b), it will be regarded by EPA as entitled to confidential treatment and will not be disclosed by EPA without the business's consent, unless its disclosure is duly ordered by a Federal court, notwithstanding other provisions of this subpart to the contrary.

(d) *Types of final determinations; matters to be considered.*

(1) If the EPA legal office finds that a business has failed to furnish comments under paragraph (b) of this section in a manner reasonably calculated to result in receipt of the comments not later than the date the comments were due, it shall determine that the business has waived its claim. If, after application of the preceding sentence, no claim applies to the information, the office shall determine that the information is not entitled to confidential treatment under this subpart and, subject to § 2.210, is available to the public.

(2) In all other cases, the EPA legal office shall consider each business's claim and comments, the various provisions of this subpart, any previously-issued determinations under this subpart which are pertinent, the materials furnished it under § 2.204(f), and such other materials as it finds appropriate. With respect to each claim, the office shall determine whether or not the information is entitled to confidential treatment for the benefit of the business that asserted the claim, and the period of any such entitlement (e.g., until a certain date, until the occurrence of a specified event, or permanently), and shall take further action under paragraph (e) or (f) of this section, as appropriate.

(3) Whenever the claims of two or more businesses apply to the same information, the EPA legal office shall take action appropriate under the particular circumstances to protect the interests of all persons concerned (including any person whose request for the information is pending under 5 U.S.C. 552).

(e) *Determination that information is entitled to confidential treatment.* If the

EPA legal office determines that the information is entitled to confidential treatment for the full period requested by the business which made the claim, EPA shall maintain the information in confidence for such period, subject to paragraph (h) of this section, § 2.209, and the other provisions of this subpart which authorize disclosure in specified circumstances, and the office shall so inform the business. If any person's request for the release of the information is then pending under 5 U.S.C. 552, the EPA legal office shall issue a final determination denying that request.

(f) *Determination that information is not entitled to confidential treatment; notice; waiting period; release of information.*

(1) Notice of denial (or partial denial) of a business confidentiality claim, in the form prescribed by paragraph (f)(2) of this section, shall be furnished—

(i) By the EPA office taking action under § 2.204, to each business on behalf of which a claim has been made, whenever § 2.204(d)(2) requires such notice; and

(ii) By the EPA legal office taking action under this section, to each business which has asserted a claim applicable to the information and which has furnished timely comments under paragraph (b) of this section, whenever the EPA legal office determines that the information is not entitled to confidential treatment under this subpart for the benefit of the business, or determines that the period of any entitlement to confidential treatment is shorter than that requested by the business.

(2) The notice prescribed by paragraph (f)(1) of this section shall be written, and shall be furnished by certified mail (return receipt requested), by personal delivery, or by other means which allows verification of the fact of receipt and the date of receipt. The notice shall state the basis for the determination, that it constitutes final agency action concerning the business confidentiality claim, and that such final agency action may be subject to judicial review under chapter 7 of title 5, United States Code. With respect to EPA's implementation of the determination, the notice shall state that (subject to § 2.210) EPA will make the information available to the public on the tenth working day after the date of the business's receipt of the written notice (or on such later date as is established in lieu thereof by the EPA legal office under paragraph (f)(3) of this section), unless the EPA legal office has first been notified of the business's commencement of an action in a Federal court to obtain judicial review of the determination, and to obtain preliminary injunctive relief against disclosure. The notice shall further state that if such an action is timely commenced, EPA may nonetheless make the information available to the public (in the absence of an order by the court to the contrary), once the court has denied a motion for a preliminary injunction in the action or has otherwise upheld the EPA determination, or whenever it appears to the EPA legal office, after reasonable notice to the business, that the business is not taking appropriate measures to obtain a speedy resolution of the action. If the information has been found to be temporarily entitled to confidential treatment, the notice shall further state that the information will not be disclosed prior to the end of the period of such temporary entitlement to confidential treatment.

(3) The period established in a notice under paragraph (f)(2) of this section for commencement of an action to obtain judicial review may be extended if, before the expiration of such period, a request for an extension is made by the business and approved by the EPA legal office. Except in extraordinary circumstances, the EPA legal office will not approve such an extension without the consent of any person whose request for release of the information under 5 U.S.C. 552 is pending.

(4) After the expiration of any period of temporary entitlement to confidential treatment, a determination under this paragraph (f) shall be implemented by the EPA legal office by making the information available to the public (in the absence of a court order prohibiting disclosure) whenever—

(i) The period provided for commencement by a business of an action to obtain judicial review of the determination has expired without notice to the EPA legal office of commencement of such an action;

(ii) The court, in a timely-commenced action, has denied the business' motion for a preliminary injunction, or has otherwise upheld the EPA determination; or

(iii) The EPA legal office, after reasonable notice has been provided to the business, finds that the business is not taking appropriate measures to obtain a speedy resolution of the timely-commenced action.

(5) Any person whose request for release of the information under 5 U.S.C. 552 is pending at the time notice is given under paragraph (f)(2) of this section shall be furnished a determination under 5 U.S.C. 552 stating the circumstances under which the information will be released.

(g) *Emergency situations.* If the General Counsel finds that disclosure of information covered by a claim would be helpful in alleviating a situation posing an imminent and substantial danger to public health or safety, he may prescribe and make known to interested persons such shorter comment period (paragraph (b) of this section), post-determination waiting period (paragraph (f) of this section), or both, as he finds necessary under the circumstances.

(h) *Modification of prior determinations.* A determination that information is entitled to confidential treatment for the benefit of a business, made under this subpart by an EPA legal office, shall continue in effect in accordance with its terms until an EPA legal office taking action under this section, or under § 2.206 or § 2.207, issues a final determination stating that the earlier determination no longer describes correctly the information's entitlement to confidential treatment because of change in the applicable law, newly-discovered or changed facts, or because the earlier determination was clearly erroneous. If an EPA legal office tentatively concludes that such an earlier determination is of questionable validity, it shall so inform the business, and shall afford the business an opportunity to furnish comments on pertinent issues in the manner described by § 2.204(e) and paragraph (b) of this section, if, after consideration of any timely comments submitted by the business, the EPA legal office makes a revised final determination that the information is not entitled to confidential treatment, or that the period of entitlement to such treatment will end sooner than it would have ended under the earlier determination, the office will follow the procedure described in paragraph (f) of this section. Determinations under this section may be made only by, or with the concurrence of, the General Counsel.

(i) *Delegation and redelegation of authority.* Unless the General Counsel otherwise directs, or this subpart otherwise specifically provides, determinations and actions required by this subpart to be made or taken by an EPA legal office shall be made or taken by the appropriate Regional Counsel whenever the EPA office taking action under § 2.204 or § 2.206(b) is under the supervision of a Regional Administrator, and by the General Counsel in all other cases. The General Counsel may redelegate any or all of his authority under this subpart to any attorney employed by EPA on a full-time basis under the General Counsel's supervision. A Regional Counsel may redelegate any or all of his authority under this subpart to any attorney employed by EPA on a full-time basis under the Regional Counsel's supervision.

§ 2.206 Advance confidentiality determinations.

(a) An advance determination under this section may be issued by an EPA legal office if—

(1) EPA has requested or demanded that a business furnish business information to EPA;

(2) The business asserts that the information, if submitted, would constitute voluntarily submitted information under § 2.201(i);

(3) The business will voluntarily submit the information for use by EPA only if EPA first determines that the information is entitled to confidential treatment under this subpart; and

(4) The EPA office which desires submission of the information has requested that the EPA legal office issue a determination under this section.

(b) The EPA office requesting an advance determination under this section shall—

(1) Arrange to have the business furnish directly to the EPA legal office a copy of the information (or, where feasible, a description of the nature of

the information sufficient to allow a determination to be made), as well as the business's comments concerning the matters addressed in § 2.204(e)(4), excluding, however, matters addressed in § 2.204 (e)(4)(iii) and (e)(4)(iv); and

(2) Furnish to the EPA legal office the materials referred to in § 2.204 (f)(3), (f)(7), (f)(8), and (f)(9).

(c) In making a determination under this section, the EPA legal office shall first determine whether or not the information would constitute voluntarily submitted information under § 2.201(i). If the information would constitute voluntarily submitted information, the legal office shall further determine whether the information is entitled to confidential treatment.

(d) If the EPA legal office determines that the information would not constitute voluntarily submitted information, or determines that it would constitute voluntarily submitted information but would not be entitled to confidential treatment, it shall so inform the business and the EPA office which requested the determination, stating the basis of the determination, and shall return to the business all copies of the information which it may have received from the business (except that if a request under 5 U.S.C. 552 for release of the information is received while the EPA legal office is in possession of the information, the legal office shall retain a copy of the information, but shall not disclose it unless ordered by a Federal court to do so). The legal office shall not disclose the information to any other EPA office or employee and shall not use the information for any purpose except the determination under this section, unless otherwise directed by a Federal court.

(e) If the EPA legal office determines that the information would constitute voluntarily submitted information and that it is entitled to confidential treatment, it shall so inform the EPA office which requested the determination and the business which submitted it, and shall forward the information to the EPA office which requested the determination.

§ 2.207 Class determinations.

(a) The General Counsel may make and issue a class determination under this section if he finds that—

(1) EPA possesses, or is obtaining, related items of business information;

(2) One or more characteristics common to all such items of information will necessarily result in identical treatment for each such item under one or more of the provisions in this subpart, and that it is therefore proper to treat all such items as a class for one or more purposes under this subpart; and

(3) A class determination would serve a useful purpose.

(b) A class determination shall clearly identify the class of information to which it pertains.

(c) A class determination may state that all of the information in the class—

(1) Is, or is not, voluntarily submitted information under § 2.201(i);

(2) Is, or is not, governed by a particular section of this subpart, or by a particular set of substantive criteria under this subpart;

(3) Fails to satisfy one or more of the applicable substantive criteria, and is therefore ineligible for confidential treatment;

(4) Satisfies one or more of the applicable substantive criteria; or

(5) Satisfies one or more of the applicable substantive criteria during a certain period, but will be ineligible for confidential treatment thereafter.

(d) The purpose of a class determination is simply to make known the Agency's position regarding the manner in which information within the class will be treated under one or more of the provisions of this subpart. Accordingly, the notice of opportunity to submit comments referred to in § 2.204(d)(1)(ii) and § 2.205(b), and the list of materials required to be furnished to the EPA legal office under § 2.204(d)(1)(iii), may be modified to reflect the fact that the class determination has made unnecessary the submission of materials pertinent to one or more issues. Moreover, in appropriate cases, action based on the class determination may be taken under § 2.204(b)(1), § 2.204(d), § 2.205(d), or § 2.206. However, the existence of a class determination shall not, of itself, affect any right a business may have to receive any notice under § 2.204(d)(2) or § 2.205(f).

§ 2.208 Substantive criteria for use in confidentiality determinations.

Determinations issued under §§ 2.204 through 2.207 shall hold that business information is entitled to confidential treatment for the benefit of a particular business if—

(a) The business has asserted a business confidentiality claim which has not expired by its terms, nor been waived nor withdrawn;

(b) The business has satisfactorily shown that it has taken reasonable measures to protect the confidentiality of the information, and that it intends to continue to take such measures;

(c) The information is not, and has not been, reasonably obtainable without the business's consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding);

(d) No statute specifically requires disclosure of the information; and

(e) Either—

(1) The business has satisfactorily shown that disclosure of the information is likely to cause substantial harm to the business's competitive position; or

(2) The information is voluntarily submitted information (see § 2.201(i)), and its disclosure would be likely to impair the Government's ability to obtain necessary information in the future.

§ 2.209 Disclosure in special circumstances.

(a) *General.* Information which, under this subpart, is not available to the public may nonetheless be disclosed to the persons, and in the circumstances, described by paragraphs (b) through (f) of this section. (This section shall not be construed to restrict the disclosure of information which has been determined to be available to the public.)

(b) *Disclosure to Congress or the Comptroller General.* Upon receipt of a written request in appropriate form, EPA will disclose business information to either House of Congress, to a committee or subcommittee of Congress, or to the Comptroller General, unless a statute forbids such disclosure. In making such a disclosure, EPA will inform the requesting body of any unresolved business confidentiality claim known to cover the information, and of any determination by EPA under this subpart holding that the information is entitled to confidential treatment.

(c) *Disclosure to other Federal agencies.* EPA may disclose business information to another Federal agency if—

(1) EPA receives a written request for disclosure of the information from a duly authorized officer or employee of the other agency;

(2) The request sets forth the official purpose for which the information is needed;

(3) EPA notifies the other agency of any unresolved business confidentiality claim covering the information, and of any determination under this subpart holding that the information is entitled to confidential treatment; and

(4) The other agency agrees not to disclose the information further unless—

(i) The other agency has statutory authority both to compel producton of the information and to make the proposed disclosure;

(ii) The other agency has obtained the consent of each affected business to the proposed disclosure; or

(iii) The other agency has obtained a written statement from the EPA General Counsel or an EPA Regional Counsel that disclosure of the information would be proper under this subpart.

(d) *Court-ordered disclosure.* EPA may disclose any business information in the manner and to the extent ordered by a Federal court.

(e) *Disclosure within EPA.* An EPA office, officer, or employee may disclose any business information to another EPA office, officer, or employee with an official need for the information.

(f) *Disclosure with consent of business.* EPA may disclose any business information to any person if EPA has obtained the prior consent of each affected business to such disclosure.

(g) *Record of disclosures to be maintained.* Each EPA office which discloses information to Congress, a committee or subcommittee of Congress, the Comptroller General, or another Federal agency under the authority of paragraph (b) or (c) of this section, shall maintain a record of the fact of such disclosure for a period of not less than 36 months after such disclosure. Such a record, which may be in the form of a log, shall show the name of the affected businesses, the date of disclosure, the person or body to whom disclosure was made,

and a description of the information disclosed.

§ 2.210 Nondisclosure for reasons other than business confidentiality or where disclosure is prohibited by other statute.

(a) Information which is not entitled to confidential treatment under this subpart shall be made available to the public (using the procedures set forth in §§ 2.204 and 2.205) if its release is requested under 5 U.S.C. 552, unless EPA determines (under subpart A of this part) that, for reasons other than reasons of business confidentiality, the information is exempt from mandatory disclosure and cannot or should not be made available to the public. Any such determination under subpart A shall be coordinated with actions taken under this subpart for the purpose of avoiding delay in responding to requests under 5 U.S.C. 552.

(b) Notwithstanding any other provision of this subpart, if any statute not cited in this subpart appears to require EPA to give confidential treatment to any business information for reasons of business confidentiality, the matter shall be referred promptly to an EPA legal office for resolution. Pending resolution, such information shall be treated as if it were entitled to confidential treatment.

§ 2.211 Safeguarding of business information; penalty for wrongful disclosure.

(a) No EPA officer or employee may disclose, or use for his or her private gain or advantage, any business information which came into his or her possession, or to which he or she gained access, by virtue of his or her official position or employment, except as authorized by this subpart.

(b) Each EPA officer or employee who has custody or possession of business information shall take appropriate measures to properly safeguard such information and to protect against its improper disclosure.

(c) Violation of paragraphs (a) or (b) of this section shall constitute grounds for dismissal, suspension, fine, or other adverse personnel action. Willful violation of paragraph (a) of this section may result in criminal prosecution under 18 U.S.C. 1905 or other applicable statute.

(d) Each contractor with EPA, and each employee of such contractor, who is furnished business information, by EPA under § 2.301(h), § 2.302(h), § 2.304(h), § 2.307(h), or § 2.308(l), shall use or disclose that information only as permitted by the contract under which the information was furnished. Any violation of this paragraph shall constitute grounds for debarment or suspension of the contractor or contractor's employee in question. Willful violation of this paragraph may result in criminal prosecution.

§ 2.212 Establishment of control offices for categories of business information.

(a) The Administrator, by order, may establish one or more mutually exclusive categories of business information, and may designate for each such category an EPA office (hereinafter referred to as a "control office") which shall have responsibility for taking actions (other than actions required to be taken by an EPA legal office) with respect to all information within such category.

(b) If a control office has been assigned responsibility for a category of business information, no other EPA office, officer, or employee may make available to the public (or otherwise disclose to persons other than EPA officers and employees) any information in that category without first obtaining the concurrence of the control office. Requests under 5 U.S.C. 552 for release of such information shall be referred to the control office.

(c) A control office shall take the actions and make the determinations required by § 2.204 with respect to all information in any category for which the control office has been assigned responsibility.

(d) A control office shall maintain a record of the following, with respect to items of business information in categories for which it has been assigned responsibility:

(1) Business confidentiality claims;

(2) Comments submitted in support of claims;

(3) Waivers and withdrawals of claims;

(4) Actions and determinations by EPA under this subpart;

(5) Actions by Federal courts; and

(6) Related information concerning business confidentiality.

§ 2.213 Designation by business of addressee for notices and inquiries.

(a) A business which wishes to designate a person or office as the proper addressee of communications from EPA to the business under this subpart may do so by furnishing in writing to the Freedom of Information Officer (A–101), Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, the following information: the name and address of the business making the designation; the name, address, and telephone number of the designated person or office; and a request that EPA inquiries and communications (oral and written) under this subpart, including inquiries and notices which require reply within deadlines if the business is to avoid waiver of its rights under this subpart, be furnished to the designee pursuant to this section. Only one person or office may serve at any one time as a business's designee under this subpart.

(b) If a business has named a designee under this section, the following EPA inquiries and notices to the business shall be addressed to the designee:

(1) Inquiries concerning a business's desire to assert a business confidentiality claim, under § 2.204(c)(2)(i)(A);

(2) Notices affording opportunity to substantiate confidentiality claims, under § 2.204(d)(1) and § 2.204(e);

(3) Inquiries concerning comments, under § 2.205(b)(4);

(4) Notices of denial of confidential treatment and proposed disclosure of information, under § 2.205(f);

(5) Notices concerning shortened comment and/or waiting periods under § 2.205(g);

(6) Notices concerning modifications or overrulings of prior determinations, under § 2.205(h); and

(7) Notices to affected businesses under § 2.301(g) and § 2.301(h), and analogous provisions in § 2.302, § 2.303, and § 2.304.

(c) Businesses making designations under this section should bear in mind that several working days may be required for the dissemination within EPA of information concerning such designations.

§§ 2.214–2.300 [Reserved]

§ 2.301 Special rules governing certain information obtained under the Clean Air Act.

(a) *Definitions.* For the purpose of this section:

(1) "Act" means the Clean Air Act, as amended, 42 U.S.C. 1857 et seq.

(2) (i) "Emission data" means, with reference to any source of emission of any substance into the air—

(A) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

(B) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source); and

(C) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

(ii) Notwithstanding paragraph (a)(2)(i) of this section, the following information shall be considered to be "emission data" only to the extent necessary to allow EPA to disclose publicly that a soure is (or is not) in compliance with an applicable standard or limitation, or to allow EPA to demonstrate the feasibility, practicability, or attainability (or lack thereof) of an existing or proposed standard or limitation:

(A) Information concerning research, or the results of research, on any project, method, device or installation (or any component thereof) which was produced, developed, installed, and used only for research purposes; and

(B) Information concerning any product, method, device, or installation (or any component thereof) designed and intended to be marketed or used commercially but not yet so marketed or used.

(3) "Standard or limitation" means any emission standard or limitation established or publicly proposed pursuant to the Act or pursuant to any regulation under the Act.

(4) "Proceeding" means any rulemaking, adjudication, or licensing conducted by EPA under the Act or under regulations which implement the Act, except for determinations under this subpart.

(5) "Manufacturer" has the meaning given it in section 214(1) of the Act, 42 U.S.C. 1857f–7(1).

(b) *Applicability.* (1) This section applies to business information which was—

(i) Provided or obtained under section 114 of the Act, 42 U.S.C. 1857c–9, by the owner or operator of any stationary source, for the purpose (A) of developing or assisting in the development of any implementation plan under section 110 or 111(d) of the Act, 42 U.S.C. 1857c–5, 1857c–6(d), any standard of performance under section 111 of the Act, 42 U.S.C. 1857c–6, or any emission standard under section 112 of the Act, 42 U.S.C. 1856c–7, (B) of determining whether any person is in violation of any such standard or any requirement of such a plan, or (C) of carrying out section 119 or 303 of the Act, 42 U.S.C. 1857c–10, 1857h–1;

(ii) Provided or obtained under section 208 of the Act, 42 U.S.C. 1857f–6, by any manufacturer, for the purpose of enabling the Administrator to determine whether such manufacturer has acted or is acting in compliance with the Act and regulations under the Act; or

(iii) Provided in response to a subpoena for the production of papers, books, or documents issued under the authority of section 307(a) of the Act, 42 U.S.C. 1857h–5(a).

(2) Information will be considered to have been provided or obtained under section 114 of the Act if it was provided in response to a request by EPA made for any of the purposes stated in section 114, or if its submission could have been required under section 114, regardless of whether section 114 was cited as the authority for any request for the information, whether an order to provide the information was issued under section 113(a) of the Act, 42 U.S.C. 1857c–8(a), whether an action was brought under section 113(b) of the Act, 42 U.S.C. 1857c–8(b), or whether the information was provided directly to EPA or through some third person.

(3) Information will be considered to have been provided or obtained under section 208 of the Act if it was provided in response to a request by EPA made for any of the purposes stated in section 208, or if its submission could have been required under section 208, regardless of whether section 208 was cited as the authority for any request for the information, whether an action was brought under section 204 of the Act, 42 U.S.C. 1857f–3, or whether the information was provided directly to EPA or through some third person.

(4) Information will be considered to have been provided or obtained under section 307(a) of the Act if it was provided in response to a subpoena issued under section 307(a), or if its production could have been required by subpena under section 307(a), regardless of whether section 307(a) was cited as the authority for any request for the information, whether a subpoena was issued by EPA, whether a court issued an order under section 307(a), or whether the information was provided directly to EPA or through some third person.

(5) This section specifically does not apply to information obtained under section 115(j) or 211(b) of the Act, 42 U.S.C. 1857d(j), 1857f–6c(b).

(c) *Basic rules which apply without change.* Section 2.201 through § 2.205, § 2.207, § 2.209, and § 2.211 through § 2.213 apply without change to information to which this section applies.

(d) *Special procedure for advance confidentiality determinations.* Section 2.206 applies without change to information to which this section applies; however, no information to which this section applies is voluntarily submitted information.

(e) *Substantive criteria for use in confidentiality determinations.* Section 2.208 applies to information to which this section applies, except that information which is emission data or a standard or limitation is not eligible for confidential treatment. No information to which this section applies is voluntarily submitted information.

(f) *Availability of information not entitled to confidential treatment.* Section 2.210 does not apply to information to which this section applies. Emission data, standards or limitations, and any other information provided under section 114 or 208 of the Act which is determined under this subpart not to be entitled to confidential treatment, shall be available to the public notwithstanding any other provision of this part. Emission data and standards or limitations provided in response to a subpoena issued under section 307(a) of the Act shall be available to the public notwithstanding any other provision of this part. Information (other than emission data and standards or limitations) provided in response to a subpoena issued under section 307(a) of the Act, which is determined under this subpart not to be entitled to confidential treatment, shall be available to the public, unless EPA determines that the information is exempt from mandatory disclosure under 5 U.S.C. 552(b) for reasons other than reasons of business confidentiality and cannot or should not be made available to the public.

(g) *Disclosure of information relevant to a proceeding.*

(1) Under sections 114, 208 and 307 of the Act, any information to which this section applies may be released by EPA because of the relevance of the information to a proceeding, notwithstanding the fact that the information otherwise might be entitled to confidential treatment under this subpart. Release of information because of its relevance to a proceeding shall be made only in accordance with this paragraph (g).

(2) In connection with any proceeding in which EPA contemplates taking action by means other than a decision made on the record after an opportunity for a hearing, information to which this section applies may be made available to the public under this paragraph (g)(2). No information may be disclosed under this paragraph (g)(2) unless it has first been determined to be eligible for confidential treatment under § 2.204 and § 2.205. No information shall be made available to the public under this paragraph (g)(2) until any affected business has been informed that EPA is considering making the information available to the public under this paragraph (g)(2) in connection with an identified rulemaking proceeding, and has afforded the business a reasonable period for comment (such notice and opportunity to comment may be afforded in connection with the notice prescribed by § 2.204(d)(1) and § 2.204(e)). Information may be made available to the public under this paragraph (g)(2) only if, after consideration of any timely comments submitted by the business, the General Counsel determines that the information is relevant to the subject of the proceeding and the EPA office conducting the proceeding determines that the public interest would be served by making the information available to the public.

(3) In connection with any proceeding in which it appears that a decision will be made on the record after an opportunity for a hearing, information to which this section applies may be made available to the public, or to one or more parties of record to the proceeding, under this paragraph (g)(3). An EPA office proposing disclosure of information under this paragraph (g)(3), shall so notify the presiding officer in writing. Upon receipt of such a notification, the presiding officer shall notify each affected business that disclosure under this paragraph (g)(3) has been proposed, and shall afford each such business a period for comment found by the presiding officer to be reasonable under the circumstances. Information may be disclosed under this paragraph (g)(3) only if, after consideration of any timely comments submitted by the business, the EPA office determines in writing that, for reasons directly associated with the conduct of the proceeding, the contemplated disclosure would serve the public interest, and the presiding officer determines in writing that the information is relevant to a matter in controversy in the proceeding. The presiding officer may condition disclosure of the information

to a party of record on the making of such protective arrangements and commitments as he finds to be warranted. Disclosure to one or more parties of record, under protective arrangements or commitments, shall not, of itself, affect the eligibility of information for confidential treatment under the other provisions of this subpart.

(4) In connection with any proceeding in which it appears that a decision will be made on the record after an opportunity for a hearing, information to which this section applies may be made available to one or more parties of record to the proceeding, under this paragraph (g)(4). A party of record seeking disclosure of information shall direct his request to the presiding officer. Upon receipt of such a request, the presiding officer shall notify each affected business that disclosure under this paragraph (g)(4) has been requested, and shall afford each such business a period for comment found by the presiding officer to be reasonable under the circumstances. Information may be disclosed to a party of record under this paragraph (g)(4) only if, after consideration of any timely comments submitted by the business, the presiding officer determines in writing that (i) the party of record has satisfactorily shown that with respect to a significant matter which is in controversy in the proceeding, the party's ability to participate effectively in the proceeding will be significantly impaired unless the information is disclosed to him, and (ii) any harm to an affected business that would result from the disclosure is likely to be outweighed by the benefit to the proceeding and to the public interest that would result from the disclosure. The presiding officer may condition disclosure of the information to a party of record on the making of such protective arrangements and commitments as he finds to be warranted. Disclosure to one or more parties of record, under protective arrangements or commitments, shall not, of itself, affect the eligibility of information to confidential treatment under the other provisions of this subpart.

(h) *Disclosure to authorized representatives.* (1) Under sections 114, 208 and 307(a) of the Act, EPA possesses authority to disclose to any authorized representative of the United States any information to which this section applies, notwithstanding the fact that the information might otherwise be entitled to confidential treatment under this subpart. Such authority may be exercised only in accordance with paragraph (h)(2) or (h)(3) of this section.

(2)(i) A person under contract to EPA to perform work for EPA in connection with the Act or regulations which implement the Act may be considered an authorized representative of the United States for purposes of this paragraph (h). Subject to the limitations in this paragraph (h)(2), information to which this section applies may be disclosed to such a person if the EPA program office managing the contract first determines in writing that such disclosure is necessary in order that the contractor may carry out the work required by the contract.

(ii) No information shall be disclosed under this paragraph (h)(2) unless the contract in question provides that the contractor and the contractor's employees shall use the information only for the purpose of carrying out the work required by the contract, shall refrain from disclosing the information to anyone other than EPA without the prior written approval of each affected business or of an EPA legal office, and shall return to EPA all copies of the information (and any abstracts or extracts therefrom) upon request by the EPA program office or whenever the information is no longer required by the contractor for the performance of the work required by the contract, nor unless the contract further provides that the contractor shall obtain a written agreement to honor such terms of the contract from each of the contractor's employees who will have access to the information, before such employee is allowed such access, nor unless the contract further provides that the contractor acknowledges and agrees that the contract provisions concerning the use and disclosure of business information are included for the benefit of, and shall be enforceable by, both EPA and any affected business having an interest in information concerning it supplied to the business by EPA under the contract.

(iii) Except to the extent that the EPA program office determines in writing that conduct of EPA activities would be seriously hampered by notifying affected businesses of disclosures proposed to be made under this paragraph (h)(2), no information shall be disclosed under this paragraph (h)(2) until each affected business has been furnished notice of the contemplated disclosure by the EPA program office, and has been afforded a period found reasonable by that office (not less than 5 working days) to submit its comments. Such notice shall include a description of the information to be disclosed, the identity of the contractor, the contract number, and the purposes to be served by the disclosure.

(iv) The EPA program office shall prepare a record of each disclosure under this paragraph (h)(2), showing the contractor, the contract number, the information disclosed, the date(s) of disclosure, and each affected business. The EPA program office shall maintain the record of disclosure, the determination of necessity prepared under paragraph (h)(2)(i) of this section, and any determination not to notify affected businesses prepared under paragraph (h)(2)(iii) of this section, for a period of not less than 36 months after the date of disclosure.

(3) A state or local governmental agency which has duties or responsibilities under the Act, or under regulations which implement the Act, may be considered an authorized representative of the United States for purposes of this paragraph (h). Information to which this section applies may be furnished to such an agency at the agency's written request, but only if—

(i) The agency has first furnished to the EPA office having custody of the information a written opinion from the agency's chief legal officer or counsel stating that under applicable state or local law the agency has the authority to compel a business which possesses such information to disclose it to the agency, or

(ii) Each affected business is informed of those disclosures under this paragraph (h)(3) which pertain to it, and the agency has shown to the satisfaction of an EPA legal office that the agency's use and disclosure of such information will be governed by state or local law and procedures which will provide adequate protection to the interests of affected businesses.

§ 2.302 Special rules governing certain information obtained under the Federal Water Pollution Control Act.

(a) *Definitions.* For the purposes of this section:

(1) "Act" means the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq.

(2)(i) "Effluent data" means, with reference to any source of discharge of any pollutant (as that term is defined in section 502(6) of the Act, 33 U.S.C. 1362(6))—

(A) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of any pollutant which has been discharged by the source (or of any pollutant resulting from any discharge from the source), or any combination of the foregoing;

(B) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of the pollutants which, under an applicable standard or limitation, the source was authorized to discharge (including, to the extent necessary for such purpose, a description of the manner or rate of operation of the source); and

(C) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

(ii) Notwithstanding paragraph (a)(2)(i) of this section, the following information shall be considered to be "effluent data" only to the extent necessary to allow EPA to disclose publicly that a source is (or is not) in compliance with an applicable standard or limitation, or to allow EPA to demonstrate the feasibility, practicability, or attainability (or lack thereof) of an existing or proposed standard or limitation:

(A) Information concerning research, or the results of research, on any product, method, device, or installation (or any component thereof) which was produced, developed, installed, and used only for research purposes; and

(B) Information concerning any product, method, device, or installation (or any component thereof) designed and in-

tended to be marketed or used commercially but not yet so marketed or used.

(3) "Standard or limitation" means any prohibition, any effluent limitation, or any toxic, pre-treatment or new source performance standard established or publicly proposed pursuant to the Act or pursuant to regulations under the Act, including limitations or prohibitions in a permit issued or proposed by EPA or by a State under section 402 of the Act, 33 U.S.C. 1342.

(4) "Proceeding" means any rulemaking, adjudication, or licensing conducted by EPA under the Act or under regulations which implement the Act, except for determinations under this part.

(b) *Applicability.* (1) This section applies only to business information—

(i) Provided to or obtained by EPA under section 308 of the Act, 33 U.S.C. 1318, by or from the owner or operator of any point source, for the purpose of carrying out the objective of the Act (including but not limited to developing or assisting in the development of any standard or limitation under the Act, or determining whether any person is in violation of any such standard or limitation); or

(ii) Provided to or obtained by EPA under section 509(a) of the Act, 33 U.S.C. 1369(a).

(2) Information will be considered to have been provided or obtained under section 308 of the Act if it was provided in response to a request by EPA made for any of the purposes stated in section 308, or if its submission could have been required under section 308, regardless of whether section 308 was cited as the authority for any request for the information, whether an order to provide the information was issued under section 309(a)(3) of the Act, 33 U.S.C. 1319(a)(3), whether a civil action was brought under section 309(b) of the Act, 33 U.S.C. 1319(b), and whether the information was provided directly to EPA or through some third person.

(3) Information will be considered to have been provided or obtained under section 509(a) of the Act if it was provided in response to a subpoena issued under section 509(a), or if its production could have been required by subpoena under section 509(a), regardless of whether section 509(a) was cited as the authority for any request for the information, whether a subpoena was issued by EPA, whether a court issued an order under section 307(a), or whether the information was provided directly to EPA or through some third person.

(4) This section specifically does not apply to information obtained under section 310(d) or 312(g)(3) of the Act, 33 U.S.C. 1320(d), 1322(g)(3).

(c) *Basic rules which apply without change.* Section 2.201 through §§ 2.205, 2.207, 2.209 and 2.211 through 2.213 apply without change to information to which this section applies.

(d) *Special procedure for advance confidentiality determinations.* Section 2.206 applies without change to information to which this section applies; however, no information to which this section applies is voluntarily submitted information.

(e) *Substantive criteria for use in confidentiality determinations.* Section 2.208 applies to information to which this section applies, except that information which is effluent data or a standard or limitation is not eligible for confidential treatment. No information to which this section applies is voluntarily submitted information.

(f) *Availability of information not entitled to confidential treatment.* Section 2.210 does not apply to information to which this section applies. Effluent data, standards or limitations, and any other information provided or obtained under section 308 of the Act which is determined under this subpart not to be entitled to confidential treatment, shall be available to the public notwithstanding any other provision of this part. Effluent data and standards or limitations provided in response to a subpoena issued under section 509(a) of the Act shall be available to the public notwithstanding any other provision of this part. Information (other than effluent data and standards or limitations) provided in response to a subpoena issued under section 509(a) of the Act, which is determined under this subpart not to be entitled to confidential treatment, shall be available to the public, unless EPA determines that the information is exempt from mandatory disclosure under 5 U.S.C. 552(b) for reasons other than reasons of business confidentiality and cannot or should not be made available to the public.

(g) *Disclosure of information relevant to a proceeding.*

(1) Under sections 308 and 509(a) of the Act, any information to which this section applies may be released by EPA because of the relevance of the information to a proceeding, notwithstanding the fact that the information otherwise might be entitled to confidential treatment under this subpart. Release of information to which this section applies because of its relevance to a proceeding shall be made only in accordance with this paragraph (g).

(2–4) The provisions of § 2.301(g)(2), (g)(3), and (g)(4) are incorporated by reference as paragraphs (g)(2), (g)(3), and (g)(4), respectively of this section.

(h) *Disclosure to authorized representatives.* (1) Under sections 308 and 509(a) of the Act, EPA possesses authority to disclose to any authorized representative of the United States any information to which this section applies, notwithstanding the fact that the information might otherwise be entitled to confidential treatment under this subpart. Such authority may be exercised only in accordance with paragraph (h)(2) or (h)(3) of this section.

(2–3) The provisions of § 2.301(h)(2) and (h)(3) are incorporated by reference as paragraphs (h)(2) and (h)(3), respectively, of this section.

§ 2.303 Special rules governing certain information obtained under the Noise Control Act of 1972.

(a) *Definitions.* For the purposes of this section:

(1) "Act" means the Noise Control Act of 1972, 42 U.S.C. 4901 et seq.

(2) "Manufacturer" has the meaning given it in 42 U.S.C. 4902(6).

(3) "Product" has the meaning given it in 42 U.S.C. 4902(3).

(4) "Proceeding" means any rulemaking, adjudication, or licensing conducted by EPA under the Act or under regulations which implement the Act, except for determinations under this subpart.

(b) *Applicability.* This section applies only to information provided to or obtained by EPA under section 13 of the Act, 42 U.S.C. 4912, by or from any manufacturer of any product to which regulations under section 6 or 8 of the Act (42 U.S.C. 4905, 4907) apply. Information will be deemed to have been provided or obtained under section 13 of the Act if it was provided in response to a request by EPA made for the purpose of enabling EPA to determine whether the manufacturer has acted or is acting in compliance with the Act, or if its submission could have been required under section 13 of the Act, regardless of whether section 13 was cited as authority for the request, whether an order to provide such information was issued under section 11(d) of the Act, 42 U.S.C. 4910(d), and whether the information was provided directly to EPA by the manufacturer or through some third person.

(c) *Basic rules which apply without change.* Section 2.201 through § 2.205, § 2.207, and § 2.209 through § 2.213 apply without change to information to which this section applies.

(d) *Special procedure for advance confidentiality determinations.* Section 2.206 applies without change to information to which this section applies; however, no information to which this section applies is voluntarily submitted information.

(e) *Substantive criteria for use in confidentiality determinations.* Section 2.208 applies without change to information to which this section applies; however, no information to which this section applies is voluntarily submitted information.

(f) *Reserved.*

(g) *Disclosure of information relevant to a proceeding.* (1) Under section 13 of the Act, any information to which this section applies may be released by EPA because of its relevance to a matter in controversy in a proceeding, notwithstanding the fact that the information otherwise might be entitled to confidential treatment under this subpart. Release of information because of its relevance to a proceeding shall be made only in accordance with this paragraph (g).

(2–4) The provisions of § 2.301(g)(2), (g)(3), and (g)(4) are incorporated by reference as paragraphs (g)(2), (g)(3), and (g)(4), respectively, of this section.

(h) *Reserved.*

§ 2.304 Special rules governing certain information obtained under the Safe Drinking Water Act.

(a) *Definitions.* For the purposes of this section:

(1) "Act" means the Safe Drinking Water Act, 42 U.S.C. 300f et seq.

(2) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(3) "Proceeding" means any rulemaking, adjudication, or licensing process conducted by EPA under the Act or under regulations which implement the Act, except for any determination under this part.

(b) *Applicability.* (1) This section applies only to information—

(i) Which was provided to or obtained by EPA pursuant to a requirement of a regulation which was issued by EPA under the Act for the purpose of—

(A) Assisting the Administrator in establishing regulations under the Act;

(B) Determining whether the person providing the information has acted or is acting in compliance with the Act; or

(C) Administering any program of financial assistance under the Act; and

(ii) Which was provided by a person—

(A) Who is a supplier of water, as defined in section 1401(5) of the Act, 42 U.S.C. 300f(5);

(B) Who is or may be subject to a primary drinking water regulation under section 1412 of the Act, 42 U.S.C. 300g–1;

(C) Who is or may be subject to an applicable underground injection control program, as defined in section 1422 (d) of the Act, 42 U.S.C. 300h–1(d);

(D) Who is or may be subject to the permit requirements of section 1424(b) of the Act, 42 U.S.C. 300h–3(b);

(E) Who is or may be subject to an order issued under section 1441(c) of the Act, 42 U.S.C. 300j(c); or

(F) Who is a grantee, as defined in section 1445(e) of the Act, 42 U.S.C. 300 j–4(e).

(2) This section applies to any information which is described by paragraph (b)(1) of this section if it was provided in response to a request by EPA or its authorized representative (or by a State agency administering any program under the Act) made for any purpose stated in paragraph (b)(1) of this section, or if its submission could have been required under section 1445 of the Act, 42 U.S.C. 300j–4, regardless of whether such section was cited in any request for the information, or whether the information was provided directly to EPA or through some third person.

(c) *Basic rules which apply without change.* Section 2.201 through § 2.205, § 2.207, § 2.209, and § 2.211 through § 2.213 apply without change to information to which this section applies.

(d) *Special procedure for advance confidentiality determinations.* Section 2.206 applies without change to information to which this section applies; however, no information to which this section applies is voluntarily submitted information.

(e) *Substantive criteria for use in confidentiality determinations.* Section 2.208 applies to information to which this section applies, except that information which deals with the existence, absence, or level of contaminants in drinking water is not eligible for confidential treatment. No information to which this section applies is voluntarily submitted information.

(f) *Nondisclosure for reasons other than business confidentiality or where disclosure is prohibited by other statute.* Section 2.210 applies to information to which this section applies, except that information which deals with the existence, absence, or level of contaminants in drinking water shall be available to the public notwithstanding any other provision of this part.

(g) *Disclosure of information relevant to a proceeding.* (1) Under section 1445 (d) of the Act, any information to which this section applies may be released by EPA because of the relevance of the information to a proceeding, notwithstanding the fact that the information otherwise might be entitled to confidential treatment under this subpart. Release of information to which this section applies because of its relevance to a proceeding shall be made only in accordance with this paragraph (g).

(2–4) The provisions of § 2.301(g)(2), (g)(3), (g)(4) are incorporated by reference as paragraphs (g)(2), (g)(3), and (g)(4), respectively, of this section.

(h) *Disclosure to authorized representatives.* (1) Under section 1445(d) of the Act, EPA possesses authority to disclose to any authorized representative of the United States any information to which this section applies, notwithstanding the fact that the information otherwise might be entitled to confidential treatment under this subpart. Such authority may be exercised only in accordance with paragraph (h)(2) or (h)(3) of this section.

(2–3) The provisions of § 2.301 (h)(2) and (h)(3) are incorporated by reference as paragraphs (h)(2) and (h)(3), respectively, of this section.

§ 2.305 [Reserved]

§ 2.306 [Reserved]

§ 2.307 Special rules governing certain information obtained under the Federal Insecticide, Fungicide and Rodenticide Act.

(a) *Definitions.* For the purposes of this section:

(1) "Act" means the Federal Insecticide, Fungicide and Rodenticide Act, as amended, 7 U.S.C. 136 et seq., and its predecessor, 7 U.S.C. 135 et seq.

(2) "Applicant" means any person who has submitted to EPA (or to a predecessor agency with responsibility for administering the Act) a registration statement or application for registration under the Act of a pesticide or of an establishment.

(3) "Registrant" means any person who has obtained registration under the Act of a pesticide or of an establishment.

(b) *Applicability.* This section applies to all information submitted to EPA by an applicant or registrant for the purpose of satisfying some requirement or condition of the Act or of regulations which implement the Act, including information originally submitted to EPA for some other purpose but incorporated by the applicant or registrant into a submission in order to satisfy some requirement or condition of the Act or of regulations which implement the Act. This section does not apply to information supplied to EPA by a petitioner in support of a petition for a tolerance under 21 U.S.C. 346a(d), unless the information is also described by the first sentence of this paragraph.

(c) *Basic rules which apply without change.* Section 2.201 through § 2.203, § 2.207, and § 2.210 through § 2.213 apply without change to information to which this section applies.

(d) *Initial action by EPA office.* Section 2.204 applies to information to which this section applies, except that the provisions of paragraph (e) of this section regarding the time allowed for seeking judicial review shall be reflected in any notice furnished to a business under § 2.204(d)(2).

(e) *Final confidentiality determination by EPA legal office.* Section 2.205 applies to information to which this section applies, except that—

(1) Notwithstanding § 2.205(i), the General Counsel (or his designee), rather than the Regional Counsel, shall make the determinations and take the actions required by § 2.205;

(2) In addition to the statement prescribed by the second sentence of § 2.205 (f)(2), the notice of denial of a business confidentiality claim shall state that under section 10(c) of the Act, 7 U.S.C. 136h(c), the business may commence an action in an appropriate Federal district court for a declaratory judgment;

(3) The following sentence is substituted for the third sentence of § 2.205(f)(2): "With respect to EPA's implementation of the determination, the notice shall state that (subject to § 2.210) EPA will make the information available to the public on the thirty-first (31st) calendar day after the date of the business's receipt of the written notice (or on such later date as is established in lieu thereof under paragraph (f)(3) of this section), unless the EPA legal office has first been notified of the business's commencement of an action in a Federal court to obtain judicial review of the determination or to obtain a declaratory judgment under section 10(c) of the Act and to obtain preliminary injunctive relief against disclosure."; and

(4) Notwithstanding § 2.205(g), the 31 calendar day period prescribed by § 2.205(f)(2), as modified by paragraph (e)(3) of this section, shall not be shortened without the consent of the business.

(f) *Special procedure for advance confidentiality determinations.* Section 2.206 applies without change to information to which this section applies; however, no information to which this section applies is voluntarily submitted information.

(g) *Substantive criteria for use in confidentiality determinations.* Section 2.208 applies without change to information to which this section applies; however, no information to which this section applies is voluntarily submitted information.

(h) *Disclosure in special circumstances.* (1) Section 2.209 applies without change to information to which this section applies. In addition, under section 12(a)(2)(D) of the Act, 7 U.S.C. 136j(a)(2)(D), EPA possesses authority to disclose any information to which this section applies to physicians, pharmacists, and other qualified persons needing such information for the performance of their duties, notwithstanding the fact that the information might otherwise be entitled to confidential treatment under this subpart. Such authority under section 12(a)(2)(D) of the Act may be exercised only in accordance with paragraph (h)(2) or (h)(3) of this section.

(2) Information to which this section applies may be disclosed (notwithstanding the fact that it might otherwise be entitled to confidential treatment under this subpart) to physicians, pharmacists, hospitals, veterinarians, law enforcement personnel, or governmental agencies with responsibilities for protection of public health, and to employees of any such persons or agencies, or to other qualified persons, when and to the extent that disclosure is necessary in order to treat illness or injury or to prevent imminent harm to persons, property, or the environment, in the opinion of the Administrator or his designee.

(3) Information to which this section applies may be disclosed (notwithstanding the fact that it otherwise might be entitled to confidential treatment under this subpart) to a person under contract to EPA to perform work for EPA in connection with the Act or regulations which implement the Act, if the EPA program office managing the contract first determines in writing that such disclosure is necessary in order that the contractor may carry out the work required by the contract. Any such disclosure to a contractor shall be made only in accordance with the procedure and requirements of § 2.301(h)(2)(ii) through (iv).

(4) Information to which this section applies, and which relates to formulas of products, may be disclosed at any public hearing or in findings of fact issued by the Administrator, to the extent and in the manner authorized by the Administrator or his designee.

§ 2.308 Special rules governing certain information obtained under the Federal Food, Drug and Cosmetic Act.

(a) *Definitions.* For the purposes of this section:

(1) "Act" means the Federal Food, Drug and Cosmetic Act, as amended, 21 U.S.C. 301 et seq.

(2) "Petition" means a petition for the issuance of a regulation establishing a tolerance for a pesticide chemical or exempting the pesticide chemical from the necessity of a tolerance, pursuant to section 408(d) of the Act, 21 U.S.C. 346a(d).

(3) "Petitioner" means a person who has submitted a petition to EPA (or to a predecessor agency).

(b) *Applicability.* (1) This section applies only to business information submitted to EPA (or to an advisory committee established under the Act) by a petitioner, solely in support of a petition which has not been acted on by the publication by EPA of a regulation establishing a tolerance for a pesticide chemical or exempting the pesticide chemical from the necessity of a tolerance, as provided in section 408(d)(2) or (3) of the Act, 21 U.S.C. 346a(d)(2) or (3).

(2) Section 2.307, rather than this section, applies to information described by the first sentence of § 2.307(b) (material incorporated into submissions in order to satisfy the requirements of the Federal Insecticide, Fungicide and Rodenticide Act, as amended), even though such information was originally submitted by a petitioner in support of a petition.

(3) This section does not apply to information gathered by EPA under a proceeding initiated by EPA to establish a tolerance under section 408(e) of the Act, 21 U.S.C. 346a(e).

(c) *Basic rules which apply without change.* Section 2.201, § 2.202, § 2.207, and §§ 2.210–2.213 apply without change to information to which this section applies.

(d) *Effect of submission of information without claim.* Sections 2.203(a) and (b) apply without change to information to which this section applies. Section 2.203(c), however, does not apply to information to which this section applies. A petitioner's failure to assert a claim when initially submitting a petition shall not constitute a waiver of any claim the petitioner may have.

(e) *Initial action by EPA office.* Section 2.204 applies to information to which this section applies, except that—

(1) Unless the EPA office has on file a written waiver of a petitioner's claim, a petitioner shall be regarded as an affected business, a petition shall be treated as if it were covered by a business confidentiality claim, and an EPA office acting under § 2.204(d) shall determine that the information in the petition is or may be entitled to confidential treatment and shall take action in accordance with § 2.204(d)(1);

(2) In addition to other required provisions of any notice furnished to a petitioner under § 2.204(e), such notice shall state that—

(i) Section 408(f) of the Act, 21 U.S.C. 346a(f), affords absolute confidentiality to information to which this section applies, but after publication by EPA of a regulation establishing a tolerance (or exempting the pesticide chemical from the necessity of a tolerance) neither the Act nor this section affords any protection to the information;

(ii) Information submitted in support of a petition which is also incorporated into a submission in order to satisfy a requirement or condition of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, 7 U.S.C. 136 et seq., is regarded by EPA as being governed, with respect to business confidentiality, by § 2.307 rather than by this section;

(iii) Although it appears that this section may apply to the information at this time, EPA is presently engaged in determining whether for any reason the information is entitled to confidential treatment or will be entitled to such treatment if and when this section no longer applies to the information; and

(iv) Information determined by EPA to be covered by this section will not be disclosed for as long as this section continues to apply, but will be made available to the public thereafter (subject to § 2.210) unless the business furnishes timely comments in response to the notice.

(f) *Final confidentiality determination by EPA legal office.* Section 2.205 applies to information to which this section applies, except that—

(1) Notwithstanding § 2.205(i), the General Counsel or his designee, rather than the Regional Counsel, shall in all cases make the determinations and take the actions required by § 2.205;

(2) In addition to the circumstances mentioned in § 2.205(f)(1), notice in the form prescribed by § 2.205(f)(2) shall be furnished to each affected business whenever information is found to be entitled to confidential treatment under section 408(f) of the Act but not otherwise entitled to confidential treatment. With respect to such cases, the following sentences shall be substituted for the third sentence of § 2.205(f)(2): "With respect to EPA's implementation of the determination, the notice shall state that (subject to § 2.210) EPA will make the information available to the public on the thirty-first (31st) calendar day after the business's receipt of the written notice (or on such later date as is established in lieu thereof under paragraph (f)(3) of this section), unless the EPA legal office has first been notified of the business's commencement of an action in a Federal court to obtain judicial review of the determination and to obtain preliminary injunctive relief against disclosure; provided, that the information will not be made available to the public for so long as it is entitled to confidential treatment under section 408(f) of the Federal Food Drug and Cosmetic Act, 21 U.S.C. 346a(f)."; and

(3) Notwithstanding § 2.205(g), the 31 calendar day period prescribed by § 2.205(f)(2), as modified by paragraph (f)(2) of this section, shall not be shortened without the consent of the business.

(g) *Special procedure for advance confidentiality determinations.* Section 2.206 applies without change to information to which this section applies; however, no information to which this section applies is voluntarily submitted information.

(h) *Substantive criteria for use in confidentiality determinations.* Section 2.208 does not apply to information to which this section applies. Such information shall be determined to be entitled to confidential treatment for so long as this section continues to apply to it.

(i) *Disclosure in special circumstances.* (1) Section 2.209 applies to information to which this section applies. In addition, under Section 408(f) of the Act, 21 U.S.C. 346a(f), EPA is authorized to disclose the information to other persons. Such authority under section 408(f) of the Act may be exercised only in accordance

with paragraph (i)(2) or (i)(3) of this section.

(2) Information to which this section applies may be disclosed (notwithstanding the fact that it otherwise might be entitled to confidential treatment under this subpart) to a person under contract to EPA to perform work for EPA in connection with the Act, with the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, or regulations which implement either such Act, if the EPA program office managing the contract first determines in writing that such disclosure is necessary in order that the contractor may carry out the work required by the contract. Any such disclosure to a contractor shall be made only in accordance with the procedures and requirements of § 2.301(h)(2)(ii) through (iv).

(3) Information to which this section applies may be disclosed by EPA to an advisory committee in accordance with section 408(d) of the Act, 21 U.S.C. 346a(d).

§ 2.309 Special rules governing certain information obtained under the Marine Protection, Research and Sanctuaries Act of 1972.

(a) *Definitions.* For the purposes of this section:

(1) "Act" means the Marine Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. 1401 et seq.

(2) "Permit" means any permit applied for or granted under the Act.

(3) "Application" means an application for a permit.

(b) *Applicability.* This section applies to all information provided to or obtained by EPA as a part of any application or in connection with any permit.

(c) *Basic rules which apply without change.* Section 2.201 through § 2.207 and § 2.209 through § 2.213 apply without change to information to which this section applies.

(d) *Substantive criteria for use in confidentiality determinations.* Section 2.208 does not apply to information to which this section applies. Pursuant to section 104(f) of the Act, 33 U.S.C. 1414(f), no information to which this section applies is eligible for confidential treatment.

PART 30—GENERAL GRANT REGULATIONS AND PROCEDURES

2. By revising § 30.235(b) to read as follows:

§ 30.235 Disclosure of information.

* * * * *

(b) Any person who submits to EPA any information under this Part, and who desires that EPA not disclose any or all of the information, may place on (or attach to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "business confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by EPA. Applicants should also comply with further instructions in application forms concerning the assertion of confidentiality claims. See §§ 2.203 and 2.204 of this chapter.

* * * * *

3. By revising § 30.320(b) to read as follows:

§ 30.320 Use and disclosure of information.

* * * * *

(b) An assertion of entitlement to confidential treatment of part or all of the information in an application may be made using the procedure described in § 30.235(b). See also § § 2.203 and 2.204 of this chapter.

* * * * *

PART 40—RESEARCH AND DEMONSTRATION GRANTS

4. By revising § 40.155 (a) and (b) to read as follows:

§ 40.155 Availability of information.

(a) The availability to the public of information provided to, or otherwise obtained by, the Administrator under this Part shall be governed by Part 2 of this chapter.

(b) An assertion of entitlement to confidential treatment of part or all of the information in an application may be made using the procedure described in § 30.235(b). See also §§ 2.203 and 2.204 of this chapter.

* * * * *

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

5. By revising § 60.9 to read as follows:

§ 60.9 Availability of information.

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this Part shall be governed by Part 2 of this chapter. (Information submitted voluntarily to the Administrator for the purposes of §§ 60.5 and 60.6 is governed by § 2.201 through § 2.213 of this chapter and not by § 2.301 of this chapter.)

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

6. By revising § 61.15 to read as follows:

§ 61.15 Availability of information.

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by Part 2 of this chapter.

PART 79—REGISTRATION OF FUEL ADDITIVES

7. By revising § 79.3 to read as follows:

§ 79.3 Availability of information.

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by Part 2 of this chapter.

PART 125—NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

8. By revising § 125.37 to read as follows:

§ 125.37 Public access to information.

Certifications issued pursuant to section 401 of the Act, the comments of all governmental agencies on a permit application, and draft permits prepared pursuant to § 125.37 shall be available to the public without restriction. The availability to the public of other information submitted by an applicant to the Administrator in connection with a permit application or which may be furnished by a permittee in connection with required periodic reports shall be governed by Part 2 of this chapter.

PART 167—REGISTRATION OF PESTICIDE-PRODUCING ESTABLISHMENTS, SUBMISSION OF PESTICIDES REPORTS, AND LABELING

9. By revising § 167.5(d) to read as follows:

§ 167.5 Pesticides reports.

* * * * *

(d) The availability to the public of information provided to, or otherwise obtained by, the Administrator under this Part shall be governed by Part 2 of this chapter.

PART 169—BOOKS AND RECORDS OF PESTICIDE PRODUCTION AND DISTRIBUTION

10. By revising § 169.3(c) to read as follows:

§ 169.3 Inspection.

* * * * *

(c) *Availability of information.* The availability to the public of information provided to, or otherwise obtained by, the Administrator under this Part shall be governed by Part 2 of this chapter.

* * * * *

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

11. By revising paragraph (c) of § 180.7 to read as follows:

§ 180.7 Petitions proposing tolerances or exemptions for pesticide residues in or on raw agricultural commodities.

* * * * *

(c) Except as noted in paragraph (d) of this section, a petition shall not be accepted for filing if any of the data prescribed by section 408(d) are lacking or are not set forth so as to be readily understood. The availability to the public of information provided to, or otherwise obtained by, the Agency under this Part shall be governed by Part 2 of this chapter.

* * * * *

APPENDIX A—SIGNIFICANT COMMENTS, RESPONSES, AND OTHER NOTEWORTHY ITEM

The significant comments (in summarized form) received in connection with the notices of proposed rule making dated May 20,

and July 9, 1975, 40 FR 21987 and 28814, on the subject of confidential business information, and the responses of the Administrator to those comments, are as follows:

1. Comment—The proposed rule does not adequately encourage EPA offices to use techniques that would allow some parts of allegedly confidential information to be made public (e.g., masking the business's identity or disclosing the data in aggregated form).

Response—Section 2.202(b) has been modified to emphasize the possibility of use of such techniques.

2. Comment—The proposed rule would preclude EPA from discretionary disclosures of information EPA has found to be entitled to confidential treatment. This is contrary to the public interest and will decrease EPA's flexibility.

Response—The Administrator disagrees with this comment. A provision that EPA could disclose information by exercise of discretion, even if the information had been found to be entitled to confidential treatment, would conflict with the basic approach of the regulation, which is that businesses are entitled to know the extent of the protection EPA will afford the information submitted by them.

3. Comment—The definition of "voluntarily submitted information" in § 2.201(i) of the proposed rule is unclear with respect to information submitted in connection with contracts and grants.

Response—The Administrator agrees with this comment. Section 2.201(i) of the rule as promulgated below now points out that information which an EPA contractor or grantee has contractually agreed to furnish is not voluntarily submitted information. Section 2.201(i) also now states that other information which EPA may require as a condition of considering contract bids, contract or grant proposals, or the like, as well as information furnished to EPA in connection with the administration of a contract or grant, may qualify as voluntarily submitted information.

4. Comment—Section 2.202(d) of the proposed rule would require disclosure of an item of information, if one statute required disclosure but another statute required confidential treatment of the same information. The regulation should require confidential treatment of an item of information whenever that result is required by any statutory provision.

Response—The Administrator disagrees with this comment. The first inquiry, in a situation where two statutes appear to require different results concerning the treatment of the same information, should be an examination to determine whether in fact there is a conflict. If there is a true conflict, however, the Administrator believes that the public policy in favor of disclosure of information should prevail.

5. Comment—The regulation should require that requests or demands by EPA for information should specifically alert a business to the possibility of asserting a business confidentiality claim and should warn the business that the failure to assert a claim may result in the information being made available to the public.

Response—The Administrator agrees with this comment. Section 2.203 of the rule as promulgated below now requires such a warning whenever EPA requests or demands information which is likely to be regarded as confidential.

6. Comment—There should be no requirement that a business assert its business confidentiality claim at the time of initial submission of the information. This will tend to increase administrative difficulties and will lead businesses either to submit less information or to submit it less willingly by focusing attention on the subject of confidentiality.

Response—The Administrator disagrees with this comment. EPA experience has shown that when a business submits information which the business regards as confidential but fails to place an appropriate marking on the information, administrative difficulties in dealing with the information are likely to result. Although the business may assume that EPA employees may afford the information confidential treatment, the EPA office which receives the information may not appreciate the need for confidentiality and may allow it to be publicly disclosed. Even if the EPA office which originally obtains the information is aware of the business's tacit confidentiality claim, other EPA offices which obtain access to the information may be unaware of the claim. A requirement that businesses assert their confidentiality claims at the time of submission of the information will greatly lessen the risk of inadvertent disclosure of information entitled to confidential treatment.

7. Comment—A business which fails to mark as confidential an item of information which it submits to EPA in the future should not be penalized by such failure. It should be able to assert its claim without penalty at any time unless the information has already been disclosed.

Response—Section 2.203 has been revised to provide that a business's failure to assert a claim when submitting information to EPA will not prejudice the business unless the EPA request or demand for the information notified the business of the consequences of failure to assert a claim. See also the Response to Comment 8.

8. Comment—A business may inadvertently or negligently fail to assert a claim at the time it submits information to EPA, even though it knew of the requirement and meant to assert a claim. Corrections of such errors should be allowed.

Response—Section 2.203 has been modified to provide that a business's failure to assert a claim when submitting information is not necessarily a waiver of the claim. The revised § 2.203 provides, however, that if, when soliciting the information, EPA afforded the business a fair opportunity to assert a claim, and if the information submitted in response was not accompanied by a claim, EPA will not make further inquiries to the business under § 2.204(c)(1). EPA will make administratively practicable efforts to associate later claims with the information in question, but cannot assure the success of such efforts. See also the Response to Comment 6.

9. Comment—The regulation should require a business to submit its justification for its claim of confidential treatment, not just the claim, when submitting information. This would permit speedier decisions if and when a request for release of the information is received by EPA.

Response—The Administrator disagrees with this comment. A provision has been added to § 2.204(a) which would encourage EPA offices to initiate the determination process as soon as it appears likely that requests for the information eventually will be received by EPA, even though they have not yet been received. This should produce speedier decisions. But to require detailed substantiation of a claim in every case at the time of submission of the information itself would inevitably slow the responses of businesses to requests for information, would in many cases cause businesses to expend needless effort, and would complicate EPA record-keeping unjustifiably.

10. Comment—Different formats for business confidentiality claims, each fairly elaborate, should be prescribed for information which is: (A) voluntarily submitted, (B) required to be submitted, or (C) submitted in connection with grants or contracts.

Response—The Administrator disagrees with this comment. This would be an unnecessary elaboration that would not effectively assist a business but would cause administrative difficulties for EPA.

11. Comment—In contrast to what is contemplated by § 2.204(a) of the proposed rule, EPA should never initiate the confidentiality determination with respect to an item of business information until and unless that item of information is the subject of a request for release under 5 U.S.C. 552.

Response—This comment ignores the possibility that EPA may have reason to desire to disclose business information in connection with standard-setting or other EPA activities. A procedure is needed to allow EPA, on its own initiative, to determine whether or not it may disclose business information. Moreover, the comment's advice, if followed, would not allow EPA to initiate the confidentiality determination process with regard to information which is certain or likely to be the subject of later requests under 5 U.S.C. 552, thus forcing businesses to submit comments under rigid deadlines when a request is actually received and slowing the handling of responses to requests under 5 U.S.C. 552.

12. Comment—Once EPA has determined that information is entitled to confidential treatment for reasons of business confidentiality, there should be no automatic reexamination of that determination merely because of the passage of time. Such a reexamination, with its attendant burden of rejustification of the claim by the business, should be commenced only when there is good reason to believe that the claim is no longer valid.

Response—The Administrator agrees with this comment and the criticized language in § 2.204(b) of the proposed rule has been deleted. As modified, the regulation provides that if an EPA office has reason to doubt the continuing validity of such a determination it will refer the matter to the EPA legal office for possible action under § 2.205(h).

13. Comment—Even if a prior determination states that information of a certain type is not entitled to confidential treatment, a business should be afforded the opportunity to seek judicial review of the validity and applicability of that determination.

Response—The Administrator agrees with this comment. Section 2.204 has been modified in various respects to provide that notice under § 2.205(f) will be given in every case where EPA proposes to disclose information which is known to be covered by a business confidentiality claim, unless such notice has previously been given to the business with regard to the same information.

14. Comment—Businesses sometimes compile or obtain information at the request of one Federal agency, only to have it requested later by another agency. If the agency at whose request the information was first compiled or obtained has determined that the information is entitled to confidential treatment, EPA should automatically honor such a determination.

Response—The Administrator believes that although other agencies' determinations are proper for consideration by EPA, EPA cannot commit itself to honor such determinations in every case. Differences in statutory provisions or disagreement concerning application of the law may require different conclusions on EPA's part.

15. Comment—Information should not be determined to be available to the public without consultation with a business merely because at some time in the past the information has been located in EPA files which

were made available to the public. The placement of such information in such files may have been improper; moreover, the information may not actually have been disseminated.

Response—The Administrator agrees with this comment. Section 2.204(c) has been appropriately modified. Evidence of public dissemination of such information may bear on the question of whether the information is in fact confidential.

16. Comment—Initial determinations by an EPA office that an item of business information is not entitled to confidential treatment should be referred to the EPA legal office, just as are determinations that an item of information is or may be entitled to confidential treatment.

Response—The Administrator disagrees with this comment. EPA offices acting under § 2.204(d) are to make one of two determinations: either that the information clearly is not entitled to confidential treatment, in which case the business receives a notice under § 2.205(f), or that the information may be entitled to confidential treatment, in which case further inquiry is made and the matter is referred to an EPA legal office for a final determination. The first kind of determination will be made only where the EPA office can ascertain that EPA's position on the matter is already clear and that there is nothing further to consider.

17. Comment—The "procedural" denial contemplated by § 2.204(d)(1) is a "sham" that conflicts with the mandate of the Freedom of Information Act, 5 U.S.C. 552(a)(6), because it is not a good-faith decision on the merits. EPA offices should be required to make a substantive, yes-or-no decision on the merits within the 10-working-day period following receipt of a request under 5 U.S.C. 552. All information necessary for such a determination, including any comments an affected business might be allowed to make, should be considered at that stage.

Response—The Administrator disagrees with this comment. It is recognized that every effort should be made to provide decisions on the merits as expeditiously as possible. However, EPA now has on hand a great deal of business information, most of which has never been the subject of a business confidentiality determination; with regard to most of this information, the submitter businesses have never presented to EPA any justification for confidential treatment nor have they been given specific notice of the need to do so. Moreover, EPA does not expect to receive requests for release of much of the business information EPA possesses and will continue to acquire. The Administrator does not believe it will be possible in most cases to issue decisions on the merits before seeing the business's comments. Attempts to issue initial determinations on the merits without knowing the business's views would produce uninformed initial determinations and complicate the handling of appeals. As stated in the Response to Comment 9 the Administrator does not believe it is appropriate to require new submissions to be accompanied by a business's justification for its confidential treatment request. The Administrator finds that in most cases it will not be possible to locate the requested information, invite a business's comments, allow a reasonable time for preparation by a business of such comments, receive the comments, and issue a determination on the merits within the ten-working-day period after receipt of a request allowed by 5 U.S.C. 552(a)(6) for the issuance of initial determinations. Accordingly, in many cases it will be necessary to issue a "procedural" initial denial. As noted elsewhere, the regulation has been modified in various ways to make it more likely either that all information needed for a determination will be on hand when a request is received or that the determination will already have been made. Moreover, as EPA issues more confidentiality determinations (especially class determinations under § 2.207), the EPA position on entitlement to confidential treatment of various categories of information will become better defined, with consequent narrowing of the issues remaining to be decided. This will tend to increase the proportion of initial determinations on the merits issued under either § 2.204(b)(1) or § 2.204(d)(2) and decrease the proportion which must be "procedural" denials under § 2.204(d)(1).

18. Comment—EPA should not require a business to carry the burden of substantiating its assertion that an item of information is entitled to confidential treatment. An assertion of entitlement should be regarded as conclusive, or at least as prima facie, proof of entitlement.

Response—The Administrator does not believe that such an approach is justifiable under the judicial interpretations of 5 U.S.C. 552. An objective analysis of entitlement of the item of information to confidential treatment is required.

19. Comment—The period proposed for a business to prepare and submit its comments—15 calendar days from the date of a notice, under proposed § 2.204(e)—is too short, if meaningful comments by the business are desired. Problems with directing the notice to the proper corporate officials and the occasional absence on leave or travel of key officials, will cause great difficulty.

Response—The Administrator is conscious of the problems that may be posed in some cases by the deadline. On the other hand, the deadlines for this Agency's issuance of determinations prescribed by 5 U.S.C. 552 make impossible the allowance of a period such as 60 days (suggested by one comment) for a business to furnish its comments. The Administrator has determined that a period of 15 working days (Government business days) should be allowed. See also the Response to Comments 9 and 17.

20. Comment—There appears to be no logical reason why businesses should be required to submit substantiating comments within a period of limited length, at some inconvenience to them, if no request for the information is pending under 5 U.S.C. 552.

Response—The Administrator agrees with this comment. Section 2.204(e) has been accordingly modified. Additionally, § 2.204(e) and § 2.205(f) have been modified to indicate that if a request under 5 U.S.C. 552 is pending, neither the comment period nor the post-determination waiting period will normally be extended without the consent of the requestor.

21. Comment—In order to allow a business as much time as possible for preparation of comments, telephone notice should be given the business at the time EPA decides to issue the notice contemplated by § 2.204(d) to the business.

Response—The Administrator agrees with this comment, and § 2.204(e) has been modified appropriately.

22. Comment—Comments submitted by businesses in substantiation of their business confidentiality claims may include other business information which itself may be entitled to confidential treatment. The regulation should provide automatic entitlement to confidential treatment for comment information, if requested by the business.

Response—The Administrator agrees with this comment, and a new provision, § 2.205(c), has been added which incorporates the substance of the comment. This automatic entitlement to confidentiality will apply only if EPA possesses the information only because of its inclusion in substantiating comments and is grounded on the continuing need to obtain frank and full comments from businesses in order to promote sound determinations under this subpart.

23. Comment—The views of an EPA office concerning entitlement of an item of business information to confidential treatment, which under proposed § 2.204(f) are to be furnished to the EPA legal office for its consideration in issuing final determinations, should also be furnished to the affected business for comment.

Response—The Administrator disagrees with this comment. Requiring such disclosure would tend to reduce the candor of an EPA office's comments in many cases. There also would exist a substantial risk, in cases involving more than one affected business, of inadvertent disclosure to one business of allegedly confidential information submitted by the other. Moreover, in cases where speedy action is required (e.g., where a request under 5 U.S.C. 552 is pending), it is unlikely that an EPA office's comments would be received by the affected business in time to be used in the preparation of the business's comments. The Administrator notes, however, that § 2.204(e)(5) of the rule as promulgated below requires an EPA office to seek confirmation of its understanding of the pertinent facts.

24. Comment—The 10-calendar-day waiting period prescribed by proposed § 2.205(f) after a determination adverse to a business, during which the business may commence an action for judicial review, is too short a period for the obtaining of suitable counsel and the preparation and filing of suitable pleadings.

Response—The Administrator agrees with this comment and has modified § 2.205(f) to provide a period of ten working days, rather than ten calendar days, for initiation of judicial review action.

25. Comment—The proposed waiting period mentioned in Comment 24 above is too long. Five calendar days would be sufficient.

Response—The Administrator disagrees with this comment. EPA records contain business information concerning businesses ranging in size from very large corporations to sole proprietorships. Moreover, because of the number and scope of the various statutes EPA administers, the businesses whose information EPA holds are not concentrated in a few fields but come from many different industrial and commercial fields. The Administrator finds that businesses may in many cases require up to ten working days for purposes of retaining legal counsel, familiarizing counsel with the facts, determining whether to seek judicial review of EPA's determination, and preparing and filing necessary pleadings. 5 U.S.C. 552 requires that once EPA has determined that information is not exempt from disclosure and will be disclosed, it shall make the information available to the requestor with reasonable promptness. The Administrator believes that a waiting period of ten working days is not inconsistent with that requirement.

26. Comment—Proposed § 2.205(f) is improper to the extent that under it EPA proposes to disclose information when a business is in the process of obtaining judicial review of the adverse EPA determination. The 30-day period established by the proposed rule, at the end of which EPA would disclose information unless a court had ordered its continued withholding, improperly interferes with the role of the judicial system.

Response—The Administrator substantially agrees with the comment. The purpose of the proposed provision was to ensure that a business would expeditiously pursue its request for judicial review. A business could merely file a complaint and take no further action to obtain a speedy hearing on a motion for injunctive relief, were there not some spur to expeditious action. However,

the Administrator has concluded that a fixed period of time during which the contractor must obtain a judicial order in order to prevent disclosure is not the best way to solve the problem. Accordingly, the 30-day period has been eliminated from the regulation as promulgated below, but in its place has been substituted language which would result in disclosure of the information, in the absence of a court order prohibiting disclosure, after a business has failed to convince a court of the propriety of a temporary injunction against disclosure, or in cases where, after reasonable notice to the business, EPA determines that the business is not taking appropriate measures to obtain a speedy resolution of the matter. The substituted provisions should adequately protect the interests of those who have requested the information under 5 U.S.C. 552, while eliminating the objectionable features of the proposed rule.

27. Comment—Proposed § 2.205(g) should be modified to provide that the comment period and post-determination waiting period should be allowed to be shortened only in cases where disclosure of allegedly confidential business information would alleviate or assist in alleviating an imminent hazard.

Response—The Administrator agrees with this comment and has caused § 2.205(g) to be appropriately modified.

28. Comment—The authority of the various EPA legal offices to issue determinations, as set forth in § 2.205(1) of the proposed rule, is too broad. Regional Counsel should not be authorized to issue such determinations for similar situations are apt to lead to differing determinations.

Response—The Regional Counsel should be authorized to issue determinations in those cases where they are most familiar with the records and where action by them would eliminate organizational delays. Dissemination of decisions and consultation with the General Counsel will tend to minimize divergent results.

29. Comment—The Administrator or some member of his immediate staff, rather than the various EPA legal offices, should issue the determinations contemplated by § 2.205, § 2.206, and §2.207 since 5 U.S.C. 552 speaks of an appeal to the head of the Agency.

Response—The comment acknowledges that the Administrator himself cannot be expected to personally rule on each confidentiality claim and foresees delegation to a staff member. Which staff member performs this function under a delegation is a matter for determination by the Agency.

30. Comment—The regulation should provide that the appeal determination must be issued by a person other than the person who issued the initial determination, at least where requests under 5 U.S.C. 552 are concerned.

Response—The Administrator agrees that the same person should not issue both determinations but believes that this separation of functions should be provided for by the General Counsel, acting under § 2.205(1) of the regulation.

31. Comment—Section 2.206 of the proposed rule should be extended to allow advance confidentiality determinations even where the information concededly would not, if submitted for general use by EPA, constitute voluntarily submitted information.

Response—The Administrator disagrees with this comment. The purpose of an advance confidentiality determination is to allow EPA to obtain for its use information it could not otherwise obtain. Advance confidentiality determinations present problems for EPA (See Comments 33 and 34 below.) and thus should be employed when other procedures for determining confidentiality are inadequate.

32. Comment—A mechanism should exist for determining whether or not information would be voluntarily submitted information if submitted for general use by EPA.

Response—The Administrator agrees with this comment. Section 2.206 has been modified to allow such determinations.

33. Comment—Business information submitted to an EPA legal office for the sole purpose of obtaining an advance confidentiality determination should not be regarded as an "agency record" and, if the determination holds that the information is not entitled to confidential treatment, all copies should be returned to the submitter, even if a request for release of that information is pending under 5 U.S.C. 552.

Response—The Administrator disagrees with this comment. Although definitive judicial pronouncements on the subject are lacking, the Administrator believes that there is a substantial possibility that information held by an EPA legal office for purposes of examination in the course of issuance of an advance confidentiality determination under § 2.206 would be held by a court to constitute agency records under 5 U.S.C. 552. The Administrator believes that the issue of whether such documents would constitute agency records should be determined by a court. (EPA would disclose such information only pursuant to a court order.)

34. Comment—The regulation should provide that EPA should treat as confidential the fact that a business has submitted an item of information to EPA under § 2.206.

Response—The Administrator agrees with this comment insofar as it asserts that an EPA legal office (or other office) should not voluntarily disclose such a fact. However, the Administrator is of the opinion that in some cases where a request for disclosure of records concerning such submissions has been made under 5 U.S.C. 552, it might be legally improper to refuse to disclose such a fact. No change to the regulation is deemed necessary with respect to this comment.

35. Comment—Class determinations, as contemplated by proposed § 2.207, should allow prior comment by all businesses which might be affected by such a determination.

Response—The Administrator believes that in many cases such a requirement would preclude issuance of a class determination, since the identities of potentially affected businesses might be unascertainable. Section 2.207 has been modified to clarify the purpose and effect of class determinations. (See Response to Comment 37 below.)

36. Comment—An EPA office should not be allowed to make assertedly confidential business information available to the public in reliance on a class determination without prior notice to the business.

Response—The Administrator agrees with this comment. See the Response to Comment 13 above and the clarifying modifications which appear as § 2.207(d) of the rule as promulgated below.

37. Comment—Various terms in § 2.207 as proposed require clarification so that businesses will know what constitutes a "common fact situation," a "class," etc.

Response—The Administrator agrees that the proposed § 2.207 could have been stated more definitely, and the section has been rewritten to make more certain its purpose, applicability, and effect.

38. Comment—Certain of the substantive criteria proposed by § 2.208 are either irrelevant or else impossible to satisfy. Specifically, the provision in § 2.208(c) of the proposal concerning the "reasonableness" of a business's claim is unduly vague, and the reference to the "practices of other businesses" is irrelevant.

Response—The Administrator agrees with this comment. Section 2.208 has been rewritten to reflect this and several other changes suggested by comments, as well as to conform the section to other sections in which procedural changes have been made.

39. Comment—Proposed § 2.208(e)(1) improperly interprets judicial opinions concerning the proper criterion of competitive harm. Specifically, a business should not have to demonstrate either that the likelihood of harm is "substantial" or that the harm which would result from disclosure is "substantial."

Response—The Administrator agrees in part. The decision in "National Parks & Conservation Ass'n v. Morton," 498 F. 2d 765 (D.C. Cir. 1974), requires only a likelihood, not a substantial likelihood, that a business's competitive position will be substantially harmed by Government disclosure of an item of information. The section has been modified accordingly.

40. Comment—Section 2.208 is wrong in concerning itself with harm to a business's competitive position: the test should be whether the business discloses the information, not whether the Government's disclosure would harm the business's competitive posture.

Response—The Administrator believes that the "National Parks" case cited above precludes EPA from taking such an approach and that the test as now stated in § 2.208 is the proper one.

41. Comment—The regulation should list specific categories of information which are, and which are not, entitled to confidential treatment.

Response—The Administrator does not believe that it is now possible to issue comprehensive listings of the type urged by the comment. While it is desirable for businesses and the public to become aware of the types of information which EPA believes to be entitled or unentitled to confidential treatment, this can best be accomplished by issuance of determinations under § 2.205, § 2.206, and § 2.207.

42. Comment—Section 2.208 should not require a business to "prove a negative," i.e., it should not have the burden of showing that information is not readily obtainable by others.

Response—The Administrator agrees that businesses might find it extremely difficult to show that another person could not obtain information. However, it is clear that the availability to others of information is relevant to the determination. The section has been modified to eliminate the burden on the business of making an affirmative showing in this regard, but continues to require EPA consideration of the issue.

43. Comment—Some information a business guards zealously may nonetheless be available via court-ordered discovery in a legal proceeding. Availability via discovery should not negate a business's confidentiality entitlement.

Response—The Administrator agrees in part with this comment. Section 2.208, as promulgated below, explicitly treats this subject, and differentiates between information which would be routinely discoverable and that which would be discoverable only upon a showing of special need.

44. Comment—There may be situations in which although a business has taken no steps to preserve the confidentiality of an item of information, the information has not been disclosed outside the business. In such situations, the information should not be ineligible for confidential treatment.

Response—The Administrator disagrees with this comment. If no steps have been taken to safeguard the information, the importance to the business of confidentiality is at best questionable and the likelihood of prior unregulated disclosure is great.

45. Comment—In many cases, disclosure of one item of information by itself might not cause substantial competitive harm to a business. But the cumulative effect of disclosures of several related, seemingly unimportant items of information could result in great competitive harm.

Response—The Administrator is conscious of this possibility and advises that an item of business information will not be determined to be ineligible for confidential treatment merely because its disclosure alone would not directly cause substantial competitive harm. The test is whether disclosure of the item of information would make substantial harm to the business's competitive position likely.

46. Comment—Disclosures under proposed § 2.209 to Congress the Comptroller General, or other Federal agencies should be brought to the attention of the affected businesses.

Response—Except where legitimate reasons exist for withholding from businesses the fact of such disclosures (e.g., where law enforcement would be hampered), the Administrator advises that there is no objection to informing a business that information has been disclosed to other branches or agencies of the Federal government. However, automatic notification to a business each time such a disclosure occurred would create administrative burdens for EPA offices which the Administrator finds not to be warranted. Section 2.209 of the regulation has been modified to provide that EPA offices shall maintain a record of disclosures of business information made to Congress, the Comptroller General, or other Federal agencies. Such information, insofar as it pertains to an affected business, will be disclosed on receipt of written request of that business, except where legitimate reasons exist for withholding it.

47. Comment—Disclosure of business information should not be made to Congress, its committees, or subcommittees unless a Congressional subpoena covering such information has been issued.

Response—The Administrator disagrees with this comment. Duly authorized requests from Congress, its committees, its subcommittees will be honored; and the requesting body will be informed of unresolved confidentiality claims and of determinations of entitlement to confidential treatment.

48. Comment—Section 2.210 of the proposed rule appears to allow EPA to first decide whether a request for business information would be denied under subpart B, and thereafter decide whether the information would be withheld for other reasons. The regulation should provide for parallel consideration of all possible bases for withholding information to avoid delays in response to requests under 5 U.S.C. 552.

Response—The Administrator agrees with this comment. Section 2.210, as promulgated below, has been revised accordingly.

49. Comment—The regulation should state penalties for improper disclosure of business information by EPA employees.

Response—The Administrator agrees with the general tenor of this comment. Section 2.211 of the regulation as promulgated below has been rewritten to remind employees of the criminal penalties for willful violation of applicable laws and to inform employees that improper disclosure of business information may be grounds for adverse personnel action.

50. Comment—The regulation should provide detailed rules for the handling within EPA of business information.

Response—The Administrator does not believe that a regulation is the most effective way in which to issue guidance concerning the details of handling the various kinds of business information possessed by various EPA offices. However, a new § 2.212 has been added to the regulation as promulgated below, which will allow the designation of "control offices" which have exclusive responsibility and authority to disclose certain categories of business information outside the Agency. Such control offices, if and when designated, shall also maintain information concerning confidentiality claims, determinations, and other pertinent materials under this subpart with respect to the items of information for which they are responsible.

51. Comment—The regulation should provide a mechanism by which a business may designate an agent for purposes of receipt of inquiries and notices under the subpart in order to lessen the likelihood of delay in responding to inquiries and notices (especially in cases involving large, decentralized businesses).

Response—The Administrator agrees with this comment. A new § 2.213 has been added to the regulation, as promulgated below, describing how a business may designate one person as its sole representative for such purposes.

52. Comment—The basic definition of "emission data" as proposed in § 2.301(a)(2) is too broad. It should not include descriptions of "hardware," nor the "details of a confidential process as it is being practiced."

Response—It is impossible to make intelligent reference to data concerning an emission of a substance into the air without referring also to the nature and location of the source of the emission. Section 2.301(a)(2) has been modified slightly to emphasize that information concerning the nature of the source is emission data only "to the extent necessary" to identify the source and to distinguish it from other sources.

53. Comment—By including in the definition of emission data "information necessary to determine the emissions which a standard or limitation permits a source to emit," the proposed regulation would in some cases require the disclosure of various information pertaining to stationary sources which a business may wish to maintain in confidence, such as raw material feed rates, production rates, or byproducts generated. This is improper and goes beyond the Congressional intent.

Response—This comment is based on the fact that in some cases, individual emission sources are subject to emission limitations expressed in terms of units of pollutant that may be emitted per unit of raw material processed or per unit of production. In order that the actual emissions during a period may be compared with the allowable emissions, it is necessary to know how many input or output units were processed by the facility during the period in question. Otherwise, a person would not know whether or not a source had complied with the emission limitation. In Section 110(a)(2)(F) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(a)(2)(F), Congress required that emission data concerning stationary sources be correlated with applicable emission standards or limitations and be made available for public inspection. [A similar provision, requiring that effluent data be "related to" applicable standards or limitations, is found in Section 308(b) of the Federal Water Pollution Control Act, 33 U.S.C. 1318(b).] The Administrator finds that Congress, by employing such language, desired that members of the public be able to know not only the actual emission figures, but also the emissions allowable under applicable standards and limitations. Accordingly, the Administrator disagrees with the comment.

54. Comment—The definition of emission data should include data concerning pollutants which result from emissions but which are not released directly from the source, i.e., data concerning substances which exist in the air as the direct result of the emission from a source of one or more other substances.

Response—The Administrator agrees with this comment. The regulation has been modified to incorporate the substance of this comment.

55. Comment—Emission data should not be defined to include data concerning "contemplated" emission sources.

Response—The meaning of "emission data" is significant because the Clean Air Act requires that emission data must be made available to the public notwithstanding any allegation that it is entitled to confidential treatment. The Administrator believes that the purpose of this statutory disclosure requirement is to enable members of the public to inform themselves in order that they may initiate, or participate on an informed basis in, proceedings by which standards and limitations under the Act are enforced. The definition of emission data should further this purpose. Section 2.301(a)(2) has been rewritten to state more clearly the relationship between the purposes to be served by disclosure of data and the coverage of the term "emission data." The reference to "contemplated" sources has been eliminated as unnecessary. As promulgated below, the definition of emission data includes data concerning actual (experienced) emissions, data needed to calculate emissions that were allowable under standards or limitations (to determine compliance), and information necessary to specify the identity and location of the source.

56. Comment—There should be no exclusion from the definition of emission data of information concerning products, methods, devices, or installations merely because they are developed and used solely for research purposes.

Response—The Administrator disagrees with this statement in large part, because the exclusion appears to be necessary in order to encourage research. However, the Administrator is of the opinion that information should be disclosed to the extent necessary to show that a source is (or is not) complying with applicable standards or limitations, or to substantiate the validity of an existing or proposed standard or limitation. The definition of emission data has been modified appropriately.

57. Comment—The "research" exclusion should cover even full-scale installations, not just laboratory- or pilot-scale installations, if in fact it is used only for research purposes.

Response—The Administrator agrees with this comment, and the rule as promulgated below has been appropriately modified. It should be noted, however, that it is not anticipated that many full-scale installations will be found to be used solely for research purposes. For example, a full-scale industrial installation which is intended to contribute productively to the output of a business would not be regarded as used only for research purposes once the installation is shown to function and is in fact contributing to the business's output.

58. Comment—Information pertaining to products being readied for introduction into a market (but not yet introduced) and information pertaining to ongoing research aimed at improving existing products on the market should not be automatically ineligible for confidential treatment and thus should be excluded from the definition of emission data.

Response—The Administrator agrees in part with this comment. However, such information must be available to the public to the extent necessary to indicate the source's compliance or non-compliance with

applicable standards or limitations, or to permit EPA to demonstrate the validity of an existing or proposed standard or limitation. The definition of emission data has been modified accordingly.

59. Under proposed § 2.301(e) (substantive criteria for confidential treatment), emission data should not be excluded automatically from eligibility for such treatment.

Response—The exclusion in question is specifically required by the Clean Air Act, sections 114, 208, and 307(a).

60. Comment—Emission data should be disclosed on request, without any consultation of the business which submitted it, to avoid delay.

Response—While the Clean Air Act clearly states that emission data must be made publicly available, it does not define the boundaries of the term. The Administrator finds that it is not unlikely that one or more businesses may disagree with the definition of emission data established in § 2.301(a)(2) and further finds that the business's procedural rights (submission of comments and opportunity to seek judicial review) should not be denied merely because EPA may characterize information as emission data.

61. Comment—Of the information to which § 2.301 applies, only those "trade secrets" which are "methods of processes" are entitled to confidential treatment, under the Clean Air Act and its legislative history, and the regulation should not allow confidential treatment for other information.

Response—The Administrator does not agree with this comment. The Congress supplied no definition of the terms it employed, and (as noted in the May 20, 1975, explanation of the proposed approach) the Administrator has been unable to conclude that the Congress intended to require public disclosure of the information which EPA must obtain from businesses in order to develop standards and perform its other emissions. Routine disclosure to the public of all that information would profoundly affect the business structure of the Nation in ways that have nothing to do with the purposes of the Clean Air Act.

62. Comment—Proposed § 2.301(g), pertaining to disclosure of information otherwise entitled to confidential treatment when the information is relevant to a matter in controversy in a proceeding, should allow such disclosure only in those proceedings which involve a public hearing, not in informal rulemaking proceedings.

Response—The Administrator disagrees with this comment but recognizes that the proposed rule failed to properly acknowledge the differences that exist between proceedings which are conducted on the record and with parties of record, on the one hand, and proceedings of an informal nature, on the other. There can be no limited disclosure under protective arrangements in an informal rulemaking proceeding; if information is to be disclosed at all, it must be publicly disclosed. This and other differences between the two classes of proceedings have led the Administrator to conclude that there should be separate procedures to be used in informal proceedings, and the regulation has been modified accordingly. Separate procedures have also been established in the regulation as promulgated below for disclosure in on-the-record proceedings when disclosure is proposed by EPA, on the one hand, and by a party to the proceeding other than EPA, on the other.

63. Comment—There should be no disclosure of the type contemplated by § 2.301(g) unless the business has the right, as part of the proceeding, to argue against disclosure.

Response—The regulation has been modified to make clear that a business has this right.

64. Comment—Information should be disclosable under proposed § 2.301(g) only if it is actually found to be relevant to a matter in controversy in the proceeding.

Response—The Administrator agrees with this comment, and the regulation has been modified appropriately.

65. Comment—Information should be disclosed under proposed § 2.301(g) only to those parties who have a "business or financial interest in the proceeding" or those who show that "the public interest would not be adequately served by EPA's representation."

Response—The Administrator disagrees with this comment. The Administrator does not believe that the proceedings will produce the most broadly based and useful results if relevant information is routinely withheld from parties who lack a business interest and who may have a different perception than that of the Administrator of where the public interest lies. The criteria for disclosure to parties adequately protect against frivolous requests.

66. Comment—Proposed § 2.301(g) should prescribe the protective measures that should be required as a condition of disclosure to parties.

Response—The Administrator believes that, given the variety of circumstances that arise in different proceedings, it is impossible to anticipate all problems. Details in ths regard are, it is felt, best left to the sound discretion of the administrative law judge or other presiding officer.

67. Comment—The proposed rule's 10-day waiting period for the comments of a business on the proposed disclosure of information it submitted will unduly delay many proceedings. Moreover, where a delay in releasing information does ensue, in appropriate cases a corresponding delay in the proceedings should be granted for the benefit of the party which requested disclosure of the information. Finally, the existence of a court order requiring a proceeding to be completed by a certain date should be listed as another basis for shortening the normal 10-day comment period.

Response—The regulation, as promulgated below, now eliminates any reference to a fixed period for a business's comments and instead relies on the discretion of the administrative law judge or other presiding officer to set a comment period reasonable in the circumstances. With respect to suspending the proceedings pending decision on a request for information, this is also a matter that should be left to the presiding officer's sound discretion.

68. Comment—A business's comments on a proposed rule should not be disclosable under proposed § 2.301(g), because if a business believes its comments might be made public over its objections, it may refrain from submitting the comments.

Response—This comment may be based on a misunderstanding of proposed § 2.301(g), which is concerned with certain circumstances under which any information to which § 2.301 applies may be disclosed. (Proposed § 2.301 would apply only to information the production of which EPA may legally compel.) The Administrator does not believe that there is a basis for discrimination in treatment of information based on whether or not EPA obtained it in comments in a rulemaking proceeding.

69. Comment—Contractors should not be considered "authorized representatives" under § 2.301(h); the legislative history of the Clean Air Act and Federal Water Pollution Control Act (FWPCA) indicate that only EPA officers or employees may be regarded as authorized representatives.

Response—The Administrator disagrees with this comment. There is legislative history pertaining to the FWPCA which indicates, with reference to FWPCA section 308(a) (in which the term "authorized representative" is used in a different context and in a semantically different manner) that only EPA officers or employees may act as "authorized representatives" for the purpose of exercising a right of entry onto certain private premises. But in section 114(c), 208(b) and 307(a) of the Clean Air Act, and section 308(b) of the FWPCA, it appears clear that by authorizing disclosure to "officers, employees, or authorized representatives" of the United States (emphasis added), Congress meant something more than disclosure only to officers and employees. It also appears that the language in the legislative history of the FWPCA concerning rights of entry was based on a reference to section 208(a) of the Clean Air Act, where the right of entry is explicitly given only to officers or employees.

70. Comment—Information should be disclosed to an EPA contractor under proposed § 2.301(h) only if the affected business gives its prior consent.

Response—The Administrator disagrees with this comment, which would have the effect of nullifying disclosure to contractors (the rule elsewhere states that information may be disclosed if the business consents). Much of EPA's mission must be performed by use of the resources which contractors offer. If the comment was adopted, businesses could seriously hinder EPA efforts simply by refusing to consent to disclosure.

71. Comment—Information should be disclosed to a contractor under proposed § 2.301(h) only if the affected business has been given prior notice of the contemplated disclosure.

Response—The Administrator agrees that prior notice should be given except when to do so would impair the working of an EPA program. The rule as promulgated below has been modified accordingly.

72. Comment—Information should be disclosed to a contractor under proposed § 2.301(h) only if affected businesses are reasonably protected by the arrangements between EPA and the contractor.

Response—The Administrator agrees with this comment, and the rule as promulgated below has been modified to make more specific the contractor's undertakings, to require recordkeeping by EPA concerning disclosures, to require that the contract recognize explicitly the third-party beneficiary status of the affected businesses, to require EPA to determine that the disclosure is necessary for the contract work, and to require EPA to give affected businesses prior notice in most cases of disclosure of information in which they have an interest.

73. Comment—Before EPA discloses information to contractors under proposed § 2.301(h), an investigation should be made into any possible competitive conflicts of interest the contractor may have.

Response—The Administrator believes that the protective measures outlined in the Response to Comment 72 should adequately protect affected businesses in most cases, and notes that more stringent protective measures may be taken in conection with individual contracts.

74. Comment—Information should be disclosed to state or local governmental agencies under proposed § 2.301(h) only if the affected business consents or if the state or local agency agrees that the information shall not be further disclosed and that state or local public information acts shall not apply to the information.

Response — The Administrator disagrees with the comment. Many of the statutes for

which EPA has the primary Federal responsibility (including the Clean Air Act) envision close working relationships between EPA and state and local pollution control agencies, and such statutes often assign significant responsibilities to state and local agencies. EPA desires to be able to provide such agencies with information it has which would be useful to them. However, the Administrator recognizes the fact that the other provisions of this subpart would afford inadequate protection to businesses if disclosure of information to state and local agencies were made without attention to the treatment that would be afforded to such information by them. Accordingly, the rule as promulgated below has been modified to provide that information may be disclosed to state or local agencies under § 2.301(h) only if the state or locality itself could have required the business to disclose the information, or if the state or locality has shown to EPA's satisfaction that the information will be adequately protected.

75. Comment — Various commenters raised the same points with respect to the definition of "effluent data" in proposed § 2.302(a)(2) as they raised with respect to the definition of "emission data."

Response—See Responses 52 through 61.

76. Comment—Various commenters raised the same points with respect to release of information relevant to a matter in controversy in a proceeding under proposed §§ 2.302(g), 2.303(g), and 2.304(g) as they raised with respect to proposed § 2.301(g).

Response—See Responses to Comments 62 through 68.

77. Comment—Various commenters raised the same points with respect to release of information to authorized representatives under proposed §§ 2.302(h) and 2.304(h) as they raised with respect to proposed § 2.301(h).

Response—See Responses to Comments 69 through 74.

78. Comment—Proposed § 2.307(g), which would have established special substantive criteria for use in connection with information obtained in applications for registration of pesticides under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (FIFRA), 7 U.S.C. 136 et seq., would exceed the Administrator's authority and violate 7 U.S.C. 136h. Proposed § 2.307(g) would deny confidential treatment to certain categories of research data and related information, but 7 U.S.C. 136h, it is asserted, requires confidential treatment for some of that data. Confidentiality determinations should be made only on a case-by-case basis.

Response—The Administrator disagrees with this comment. However, for reasons unrelated to the comment, the special substantive criteria have been deleted from § 2.307. This action has been taken because, under P.L. 94-140, (November 28, 1975), 89 Stat. 751, the Administrator may not promulgate regulations which implement FIFRA without first submitting the regulations to an external review process. In view of the delay that would be involved in obtaining such review, the provisions concerning substantive criteria have been deleted. (On March 5, 1976, the General Counsel issued an interpretative determination concerning the entitlement of such information to confidential treatment.)

In addition to the changes to the proposed rule which are discussed in the Comments and Responses above, other noteworthy changes are:

(1) The definition of "entitled to confidential treatment" in proposed § 2.201(f) has been deleted as unnecessary.

(2) Definitions of "EPA office," "EPA legal office," and "working day" have been added to § 2.201.

(3) Section 2.202 has been modified to emphasize the need for alertness to the possibility that different types of information within a single document may require different treatment.

(4) Section 2.204(b) has been simplified by deletion of language which concerned the effect of a prior determination holding that an item of information is not entitled to confidential treatment. The treatment of such information is covered by § 2.204(d)(2).

(5) The rule has been modified in several places to emphasize the fact that two or more businesses may have an interest in preserving the confidentiality of the same item of information, and that it may be necessary to resolve separately the confidentiality claims of each business. See §§ 2.204(c)(1), 2.204(d), and 2.205(d)(3).

(6) The rule has been modified to acknowledge that a business may desire confidential treatment of an item of information only for a stated period, after which it would not object to public disclosure of the information. See §§ 2.203(b), 2.204(e)(4)(ii), 2.205(d)(2), 2.205(e), and 2.205(f)(1)(ii).

(7) The requirement that information must bear a confidentiality claim when submitted if waiver of the claim is to be avoided will apply to information received on or after the effective date of the rule, rather than only to information received on or after the 60th day after the rule's effective date. This change is justified by the fact that a claim will be determined to have been waived only if the business first had been warned specifically that it must assert its claim at the time of submission of the information.

(8) Section 2.204(c) has been modified to indicate that when a request under 5 U.S.C. 552 is pending and EPA must inquire whether a business desires to assert a confidentiality claim, any claim in response to that inquiry must be made not later than one working day after the inquiry is made. The Administrator has determined that this change will not impose undue burdens on businesses, because of the ease with which a claim may be asserted and the business's opportunity to designate a representative for the purpose of handling such inquiries (see § 2.213).

(9) Changes have been made in several places in the rule to indicate that although various deadlines must be met when there is pending a request for information under 5 U.S.C. 552, a less rigid timetable may be applied when no such request is pending.

(10) Section 2.204(e) of the rule has been modified to conform the list of topics to be addressed by a business in its comments more closely to the substantive criteria under § 2.208.

(11) Section 2.205(f) has been modified to confine to essentials the information which an EPA office must forward to the EPA legal office.

(12) Section 2.205(a) has been modified to provide a timetable for issuance of a final determination by an EPA legal office after a "procedural" denial of a request under 5 U.S.C. 552.

(13) Section 2.205(h) has been modified to more clearly set forth the procedure by which an EPA legal office may overrule or modify an earlier determination holding that an item of information is entitled to confidential treatment.

(14) A number of changes have been made to § 2.307 and § 2.308, designed to simplify their application and increase the extent to which they parallel language in other sections of the subpart.

(15) Section 2.309 has been rewritten to eliminate unneeded elaborateness and increase the extent to which the section parallels other provisions of the subpart.

[FR Doc.76-25620 Filed 8-31-76;8:45 am]

federal register

WEDNESDAY, SEPTEMBER 1, 1976



PART V:

FEDERAL POWER COMMISSION

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REPORT OF GENERATING PLANT, TECHNICAL, ENVIRONMENTAL AND OPERATING DATA

New Form No. 156

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. RM76-32]

REPORT OF GENERATING PLANT, TECHNICAL, ENVIRONMENTAL AND OPERATING DATA—NEW FORM NO. 156

Proposed Rulemaking

AUGUST 23, 1976.

Notice is hereby given pursuant to the Administrative Procedure Act, 5 U.S.C. 553, and Sections 10, 19, 20, 202, 205, 206, 207, 304, 309 and 311 of the Federal Power Act,[1] that the Commission proposes to add Section 141.68 to Part 141 of the Approved Forms under the Federal Power Act to provide that new FPC Form No. 156 be required for reporting. The proposed new form would be entitled "Report of Generating Plant, Technical, Environmental, and Operating Data."

During a period of critical energy needs, such as the nation is experiencing today, the public interest requires that the Commission have available to it current and continuing information on the operations of electric utilities generating electricity. The interests of those companies regulated by the Commission also require an efficient and progressive means of regulation.

On September 26, 1973, in Docket No. R-438, the Commission issued Order No. 494, amending Part 2, Chapter I, Title 18 of the Code of Federal Regulations and setting forth Commission policy for the development of a fully automated computer regulatory system to provide such information. When developed and fully operative, the system will provide prompt and ready access to data contained in a central electronic data bank, eliminating the duplication of information now collected and reducing the quantity of existing manual files. This system will not only facilitate the evaluation and analysis of all data, but it will also accommodate the development of new regulatory techniques.

In Order No. 494, the Commission stated that all existing "hard copy" public use forms would be redesigned and consolidated to eliminate redundancies and that instructions for reporting would be clarified by use of Electronic Data Processing (EDP) Technology. Public use form information, as it is presently submitted, will be replaced by the submission of individual data elements within a general data element and code scheme. It is anticipated that this major system revision will result in the reduction of the total number of data items currently transmitted to the Commission by the respondents.

In Order No. 494, the Commission further stated that the development of the automated computer information system would be effected through the use of phased rulemaking proceedings in which various Commission reporting procedures and report forms would be restructured. To this end, Form No. 156 is designed to incorporate into a readily retrievable data processing system some of the information currently elicited by FPC Form Nos. 1[2], 1F[3], 1M[4], 4[5], 4A[6], 12[7], 12A[8], 12D[9], 67[10], and 423[11].

It is anticipated that a one-year period of parallel reporting will be required for system evaluation. Assuming successful operation of the new system within such time period, the related schedules within the current FPC Form Nos. 1, 1F, 1M, 4, 4A, 12, 12A, 12D, 67, and 423 would then be eliminated for these respondents.

Proposed Form No. 156 would consist of 59 schedules to be numbered as follows: 601, 603–623, 625–638, 641–645, 647–660, 665, 854–855 and 857.

The data collected on Schedules 601, 603–605, 607–615, 630–634, 637, 638, 641–645, and 660 would provide the Commission with information currently submitted on Form Nos. 1, 1F, 1M, 12, 12A, and 12D, on plant construction cost and annual production expenses of nuclear, hydro, combined cycle, internal combustion, gas turbine, and pumped storage electric generating plants. The schedules would also provide data on plant design, plant and unit additions, jointly owned plants and units, plants and units under construction, and plant and unit retirements. There would be some instructional changes in the new schedules. Otherwise, no new data would be required.

Schedule 606 would collect plant dependable hydroelectric capacity and potential energy. The data to be collected on Schedules 616–629, and 649–659 include environmentally related information about the design and operating of steam-electric plants having an installed generating capacity of 25 megawatts or greater. The new data to be required by Schedules 616 and 617 (relating to boilers serviced by common fuel feeder systems), by Schedules 618–620 (relating to the design relationship between boilers and stacks), and by Schedules 622 and 623 (relating to the design relationship between boilers and flue gas cleaning equipment) would be reported only once. Follow-up reports would be required only to reflect changes to data previously submitted. The information to be reported on Schedules 625 and 626 (relating to the operation of plant cooling systems) and on Schedules 650 and 651 (relating to monthly and annual boiler operation, including fuel usages) would be required annually. Data similar to that required by these proposed schedules is currently filed on Form No. 67. The collection of this information in this new format would provide the Commission with a greater understanding of the operating practices of steam-electric plants for use in assessing their environmental impact.

Schedule 635 would provide monthly information on net generation, fossil fuel consumption, and stocks from all electric utility power plants as is currently reported on Form Nos. 4 and 4A. It is proposed that the respondents be provided with a printed record of data currently in the Commission files on plant codes, generating type, fuel type, and installed generating capacity. Plant code, generating type, and fuel type are to be entered by the respondent onto the schedule for identification. No new significant data would be required, with the exception of the following: the magnitude of the units for reporting certain data would be changed (for example: KWH to MWH; tons to 1,000's of tons); the data item lists would be expanded to allow more explicit utilization of data base; and, plant status which was previously included in the general instructions would be submitted by the respondents in a specified data field.

The data to be collected monthly on Schedule 636 would deal with the cost and quality of fossil fuels delivered to electric power plants having a combined steam electric combustion turbine and internal combustion engine capacity of 25 megawatts or more. Specifically, the new information to be submitted on Schedule 636 would include: (1) The length and the expiration date of the original contract under which each fossil fuel purchase is made; (2) the mode of transportation used to deliver fuel requirements; (3) the identification of gas quantities purchased interstate (as opposed to intra-state); and (4) information on whether coal shipments have been washed. This new information would be submitted along with the same data currently filed on Form No. 423.

The purpose of Schedule 647 would be to obtain information concerning the outages, and reasons therefor, of generating units. Reliability analysis of electric systems requires comprehensive statistical data on generating plant outages (scheduled and unscheduled). At the present time, the Commission has no official periodic, comprehensive source of outage data. Therefore, the new information to be submitted on Schedule 647, to be furnished by all systems, would provide the Commission with a large statistical base and would be immediately available to Commission staff.

Schedule 648 would require certain operating information on a system's plants at the time of system peak load. This data is presently collected on Schedule 1 of the Form 12. Schedule 665 would require plant transformer data also presently collected in the Form 12.

All data and information submitted pursuant to the proposed form would be required to be subscribed and verified by a duly authorized executive officer of the respondent as being factually accurate and complete to the best of his or her

[1] 41 Stat. 1068–1070, 1073, 1074; 49 Stat. 842–844, 848, 849, 851–853, 855, 856, 858, 859; 67 Stat. 461; 82 Stat. 617; 16 U.S.C. 803, 812, 813, 824a, 824d, 824e, 824f, 825c(b), 825c(c), 825h, 825j.

[2] 18 CFR 141.1 (1975).
[3] 18 CFR 141.2 (1975).
[4] 18 CFR 141.7 (1975).
[5] 18 CFR 141.22 (1975).
[6] 18 CFR 141.23 (1975).
[7] 18 CFR 141.51 (1975).
[8] 18 CFR 141.52 (1975).
[9] 18 CFR 141.55 (1975).
[10] 18 CFR 141.59 (1975).
[11] 18 CFR 141.61 (1975).

knowledge according to the Commission's Rules of Practice and Procedure (18 CFR Part 1).

It has been contemplated by the Commission that all respondents, in using EDP media, would be required to submit their data on magnetic tape. The Commission now proposes that magnetic tape, in addition to a hard copy of the forms used to create the tape, would be required only from those respondents having over 2,000 MW of installed capacity, and that the manner of the preparation of the tapes be left to the discretion of those respondents. For all other respondents, an original and four copies of each completed Form No. 156 would be required to be filed with the Commission.

Any interested person may submit to the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, not later than October 22, 1976, data, views, and comments or suggestions in writing concerning all or part of the proposed form. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submissions to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing submissions requests a conference with the staff of the Federal Power Commission to discuss the proposed form. The staff, in its discretion, may grant or deny written requests for conference prior to or subsequent to the filing of formal submittals.

The proposed amendments to Part 141 of the Commission's Approved Forms under the Federal Power Act would be issued pursuant to the authority granted the Commission by the Federal Power Act, as amended, particularly sections 10, 19, 20, 202, 205, 206, 207, 304, 309 and 311.[12]

Effective for the reporting year 1976, the Commission proposes to amend Part 141, Statement and Reports (Schedules), in Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations by adding a new Section 141.68 prescribing new FPC Form No. 156, Report of Generating Plant, Technical, Environmental and Operating Data, in the form set out in Attachment A hereto. New § 141.68 will read as follows:

[12] Supra, note 1.

141.68 Form No. 156, Report of Generating plant, technical, environmental and operating data.

Form 156 is designed to collect generating plant design, technical, and operating data on boilers, turbines, generators, transformers, stacks, fuel-feeders, cooling facilities, flue-gas cleaning equipment along with plant cost and expense data, fuel use and cost, and plant and unit operating efficiencies for steam-electric of 25 megawatts or greater, installed capacity, and similar data where applicable on conventional hydroelectric, pumped storage, gas turbine, and internal combustion of 10 megawatts or greater installed capacity. Limited data is collected for plants of lesser installed capacity.

The filing of this data, as defined in the detailed instructions of this form, is annually on or before May 1 for the previous calendar year; monthly on or before 10 days after 1st of the following month; or monthly on or before 45 days after the 1st of the following month.

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

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

Docket No. RM76-32

Attachment A

FEDERAL POWER COMMISSION

BUREAU OF POWER

REPORT OF GENERATING PLANT
TECHNICAL, ENVIRONMENTAL, AND OPERATING DATA

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
Form 156	TABLE OF CONTENTS	

Level I General Instructions

Level II General Subject Instructions

Level III Detailed Instructions

Schedules: 0100, 0601, 0603-0623, 0625-0638, 0641-0645, 0647-0660, 0665, 0854, 0855, 0857, 0000 and 1000

Cross-Reference List

Data Standards

Schedules: 0100
0001, 0603-0623, 0625-0638, 0641-0645, 0647-0660, 0665, 0854, 0855, 0857
0000, 1000

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LEVEL I

GENERAL INSTRUCTIONS

FOR THE

PREPARATION AND SUBMISSION

OF PUBLIC USE SCHEDULES

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I. ADMINISTRATIVE BACKGROUND

The Federal Power Commission (FPC) has established an information system designed to improve the decision-making capabilities of the Commission. This program, the Regulatory Information System (RIS), was authorized by Commission Order 494, September 26, 1973, and features the following characteristics and capabilities:

- A consolidated data collection system designed to eliminate unnecessary or redundant reporting and to provide standardized data collection schedules.
- A comprehensive system for transmitting, processing, and accessing data requested of respondents by the Commission.
- Establishment of a modern computer facility at Commission headquarters featuring consolidated regulatory data bases and the associated automatic data processing (ADP) equipment and programming software necessary to store, validate, and access that data.

These instructions are intended to aid each respondent to understand the scope and objectives of the RIS system regarding source data collection and to provide clear and concise guidance for the completion of the revised public use schedules.

A. DATA COLLECTION CONCEPTS

The FPC public use schedules are designed to be vehicles for data collection, rather than for data display, by the Commission. This objective has guided the design of the layouts and instructions so as to achieve maximum efficiency in both data collection and subsequent processing. Within this basic design philosophy, the public use schedule data collection concept embodies the following design characteristics, some of which are described in greater detail in the subsequent chapters.

1. Optical Character Recognition (OCR) - All schedules have been designed with OCR requirements as one of the design constraints. This will allow for transition to optical scanning as a future alternative for data entry.

2. Separation of Instructions - All instructions are separated from the schedules to which they apply, in order to make efficient use of form space. Instructions consist of three separate levels, as follows:

- Level I - General (applicable to all schedules).
- Level II - General subject (applicable to natural gas operations, electric operations, or financial data).
- Level III - Detailed (applicable to individual schedules).

3. Separation of Footnotes - Footnotes or other extraneous marks or comments intended to qualify or modify data must not be entered directly on any schedule. The public use schedules have been designed to minimize the need for footnotes through the establishment of distinct data elements which represent some data previously reported as footnotes. However where necessary to make the related data more meaningful, footnotes may be entered on a special footnote schedule designed for this purpose. On the primary data schedules, the respondent must enter only a unique footnote reference number to provide a link to the footnote schedule.

4. Reporting Requirements - Reporting frequencies of the new schedules vary from semi-monthly to biennially. For certain schedules, all data must be supplied with each submission. For the other schedules, all data must be supplied with an initial submission, and on subsequent submission of these schedules respondents need report only changes, additions and deletions. These requirements are specifically stated in the Detailed Instructions for each schedule in paragraph B under the heading "II. General Information".

5. Consolidated Schedules - Many of the public use schedules have been designed to consolidate data previously collected on more than one schedule. The consequence of such consolidation is a reduction in the total number of schedules. Furthermore, portions of some schedules may be inapplicable to certain respondents, as specified in the detailed instructions.

B. APPLICABILITY OF INSTRUCTIONS

The Commission will provide to each respondent all three levels of instructions, appropriate to the type of operation. For example, an electric utility will receive:

- Level I - General Instructions
- Level II - General Subject Instructions (Electric Operating Data)
  - General Subject Instructions (Corporate and Financial Data)
- Level III - Detailed Instructions (Electric Operating Schedules)
  - Detailed Instructions (Corporate and Financial Schedules)

Each respondent will also receive footnote schedules (with instructions) and free form (blank) schedules for the submission of narrative or graphic support data that will not be loaded into the Commission's data bases.

As the public use schedules undergo change in future reporting periods through the rulemaking process, modified layouts and instructions will be prepared by the Commission and mailed to the respondents, together with appropriate documentation that describes the authorization and the details of all such changes, additions, or deletions. The Commission will prepare the instructions in a manner suitable for looseleaf binders, so that they can be easily maintained by the respondents.

II. STANDARD DEFINITIONS

The following standard definitions are provided to aid the respondent in understanding the data collection concepts contained in these instructions.

A. RESPONDENT - Each corporation, person, agency, authority, or other legal entity or instrumentality, whether public or private, which is required, under the provisions of the Federal Power Act, the Natural Gas Act, or Commission Order, to submit information to the Federal Power Commission via public use forms. Respondents also include those organizations that voluntarily or upon request, provide data to the Commission.

B. PUBLIC USE SCHEDULE - A collection of functionally related data elements organized and formatted into an arrangement suitable for the collection of data; the instructions for preparation of a schedule are included in this definition.

C. DATA FIELD - Within a record or schedule, a specific area used for representing a particular data value, i.e., the spaces provided for data entry on a schedule.

D. DATA ELEMENT - A basic unit of identifiable and definable information. Data elements identify the data fields within a schedule.

E. DATA ITEM - The expression of a particular value of a data element. In cases where a data element identifies a column or row on a schedule, a data item is a specific entry within the column or row.

F. LOGICAL ENTRY - A collection of related characteristics, defined by data elements, associated with a specific "key" item of information. For example, "name", "address", "date of incorporation", and "total assets" are all attributes of the key item "company", which is identified by a company code. This entire collection of data elements is called a logical entry. Within the public use schedules, logical entries are blocks of data that may be repeated several times on a page.

G. KEY ITEM IDENTIFICATION - A data element that provides a unique reference point for purposes of accessing or retrieving data. Within the public use schedules, the key item(s) uniquely identify groups of related data elements which by definition are logical entries. Normally, key items appear first within a logical entry and must always be completed by the respondent. The Detailed Instructions for each schedule explicitly identify those data elements that are "key".

Other, more specific, definitions of technical and financial data elements are contained in the Level II - General Subject Instructions.

III. GENERAL PROCEDURES FOR SCHEDULE PREPARATION

Many of the public use schedules have been designed so that different types of respondents can use the same basic schedules and instructions for the collection of identical data. For such schedules, the Detailed Instructions explain the unique data preparation requirements applicable to each type of respondent.

A. SCHEDULE SUBMISSION

The Commission will forward annually an appropriate number of copies of each schedule required of the respondent for the given reporting period.

All respondents shall forward the number of copies ordered by the Commission of each public use schedule to the Commission. Respondents submitting schedules on magnetic tape must also submit an attested working copy, appropriately completed, of the supplied schedules from which the tapes were prepared.

The specific report period for each schedule is listed in the General Subject Instructions (Level II) for the natural gas operations, electric operations, or financial data. The reporting period must be entered by the respondent on each schedule. Care must be exercised to ensure that the report period on each schedule (month, day, year) represents the ending date of the period to which the data applies, not the date the schedule was completed.

Prior to forwarding the schedules to the Commission, the respondent must complete Schedule 0100, Index of Public Use Schedules Submitted. A data field-by-data field instruction for Schedule 0100 shall be found in the Level III, Detailed Instructions for this schedule. All schedules should be carefully assembled, packaged, and forwarded to the following address:

Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426
Attn: Office of the Secretary

FEDERAL POWER COMMISSION
825 North Capitol Street, N.E.
Washington, D.C. 20426

ATTESTATION UNDER OATH

This report must be attested to under oath by an officer of the company. _____
(Insert here the name of the attester)

being first duly sworn according to law, certifies that he is _____
(Insert here the official legal title of attester)

of _____
(Insert here the exact legal title or name of respondent)

; that he has full power and authority to make the attestation; that he has read this report and is familiar with the contents therein; that to the best of his knowledge, information and belief, all estimates and matters therein set forth are true and correct and the said report is a correct statement of the business and affairs of the above-named respondent in respect to each and every matter set forth therein during the period from and including _____, 19 __, to and including _____, 19 __.

_____
(Signature of attester)

Subscribed and sworn to before me

this _____ day of _____, 19 ____.

_____
NOTARY PUBLIC

(SEAL)

FIGURE III-1. NOTIFICATION OF ATTESTATION

B. REPORTING MEDIA

The acceptable media for reporting public use data are magnetic tape with a working copy of the schedules or typed schedules.

Many respondents are capable of preparing the data via magnetic tape and have been directed by the Commission to do so. In addition, the respondent must attach associated attested working copy of the FPC supplied schedules from which the tapes were prepared.

C. SUPPORTING DOCUMENTATION

Additional statements, maps, diagrams, charts or other documentation supportive to the data schedules not otherwise specifically required or provided for should be inserted directly behind the schedules to which they apply. Respondents shall utilize FPC Schedule Number 1000 in all cases except those requiring oversize documents such as large maps. In all cases, the schedule number and page number of the schedule to which the supporting documentation applies must be entered, as well as the reporting period. Supporting documentation must not be stapled to the corresponding schedules.

D. ATTESTATION

The complete set of schedules filed for a given reporting period must be subscribed and verified by the duly authorized executive officer of the respondent, or of one of the respondents where a consolidated schedule is filed, who is qualified and authorized to prepare or supervise the preparation of the schedules and to certify their accuracy, completeness, and truthfulness. Such attestation will be submitted in the format specified in the Attestation Under Oath, displayed in Figure III-1.

Information submitted on magnetic tape must be accompanied by a working copy of each schedule used to create the magnetic tape. A single Attestation Under Oath will apply to all information, regardless of filing medium, submitted in the reporting period.

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E. RESPONDENT COMMENTS AND SUGGESTIONS

The Regulatory Information System represents a significant departure from the previous methods of gathering and using information by the Commission. Like all new systems, areas for improvement will undoubtedly be discovered during actual operation. All respondents are encouraged to supply comments and suggestions to the Commission of specific data collection or schedule design problems.

All questions concerning schedule design, data entry rules, filing requirements, or administrative matters, should be directed to the Office of Regulatory Information Systems at Commission headquarters. The telephone number for inquiries at the Commission is (202) 275-4138.

This telephone number and the schedule mailing address will be the main contact points between the Commission and the respondents for matters relating to the data collection. Questions that cannot be handled directly will be routed to the appropriate bureau or office personnel for resolution.

IV. RULES FOR DATA PREPARATION

The respondent is instructed to rigorously conform to the following general rules for data entry when preparing the schedules prior to the time that the schedules are forwarded for typing.

A. DATA FIELD LENGTH

Do not exceed the data field lengths allocated for each data element. When the data field size is inadequate, leave the data field blank and enter the true value in a footnote.

B. JUSTIFICATION (DATA POSITIONING)

Right justify every numeric data field; that is, place the data in the right portion of the data field so that no blank spaces follow the last character. Unfilled leading characters should be left blank. All alphabetic data fields must be left justified; that is, they begin at the left boundary of the data field.

C. ALPHABETIC AND NUMERIC

The Detailed Instructions for each schedule define each data field as either alphabetic (A) or numeric (N). The instructions also specify the data field length, including implied decimal positions for fractional numbers. For example, (N7.3) means a numeric field with seven characters to the left and three characters to the right of the implied decimal position. (N6) implies a six digit integer number and (A22) defines a twenty-two character alphabetic data field.

Do not enter alphabetic or special characters in a data field defined to be numeric by the instructions. The only exceptions to this rule are a minus sign or an asterisk, as described later. Numeric data fields must be right-justified and can be preceded by blank spaces. A data field defined as alphabetic may include any

combination of numeric and alphabetic characters. If necessary, words should be abbreviated to fit an alphabetic data field within the allocated space.

D. NEGATIVE ENTRIES

To indicate a negative numeric value, type over the preprinted minus sign in the right-most character of the data field immediately after the last significant digit; for example, 4917- . Positive numbers require no sign within the data fields; simply right-justify the number. Only certain data fields may legitimately contain negative numbers. Those data elements that may be expected to generate negative numbers are identified in the Detailed Instructions and in the schedules, where a character position is reserved for the minus sign, which is printed.

E. NULL ENTRIES

Data fields that are not applicable to a given respondent's situation must be left blank. Do not write in "N/A", or "NONE", or "NO DATA", or any other null response. Numeric data fields that do apply to the respondent but for which the respondent has a legitimate value of zero must be so entered with zero, including all decimal positions. Numeric, alphabetic, or alpha-numeric data fields that do not apply must be left blank.

F. PERCENTAGES AND FRACTIONS

Numeric data fields expressed in percentages may contain a variable number of decimal positions. In the schedules, all decimal points are implied by a preprinted character (△) that does not occupy a character position within the data field. For example: NN△NNN

The factional portion to the right of the decimal point should always be rounded to the last significant digit. For example, 11 2/3 should be entered as 11△667 . Under no circumstances must a portion of a whole number be expressed in fractional notation for any numeric data field. Rather, use the decimal representation, as

illustrated by the preceding example of a percentage. For example, never enter 12 1/3 in a schedule; instead enter 12△333 , assuming three decimal positions are requested.

G. SPECIAL CHARACTERS

As illustrated in the preceding section, all of the public use schedules have been designed with preprinted decimal point locators, where applicable. The respondent is specifically requested not to enter dollar signs, decimal points (.), commas (,), parentheses, technical symbols, or any other special characters on the schedules unless called for by the Detailed Instructions. For example, the number $53,429.48 would be entered as 53429△48 and the number $45,237 would be entered as 45237△00

H. MULTIPLE PAGES

Multiple pages may often be necessary for the respondent to provide all of the data for a particular schedule. Additional pages may be requested of the Commission at any time. To minimize such requests, the Commission will analyze historical submission patterns and volumes for each schedule and attempt to tailor the number of pages mailed out with the number of pages submitted in the past. Each page of a schedule must be numbered in the upper right hand corner.

I. LISTS OF LEGITIMATE VALUES

A copy of the Register of Data Standards will be made available to each respondent. The Register must be a standard reference tool for personnel completing the schedules to assure valid data entries. Respondent-entered data that is inconsistent with values contained in the Register will be rejected, since validation procedures are also based on the Register.

Normally, the Detailed Instructions will not contain the lists of legitimate values, but will refer to the Register of Data Standards. However, certain data item lists were incorporated directly in the Detailed Instructions for the convenience of the respondent. In these cases the data item list mnemonic appears in parenthesis.

The respondent must use the approved values and is also cautioned not to alter the units of measure (e.g., MMcf or KW) defined in the Detailed Instructions.

V. DATA MAINTENANCE ACTIVITIES

When preparing the public use schedules, the respondent must be familiar with the procedures necessary to modify data on the Commission's data bases and to prepare footnotes, where necessary. These topics are covered in this chapter.

A. MODIFICATION OF DATA

New data may be entered directly on any of the public use schedules by the respondent. The respondent must be certain that all data fields identified as key by the instructions are properly completed. For each new entry all data must be completed for the initial submission. For subsequent submissions of this data, the following general rules apply.

Changes to existing data residing in Commission's data bases can be entered directly on any public use schedule. To determine whether a data element has changed, the respondent is to refer to the data reported for the last submission.

For data identified by the Detailed Instructions as periodically required to be submitted, the respondent must completely resubmit all requested data regardless of whether or not the data have actually changed. In other Detailed Instructions subsequent submissions require the respondent to submit only appropriate identification (key data fields) and changed data fields. For this type of data, the Commission maintains only the latest current values in the data base, and the last reported data will continue to be propagated as the current data. To delete the current value of a data element, the respondent must enter an asterisk (*) in the left-most position of the data field, regardless of the numeric or alphabetic nature of the data. The following example illustrates how to delete any single occurrence of a data element:

Data Field Title
*

To delete a data element in more than one logical entry, an asterisk must be entered by the respondent for each occurrence of the data element.

To delete an entire logical entry, a retired generator for instance, the respondent must type a "D" over the preprinted "D" contained to the right of each logical entry and must specify all key items necessary to uniquely identify the logical entry. The Detailed Instructions indicate which data elements are key items. When processed, all of the data for the entire logical entry will be deleted from the data base. No facility is provided for deleting, in a single action, all of the data for an entire respondent or for any major grouping of data above the logical entry level, such as the data for an entire plant. To accomplish major delete actions, the respondent must delete each logical entry separately. If such step-by-step action proves cumbersome for the respondent in view of a major delete action (a plant closure, for example), the respondent should notify the Commission in writing of the delete action and request appropriate steps to update the data bases.

B. FOOTNOTES

Footnotes cannot be placed directly on any public use data schedule. Instead, a single, separate schedule (FPC Schedule Number 0000) is used for footnote entry. The preparation of a respondent supplied footnote requires entry on both the source schedule and the footnote schedule.

All data schedules contain two blocks to signify the presence of a footnote. These footnote indicator data fields are called the General Footnote and the Specific Footnote. The General Footnote data field enables the respondent to supply additional information that pertains to either the entire schedule and/or to a particular column (all occurrences of a data element) within the schedule. The Specific Footnote may be for either a complete logical entry and/or a specific data element within any logical entry.

The footnote number must be assigned uniquely and cannot be repeated across schedules. For example, if Schedule 0102 has footnote numbers 014 and 015 assigned, the footnotes for schedule 0103 should begin at 016. The respondent must not number the footnotes starting from 001 for each schedule. All footnote reference numbers throughout all schedules submitted in a single reporting period must have unique numbers.

VI. DATA KEYING AND VERIFICATION INSTRUCTIONS

Data keying may be utilized by respondents who submit data via magnetic tape. The following keying (and, therefore, verification) instructions apply to all redesigned public use schedules, regardless of actual data content. Keying will produce 80-character records (refer to magnetic tape submission requirements).

Each record must always contain the same control data fields in columns 1-11. These data fields are:

- Data Field A - Schedule Number (Record Position 1-4)
- Data Field B - Page Number (Record Position 5-8)
- Data Field C - Line Number (Record Position 9-10)
- Data Field D - Record Type (Record Position 11)

Data Keying and Verification Instructions are described in Figure VI-1.

When keying from the Public Use Schedules, follow the general rules given below.

- Data Field A, Schedule Number, (Record Position 1-4) and Data Field B, Page Number, (Record Position 5-8) are obtained from the header area of the schedule. The schedule number is obtained from the upper left corner of the schedule and the page number from the upper right corner of the schedule.
- Data Field C, Line Number (Record Position 9-10) is preprinted to the left of each line in the margin of the schedule (even numbers such as 2, 4, 6, etc. are the only valid entries).
- In Data Field D, (Record Type) an "A" should be keyed in Position 11 of the first record keyed for a line.
- In record positions 12-80 of the record, key all data field separators (|) and all data that has been filled in by the respondent.

DATA KEYING AND VERIFICATION INSTRUCTIONS

DATA FIELD	DATA FIELD NAME	COLUMNS FROM	COLUMNS TO	NUMBER OF COLUMNS	*	SPECIAL INSTRUCTIONS
	Common Data					
A	Schedule Number	1	4	4	N	Preprinted at the top left of all schedules
B	Page Number	5	8	4	N	Printed at top right of all schedules
C	Line Number	9	10	2	N	Preprinted on left margin of all schedules (even numbers)
D	Record Type (A = first record, B = second record)	11	11	1	A	A = First record for line B = Second record for line
E	Line Data	12	80	69		Key all data fields and their data field separators. Compress data as described in keying instructions.

* A - Alpha
N - Numeric

FIGURE VI-1. DATA KEYING AND VERIFICATION INSTRUCTIONS

- o At the end of each line on the schedule, key a line terminator symbol (@).

  Note: In some instances, a second record (Record Type B) will be required solely for the line terminator symbol (@).

- o Normally, only one record will be required for a line. Should a second record be required for a line, duplicate Positions 1-10 from the "A" record, and key a "B" Position 11 of the second record.
- o Do not key data fields which are preprinted, including data field separators.
- o Do not key odd numbered lines (i.e., 3, 5, 7, 9, etc.).
- o Do not key lines in which the resondent has entered no data.

In the examples shown, a lower case b represents a blank.

A. DATA FIELD CONTENTS

The data keyed into Positions 1-11 of the keyed records is keyed according to the fixed format specified above. But the data keyed in the remainder of the positions of the records (12-80) are keyed in a variable format. That is, leading and trailing blanks in data fields are not keyed. For example, if a ten-position alpha-numeric data field on the schedule contains a single letter, only that letter is keyed:

"Abbb" is keyed "A|"

B. DATA FIELD SEPARATOR (|)

The variable format explained in A above, requires that the sum of each data field (in Positions 12-80) be indicated by following the data field contents with a data field separator symbol (|).

The data field separator is the vertical bar symbol, which is to be represented by a 12-7-8 punch, and a hexadecimal 4F in EBCDIC.

See the example in A above, or those that follow, for illustrations of the use of the data field separator.

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C. LINE TERMINATOR (@)

The end of a schedule line must be represented in the keyed record. The vertical bar (data field separator) following the last data field is to be followed with a line terminator symbol. This can require that a "B" record be keyed to provide the line terminator symbol (@).

The line terminator is the "@" symbol, which is to be represented by a 4-8 punch, and a hexadecimal 7C in EBCDIC.

D. CONTINUATION RECORD

In most cases, one line on a schedule will be represented by one 80-character record, but in some cases two records will be necessary to represent a single schedule line. In the first (or only) record, an "A" is keyed into Position 11. In the continuation record (there will not be more than one per line), after duplicating Positions 1-10 from the "A" record, key a "B" in Position 11 then continue keying from the schedule line. (Note that for two-record lines, Position 80 of the "A" record may occur in the middle of a data field on the schedule.)

E. BLANK LINES

Every data field in a schedule line, including blank data fields, must be represented in the keyed records. For a blank data field, key only a data field separator symbol (|). For example, if the first three data fields on a schedule line were blank they would be represented in the keyed record by three consecutive data field separators (in Positions 12-14).

F. DECIMAL POINTS IN NUMERIC DATA FIELDS

Many numeric data fields contain decimal points, indicated on the schedules by a preprinted Δ. (The only valid indication of a decimal point is the preprinted Δ. Use of a period is an error on the part of the individual filling in the data.) Because it is preprinted, it is not keyed. In order that the data field contents be

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properly entered in the RIS data base, all positions to the right of a preprinted decimal in a data field on a schedule must be keyed.

G. CONSOLIDATED EXAMPLE

This example illustrates the rules given above, as applied to an entry on line [illegible] of page 2 of a hypothetical Schedule 99.

Data Field Type:
a n n n n n n n n n n

Data Field Length:
35 10 10 8.2 3.3 10 10 10 10 10 10

Data Field Contents:
MIDWESTERN INTERNATIONAL 350 * 673▲21 24▲2bb 750000 b b 550000 622490 3575829400

Keyed Records: A Record -
0099000216AMIDWESTERNbINTERNATIONAL|350|*|67321|24200|750000||550000|622490|

B Record -
0099000216B3575829400|@

H. CHARACTER SET

Keying should be accomplished using the standard EBCDIC alphabetic and numeric character set. The following are the only valid special characters which can be used:

EBCDIC SPECIAL CHARACTER

CHARACTER	EBCDIC HEX REP	CARD PUNCH	CHARACTER	EBCDIC HEX REP	CARD PUNCH
.	4B	12-3-8	-	6Ø	11
(	4D	12-5-8	/	61	Ø-1
+	4E	12-6-8	,	6B	Ø-3-8
&	5Ø	12	%	6C	Ø-4-8
$	5B	11-3-8	?	6F	Ø-7-8
*	5C	11-4-8	:	7A	2-8
)	5D	11-5-8	'	7D	5-8
;	5E	11-6-8	=	7E	6-8
			"	7F	7-8

Data Field Separator:
| 4F 12-7-8

Data Line Terminator:
@ 7C 4-8

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I. MAGNETIC TAPE SUBMISSION

The magnetic tape to be submitted shall be compatible with IBM 370/OS using 9-track standard IBM OS labels or using 9-track non-labelled tapes in EBCDIC code format at 800 or 1600 bpi. The logical record length shall be 80 characters. The blocking factor should be compatible with IBM OS tape blocking conventions.

All respondents submitting magnetic tape(s) must enclose with the tape the following information: name of company, name of contact about the magnetic tape and telephone number. Additionally the following information must be specified for labelled and non-labelled tapes:

LABELLED AND NON-LABELLED TAPES

- whether 800 or 1600 bpi
- whether labelled or non-labelled

LABELLED TAPES

- internal volume/serial number of tape
- data set name

NON-LABELLED TAPES

- block size in characters (length of physical record)
- external volume/serial number of tape

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	

LEVEL II

GENERAL SUBJECT INSTRUCTIONS

FOR

ELECTRIC UTILITY/INDUSTRIAL/LICENSEE SCHEDULES

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APPENDIX 1. List of Electric Utility/Industrial/Licensee Schedules

Schedule Number	Schedule Name
0601	Plant Owner - Operator Data
0602	General Information - Plants
0603	Generating Unit Joint Ownership
0604	Hydroelectric Plant Design Data
0605	Hydroelectric Generating Unit Design Data
0606	Hydroelectric Plant Capability Data
0607	Pumped Storage Plant Design Data
0608	Pumped Storage Generating Unit Design Data
0609	Pumped Storage Plant, Separate Motor Driven Pumps, Design Data
0610	Internal-Combustion and Gas-Turbine Plant Design Data
0611	Internal-Combustion and Gas-Turbine Generating Croup Design Data
0612	Steam-Electric Plant Design Data
0613	Steam-Electric Generating Unit Design Data, Turbine Design Data
0614	Steam-Electric Generating Unit Design Data (Generating Data and Cooling Facility)
0615	Boiler Design Data
0616	Common Fuel-Feeders by Boiler
0617	Boilers Served by Fuel-Feeder Systems
0618	Stack Descriptive Data
0619	Boilers Served by Stacks
0620	Stacks Associated with Boilers
0621	Flue-Gas Cleaning Equipment - Design Data
0622	Boilers Served by FGCE
0623	Boiler FGCE Equipment
0625	Plant Cooling System Characteristics
0626	Plant Cooling Water Source Data
0627	Plant General Water Use Data
0628	Plant Water Treatment Settling Pond Discharge Data
0629	Plant Sewage Effluent Treatment Design Data
0630	Combined Cycle Plant Data
0631	Steam-Electric Plant Capability Data
0632	Small Plant Design Data and Costs
0633	Small Plant Generating Group Design Data
0634	Annual Plant Capacity - Output and Fuel Data
0635	Monthly Power Plant Data
0636	Plant Fuel Cost and Quality Data
0637	Annual Large Plant Fuel Data
0638	Internal-Combustion and Gas-Turbine Plants Costs and Expenses
0641	Hydroelectric Plant Costs and Expenses
0642	Pumped Storage Plant Costs and Expenses
0643	Steam-Electric Plant Costs and Expenses

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Schedule Number	Schedule Name
0644	Small Plant Costs and Expenses
0645	Annual Small Plant Fuel Data
0646	Annual Industrial Power Plant Data
0647	Annual Large Plant Unit Performance Data
0648	Annual Peak Demand Data by Plant
0649	Plant Fuel Consumption and Quality - By Month
0650	Annual Boiler Fuel Use and Operation
0651	Monthly Boiler Fuel Consumption and Peak Operation
0652	Boiler Flue-Gas Cleaning Equipment - Operational Data
0653	Chemicals Used in Plant Cooling and Boiler Water
0654	Plant Disposal of Combustion Cycle Products
0655	Plant Combustion Cycle Additives
0656	Annual Plant Environmental Data
0657	Water Temperature and Flow at Seasonal Peaks
0658	Cooling System Operational Data
0659	Plant Projection Data
0660	Plant Capacity and Generating Unit Changes
0661	Annual System Energy Accounting and Peak Load (Small Systems)
0662	System Net Dependable Capacity at Time of Annual Peak
0663	Transmission Line Data
0664	System Substation and Transformer Data
0665	Plant Transformer Design Data
0666	Conversion Apparatus and Special Equipment
0667	Distribution Transformer and Capacitor Data
0668	Electric Watthour Meter Data
0676	System Energy Transactions Between Other Systems (Small Systems)
0679	System Net Generation, Energy Transfers and Peak Loads by Month (Small Systems)
0680	System Load Data for Specified Weeks - AM
0681	System Load Data for Specified Weeks - PM
0682	System Future Changes in Firm Power Transfers
0683	System Energy and Peak Load Forecast
0684	Distribution of System Load in Service Area
0686	All-Electric Home Consumption Data
0687	Community Characteristics for Given Schedules
0688	Rate Schedules Energy Characteristics
0689	All-Electric Homes Customer and Total Bills Data
0690	All-Electric Homes Annual Bills
0691	Typical Net Monthly Bills - Commercial Service
0692	Typical Net Monthly Bills - Residential Service
0693	Typical Net Monthly Bills - Industrial Service
0694	Retail Rate Level Changes
0699	System All-Electric Home Rate Designation Data
0700	Licensed Project Recreation Data - Part I
0701	Licensed Project Recreation Data - Part II
0702	Licensed Project Recreation Data - Text
0703	Licensed Project Recreation Data - Part III
0705	Monthly Industrial Power Plant Data

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Schedule Number	Schedule Name
0706	Licensed Project Recreation Data - Part IV
0708	System Generation
0709	System Purchases or Sales for Resale
0710	System Interchange Power
0711	System Transmission of Electricity For or By Others
0712	System Borderline Receipts and Deliveries
0713	System Ultimate Consumer Deliveries and Losses
0714	System Net Generation, Energy Transferred, and Associated Peak Demand By Month
0852	System Maps and Diagrams
0854	Hydroelectric Storage Reservoir Curves
0855	Hydroelectric Power Plant Diagrams and Curves
0856	Map of Distribution of System Load In Service Area
0857	Steam-Electric Plant One-Line Diagrams

FPC Form 151

I. GENERAL INFORMATION

These instructions apply to the following schedules:

- Electric system design and operation data
- Electric generating plant design and operation data
- Licensed projects data

The groups of Power System and Generating Plant schedules represent a comprehensive selection of data covering pertinent operational and technical information of the respondents.

Systems are assigned a Type code by FPC depending on the degree with which their electric generation facilities meet their own requirements and the requirements of other systems:

Type I - a system for which the operating utility owns, leases, or purchases installed capacity to meet directly that system's total load requirements as well as any Type II or III system's load requirements by way of contract either in part or in total. The system generally has plans for additional installed capacity to meet its projected load requirements, as well as, Type II or III system's projected requirements. Bulk power transmission systems may also be designated as Type I.

Type II - a system for which the operating utility owns, leases or purchases installed capacity to meet directly that system's load requirements only in part and generally do not plan additional installed capacity to meet projected total load requirements. These systems may be called "partial requirements customers" of other systems. Small isolated systems may also be designated as Type II.

Type III - a system for which the operating utility does not own, lease, or purchase installed capacity to meet directly any of that system's load requirements. These systems may be called "total requirements customers" of other systems.

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ELECTRIC POWER SYSTEMS DATA

Subgroup	Respondent Category	Schedule Number(s)	Old FPC Form	Submission Date
Event Submissions				
1	All systems with transmission/distribution facilities	0663,0664, 0666-0668	1,1F,1M 12	May 1st
2	All utilities serving cities with a population of 2,500 or more	0694	82	Within 60 days of new or changed rate schedule
Annual Submissions				
1	All Type I systems	0662,0680-0684, 0708-0714,0852, 0854-0856	1,1F, 1M,12, 12A,12D	May 1st
2	All Type II and III systems	0676,0713,0852	1,1F, 1M,12, 12A,12D	May 1st
3	All Type II and III systems with "net energy for system" greater than 5000 MWH for the previous year.	0679	12A	May 1st
4	All Type II and III systems with "net energy for system" less than 5000 MWH for the previous year.	0661	12D	May 1st
5	FPC specified electric utilities	0686-0693,0699	3,3A	January 21st

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ELECTRIC GENERATING PLANT DESIGN AND OPERATION DATA

Subgroup	Respondent Category	Schedule Number(s)	Old FPC Form	Submission Date
Event Submissions				
1	All systems with generation facilities	0601-0605,0607-0623,0625-0633, 0665	1,12, 12A,12D 67	May 1st
2	All systems with hydroelectric generation facilities	0606	12	May 1st
Annual Submissions				
1	All systems with generation facilities	0634,0648,0660	12	May 1st
2	All systems with generation facilities	0649-0659,0857	67	May 1st
3	All systems with generation facilities	0647	New	May 1st
4	All systems with generation facilities	0637,0638,0641-0645	1,1F,1M	May 1st
5	Industrial Plants with installed capacity less than 5 MW	0646	12C	May 1st
Monthly Submissions				
1	All systems with generation facilities	0635	4	10 days after 1st of following month
2	Industrial Plants with installed capacity greater than 5 MW	0705	4	10 days after 1st of following month
3	All systems with generating facilities	0636	423	45 days after 1st of following month

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LICENSED PROJECT RECREATION DATA

Subgroup	Respondent Category	Schedule Number(s)	Old FPC Form	Submission Date
Biennial Submissions	All FPC Licensed Projects	0700-0703, 0706	80	March 1st of each odd numbered year for the two years ending as of December 31st of the previous year

Each schedule is identified by a schedule number and title (see Appendix 1, List of Electric Utility/Industrial/Licensee Schedules.

II. STANDARD DEFINITIONS AND CODES

A. UNIFORM SYSTEMS OF ACCOUNTS

The required submissions will be prepared in conformity with the Uniform Systems of Accounts where applicable for Electric Utilities and Licensees prescribed by the Federal Power Commission, and all accounting words and phrases are to be interpreted in accordance with said classification. If the respondent is not under the jurisdiction of the Commission and does not keep its books in accordance with the above-mentioned Uniform Systems of Accounts, the schedules shall be completed with the actual accounts maintained being substituted, where necessary for the accounts listed.

B. SELECTED DEFINITIONS

The following definitions pertain to the Electric Utilities, Industrial Plant, and Licensee Schedules:

1. Ambient Temperature: The temperature of the surrounding cooling medium, such as gas or liquid, which comes into contact with the heating parts of the apparatus.

2. Border-line Deliveries: Energy delivered by a system to ultimate customers of another system with no "wheeling" involved.

3. Border-line Receipts. Energy received by ultimate customers of a respondent directly from another system for the account of the respondent with no "wheeling" involved.

4. Capability. The capability of a system, plant, or unit is defined as the load-carrying ability at the specified power factor and for the indicated time interval independent of the other characteristics of the load. In general, plant capability is determined by design characteristics; physical condition; adequacy of the prime mover; prime mover steam supply; operational limitations, such as cooling and circulating water supply and temperature, ambient temperature; and head and tailwater elevations.

5. Demand Interval. The period of time over which the demand is measured. Each system shall report load data on the basis of integrated demands for 60-minute clock-hour intervals. When demand data are not available on this basis, please make adjustments, if possible, to approximate the integrated demand for 60-minute clock-hour intervals; otherwise, report demand interval used.

6. Dependable Capacity. The dependable capacity of a generating plant or group of plants is defined as the load-carrying ability for the time interval and period specified when related to the circumstances of the load to be supplied. In general, a plant's dependable capacity is influenced not only by factors affecting its capability, but by such factors as the duration of the system peak, position on the load curve where the plant is to be operated, and the plant's operating power factor.

7. Electric Respondent. Any electric utility, industrial producer, or other organization ultimately responsible for reporting of electric data to the Federal Power Commission.

8. Electric Plant. A unit or group of units of the same or different generating types considered to be at the same physical site.

9. Electric System. The physically connected generation, transmission, distribution, and other facilities operated as an integral unit under one control, management, or operating supervision.

10. Electric Utility. All enterprises engaged in the production and/or transmission and/or distribution of electricity for use by the public, including investor-owned, cooperatively-owned, government-owned (municipal systems, Federal agencies, state projects, and public power districts); and where the data are not separable, those industrial plants contributing to the public supply.

11. Generating Group. Generating units at one plant may be grouped for a number of reasons: separate powerhouses on the same pond; common header steam plants, gas-turbines

controlled through a common control house (cubicle), internal-combustion units which are treated as one per group, and similar physical characteristics within generating type for small plants.

12. Generating Type. Internal-combustion, gas-turbine, steam-electric, hydro-electric, and pumped storage, are the basic generating types. Nuclear, geothermal, fossil and waste are treated as fuels for steam-electric. The combined cycle generating type is comprised of steam-electric and gas-turbine types.

13. Generating Unit. A unit consisting of a turbine and an electric generator or a reciprocating engine and an electric generator. There may be more than one turbine or reciprocating engine mechanically coupled to one electric generator but this remains a single unit. A cross-compound steam electric plant consists of two units, since both turbine/generator combinations are mechanically separate.

14. Heat Rate. A measure of generating station thermal efficiency, generally expressed as BTU per net kilowatt-hour. It is computed by dividing the total BTU content of the fuel burned (or of heat released from a nuclear reactor) by the resulting net kilowatt-hours generated.

15. Industrial. Producers having generating plants for the purpose of supplying electric power required in the conduct of their industrial operations. Mining, manufacturing, and stationary plants of railroads and railways for active power is included.

16. Installed Capacity. Total of the capacities as shown by the nameplates of similar kinds of apparatus such as generating units, turbines, synchronous condensers, transformers, or other equipment in a plant, station, or system.

17. Large Generating Type (Large Plant). Steam-electric with installed capacity of 25 MW or greater; or hydroelectric, pumped storage, internal-combustion or gas-turbine each of 10 MW or greater.

18. Licensee. Any person, State, or municipality licensed under the provisions of Section 4 of the Federal Power Act, and any assignee or successor in interest thereof.

19. Load Factor. The ratio of the average load over a designated period to the peak load occurring in that period.

20. Municipality. A city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power.

21. Net Dependable Capacity. Includes dependable capacity of a systems generating plants plus the net of firm power purchases.

22. Net Energy for System. The sum of system net generation and energy received from other systems, less the energy delivered to other systems for resale and equal to the sum of system losses, unaccounted for energy, and ultimate consumer sales.

23. Other Electric Respondents. Any other person or organization required to report electric plant, system, or licensed project data. A contractual power pool falls in this category.

24. Pumping Energy. The energy measured as input to a pumped storage plant for pumping purposes.

25. Run-of-river. Those hydroelectric plants whose operation cannot be regulated over a period of more than a few hours, either from storage at site or above, but whose operation is, in general, controlled by the volume of flow which must be utilized as it occurs, or be wasted.

26. Small Generating Type (Small Plant). All steam electric with installed capacity less than 25 MW; or hydroelectric, internal-combustion or gas-turbine each less than 10 MW.

27. Source of Water. This refers to the proper name and type of the natural water body from which water is withdrawn for the stated purpose. It is not limited

solely to the nature of the water body. Thus, the Mississippi River as a source of water should be reported as "Mississippi River" and NOT as "river water".

28. Storage. Those hydroelectric plants whose operations can be varied as desired because of storage at site or above. Such regulation may be weekly, monthly, or seasonal.

III. GENERAL INSTRUCTIONS

A. GENERATING GROUP CONCEPTS

The term "generating group" appears in the schedules in reference to steam-electric, hydroelectric, internal-combustion, gas-turbine, and small plant design data.

- o Steam-Electric Generating Group is defined as those generating units grouped by virtue of being served by a common steam header, or a cross-compound configuration, or the simple case of a single boiler and generating unit combination. Data must be submitted for each generating unit even though some units may be similar in design.
- o Gas-Turbine and Internal-Combustion Generating Group. For gas-turbine units, a generating group is defined as any collection of gas-turbine generating units that are controlled from the plant control room through a single control house (cubicle). In the case of a single unit having unique characteristics, assign a generating group I.D., then complete the schedule for that unit. Internal-combustion units are reported as a single unit to the group.
- o Power House Generating Group is defined as those hydroelectric and pumped storage generating units grouped within a single power house at a plant site. Two power houses on the same pond are two groups. The majority of hydroelectric and pumped storage generating units are within only one powerhouse. Grouping of units is not by like unit design and design data must be submitted for each unit.
- o Small Plant Generating Group is defined as those generating units grouped by virtue of like unit design under all generating types and design data is only submitted once for one unit within the group. A group may contain only one unit.

B. RESPONDENT ASSIGNED UNIQUE CODING

The majority of schedules which require submission of generating plant data call for the use of codes to identify components or groups of components within a plant. Most of the codes defined as "respondent assigned" are to be the respondents commonly used designation if such a designation exists. These codes must be unique within the type of equipment being defined within a plant. If necessary the respondent must assign a new code to establish this uniqueness. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify the component (or group of components) on all schedules. It is also necessary that the same code be used in reporting from year to year. Because of this, the respondent must maintain a record of the assigned codes to achieve consistent reporting.

Examples of components or groups of components which require respondent assigned codes are shown below:

- Generating Group I.D.
- Generating Unit I.D.
- Boiler I.D.
- Flue-Gas Cleaning Equipment I.D.
- Fuel Feeder I.D.
- Stack I.D.
- Cooling Facility I.D.
- Transformer Bank I.D.

Each I.D. above is unique within the generating type except Transformer Bank I.D. which is unique within a plant. For each plant (or given geographic site) there may be one or more generating types (e.g., steam-electric, gas-turbine, etc.). Most of the respondent assigned I.D. codes are for the steam-electric generating type.

In a few cases specified in the schedule Detailed Instructions, the respondent is requested to assign numeric sequential codes and maintain these codes from year to year.

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0100 INDEX OF FPC PUBLIC USE SCHEDULES SUBMITTED		1 of 2

I. DESCRIPTION

This schedule shall be used to identify the schedules which were submitted by each respondent.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Federal Power Commission respondents.

B. This schedule shall be completed for each submission of schedules to the Federal Power Commission.

C. The report period date required on line two of this schedule shall be the final date of the period covered by the submission i.e., if data is reported on a calendar year basis, the date to be reported is December 31, 1976, in the format MMDDYY
123176.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1	Date Received in Mail Room (N6): This data field is for Federal Power Commission internal processing only. (TMDATE)
2	Date Received in DBCG (N6): This data field is for Federal Power Commission internal processing only. (TMDATE)
3 (Key)	Schedule Number (N4): Enter the schedule number of each schedule being submitted in this submission.
4	Schedule Contact Name (A35): Enter the name of the individual to contact about the schedule number reported in data field 3 above. The format for the name is: Last Name, First Name or Initial, Middle Initial. (IDNAME)
5	Schedule Contact Telephone Number (A12): Enter the area code and telephone number, in the format NNN-NNN-NNNN. Be certain to over strike the preprinted hyphens (-).
6	Number of Pages (N4) NO: Enter the number of pages submitted for the schedule reported in data field 3 above.
7	Indicate Primary Reporting Media, Hardcopy or Tape (N1): Enter "1" if hardcopy is being submitted; or enter "2" if tape is being submitted. (INETOR)

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DETAILED INSTRUCTIONS: SCHEDULE 0100 INDEX OF FPC PUBLIC USE SCHEDULES SUBMITTED		2 of 2

Data Field Number	Instructions
8	Name of Attestor: Enter the legal name of the individual who is attesting to the validity of the data content being submitted on each of the schedules reported in data field 3 above. (IDNAME)
9	Signature of Attestor: Enter the attestors legal signature in this data field. (IDNAME)
10	Date of Attestation: Enter the date of attestation, in the format MMDDYY. (TMDATE)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0601	PLANT OWNER - OPERATOR DATA	1 of 1

I. DESCRIPTION

This schedule is used to collect data on the ownership of electric generating plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all electric utilities which operate generating plants. In the case of joint ownership, only the plant operator need complete this schedule.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Name of Party Holding Interest (A35): Enter the name of each person holding an interest in the plant. Complete one entry (i.e., line, in this case) for each party for each plant. For example, a plant having six joint owners would require six complete logical entries. Abbreviate if necessary. When the person operating the plant is different from the owner, enter the correct code in data field 4, "Nature of Interest", and leave data field 3, "Per Cent Interest" blank. When the operator is also one of the joint owners, complete only one entry. (IDNAME)
3	Per Cent Interest (N3.2) PCT: Enter the percentage of interest in plant (for example, the amount of a joint ownership) held for each person entered in data field 2 above.
4	Nature of Interest (A2): Enter the abbreviation best describing the nature of the interest in plant for each party entered in data field 2 above. Enter only one of the codes, from the Register of Data Standards, TYBSIN.

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I. DESCRIPTION

This schedule is used to collect data only for electric generating units which are jointly owned by two or more persons.

II. GENERAL INFORMATION

A. This schedule shall be submitted only by all electric utilities generating plants, and only if per cent interest between generating units is different than that reported on Schedule 0601. Only the plant operator need complete this schedule.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Complete a separate entry for each unit and each owner. For example, a plant with two jointly owned units, each having three joint owners, would report six entries.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter one of the abbreviations for generating type from the following list: (TYPLPW) ST = Steam-Electric HY = Hydroelectric (conventional) HP = Hydroelectric (pumped storage) IC = Internal Combustion GT = Gas-Turbine
3 (Key)	Generating Group ID (A5): Enter the unique identification code assigned by the respondent (as defined in the General Instructions for Electric Utility Respondents) of which the jointly owned unit is a member. (IDEQPT)
4 (Key)	Generating Unit ID (A5): Enter a unique generating unit identification code assigned by the respondent to each generator within the plant. This is the designation commonly used by the respondent. This particular code must be used on schedules referring to this generator at all times. (IDEQPT)
5	Unit Capacity (N5.2) MW: Enter the installed capacity of each jointly owned unit in megawatts (generator maximum nameplate rating).

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Data Field Number	Instructions
6	Per Cent Ownership (N3.2) PCT: Enter the percentage of ownership represented by each entry for a unit-owner combination.
7	Name of Owner (A35): Enter the name of each joint owner of each unit within the plant. Abbreviate if necessary. (IDNAME)
8	Name of Operator (A35): Enter the name of the operator of each jointly owned unit. (IDNAME)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0604	HYDROELECTEIC PLANT DESIGN DATA	1 of 3

I. DESCRIPTION

This schedule is used to collect data on design parameters of hydroelectric plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with hydroelectric installed capacity of 10 megawatts or greater during the subject year. Do not report pumped storage data on this schedule.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Kind of Plant (N1): Enter "1" for run-of-river, or enter "2" for storage. (INETOR)
4	Construction Type (A1): Enter "C" for Conventional; "S" for Semi-Outdoor; or "F" for Full Outdoor. (TYCONS)
5	Year Constructed (N4): Report the year in which construction originally began, in the format YYYY. (TMYEAR)
6	Year Last Unit Installed (N4): Report the year in which the last generating unit was installed, in the format YYYY. (TMYEAR)
7	Drainage Area (N7) SQMI: Enter the drainage area (in square miles) of the plant.
8	Most Favorable Condition Capability (N5.2) MW: Report the net plant capability under the most favorable operating conditions.
9	Most Adverse Condition Capability (N5.2) MW: Report the net plant capability under the most adverse operating conditions.
10	Estimated Average Annual Potential Output (N12) MWH: Enter the estimated average annual potential output on the basis of present installed capacity.

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DETAILED INSTRUCTIONS: SCHEDULE 0604	HYDROELECTEIC PLANT DESIGN DATA	2 of 3

Data Field Number	Instructions
11	Stream Flow Year Used (N4): Specify which year of stream flow may be used to determine both the magnitude and distribution of the average potential output. (TMYEAR)
12	Output 50 Per Cent Load (N10) MW: Enter the MW output for 50 per cent load.
13	Estimated Overall Water Use at 50 Per Cent Load (N7) CFS/KW: Report overall water use (in C.F.S. per KW) under headwater conditions which approximate average conditions.
14	Gross Head - 50 Per Cent Load (N7) FT: Enter the gross head (in feet) which corresponds to the water use data reported in data field 13 above.
15	Net Head - 50 Per Cent Load (N7) FT: Enter the net head (in feet) which corresponds to the water use data reported in data field 13 above.
16	Output 75 Per Cent Load (N10) MW: Enter the MW output for 75 per cent load.
17	Estimated Overall Water Use at 75 Per Cent Load (N7) CFS/KW: Report estimated overall water use (in C.F.S. per KW) at 75 per cent load under headwater conditions which approximate average conditions.
18	Gross Head - 75 Per Cent Load (N7) FT: Enter the gross head (in feet) which corresponds to the water use data reported in data field 17 above.
19	Net Head - 75 Per Cent Load (N7) FT: Enter the net head (in feet) which corresponds to the water use data reported in data field 17 above.
20	Output Full Load (N10) MW: Enter the MW output for full load.
21	Estimated Overall Water Use at Full Load (N7) CFS/KW: Report estimated overall water use (in C.F.S. per KW) at full load under headwater conditions which approximate average conditions.
22	Gross Head - Full Load (N7) FT: Enter the gross head (in feet) which corresponds to the water use data reported in data field 21 above.
23	Net Head - Full Load (N7) FT: Enter the net head (in feet) which corresponds to the water use data reported in data field 21 above.

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DETAILED INSTRUCTIONS: SCHEDULE 0604	HYDROELECTEIC PLANT DESIGN DATA	3 of 3

Data Field Number	Instructions
24	Method of Operation (N1): Enter "1" for automatic or remote control; "2" for semi-automatic; or "3" for manual method of operation. (TYPLOP)
25	Number of Future Units (N2) NO: Enter the number of future units provided for in the present plant.
26	Capacity Future Units (N5.2) MW: Report the total capacity of all future units reported in data field 25 above.
27	Planned Ultimate Generating Capacity (N5.2) MW: Report the planned ultimate generating capacity for the plant.
28	Full Level Pond Area (N6) ACRE: Enter the area (in acres) of the pond at normal full pond level (in acres).
29	Maximum Drawdown (N4) FT: Report the maximum drawdown (in feet) from normal full pond level.
30	Storage From Maximum Drawdown (N8) ACFT: Report the storage or pondage (in acre feet) from maximum drawdown.
31	Full Gross Head (N5) FT: Enter the gross head (pond elevation minus tailwater elevation; in feet) with full pond and full station load.
32	Full Effective Net Head (N5) FT: Enter the effective net head (gross head minus intake and conduit losses in feet) with full pond and full station load.
33	Normal Full Pond Elevation (N5) FT: Report normal full pond elevation as measured (in feet) above mean sea level.
34	Pond Elevation in Estimate (N5) FT: Enter the pond elevation (in feet) used in estimating water use in data fields 13, 17 and 21 above.
35	Storage Location ID (N2): Enter the unique numeric identification code (1 through 4) assigned (by the respondent) sequentially to each developed storage location above site. Up to four possible storage locations can be entered in data fields 35, 36, and 37. (NRCADL)
36	Drainage Area (N5) ACRE: For each of the corresponding storage locations identified, enter the drainage area (in acres).
37	Hydro Usable Volume (N9) ACFT: For each of the corresponding storage locations identified, enter the usable storage volume (in acre feet).

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0605	HYDROELECTRIC GENERATING UNIT DESIGN DATA	1 of 3

I. DESCRIPTION

This schedule is used to collect data on hydroelectric generating units (waterwheels and generators). Do not include pumped storage units on this schedule.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with hydroelectric installed capacity of 10 megawatts or greater during the subject year. Do not report pumped storage data on this schedule. Repeat data fields 4-29 for each unit within a plant.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions and deletions.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Power House Generating Group ID (A5): Enter the unique power house generating group identification code, assigned by the respondent to each group within the plant. Report only those generating units which belong to this particular power house. (IDEQPT)
4 (Key)	Generating Unit ID (A5): Enter the unique generating unit identification code, assigned by the respondent. This is the respondent's commonly used designation for the unit. This code is to be used whenever referring to this generating unit. (IDEQPT)
5	Auxiliary Unit Indicator (N1): Enter "1" if the generating unit is an auxiliary unit; "Ø" if a main unit. (INYONO)
6	Design Head (N4) FT: Enter the design head (in feet) of the waterwheel associated with each generating unit.
7	Gross Static Head (N4) FT: Enter the gross static head (in feet) of the waterwheel associated with each generating unit. This refers to gross head with pond full.

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DETAILED INSTRUCTIONS: SCHEDULE 0605	HYDROELECTRIC GENERATING UNIT DESIGN DATA	2 of 3

Data Field Number	Instructions
8	Unit RPM (N4) RPM: Enter the operating speed (in RPM) of the waterwheel associated with each generating unit.
9	Design Head Maximum Capacity (N6) HP: Enter the maximum capacity (in horsepower), at design head, of the waterwheel associated with each generating unit.
10	Type of Runner (A1): Enter the abbreviation for waterwheel runner associated with each generating unit, from the Register of Data Standards, TYWWRN.
11	Overload Capacity (N3) PCT: Enter the continuous overload capacity (in per cent) of each generating unit.
12	Voltage (N6) KV: Enter the voltage of each generating unit (in kilovolts).
13	Indicate Attended/Unattended (N1): Is the waterwheel attended or unattended? Enter "1" for attended; "2" for unattended. (INETOR)
14	Waterwheel Type (N1): Enter the type of waterwheel associated with each generating unit. Use one the the following codes, from the Register of Data Standards, TYWWPR: 1 - Horizontal 2 - Vertical 3 - Inclined
15	Waterwheel Year Installed (N4): Enter the year in which the waterwheel associated with each generating unit was installed, in the format YYYY. (TMYEAR)
16	Indicator Waterwheel New (N1): Was the waterwheel new when installed? Enter "1" for yes; "Ø" for no. If the answer is "no", complete data field 17 or 18 below. (INYONO)
17	Waterwheel Year Manufactured (N4): Enter the year in which the waterwheel was manufactured only if the answer in data field 16 above is "no" and waterwheel was not rebuilt when installed, in the format YYYY. (TMYEAR)
18	Waterwheel Year Rebuilt (N4): Enter the year in which the waterwheel was rebuilt if the answer to data field 16 above is "no" and if the waterwheel was rebuilt when installed, in the format YYYY. (TMYEAR)
19	Waterwheel Manufacturer (A4): Enter the abbreviation for the manufacturer of the waterwheel associated with each generating unit, from the Register of Data Standards, IDMFEQ.

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DETAILED INSTRUCTIONS: SCHEDULE 0605	HYDROELECTRIC GENERATING UNIT DESIGN DATA	3 of 3

Data Field Number	Instructions
20	Generator Nameplate Rating (N5.2) MVA: Enter the nameplate rating generating capacity (in MVA) of each generating unit.
21	Nameplate Rating (N5.2) MW: Enter the nameplate rating generating capacity (in MW) of generating unit.
22	Power Factor (N1.2) NO: Enter the nameplate rating power factor of each generating unit.
23	Generator Phase (N1) NO: Enter the phase of each generating unit. Report "1", "2", or "3".
24	Generator Frequency (N2) HZ: Enter the frequency of each generating unit. For example, report "60" or "25" Hertz.
25	Generator Year Installed (N4): Enter the year in which each generating unit was installed. (TMYEAR)
26	Indicator Generator New (N1): Was the generating unit new when installed? Enter "1" for yes; "0" for no. If the answer is "no", complete data field 27 or 28 below. (INYONO)
27	Generator Year Manufactured (N4): Enter the year in which the generating unit was manufactured if the answer to data field 26 above is "no" and if the generator was not rebuilt when installed, in the format YYYY. (TMYEAR)
28	Generator Year Rebuilt (N4): Enter the year in which the generating unit was rebuilt if the answer to data field 26 above is "no" and if the generator was rebuilt when installed, in the format YYYY. (TMYEAR)
29	Generator Manufacturer (A4): Enter the abbreviation for the manufacturer of each generating unit, from the Register of Data Standards, IDMFEQ.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0606	HYDROELECTRIC PLANT CAPABILITY DATA	1 of 3

I. DESCRIPTION

This schedule is used to collect data on hydroelectric plant dependable hydroelectric capacity and potential energy.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities with systems designated as Type I.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. General instructions and definitions.

1. The data to be reported are intended to present a realistic picture of the potential energy and capacity of system hydroelectric plants under the specified flow conditions. The data to be reported should be based upon an assumed schedule of system operation that would permit serving the maximum possible annual system load with existing facilities and arrangements for purchase or sale of firm power, assuming a continuance of the relative seasonal and hourly variations of load that occurred during the year of this report. Contracts for purchase or interchange of off-peak energy also may be taken into account in determining the magnitude of the seasonal load that could be carried by the system and the necessary scheduling of system operations, provisions for necessary maintenance scheduling and reserve capacity to be supplied by own system should be taken into account.

2. The information to be reported under adverse flow conditions should, in general, be based on stream flows equivalent for the year giving the most adverse flow conditions of record during the critical period of system operation. Where stream-flow records indicate that the most adverse flows are not likely to occur except at long intervals of time and are likely to be of a very short duration, the figures used in determining the capacity and energy available from hydro plants may be modified, treating such abnormal limitations as emergency conditions to be covered by the reserve capacity; such modifications, however, should be fully explained. Any system which maintains comparable data based on flows during a year which would give the minimum potential annual output, or based on minimum flow or output for each month, may report on whichever basis it believes will present the most realistic condition for its system. The basis of reporting should be fully explained in the space provided and footnotes.

3. Information to be reported under average or median flow conditions may be made on the assumption of the recurrence of flows equivalent to a year which would give the average annual potential output or may be based on median flow or output for each month, or average flow or output for each month, whichever it is believed will present the most realistic condition for its system. The basis of reporting should be fully explained in footnotes.

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DETAILED INSTRUCTIONS: SCHEDULE 0606	HYDROELECTRIC PLANT CAPABILITY DATA	2 of 3

4. "Run-of-river" refers to those plants whose operations cannot be regulated over a period of more than a few hours, either from storage at site or above, but whose operation is, in general, controlled by the volume of flow which must be utilized as it occurs or be wasted.

   "Storage" refers to those plants whose operations can be varied as desired because of storage at site or above. This regulation may be weekly, monthly, or seasonal.

   "Total available energy" refers to the maximum potential output of the existing hydro-generating facilities on the basis of the regulated stream flow, regardless of whether such output can be fully utilized in serving system load or by transfer to other systems. The monthly distribution of storage energy should be such as to permit the serving of the maximum annual peak load under the conditions outlined in instruction 1. However, where required releases for irrigation, navigation, flood control, and other water-use are controlling, the monthly distribution of available energy should reflect the effect of such requirements and full explanation should be given in footnotes.

   "Capability" in any month is the machine capability under the most adverse conditions to be expected in that month under the assumed flow conditions without respect to the energy available or the characteristics of the load to be served other than the power factor conditions normally to be expected.

   "Dependable capacity" in any month is that capacity that can be relied upon for serving system load and firm power commitments on the basis of the energy available in that month and its use as limited by the characteristics of the load to be served.

5. Dependable hydroelectric capacity as used in this power system statement is intended to be the capacity value of the system hydroelectric plants in serving together with the other available system capacity, the maximum annual system peak load under the conditions given in instruction 1. For any specified period, on the basis of complete utilization of available storage energy over the critical flow periods, it represents the difference between the peak load for that period and the maximum other capacity required. Where a portion of storage energy is scheduled to be held as a reserve for emergency use only the dependable capacity should also include the reserve capacity value of such energy reserve.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0606	HYDROELECTRIC PLANT CAPABILITY DATA	3 of 3

Data Field Number	Instructions
2 (Key)	Type of Flow Condition (N1): Enter either "1" for adverse conditions, or "2" for median or average conditions, as explained in instructions C.2 and C.3 in General Information section. Initial submission must have both conditions, requiring two schedules per plant. (INETOR)
3 (Key)	Data Year (N4): Year for which data is reported. Report year, in the format YYYY. (TMYEAR)
4	Basis for Reporting Flow Data (A50): As explained in instruction C.2 in General Information section. (IDDESC)
5 (Key)	Month (N2): Enter the code, from the Register of Data Standards, TMMOYR.
NOTE:	Enter energy figures in data fields 6 and 7 for storage plants, in data field 8 for run-of-river plants.
6	Natural Flow (N6) MWH: Enter energy from natural flow for each storage plant.
7	Storage (N6) MWH: Enter energy in storage. When energy is drawn from storage, show as positive quantity; when energy is stored, show as negative quantity, as explained in General Instructions.
8	Run-of-River (N6) MWH: Enter energy for each run-of-river plant.
9	Total Available (N6) MWH: Total available energy, sum of data fields 6 and 7 above for each storage plant and quantity in data field 8 above for each run-of-river plant.
10	In Storage End of Month (N6) MWH: Change in storage based on entry in data field 7 above.
11	Machine Capability Run-of-River (N5.2) MW: For each run-of-river plant only.
12	Machine Capability Storage (N5.2) MW: For each storage plant only.
13	Dependable Capacity (N5.2) MW: As defined in instruction C.4 of General Information.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0607	PUMPED STORAGE PLANT DESIGN DATA	1 of 4

I. DESCRIPTION

This schedule is designed to collect data on design parameters of pumped storage plants.

II. GENERAL INFORMATION

A. This schedule will be submitted by electric utilities for all plants with pumped storage electric installed capacity of 10 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3	Pumped Storage Conventional (N1): Enter "1" if the plant being reported herein is part of a combined pumped storage and conventional operation; if not, enter "Ø" (i.e., pure pumped storage). (INYONO)
4	Year Constructed (N4): Enter the year in which plant construction began, in the format YYYY. (TMYEAR)
5	Year Last Unit Installed (N4): Enter the year in which the last generating unit was installed, in the format YYYY. (TMYEAR)
6	Type Construction (A1): Enter "C" for Conventional; "S" for Semi-Outdoor; or "F" for Full Outdoor. (TYCONS)
7	Power Factor (N1.2) NO: Report power factor to be expected at time of system peak in per unit.
8	Net Capability at Maximum Head (N7) MW: Report the net plant capability at maximum head.
9	Net Capability at Minimum Head (N7) MW: Report the net plant capability at minimum head.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0607	PUMPED STORAGE PLANT DESIGN DATA	2 of 4

Data Field Number	Instructions
10	Annual Generation (N11) MWH: Report the estimated average annual generation.
11	Pumping Energy (N11) MWH: Report the estimated average annual pumping energy.
12	Method of Operation (N1): Enter "1" for automatic or remote control; "2" for semi-automatic; and "3" for manual. (TYPLOP)
13	Number of Future Units (N2) NO: Enter the number of future units provided for in the present plant configuration.
14	Capacity Future Units (N5.2) MW: Report the total capacity of the units listed in data field 13 above.
15	Planned Ultimate Generating Capacity (N5.2) MW: Report the total planned ultimate generating capacity of the plant.
16	Output Amount - 50 Per Cent Load (N7) MW: Specify output at 50 per cent station load.
17	Estimated Water Use - 50 Per Cent Load Maximum (N4) CFS/KW: Report the estimated water use at 50 per cent station load, under maximum head conditions.
18	Estimated Water Use - 50 Per Cent Load Minimum (N4) CFS/KW: Report as in data field 17 above, except under minimum head conditions.
19	Output Amount - 75 Per Cent Load (N7) MW: Specify output at 75 per cent station load.
20	Estimated Water Use - 75 Per Cent Load Maximum (N4) CFS/KW: Report as in data field 17 above, for 75 per cent station load.
21	Estimated Water Use - 75 Per Cent Load Minimum (N4) CFS/KW: Report as in data field 18 above, for 75 per cent station load.
22	Output Amount - Full Load (N7) MW: Specify output at full station load.
23	Full Load - Maximum Head (N4) CFS/KW: Report as in data field 17 above, for full station load.
24	Full Load - Minimum Head (N4) CFS/KW: Report as in data field 18 above, for full station load.
25	Overall - Maximum Head (N5.2) PCT: Overall conversion effi-

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0607	PUMPED STORAGE PLANT DESIGN DATA	3 of 4

Data Field Number	Instructions
25 (cont'd)	ciency (kilowatt hour output divided by kilowatt hour input) under maximum head conditions.
26	Overall - Minimum Head (N5.2) PCT: Report as in data field 25 above, but for minimum head conditions.
27	Full Station Load Pumping - Maximum (N7) MW: Full station load pumping under maximum head conditions.
28	Full Station Load Pumping - Minimum (N7) MW: Report as in data field 27 above, but for minimum head conditions.
29	Upper Pond Area (N6) ACRE: Area of upper pond at normal full pond level.
30	Lower Pond Area (N6) ACRE: Area of lower pond at normal full pond level.
31	Maximum Drawdown - Upper Pond (N4) FT: Maximum drawdown from normal full pond level of upper pond.
32	Maximum Drawdown - Lower Pond (N4) FT: Maximum drawdown from normal full pond level of lower pond.
33	Upper Pond Storage (N8) ACFT: Report, for the upper pond, the storage or pondage from maximum drawdown.
34	Lower Pond Storage (N8) ACFT: Report, for the lower pond, the storage or pondage from maximum drawdown.
35	Normal Upper Pond Elevation (N5) FT: Report the normal full pond elevation of the upper pond (above mean sea level).
36	Normal Lower Pond Elevation (N5) FT: Report the normal full pond elevation of the lower pond (above mean sea level).
37	Gross Maximum Head (N5) FT: Specify the gross maximum head under full station load (upper pond elevation minus lower pond elevation).
38	Gross Minimum Head (N4) FT: Specify the gross minimum head under full station load (upper pond elevation minus lower pond elevation).
39	Net Maximum Head (N4) FT: Report the effective net maximum head under full station load (gross head minus intake and conduit losses).

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0607	PUMPED STORAGE PLANT DESIGN DATA	4 of 4

Data Field Number	Instructions
40	Net Minimum Head (N4) FT: Report the effective net minimum head under full station load (gross head minus intake and conduit losses).
41	Upper Pool Storage (N4) MWH: Enter the storage in upper pool.
42	Upper Pool Storage - Hours (N4) HR: Enter the storage in upper pool as a measure of the hourly use of net plant capability.
43	Pump Starting Method (A35): Enter a brief description of the pump starting method. Abbreviate if necessary. (IDDESC)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0608	PUMPED STORAGE GENERATING UNIT DESIGN DATA	1 of 3

I. DESCRIPTION

This schedule is used to collect data on pumped storage generating units (including waterwheels of hydroelectric turbine pumps, generators or generator/motors).

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with pumped storage installed capacity of 10 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Do not report separate motor-driven pumps on this schedule.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Power House Generating Group ID (A5): Enter the unique power house generating group identification code, assigned by the respondent to each group. Report only those generating units which belong to the same generating group, on a single page of this schedule. (IDEQPT)
4 (Key)	Generating Unit ID (A5): Enter the unique generating unit identification code, assigned by the respondent to the units within each plant. This is the commonly used designation, and should always be used when referring to this unit. (IDEQPT)
5	Indicate Unit Auxiliary/Main (N1): Is the generating unit an auxiliary or main unit? Enter "1" for auxiliary; "2" for main. (INETOR)
6	Indicate Attended/Unattended (N1): Is the generating unit an attended unit? Enter "1" for attended; "2" for unattended. (INETOR)
7	Unit Design Head (N4) FT: Enter the design head (in feet) of the waterwheel associated with each generating unit.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0608	PUMPED STORAGE GENERATING UNIT DESIGN DATA	2 of 3

Data Field Number	Instructions
8	Gross Static Head (N4) FT: Enter the gross static head (in feet) of the waterwheel associated with each generating unit. This refers to gross head with pond full.
9	Operating Need as Turbine (N4) RPM: Enter the operating need (in RPM) of the waterwheel as a turbine.
10	Operating Need as Pump (N4) RPM: Enter the operating need (in RPM) of the waterwheel as a pump.
11	Maximum Capacity (N5.2) HP: Enter the maximum capacity (in horsepower) at design head of the waterwheel.
12	Runner Type (A1): Enter the abbreviation for runner (waterwheel) associated with each generating unit, from the Register of Data Standards, TYWWRN.
13	Waterwheel Type (N1): Enter the type of waterwheel associated with each generating unit. Use one of the following codes, from the Register of Data Standards, TYWWPR. 1 - Horizontal 2 - Vertical 3 - Inclined
14	Year Installed (N4): Enter the year in which the waterwheel associated with each generating unit was installed, in the format YYYY. (TMYEAR)
15	Indicator New When Installed (N1): Was the waterwheel new when installed? Enter "1" for yes; "0" for no. If the answer is "no", complete data field 23 or 24 below. (INYONO)
16	Year Manufactured (N4): Enter the year in which the waterwheel was manufactured only if the answer to data field 15 above is "no" and waterwheel was not rebuilt when installed, in the format YYYY. (TMYEAR)
17	Year Rebuilt (N4): Enter the year in which the waterwheel was rebuilt when installed, in the format YYYY. (TMYEAR)
18	Waterwheel Manufacturer (A4): Enter the abbreviation for manufacturer of the waterwheel associated with each generating unit, from the Register of Data Standards, IDMFEQ.
19	Indicator Generator/Motor (N1): Is the unit a generator or generator/motor? Enter "1" for generator; "0" for generator/motor. (INYONO)

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DETAILED INSTRUCTIONS: SCHEDULE 0608	PUMPED STORAGE GENERATING UNIT DESIGN DATA	3 of 3

Data Field Number	Instructions
20	Generator Nameplate Rating (N5.2) MVA: Enter the nameplate rating (in MVA) of each generator.
21	Motor Nameplate Rating (N6) KVA: Enter the nameplate capacity rating (in KVA) of the generator or generator/motor.
22	Nameplate Rating (N5.2) MW: Enter the nameplate rating generating capacity (in MW) of each generator.
23	Power Factor (N1.2) NO: Enter the nameplate rating power factor of each generator (in per unit).
24	HP Power Rating (N5.2) HP: Enter the nameplate capacity rating (in horsepower) of the motor.
25	Voltage (N5.2) KV: Enter the voltage of the generator or generator/motor (in kilovolts).
26	Phase (N1) NO: Enter the phase of each generator or generator/motor. Enter "1", "2", or "3".
27	Frequency (N2) HZ: Enter the frequency of each generator or generator/motor. For example, report "60" Hertz or "00" for DC.
28	Year Generator Installed (N4): Enter the year in which each generator or generator/motor was installed, in the format YYYY. (TMYEAR)
29	Indicator New When Installed (N1): Was the generator or generator/motor new when installed? Enter "1" for yes; "0" for no. If the answer is "no", complete data field 30 or 31 below. (INYONO)
30	Year Manufactured (N4): Enter the year in which the generator or generator/motor was manufactured if the answer to data field 29 above is "no" and if the unit was not rebuilt when installed, in the format YYYY. (TMYEAR)
31	Year Rebuilt (N4): Enter the year in which the generator or generator/motor was rebuilt if the answer to data field 29 above is "no" and if the unit was rebuilt when installed, in the format YYYY. (TMYEAR)
32	Generator/Motor Manufacturer (A4): Enter the abbreviation for the manufacturer of each generator or generator/motor, from the Register of Data Standards, IDMFEQ.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0609	PUMPED STORAGE PLANT SEPARATE MOTOR-DRIVEN PUMPS, DESIGN DATA	1 of 2

I. DESCRIPTION

This schedule is designed to collect data on separate motor-driven pumps installed at pumped storage generating plants.

II. GENERAL INFORMATION

A. This schedule will be submitted by electric utilities for all plants with pumped storage installed capacity of 10 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Power House Generating Group ID (A5): Enter the unique power house generating group identification code assigned by the respondent (as defined in Part III of the General Instructions for Electric Utility Respondents). (IDEQPT)
4 (Key)	Motor-Driven Pump ID (N2): Enter the unique identification code assigned (by the respondent) sequentially to each motor-driven pump within the generating group. Once assigned, this code must be used to identify the pump on each submission. (IDEQPT)
5	Pump Type (N1): Enter the code, from the Register of Data Standards, TYPUMP.
6	Horsepower Name-plate Rating (N6) HP: Enter the name-plate capacity rating of each separate motor-driven pump.
7	MVA Name-plate Rating (N6) MVA: Enter the name-plate capacity rating of each separate motor-driven pump.
8	Phase (N1) NO: Enter the phase of each separate motor-driven pump (enter "1", "2" or "3").
9	Frequency (N2) HZ: Enter the frequency, or D.C., whichever applies, for each separate motor-driven pump (i.e., report "60" Hertz or "ØØ" for DC).

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0609	PUMPED STORAGE PLANT SEPARATE MOTOR-DRIVEN PUMPS, DESIGN DATA	2 of 2

Data Field Number	Instructions
10	Operating Speed (N4) RPM: Enter the operating speed of each separate motor-driven pump.
11	Power Factor (N1.2) NO: Enter the power factor for each motor-driven pump.
12	Voltage (N5.2) KV: Enter the voltage for each motor-driven pump.
13	Year Pump Installed (N4): Enter the year in which each separate motor-driven pump was installed, in the format YYYY. (TMYEAR)
14	New When Installed Indicator (A1): Was the pump new when installed? Enter "1" for yes; "Ø" for no. If the answer is no, complete data fields 15 or 16 below. (INYONO)
15	Year Manufactured (N4): Enter the year in which the pump was manufactured only if the answer to data field 14 above is "no" and if the pump was not rebuilt when installed, in the format YYYY. (TMYEAR)
16	Year Rebuilt (N4): Enter the year in which the pump was rebuilt if the answer to data field 14 above is "no" and if the pump was rebuilt when installed, in the format YYYY. (TMYEAR)
17	Manufacturer (A4): Enter the code for the manufacturer of each separate motor-driven pump, from the Register of Data Standards, IDMFEQ.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0610 INTERNAL-COMBUSTION AND GAS-TURBINE PLANT DESIGN DATA		1 of 2

I. DESCRIPTION

This schedule is used to collect data on the design characteristics of internal-combustion and gas-turbine electric generating equipment.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for electric generating plants with internal-combustion and gas-turbine equipment of 10 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter "IC" for internal-combustion engines; "GT" for gas-turbines. If a plant is equipped with both types of units, report each type separately using the same plant code in data field 1 above. (TYPLPW)
3	Construction Type (A1): Enter the abbreviation, from the Register of Data Standards, TYCONS.
4	Indicator Plant for Peak Load (N1): Enter "1" if the plant is designed for peak load service; if not, enter "Ø". (INYONO)
5	Year Originally Constructed (N4): Enter the year in which the plant was originally constructed, in the format YYYY. (TMYEAR)
6	Year Last Unit Installed (N4): Enter the year in which the last unit was installed at the plant, in the format YYYY. (TMYEAR)
7	Power Factor (N1.2) NO: Enter the power factor condition (in per unit) normally expected at time of system peak. Note: The capabilities reported in data fields 8-10 below must be based on the power factor entered in data field 7.

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DETAILED INSTRUCTIONS: SCHEDULE 0610 INTERNAL-COMBUSTION AND GAS-TURBINE PLANT DESIGN DATA		2 of 2

Data Field Number	Instructions
8	One-Hour Load Net Capability (N5.2) MW: Enter net plant capability (in megawatts) for loads of one-hour duration. Note: This entry must be based on the power factor condition normally to be expected at time of system peak, as entered in data field 7 above.
9	Two-Hour Load Net Capability (N5.2) MW: Enter net plant capability (in megawatts) for loads of two-hour duration. Note: This entry must be based on the power factor condition normally expected at time of sytem peak, as entered in data field 7 above.
10	Continuing Load Net Capability (N5.2) MW: Enter net plant capability (in megawatts) for loads of continuous duration. Note: This entry must be based on the power factor condition normally expected at time of system peak, as entered in data field 7 above.
11	Operation Method (N1): Enter one of the following codes for the method of plant operation: "1" - automatic; "2" - semi-automatic; and "3" - manual. (TYPLOP)
12	Number Future Units (N2) NO: Enter the number of future units provided for in present plant.
13	Capacity of Future Units (N6) MW: Enter the capacity (in megawatts) of future units provided for in present plant.
14	Ultimate Generating Capacity (N7) MW: Enter the planned ultimate generating capacity (in megawatts) of the plant.
15	Indicator Power Station (N1): If the internal-combustion or gas-turbine plant is located at a power substation, enter "1" in this data field; if not, enter "Ø". (INYONO)
16	Land Area for Existing Plant (N4) ACRE: Enter the land area (in acres) in use for the existing plant. Include land for generating plant, fuel storage areas, waste, disposal areas, etc.
17	Land Area for Ultimate Plant (N4) ACRE: Enter the total land planned or estimated (in acres) to be required for new units or new plant facilities at this location.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0611	INTERNAL-COMBUSTION AND GAS-TURBINE GENERATING GROUP DECISION DATA	1 of 3

I. DESCRIPTION

This schedule is designed to collect data on internal-combustion or gas-turbine generating groups.

II. GENERAL INFORMATION

A. This schedule shall be submitted annually by electric utilities for all plants with internal-combustion or gas-turbine installed capacity of 10 megawatts or greater during the subject year.

B. Respondents shall complete all data field on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Note that this schedule defines elements for generating groups. For gas-turbine units, a generating group is defined as any collection of gas-turbine generating units that are controlled from the plant control room through a single control house (cubicle). In the case of a single unit having unique characteristics, assign a generating group I.D., then complete the schedule for that unit. Internal-combustion units are reported as a single unit to the group.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter "IC" for internal-combustion engines; "GT" for gas-turbine, TYPLPW.
3 (Key)	Internal-Combustion Gas-Turbine Generating Group ID (A5): Enter the unique identification code, assigned by the respondent to each generating group. Note: See General Information, II-C. (IDEQPT)
4	Combined Cycle Steam-Electric Generating Group ID (A5): Enter the unique identification code, assigned by the respondent to the steam-electric generating group that operates in combined-cycle with this gas-turbine generating group. (IDEQPT)
5	Generating Unit ID (A5): Enter the unique identification code, assigned by the respondent to each generating unit. (IDEQPT)
6	Year Prime Mover Installed (N4): Enter the year in which the engines or turbines were installed, in the format YYYY. (TMYEAR)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0611	INTERNAL-COMBUSTION AND GAS-TURBINE GENERATING GROUP DESIGN DATA	2 of 3

Data Field Number	Instructions
7	Prime Mover Cycle Type (A2): Enter one of the following codes for the basic cycle of each group of engines or turbines: (TYPLPW) GO - Open cycle gas-turbine I2 - Two-cycle internal-combustion engine I4 - Four-cycle internal-combustion engine GC - Closed cycle gas-turbine
8	Indicate Belted or Direct Connected (N1): Enter the type of connection of prime mover to generator as follows: Enter "1" for belted; "2" for direct. (INETOR)
9	Rated Horsepower (N7) HP: Enter the rated capacity (in horsepower) of the gas-turbine or intenal-combustion prime mover.
10	Generator Nameplate Rating (N5.2) MVA: Enter the nameplate capacity rating (in MVA) of each generating unit (within the group being reported).
11	Nameplate Rating (N5.2) MW: Enter the nameplate capacity rating (in MW) of each generating unit (within the group being reported).
12	Power Factor (N1.2) NO: Enter the nameplate power factor rating of each generating unit (within the group being reported).
13	Operating Speed (N6) RPM: Enter the generating speed (in RPM) of each generating unit (within the group being reported).
14	Voltage (N3.2) KV: Enter the voltage (in KV) of each generating unit (within the group being reported).
15	Phase (N1) NO: Enter the phase of each generating unit (within the group being reported). Enter "1", "2", or "3".
16	Frequency (N2) HZ: Enter the frequency of each generating unit (within the group being reported). For example, report "60" Hertz.
17	Generator Year Installed (N4): Enter the year in which the generator group was installed, in the format YYYY. (TMYEAR)
18	Indicator Generator New When Installed (N1): Was the generator(s) new when installed? Enter "1" for yes; "0" for no. If the answer is "no", complete data fields 19 and 20 below. (INYONO)

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Data Field Number	Instructions
19	Year Generator Manufactured (N4): Enter the year in which the generator(s) were manufactured, only if the answer to data field 18 is "no", in the format YYYY. (TMYEAR)
20	Year Generator Rebuilt (N4): Enter the year in which the generator(s) were rebuilt, only if the answer to data field 18 is "no", in the format YYYY. (TMYEAR)
21	Generator Manufacturer (A4): Enter the abbreviation, from the Register of Data Standards, IDMFEQ.
22	Fuel Consumption - 50 Per Cent Load (N6) BTU/KWH: Enter the design fuel consumption of the engine or turbine when operating at 50 per cent load.
23	Output - 50 Per Cent Load (N10) MW: Enter the output (in megawatts) of the generator at 50 per cent load.
24	Fuel Consumption - 75 Per Cent Load (N6) BTU/KWH.
25	Output - 75 Per Cent Load (N10) MW.
26	Fuel Consumption - Full Load (N6) BTU/KWH.
27	Output - Full Load (N10) MW.
28	Turbine Inlet Air Temperature (N4) DEGF: Enter the inlet air temperature (in degrees Fahrenheit) of gas-turbine units only.
29	Turbine Inlet Gas Temperature (N4) DEGF: Enter the inlet gas temperature (in degrees Fahrenheit) of gas-turbine units only.
30	Turbine Exhaust Gas Temperature (N4) DEGF: Enter the exhaust gas temperature (in degrees Fahrenheit) of gas-turbine units only.
31	Prime Mover Manufacturer (A4): Enter the abbreviation, from the Register of Data Standards, IDMFEQ.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0612	STEAM-ELECTRIC PLANT DESIGN DATA	1 of 3

I. DESCRIPTION

This schedule is designed to collect general design data on steam-electric generating plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with steam-electric generating capacity, including nuclear, of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3	Construction Type (A1): Enter one of the following codes: "C" for conventional; "S" for semi-outdoor; or "F" for full outdoor. (TYCONS)
4	Amount of Land in Use (N6) ACRE: Enter total land requirements for generating plant, substation(s), fuel storage area, waste disposal area, and land used by cooling facilities.
5	Year Plant Constructed (N4): Enter the year in which original construction began, in the format YYYY. (TMYEAR)
6	Year Last Unit Installed (N4): Enter the year in which the last generating unit was installed, in the format YYYY. (TMYEAR)
7	Number of Future Units (N2) NO: Enter the total number of future units planned for installation.
8	Capacity Future Units (N5.2) MW: Enter the total capacity, in megawatts, of all future units.
9	Planned Ultimate Generating Capacity (N5.2) MW: Enter the total ultimate generating capacity of the plant in megawatts.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0612	STEAM-ELECTRIC PLANT DESIGN DATA	2 of 3

Data Field Number	Instructions
10	Condenser Water Source (A20): Report the name of the water source for the plant condenser units. (IDDESC)
11	Land Area for Ultimate Plant (N9) ACRE: Enter the projected land area in acres for the plant at ultimate size.
12	Minimum Available Condenser Water (N7) CFS: Enter the minimum amount of condenser water available to the plant in cubic feet per second.
13	Period Capability Limited (N3) DY: Enter the number of days (during one calendar year) when plant capability is normally limited by condenser water or ambient temperature.
14	Time of Year Capability Limited (A7): Enter the three character alphabetic codes for the beginning and ending months of the period when plant capability is limited by condenser water or ambient temperature. For example, if the period begins in July and ends in September, enter "JUL-SEP." The full list of abbreviations for the months of the year is printed in the Register of Data Standards, TMMOYR.
15	Energy Output - 50 Per Cent Load (N6) MW: Enter the output in megawatts for the plant at one-half load, assuming the most efficient combination of units.
16	BTU Consumption - 50 Per Cent Load (N6) BTU/KWH: Enter the half-load fuel consumption in BTU per net kilowatt-hour of station output.
17	Energy Output - 75 Per Cent Load (N6) MW.
18	BTU Consumption - 75 Per Cent Load (N6) BTU/KWH.
19	Energy Output - Full Load (N6) MW.
20	BTU Consumption - Full Load (N6) BTU/KWH.
21	Indicator Use of Steam (N1): Enter one of the following codes: "1" for sold or supplied to other departments; "2" for sold or supplied to industrial companies. (INETOR)
22	Coal State (A2): Enter the abbreviation for the state from which principal coal procurements were made, from the Register of Data Standards, IDSTAT.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0612	STEAM-ELECTRIC PLANT DESIGN DATA	3 of 3

Data Field Number	Instructions
NOTE:	In data fields 23-25 below, report data for continuous use fuels only. Do not enter data for flame stabilization or start-up fuels.
23	Coal BTU (N5) BTU: Enter the average BTU per pound of coal as fired.
24	Oil BTU (N6) BTU: Enter the average BTU per gallon of oil fired.
25	Gas BTU (N5) BTU: Enter the average BTU per cubic foot of gas as fired.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0613	STEAM-ELECTRIC GENERATING UNIT DESIGN DATA, TURBINE DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect data on the design characteristics of steam turbines installed at electric generating plants.

I. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with steam-electric (including nuclear) installed capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. For cross-compound units, report separately for high-pressure section and low-pressure section.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Generating Group ID (A5): Assign a unique identification code to the "generating group" of which the associated generator is a member. This code need be unique within each plant only. In order to maintain the integrity of the data, this code must be associated with the same generating group from schedule to schedule and from year to year. Please keep records of these permanently assigned codes. (IDEQPT)
4 (Key)	Generating Unit ID (A5): Assign a unique identification code to each generator within the plant. This code should be the commonly used designation. (IDEQPT)
5 (Key)	Turbine ID (A5): Assign a unique five-character identification code for each turbine within the plant. For cross-compound units report the high and low pressure sections separately, prefacing the identification codes with "H" or "L", respectively. (IDEQPT)
6	Turbine Maximum Rating (N5.2) MW: Enter the maximum nameplate rating of the turbine unit. If installation is dual rated, enter the rating for the turbine-generator only.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0613	STEAM-ELECTRIC GENERATING UNIT DESIGN DATA, TURBINE DATA	2 of 2

Data Field Number	Instructions
7	Casing Type (A2): Code for type of casing, as follows: (TYTURB) TC = Tandem-compound CC = Cross-compound SC = Single casing TU = Topping unit NC = Noncondensing
8	Throttle Steam Pressure (N5) PSIG: Enter the throttle pressure of each turbine unit. For dual rated installation, enter for turbine-generator only.
9	Operating Speed (N7) RPM: Enter operating speed of each turbine.
10	Throttle Temperature (N4) DEGF: Enter throttle temperature.
11	Reheat Temperature (N3) DEGF: Enter the steam temperature of reheat stage of turbine, if applicable.
12	Exhaust Pressure (N2.2) IN/HG: Enter the exhaust pressure of the turbine.
13	Full Load Steam Rate (N6) LB/KWH: Enter the steam rate of turbine at full load.
14	Full Load Heat Rate (N8) BTU/KWH: Enter the heat rate of turbine at full load.
15	Turbine Manufacturer (A4): Enter the abbreviation for the turbine manufacturer, from the Register of Data Standards, IDMFEQ.
16	Year Turbine Installed (N4): Enter the year when turbine was installed, in the format YYYY. (TMYEAR)
17	Indicator New When Installed (N1): Enter "1" for yes, "0" for no. (INYONO)
18	If Not New, Year Turbine Manufactured (N4): Report if "no" answer to data field 17 above, in the format YYYY. (TMYEAR)
19	If Not New, Year Turbine Rebuilt (N4): Report if "no" answer to data field 17 above, in the format YYYY. (TMYEAR)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0614	STEAM-ELECTRIC GENERATING UNIT DESIGN DATA (GENERATING DATA AND COOLING FACILITY)	1 of 3

I. DESCRIPTION

This schedule is designed to collect data on the design parameters of generators and cooling facilities at steam-electric plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with steam-electric installed capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. The steam-electric generating group is defined as being composed of those generating units and boilers with a common steam header.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only, TYPLPW.
3 (Key)	Generating Group ID (A5): Enter the unique identification number, assigned by the respondent for the steam-electric generating group to which each unit reported in data field 6 belongs. See Part III of the General Instructions for Electric Utility Respondents. (IDEQPT)
4	Steam Energy Source (N2): Enter the two-digit numeric code for nuclear, geothermal, and fossil fuel steam sources for the generator-turbine group identified in data field 3 above, from the Register of Data Standards, TYFUEL.
5	Combined-Cycle Gas-Turbine Generating Group ID (A5): If the generating group identified in data field 3 above operates in combined-cycle with a gas-turbine unit, enter the gas-turbine group identification code. (See Part III of the General Instructions for Electric Utility Respondents.) (IDEQPT)
6 (Key)	Generating Unit ID (A5): Enter the unique commonly used designation for the generating units included in the generating group identified in data field 3 above. (IDEQPT)
7	Indicator Unit Auxiliary/Main (N1): Enter "1" if the unit is auxiliary; "2" if the unit is main. (INETOR)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0614	STEAM-ELECTRIC GENERATING UNIT DESIGN DATA (GENERATOR DATA AND COOLING FACILITY)	2 of 3

Data Field Number	Instructions
8	Turbine-Generator Capability (N6) MW: Enter the maximum gross capability (in megawatts) of the associated turbine-generator.
9	Hydrogen Pressure (N4) PSIG: Enter the hydrogen pressure (in PSIG) of the associated turbine-generator.
10	Minimum Nameplate Rating (N7) MW: Enter the minimum nameplate capacity rating (in megawatts) of each generating unit.
11	Maximum Nameplate Rating (N7) MW: Enter the maximum nameplate capacity rating (in megawatts) of each generating unit.
12	Minimum Hydrogen Pressure (N2.1) PSIG: Enter the hydrogen pressure (in PSIG) associated with the minimum nameplate rating reported in data field 10 above.
13	Maximum Hydrogen Pressure (N3) PSIG: Enter the hydrogen pressure (in PSIG) associated with the maximum nameplate rating reported in data field 12 above.
14	Coolant Type (A1): Enter the abbreviation for the coolant used in each generating unit, from the Register of Data Standards, TYCLGN.
15	Power Factor (N1.2) NO: Enter the nameplate power factor of each generating unit.
16	Voltage (N4.2) KV: Enter the voltage (in KV) of each generating unit.
17	Phase (N1) NO: Enter the phase of each generating unit. Enter "1", "2", or "3".
18	Frequency (N2) HZ: Enter the frequency of each generating unit For example, report "60" Hertz.
19	Operating Speed (N4) RPM: Enter the operating speed (in RPM) of generating units.
20	Manufacturer (A4): Enter the abbreviation for the manufacturer of the generating unit, from the Register of Data Standards, IDMFEQ.
21	Year Installed (N4): Enter year when generating unit was installed, in the format YYYY. (TMYEAR)
22	Indicator Generating Unit New When Installed (N1): Enter "1" if the generating unit was installed new; if not, enter "0". (INYONO)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0614	STEAM-ELECTRIC GENERATING UNIT DESIGN DATA (GENERATOR DATA AND COOLING FACILITY)	3 of 3

Data Field Number	Instructions
23	Year Manufactured (N4): Enter the year generating unit was manufactured if not installed new, in the format YYYY. (TMYEAR)
24	Year Rebuilt (N4): Enter the year the generating unit was rebuilt if not installed new, in the format YYYY. (TMYEAR)
NOTE:	Data fields 25-27 below, cross-reference the turbine-generator unit to the cooling facility type and the associated condenser.
25	Cooling Facility Type (A3): Enter the code for the type cooling facilities associated with each turbine-generator unit, from the Register of Data Standards, TYCLCD.
26	Cooling Facility ID (A5): Enter the unique identification code, assigned (by the respondent) of the cooling facility associated with each turbine-generator unit. (Same code as on Schedule 0625, data field 3.) (IDEQPT)
27	Temperature Rise (N2): Enter the designed temperature rise across the condenser. (Degrees Fahrenheit).
28	Rate of Flow (N6): Enter the designed rate of flow through the condenser. (CFS).

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0615	BOILER DESIGN DATA	1 of 4

I. DESCRIPTION

This schedule is used to collect data on the general design characteristics of fossil fuel-fired boilers at steam-electric generating plants and data where applicable on boilers at nuclear generating plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all electric utility plants with steam-electric including nuclear generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Report the appropriate fields on this schedule for all steam-electric units including those operated in a combined-cycle with a combustion turbine and nuclear units.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only, TYPLPW.
3 (Key)	Generating Group ID (A5): Enter the unique identification code, assigned by the respondent to the generating group of which the boiler is a part. (IDEQPT)
4 (Key)	Boiler ID (A5): Enter the unique boiler identification code, assigned by the respondent to each boiler. Report only a single boiler in each entry, do not combine two or more boilers in a single entry. This should be the respondent's commonly used designation. (IDEQPT)
5	Information Status (N1): Enter the following codes for the type of report: (TYSTOP) 1 - Placed in operation during the year 2 - Altered during the year 3 - Not previously reported on this schedule 4 - Amended report
6	Manufacturer (A4): Enter the abbreviation, from the Register of Data Standards, IDMFEQ. If the abbreviation for the

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DETAILED INSTRUCTIONS: SCHEDULE 0615	BOILER DESIGN DATA	2 of 4

Data Field Number	Instructions
6 (cont'd)	manufacturer is not found in the Register of Data Standards, enter the name in data field 7 below.
7	Name Other Manufacturer (A35): If the name of the manufacturer is not included in the Register of Data Standards, enter the name of the manufacturer in this data field, abbreviate if necessary. (IDNAME)
8	Year Installed (N4): Enter the year in which boiler was placed in service, in the format YYYY. (TMYEAR)
9	Maximum Continuous Steam Capacity (N9) MLB/HR: Enter the maximum continuous steam capacity (in 1000 pounds/hour) of each boiler.
10	Rated Pressure (N4) PSIG: Enter the rated pressure (in PSIG) of each boiler.
11	Boiler Rated Steam Temperature - Initial (N4) DEGF: Enter the initial rated steam temperature (in degrees Fahrenheit) for boiler.
12	Fuel Type (N2): Enter the code for principal fuel burned, from the Register of Data Standards, TYFUEL.
13	Coal Consumption (N4.2) TON/HR: Enter the design fuel consumption of coal (in tons/hour) at 100 per cent rating.
14	Oil Consumption (N4.2) BBL/HR: Enter the design fuel consumption in oil (barrels/hour) at 100 per cent rating.
15	Gas Consumption (N4.2) MCF/HR: Enter the design fuel consumption of gas (in 1000 cubic feet/hour) at 100 per cent rating.
16	100 Per Cent Load Efficiency (N3.2) PCT: Enter the boiler efficiency (in per cent) at 100 per cent load.
17	75 Per Cent Load Efficiency (N3.2) PCT: Enter the boiler efficiency (in per cent) at 75 per cent load.
18	50 Per Cent Load Efficiency (N3.2) PCT: Enter the boiler efficiency (in per cent) at 50 per cent load.
19	Total Air Flow (N6.2) CFM: Enter total air flow (in standard cubic feet/minute) including excess air at 100 per cent load.
20	Excess Air (N3) PCT: Enter per cent of excess air used at 100 per cent load.

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DETAILED INSTRUCTIONS: SCHEDULE 0615	BOILER DESIGN DATA	3 of 4

Data Field Number	Instructions
21	Indicator Wet/Dry Bottom (N1): For coal fired boilers only. Enter "1" for wet bottom; "2" for dry bottom. (INETOR)
22	Indicator Flyash (N1): If there is flyash reinjection, enter "1" for yes; if not, enter "Ø". (INYONO)
23	Type of Firing (A4): Enter the code, from the Register of Data Standards, TYBLFR.
24	Name of Other Type Firing (A20): If the type of firing is not specified in the Register of Data Standards, enter the name of "other type". Abbreviate if necessary. (IDDESC)
25	Indicator Burn Coal (N1): Enter "1" if boiler is equipped to burn coal; if not, enter "Ø". (INYONO)
26	Number of Days to Convert Coal (N3) DY: If the answer to data field 25 above is "yes", but equipment changes or maintenance are required to burn coal, state time period (in days) for completion of such changes or maintenance.
27	Indicator Continuous Coal Burning (N1): Enter "1" for yes, if the boiler is capable of burning coal continuously; if not, enter "Ø". (INYONO)
28	Explain Not Burning Coal Continuously (A20): Enter a brief description of the reason that the boiler cannot burn coal continuously. (IDDESC)
29	Coal Capacity Derating (N3) PCT: Enter the derating (per cent) of related generator capacity when burning coal.
30	Indicator Oil Burning (N1): Enter "1" for yes, if the boiler is equipped to burn oil; if not, enter "Ø". (INYONO)
31	Indicator Continuous Oil Burning (N1): Enter "1" for yes, if the boiler is capable of burning oil continuously; if not, enter "Ø". (INYONO)
32	Oil Capacity Derating (N3) PCT: Enter the derating (per cent) of related generating capacity when burning oil.
33	Indicator Gas Burning (N1): Enter "1" for yes, if the boiler is equipped to burn gas; if not, enter "Ø". (INYONO)
34	Indicator Firm Gas (N1): If gas is available on a firm basis, enter "1"; if not, enter "Ø". (INYONO)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0615	BOILER DESIGN DATA	4 of 4

Data Field Number	Instructions
35	Gas Capacity Derating (N3) PCT: Enter the derating (per cent) of related generating capacity when burning gas.
36	Boiler Rated Steam Temperature - Reheat (N4) DEGF: Enter rated steam temperature (in degrees Fahrenheit) to reheat boilers.
37	Year Boiler Manufactured, If Not New (N4): If applicable, enter the year, in the format YYYY. (TMYEAR)
38	Year Boiler Rebuilt, If Not New (N4): If applicable, enter the year, in the format YYYY. (TMYEAR)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULES 0616	COMMON FUEL-FEEDERS BY BOILER	1 of 1

I. DESCRIPTION

This schedule is designed to collect data on the configuration of fuel-feeders common to multiple boilers at steam-electric generating plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all fossil-fueled steam-electric generating plants having common fuel-feeder systems for two or more boilers and which have installed generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. A common fuel-feeder system is defined as a system which supplies any one type of fuel to more than one boiler by means of common distribution equipment. As an example, a plant having two boilers, both served by the same feeder systems for each of three different fuels, would report six common fuel-feeder systems.

D. Complete, in full, a separate entry (i.e., a separate line, in this case) for each boiler served by a common fuel-feeder system.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Generating Group ID (A5): Enter the unique identification code assigned by the respondent to the steam-electric generating group of which the boiler being described is a member. (IDEQPT)
4 (Key)	Boiler ID (A5): Enter the unique identification code assigned by the respondent to each boiler which receives fuel from a common fuel-feeder system. (IDEQPT)
5 (Key)	Fuel-Feeder ID (A5): Enter the unique identification code assigned by the respondent to each fuel-feeder system which serves the boiler being described. (IDEQPT)
6	Type Fuel-Feeder System (N2): Enter the code for the fuel-feeder system, from the Register of Data Standards, TYFUEL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0617	BOILERS SERVED BY FUEL-FEEDER SYSTEMS	1 of 2

I. DESCRIPTION

This schedule is designed to collect data on the configuration of fuel-feeders common to multiple boilers at steam-electric generating plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all fossil-fueled steam-electric generating plants having common fuel-feeder systems for two or more boilers and which have installed generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. A common fuel-feeder system is defined as a system which supplies any one type of fuel to more than one boiler by means of common distribution equipment. As an example, a plant having two boilers, both served by the same feeder systems for each of three different fuels, would report six common fuel-feeder systems.

D. Complete, in full, a separate entry (a separate line in this case) for each unique combination of a boiler, fuel-feeder system, and fuel type.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Fuel-Feeder ID (A5): Enter the unique identification code assigned by the respondent to each fuel-feeder system at the plant. Once assigned, always use the same code when referring to this fuel-feeder system. (IDEQPT)
4	Fuel Type (N2): Enter the code for the type of fuel associated with each fuel-feeder system, from the Register of Data Standards, TYFUEL.
5 (Key)	Generating Group ID (A5): Enter the unique identification code assigned by the respondent to the steam-electric generating group of which each boiler associated with the common fuel-feeder system is a member. Once assigned, always use the same code when referring to this generating group. (IDEQPT)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0617	BOILERS SERVED BY FUEL-FEEDER SYSTEMS	2 of 2

Data Field Number	Instructions
6	Boiler ID (A5): Enter the unique identification code assigned by the respondent to each boiler which receives fuel from a common fuel-feeder system. Once assigned, always use the same code when referring to this boiler. (IDEQPT)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0618	STACK DESCRIPTIVE DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect data on the design parameters of stacks associated with fossil fuel-fired boilers at steam-electric generating plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for plants with steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Include on separate sheet a stack orientation diagram showing the position of stacks by stack number to correspond with the identification given in data field 3 below. Show true North on the diagram.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Stack ID (A5): Enter a unique stack identification code for each stack assigned by the respondent. This code is to be used whenever referring to this stack. (IDEQPT)
4	Installed Cost (N7) MDOL: Enter the installed cost of each stack at plant (in 1000 dollars).

NOTE: Cost should be reported as the original costs recorded on the utility's books of accounts and unitized as prescribed in the Federal Power Commission List of Units of Property effective January 1, 1961. It is realized certain items are not specifically unitized in the referenced list of property units. In this case the most accurate figure available is desired. In the case of stacks without foundation, include the stack cost plus those added costs which are essential to the stack operation and support.

5	Height Above Ground (N4) FT: Enter the height (in feet) above ground elevation.
6	Inside Diameter (N3) IN: Enter the inside diameter (in inches) of the flue at top of stack.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0618	STACK DESCRIPTIVE DATA	2 of 2

Data Field Number	Instructions
7	Non-Circular Stacks (N3) IN: If stack is not round (i.e., square, oval, etc.), enter the equivalent circumference of the inside diameter (in inches) of the flue at the top of stack.
8	Flue-Gas Rate at 100 Per Cent Load (N5) CFM: Enter the flue-gas rate (in actual cubic feet per minute) at top of stack at 100 per cent load.
9	Flue-Gas Rate at 75 Per Cent Load (N5) CFM: Enter the flue-gas rate (in actual cubic feet per minute) at top of stack at 75 per cent load.
10	Flue-Gas Rate at 50 Per Cent Load (N5) CFM: Enter the flue-gas rate (in actual cubic feet per minute) at top of stack at 50 per cent load.
11	Exit Gas Temperature at 100 Per Cent Load (N3) DEGF: Enter the exit gas temperature (in degrees Fahrenheit) at 100 per cent load.
12	Exit Gas Temperature at 75 Per Cent Load (N3) DEGF: Enter the exit gas temperature (in degrees Fahrenheit) at 75 per cent load.
13	Exit Gas Temperature at 50 Per Cent Load (N3) DEGF: Enter the exit gas temperature (in degrees Fahrenheit) at 50 per cent load.
14	Exit Gas Velocity 100 Per Cent Load (N4) FPS: Enter the exit gas velocity (in feet/second) at 100 per cent load.
15	Exit Gas Velocity 75 Per Cent Load (N4) FPS: Enter the exit gas velocity (in feet/second) at 75 per cent load.
16	Exit Gas Velocity 50 Per Cent Load (N4) FPS: Enter the exit gas velocity (in feet/second) at 50 per cent load.
17	Distance to Next Stack (N3) FT: Enter the distance (in feet) to the next stack (center to center).
18	Orientation of Stacks (N3) DEGG: Enter the orientation (in degrees clockwise from true North) of the line of stacks.
19	Indicate If Diagram (N1): Enter "1" if a diagram is submitted separately; "Ø" if not. (INYONO)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0619	BOILERS SERVED BY STACKS	1 of 1

I. DESCRIPTION

This schedule is designed to collect data on the interrelationship between stacks and the boilers (i.e., steam generators) served by them at electric generating stations.

II. GENERAL INFORMATION

A. This schedule will be submitted by electric utilities for all plants having installed steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Complete in full a separate entry (i.e., a separate line, in this case) for each combination of stack and boiler served. Thus, for a plant having three stacks each of which serves three boilers, complete nine entries.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Stack ID (A5): Enter the stack identification code for each stack at the plant. This must be a unique code assigned by the respondent. The same code must be used on all schedules when referring to the same stack. Also, the same codes are to be used from year to year. (IDEQPT)
4	Generating Group ID (A5): Enter the unique identification code assigned by the respondent to the steam-electric generating group with which the stack being described is associated. (IDEQPT)
5	Boiler ID (A5): Enter the unique identification code assigned by the respondent to each boiler served by a stack. Complete in full a separate entry (i.e., a separate line, in this case) for each boiler served by each stack. (IDEQPT)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0620	STACKS ASSOCIATED WITH BOILERS	1 of 1

I. DESCRIPTION

This schedule is designed to collect data on the interrelationship between boilers (i.e., steam-generators) and the stacks associated with them at electric generating stations.

II. GENERAL INFORMATION

A. This schedule will be submitted by electric utilities for all plants having installed steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Complete in full a separate entry (i.e., a separate line, in this case) for each combination of boiler and associated stack. Thus, for a plant having three boilers served by three stacks, complete nine entries.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Generating Group ID (A5): Enter the unique identification code assigned by the respondent to the steam-electric generating group of which the boiler being described is a member. (IDEQPT)
4	Boiler ID (A5): Enter the unique identification code assigned by the respondent to each boiler at the plant. (IDEQPT)
5	Stack ID (A5): Enter the unique identification code assigned by the respondent for each stack associated with each boiler being described. (IDEQPT)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0621	FLUE-GAS CLEANING EQUIPMENT - DESIGN DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect data on the design parameters of flue-gas cleaning equipment installed at steam-electric generating plants.

II. GENERAL INSTRUCTIONS

A. This schedule shall be submitted by electric utilities for all plants having flue-gas cleaning equipment and which have total installed steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Whenever "combination FGCE" occurs (data field 4 below) do not report the data for separate units.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	FGCE ID (A5): Enter the unique identification code assigned by the respondent for each flue-gas cleaning collector connected to the plant. Once assigned, the same code must always be used when referring to this equipment on all schedules and from year to year. (IDEQPT)
4	FGCE Type (A4): Enter the abbreviation, from the Register of Data Standards, TYFGCE.
5	Mechanical Type 1 (A4): If the collector is mechanical, enter the appropriate abbreviation from the Mechanical FGCE Collector Code specified in the Register of Data Standards, TYFGCE.
6	Mechanical Type 2 (A4): If the collector is mechanical, as coded in data field 4 above, and more than one type of mechanical configuration is used in series, report the second type in this field. Use the same abbreviation as referenced in data field 5 above, TYFGCE.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0621	FLUE-GAS CLEANING EQUIPMENT - DESIGN DATA	2 of 2

Data Field Number	Instructions
7	Design Efficiency (N2.2) PCT: Report the design efficiency of the FGCE unit (as a percentage to two decimal places).
8	Rate Mass Emission (N5) LB/HR: Enter the mass emission rate of the FGCE unit (in pounds per hour). Pounds per hour = $\frac{\text{Grains per Actual Cubic Foot} \times \text{Actual Cubic Foot per Hour}}{\text{7000 Grains per Pound}}$
9	Year Placed in Service (N4): Enter the year in which the FGCE unit was placed in service, in the format YYYY. (TMYEAR)
10	Installed Cost (N6) MDOL: Report the installed cost of FGCE unit (in 1000 dollars). See the General Instructions for Electric Utility Respondents for further information on reporting costs.
11	Manufacturer (A4): Enter the appropriate FGCE manufacturers abbreviation for the collector listed in data field 3 above, from the Register of Data Standards, IDMFEQ.
12	Name Other Manufacturer (A35): If the code "OTHE" is entered in data field 11 above, enter the name of the manufacturer in this data field. Abbreviate only if necessary. (IDNAME)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0622	BOILERS SERVED BY FGCE	1 of 1

I. DESCRIPTION

This schedule is used to collect data on the interrelationship of flue-gas cleaning equipment (FGCE) and the boilers (i.e., steam-generators) served by it at electric generating stations.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants having flue-gas cleaning equipment and which have total installed generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Complete, in full, a separate entry (i.e., a separate line, in this case) for each combination of FGCE and boiler served. Thus, for a plant having three units of FGCE, each of which serves three boilers, complete nine entries.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	FGCE ID (A5): Enter the flue-gas cleaning equipment collector identification code. This must be a unique code assigned by the respondent and maintained from schedule to schedule, and from year to year. (IDEQPT)
4 (Key)	Generating Group ID (A5): Enter the unique identification code assigned by the respondent to the steam-electric generating group which is associated with the FGCE unit being described. (IDEQPT)
5	Boiler ID (A5): Enter the unique identification code assigned by the respondent to each boiler which is served by FGCE. Complete in full a separate entry (i.e., separate line, in this case) for each boiler served by FGCE identified in data field 3 above. (IDEQPT)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0623	BOILER FGCE EQUIPMENT	1 of 1

I. DESCRIPTION

This schedule is used to collect data on the interrelationship between boilers (i.e., steam-generators) and the associated flue-gas cleaning equipment at electric generating stations.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants having flue-gas cleaning equipment (FGCE) and which have total installed generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Complete, in full, a separate entry (i.e., a separate line, in this case) for each combination of boiler and FGCE. Thus, for a plant having three boilers, each of which is served by three FGCEs, complete nine entries.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Generating Group ID (A5): Enter the unique identification code assigned by the respondent to the steam-electric generating group of which the boiler being described is a member. (IDEQPT)
4 (Key)	Boiler ID (A5): Enter the unique identification code assigned by the respondent to each boiler which is associated with FGCE. Complete, in full, a separate entry (i.e., a separate line in this case) for each associated FGCE collector. (IDEQPT)
5 (Key)	FGCE ID (A5): Enter the flue-gas cleaning equipment collector identification code. This must be a unique code assigned by the respondent and always used when referring to this equipment. (IDEQPT)
6	FGCE Type (A4): Enter the abbreviation for the flue-gas cleaning equipment type, from the Register of Data Standards, TYFGCE.

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I. DESCRIPTION

This schedule is used to collect data on the design characteristics of steam-electric plant cooling facilities.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants having steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Cooling facilities are defined as cooling towers, cooling ponds, or once-through cooling facilities or any combination of the above which provides cooling water to a unique set of condensers.

D. The costs called for should be reported as the original costs reported on the utility's books of accounts and unitized as prescribed in the Federal Power Commission List of Units of Property effective January 1, 1961. In case certain items are not specifically unitized in the referenced list of property units, the most accurate figure available is required. The costs should include amounts for such items as pumps, piping, canals, ducts, intake and discharge structures, dams and dikes, reservoirs, cooling towers, and appurtenant equipment. The costs of condensers should not be included.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3	Cooling Facility ID (A5): Assign a unique identification code to each cooling facility within the plant. A cooling facility is defined as a once-through, pond, tower or any combination of the above which provides cooling water to a unique set of condensers. Once assigned, this code must always be used in referring to this facility from schedule to schedule and from year to year. (IDEQPT)
4	Indicate Combination Cooling Facility (N1): Enter "1" if this is a combination facility (i.e., a facility made up of more

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Data Field Number	Instructions
4 (cont'd)	than one of the cooling types defined in the Register of Data Standards, TYCOOL. Two towers or a tower and a pond are two examples of combination facilities. If the facility consists of only one such cooling type, such as a single pond, enter "Ø". (INYONO)
5	Total Cooling Capability (N11) MW: Enter the total cooling capability of this particular facility. If this is a combination facility, enter the sum of the cooling capability of each once-through, pond or tower.
6	Percentage Year Used in Combination (N3) PCT: If this is a combination facility, enter the percentage of the year the component parts of the facility are used in combination. If not combination, leave blank.
7	OTC Equipment ID (N2): Enter the respondent assigned sequence number, beginning with Ø1, for the once-through cooling equipment being described. This same number must be used when reporting future modification to this set of information and on other schedules supplying related data. On Schedule 0626, this value must be used in data field 4. (IDEQPT)
8	OTC Equipment Type (A3): Enter the appropriate cooling type, such as OTF for once-through, fresh, from the Register of Data Standards, TYCOOL. This value must be input upon Schedule 0626, data field 5.
9	OTC Designed Withdrawal Rate (N4) CFS: Enter design rate of withdrawal at full load, for once-through configurations only.
10	OTC Intake Direction from Plant Center (N3) DEGG: Enter the direction, from the center of the plant (in degrees, clockwise from true North) of the intake location associated with each once-through configuration.
11	OTC Intake Distance from Plant Center (N4) FT: Enter the distance from the center of the plant from the intake location associated with each once-through configuration.
12	OTC Intake Distance from Shore (N3) FT: Enter the distance from the shore of the water body to the intake location associated with each once-through configuration.
13	OTC Average Distance Below Surface (N3) FT: Enter the average distance below water surface of the intake location associated with each once-through configuration.
14	OTC Outfall Direction from Plant Center (N4) DEGG: In degrees from true North, for each once-through configuration.

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DETAILED INSTRUCTIONS: SCHEDULE 0625	PLANT COOLING FACILITY CHARACTERISTICS	3 of 4

Data Field Number	Instructions
15	OTC Outfall Distance from Plant Center (N3) FT: For each once-through configuration.
16	OTC Outfall Distance from Shore (N4) FT: For each once-through configuration.
17	OTC Average Outfall Distance Below Surface (N2) FT: For each once-through configuration.
18	OTC Installed Structure Cost (N4) MDOL: Report the installed cost for each once-through configuration as explained under General Information, II. D (in 1000's of dollars).
19	Indicate if OTC Diffusers Used (N1): Enter "1" for yes, "Ø" for no. If yes, reply in data field 20 below. (INYONO)
20	OTC Diffuser Use Explanation (A20): Briefly explain diffuser use. (IDDESC)
21	OTC Equipment Installation Year (N4): Enter the year the facility was installed, in the format YYYY. (TMYEAR)
22	Percentage Year OTC Used Independently (N3) PCT: Enter the percentage of the year this OTC facility is used independently for any other cooling facility.
23	Cooling Pond Equipment ID (N2): Enter the respondent assigned sequence number, beginning with Ø1, for the cooling pond being described in this entry. As indicated for data field 7 above, this value must appear on Schedule 0626, data field 4.
24	Cooling Pond Equipment Type (A3): Enter the cooling pond type, such as CP for cooling pond, from the Register of Data Standards, TYCOOL. This value must also be used on Schedule 0626, data field 5 when reporting source water data on this particular cooling pond.
25	Indicate if Spray Ponds Used (N1): Are spray ponds used? Enter "1" for yes, "Ø" for no. (INYONO)
26	Pond Total Surface Area (N5) ACRE: Enter surface area of cooling pond facility.
27	Pond Total Volume (N6) ACFT: Enter volume of cooling pond facility.
28	Pond Installation Costs (N6) MDOL: Report the installed cost of cooling pond facility, as explained under General Information, II. D (in 1000's of dollars).

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DETAILED INSTRUCTIONS: SCHEDULE 0625	PLANT COOLING FACILITY CHARACTERISTICS	4 of 4

Data Field Number	Instructions
29	Pond Installation Year (N4): Enter the year pond was installed, in the format YYYY. (TMYEAR)
30	Percentage Year Pond Used Independently (N3) PCT: Enter the percentage of the year that this cooling pond equipment is used independently of any other cooling equipment, i.e., not in combination.
31	Tower Equipment ID (N2): Enter the respondent assigned two-digit sequence number, beginning with Ø1, for the cooling tower being described in this entry. As indicated for data field 7 and 23 above, this value must be repeated whenever this information is modified. This same value must be specified in data field 4 of Schedule 0626 when reporting source water data for this cooling tower.
32	Tower Equipment Type (A3): Enter the cooling tower type, such as WCT for wet cooling tower, from the Register of Data Standards, TYCOOL. This same value must be input upon Schedule 0626, data field 5.
33	Tower Type Draft (N1): Enter type of draft of cooling tower, "1" for mechanical, or "2" for natural draft. (INETOR)
34	Tower Length (N3) FT: Enter length of cooling tower.
35	Tower Base Diameter (N3) FT: Enter diameter of base of cooling tower.
36	Tower Height (N3) FT: Enter height of cooling tower.
37	Tower Water Cooling Range (N2) DEGF: Enter the water cooling range of cooling tower; that is, the number of degrees the water is cooled within the equipment itself.
38	Tower Installation Costs (N5) MDOL: Enter the installed cost of cooling tower, as explained under General Information, II. D (in 1000's of dollars).
39	Tower Installation Year (N4): Enter year this tower was installed, in the format YYYY. (TMYEAR)
40	Percentage of Year Used Independently (N3) PCT: Enter percentage of year this tower is used independently of any other cooling facility.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0626	PLANT COOLING WATER SOURCE DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect data on the sources of steam-electric plant cooling water supply.

II. GENERAL INFORMATION

A. This schedule shall be submitted for all plants operated by an electric utility with a steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Complete a separate entry (data fields 1-14) for each cooling facility and source of water combination. For example, two sources of water and three cooling towers would require five entries.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Cooling Facility ID (A5): Enter the unique identification code assigned by the respondent to each cooling facility as defined in data field 3 of Schedule 0625. (IDEQPT)
4	Cooling Equipment Identification (N2): Enter the cooling equipment identification for once-through, pond, or towers as defined in data fields 7, 23, and 31 of Schedule 0625. (IDEQPT)
5 (Key)	Cooling Equipment Type (A3): Enter the code identifying facility type, from the Register of Data Standards, TYCLCD. This code must correspond to the value defined in data fields 8, 24, and 32 of Schedule 0625.
6 (Key)	Water Source Name (A25): Report the full, proper name of the source of cooling water for the facility identified in data field 3 above. Abbreviate, if absolutely necessary. (IDDESC)
7	Dependable Flow (N9) CFS: Enter the "7-day, 10-year dependable flow" for once-through cooling facilities or cooling ponds only. This refers to the seven-day average low flow

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0626	PLANT COOLING WATER SOURCE DATA	2 of 2

Data Field Number	Instructions
7 (cont'd)	discharge expected to occur not more frequently than once in ten years.
8	Average Flow (N7) CFS: Enter the average flow for once-through facilities or cooling ponds only. If average flow is not available for the subject year, an estimate may be made based on flows of previous years.
9	OTC Discharge Into Another Water Body - Explanation (A40): Enter a brief description of discharge to water bodies other than the original source, for once-through facilities only. (IDDESC)
10	OTC Discharge Other Than Downstream - Explanation (A40): Enter a brief description of discharge other than downstream from the water intake locations of once-through cooling facilities only. (IDDESC)
11	Annual Use (N3) DY: Enter the number of days cooling facility is used during report year.
12	Other Uses of Pond (A40): Enter a brief description of other uses of cooling pond, such as fishing, boating, hiking and camping, residential or industrial development. (IDDESC)
13	Location of Blowdown Discharge (A25): Enter the name of the receiving water body for each cooling tower. (IDDESC)
14	Indicate Licensed Project Jurisdication (N1): If source water or water into which discharge is made is under jurisdiction of a Federal Power Commission licensed project, enter "1"; if not, enter "Ø". (INYONO)
15	Licensed Project Number (A5): Enter the code for the licensed project, if indicated in data field 13 above, from the Register of Data Standards, IDLPRJ.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0627	PLANT GENERAL WATER USE DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect several general categories of water-quality related data from steam-electric plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Data fields 2-12 and 15-16 refer to specifications set forth in the applicable licenses or permits and not to the actual or design operation of the plant.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Downstream Distance (N5) FT: Enter the distance (in feet) which the mixing zone extends downstream from the point of discharge.
3	Shore Distance (N4) FT: Enter the distance (in feet) which mixing zone extends from the shore.
4	Summer Maximum Temperature - Outfall (N2) DEGF: Enter the summer maximum allowable temperature rise (in degrees Fahrenheit) of cooling water at the outfall to the receiving water body.
5	Summer Maximum Temperature - Mixing (N2) DEGF: Report the summer maximum allowable temperature rise (in degrees Fahrenheit) of cooling water at the limit of the defined mixing zone.
6	Summer Temperature Limit - Outfall (N3) DEGF: Enter the summer maximum allowable temperature (in degrees Fahrenheit) of cooling water at the outfall to the receiving water body.
7	Summer Temperature Limit - Mixing (N2) DEGF: Enter the summer maximum allowable temperature (in degrees Fahrenheit) of cooling water at the limit of the defined mixing zone.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0627	PLANT GENERAL WATER USE DATA	2 of 2

Data Field Number	Instructions
8	Winter Maximum Temperature - Outfall (N2) DEGF: Enter the winter maximum allowable temperature rise (in degrees Fahrenheit) of cooling water at the outfall to the receiving water body.
9	Winter Maximum Temperature - Mixing (N2) DEGF: Enter the winter maximum allowable temperature rise (in degrees Fahrenheit) of cooling water at the outfall to the receiving water body.
10	Winter Temperature Limit - Outfall (N3) DEGF: Report the winter maximum allowable temperature (in degrees Fahrenheit) of cooling water at the outfall to the receiving water body.
11	Winter Temperature Limit - Mixing (N2) DEGF: Enter the winter maximum allowable temperature (in degrees Fahrenheit) of cooling water at the limit of the defined mixing zone.
12	Frequency of Monitoring (A1): Enter the frequency of temperature monitoring of cooling water effluent. Enter "C" for continuously, "H" for hourly, "D" for daily, or "O" for other. (TYFREQ)
13	Licensed Project Water Use Indicator (A1): If source water or water into which discharge is made is under jurisdiction of Federal Power Commission Licensed Project, enter "1"; if not, enter "Ø". (INYONO)
14	Licensed Project Number (A5): Enter the code for the licensed project, if indicated in data field 13 above, from the Register of Data Standards, IDLPRJ.
15 (Key)	License Authority Type (N1): Enter the type of authority issuing licenses or permits for water use, from the Register of Data Standards, TYOWNA. If more than one authority is involved, enter the type in successive licensing authority type fields.
16	License Authority Description (A25): For each licensing authority type listed in data field 15 above, enter the name of the authority in the adjacent data field 16. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0629	PLANT SEWAGE EFFLUENT TREATMENT DESIGN DATA	1 of 2

I. DESCRIPTION

This schedule will collect information on treatment and disposal of plant sewage effluent by steam-electric plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities with steam-electric generating plants with a capacity of 25 megawatts or greater during the subject year. Note that data fields 6-11 are intended to collect the designed effluent treatment parameters of the system.

B. Respondents shall complete all data fields on this schedule annually.

C. If respondents have more than one sewage facility, data for each facility would be reported in separate entry.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Disposal Type (A2): Report the type of disposal used for plant sewage: "PS" for public sewer, "ST" for septic tank, "SW" for surface water body, or "OT" for other type. (TYSWDS)
3	Other Sewage Disposal Explanation (A20): If "OT" is entered in data field 2 above, enter a brief description of the other plant sewage disposal type. Abbreviate if necessary. (IDDESC)
4	Water Body Receiving Discharge (A20): Report both the name and the type of water body receiving plant sewage disposal discharge (e.g., enter "Mississippi River", not "Mississippi" or "River"). (IDDESC)
5 (Key)	Indicator Time of Observation Before/After (N1): This is a preprinted data field. "1" indicates data obtained before treatment; "2" indicates data obtained after treatment. (INETOR)
6	Basic Oxygen Demand (N2) PPM: Enter the basic oxygen demand (in parts per million).
7	pH (N2) pH: Enter pH reading.
8	Phosphates (N3) PPM: Enter phosphate value (in parts per million).

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0629	PLANT SEWAGE EFFLUENT TREATMENT DESIGN DATA	2 of 2

Data Field Number	Instructions
9	Name Other Quality (A20): Enter a brief description name of any other pertinent method of evaluating treatment of plant sewage effluent. (IDDESC)
10	Other Quality Amount (N3) NO: Enter the quantitative measurement of value scale associated with data field 9 above.
11	Other Quality Units (A5): Enter the unit of measurement associated with data fields 9 and 10 above. (TYUNMS)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0628	PLANT WATER TREATMENT - SETTLING POND AND DISCHARGE DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect data on discharges of ash and boiler water blowdown to natural water bodies by steam-electric plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. For boiler water blowdown which does not actually go to a settling pond, but goes directly into a natural water body, complete data fields 8, 9, 10, 11, and 12 and enter zeros into data field 2, Pond Number.

D. Report only the final discharge pond or ponds which discharge into natural water bodies. Do not report on ponds which discharge into other ponds.

E. Do not report discharge between ponds.

F. If the pond discharges to a public sewer or if the pond dissipates by seepage into the ground or by evaporation, do not complete data fields 8, 9, 10, 11, and 12 but enter appropriate codes into data field 5, Method of Discharge.

G. "Ash Settling" ponds include both bottom ash and flyash ponds.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Pond Number (N2): Enter a two-digit unique identification number assigned by the respondent, to each separate settling pond being reported for the plant identified in data field 1 above. Enter zeros when reporting discharges where no settling pond is involved. (IDEQPT)
3	Pond Type (N1): Enter one of the following codes when data field 2 above is non-zero: (INETOR) 1 = Boiler Water Blowdown Pond 2 = Ash Settling Pond (including bottom and flyash) 3 = Combination of 1 and 2 above If data field 2 above is zero, leave this data field blank.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0628	PLANT WATER TREATMENT - SETTLING POND AND DISCHARGE DATA	2 of 2

Data Field Number	Instructions
4 (Key)	Discharge Identification (N1): Enter a unique single digit numeric code, 1 through 9, assigned by the respondent. This code is used to identify each discharge being reported. This is not an event oriented report and if conditions vary for a given discharge, worst conditions are to be reported. (NRCADL)
5	Method of Discharge (A2): Enter one of the following codes for each discharge identified in data field 4 above: (TYSWDS) SW = Natural surface body of water SG = Seepage into ground PS = Public sewer EV = Evaporation RC = Recycled back into water treatment system
6	Evacuation Procedure (A20): Describe briefly the evacuation procedure or cleaning method for each pond. (IDDESC)
7	Cleaning Frequency (N3) NO/YR: Enter the number of times pond is cleaned annually.
8	Estimate pH (N2) pH: Enter pH value for water as it is discharged from the pond and not as it stands in the pond.
9	Suspended Solids (N3) PPM: Enter the suspended solids value (in parts per million) for water as it is discharged from the pond and not as it stands in the pond.
10	Surface Area (N8) ACRE: Enter the pond surface area (in acres).
11	Discharge Volume (N9) CFY: Enter the discharge volume (in cubic feet per year). This is the volume discharged to a water body whether or not a settling pond was actually used.
12	Water Body Receiving Discharge (A20): Enter the name of the water body and its type as in data field 11 below. (IDDESC)
13	Source of Sluicing and Cleaning Water (A30): Complete this data field only for ash settling ponds. Give the name of the water body as well as its type (e.g., "Mississippi River" rather than "River of Mississippi"). Abbreviate if necessary. (IDDESC)
14	Amount of Ash Treated (N7) TON: Enter (in tons per year) the quantity of ash treated or handled during the year. Include both flyash and bottom ash.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0630	COMBINED-CYCLE PLANT DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect data on the configuration of gas-turbine and steam-electric units operating in combined-cycle.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants having combined-cycle installed steam-electric generating capacity of 25 megawatts or greater and gas-turbines of 10 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. On the lower half of this schedule, please enter a brief description of the operation of the combined cycle plant. Include a schematic of the plant configuration. Submit the schematic as an attachment.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Combined Cycle Generating Group ID (A5): Enter the unique identification code initially assigned by the respondent to this particular combined-cycle generating group. This code must always be used when referring to this equipment from schedule to schedule and from year to year. (IDEQPT)
4	Combined Cycle Gas-Turbine Generating Group ID (A5): Enter the unique identification code assigned by the respondent to each group of gas-turbines operating in combined-cycle at the plant being described. If more than one such group exists at the plant, complete a separate line on this schedule for each group. Note: The identification codes assigned in this data field must correspond to those assigned to the Gas-Turbine Generating Group in Schedule 0611, data field 3 and Schedule 0614, data field 5. (IDEQPT)
5	Combined Cycle Steam-Electric Generating Group ID (A5): Enter the unique identification code assigned by the respondent to each group of steam-electric generating units operating in combined-cycle at the plant being described. If more than

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0630	COMBINED-CYCLE PLANT DATA	2 of 2

Data Field Number	Instructions
5 (cont'd)	one such group exists at the plant, complete a separate line on this schedule for each group. Note: The identification codes assigned in this data field must correspond to those assigned to the Steam-Electric Generating Group in Schedule 0614, data field 3. (IDEQPT)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0631	STEAM-ELECTRIC PLANT CAPABILITY DATA	1 of 2

I. DESCRIPTION

This schedule is designed to collect data on the net capability of steam-electric plants under operating conditions as listed in the detailed instructions below.

II. GENERAL INSTRUCTIONS

A. This schedule will be submitted by electric utilities for all plants with steam-electric installed capacity of 25 megawatts or greater during the subject year (including nuclear plants).

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Data fields 7 and 8 refer to net plant capability (as defined in General Instructions for Electric Utility Respondents) based on power factor conditions normally to be expected at time of system peak.

D. The preprinted values of Condition Code, data field 3, should be interpreted as follows:

1 With largest generating unit out of service
2 With largest boiler unit out
3 With all equipment in service

Enter data, in data field 4, appropriate to the Condition Code.

On each occurrence of data fields 1-4 there will be three occurrences of data fields 5-7. The preprinted values of Duration, data field 5, should be interpreted as follows:

1 One-hour duration
2 Two-hour duration
3 Continuous duration

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0631	STEAM-ELECTRIC PLANT CAPABILITY DATA	2 of 2

Data Field Number	Instructions
3 (Key)	Condition Code (N1): This is a preprinted data field. See General Instruction II D. (TYSTON)
4	Power Factor (N1.2) NO: Report the power factor for each type of condition (specified in data field 3 above) in per unit.
5	Duration (N1): This is a preprinted data field. See General Instruction II D. (TYLDDR)
6	Capability - Not Limited (N5.2) MW: Report the net plant capability under the condition and duration specified in data fields 3 and 6. "Capability" in this case, refers to plant operation when not limited by condenser water or ambient temperature.
7	Capability - Limited (N5.2) MW: Report the net plant capability under the condition and duration specified in data field 3 and 6 above. "Capability" in this case refers to plant operation during periods when limited by condenser water or ambient temperature.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0632	SMALL PLANT DESIGN DATA AND COSTS	1 of 2

I. DESCRIPTION

This schedule is designed to collect general design data on small electric generating plants as defined in General Information, II-A below.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all small electric generating plants as follows: Steam-electric generating types with less than 25 megawatts of installed generating capacity (maximum nameplate rating) during the subject year; hydro-electric, pumped storage, internal-combustion, and gas-turbine generating types with less than 10 megawatts of installed generating capacity (maximum nameplate rating) during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and the changed values, additions, and deletions.

C. If any plant is equipped with combinations of steam, hydroelectric, pumped-storage, internal-combustion or combustion turbine equipment, report each generating type separately using the same plant code in data field 1.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter one of the abbreviations for generating type as follows: (TYPLPW) ST = Steam-Electric HY = Hydroelectric (conventional) HP = Hydroelectric (pumped storage) GT = Gas-Turbine IC = Internal Combustion
3	Year Originally Constructed (N4): Enter the year in which plant construction began, in the format YYYY. (TMYEAR)
4	Year Last Unit Installed (N4): Enter the year in which last unit was installed, in the format YYYY. (TMYEAR)
5	Nameplate Rating (N5.2) MVA: Enter the nameplate rating (in MVA) of the plant.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0632	SMALL PLANT DESIGN DATA AND COSTS	2 of 2

Data Field Number	Instructions
6	Ultimate Generating Capacity (N5.2) MW: Report the planned ultimate generating capacity (in megawatts) of the plant.
7	Full Load (N6) BTU/KWH: Enter the fuel consumption (in BTU per kilowatt-hour) of fuel burning plants when operating under full load conditions.
8	Hydroelectric Drainage (N5) SQMI: Report the drainage area (in square miles) of hydroelectric installations.
9	Hydroelectric Pondage (N4) ACFT: Report the usable pondage or storage (in acre-ft) at the site of the hydroelectric installation.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0633	SMALL PLANT GENERATING GROUP DESIGN DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect data on the design parameters of generating units installed at small electric generating plants as defined in II. A. below.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all small plants with installed generating capacity (maximum nameplate rating) as follows: Steam-electric, less than 25 megawatts; hydroelectric (including pumped storage); internal-combustion and gas-turbine with less than 10 megawatts during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter one of the abbreviations for generating type as follows: (TYPLPW) ST = Steam-Electric HY = Hydroelectric (conventional) HP = Hydroelectric (pumped storage) GT = Gas-Turbine IC = Internal Combustion
3 (Key)	Small Plant Generating Group ID (A5): Enter the unique identification code, assigned by the respondent to each generating group. Complete one entry for each generating group composed of identical units. (As defined in Part III of the General Instructions for Electric Utility Respondents.) (IDEQPT)
4	First Generating Unit ID (A5): Enter the respondent's commonly used designation for the first generating unit in the group defined in data field 3 above. (IDDESC)
5	Number of Units (N2) NO: For each entry (i.e., generating group) enter the number of identical units making up the group.
6	Generator Unit Nameplate Rating (N5.2) MVA: Enter the maximum nameplate capacity rating of the typical (i.e., one of the identical units) unit in the generating group.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0633	SMALL PLANT GENERATING GROUP DESIGN DATA	2 of 2

Data Field Number	Instructions
7	Nameplate Rating (N5.2) MW: Enter the maximum nameplate capacity rating of the typical (i.e., one of the identical units) unit in the generating group.
8	Power Factor (N1.2) NO: Enter the nameplate rating power factor of the typical (i.e., one of the identical units) unit in the generating group (in per unit).
9	Operating Speed (N4) RPM: Enter the operating speed (in RPM) of the typical unit in the group.
10	Voltage (N3.2) V: Enter the generator voltage of the typical unit in the group.
11	Phase (N1) NO: Enter the phase of the generator, i.e., enter either "1", "2", or "3".
12	Frequency (N2) HZ: Enter the frequency (generator) of the typical unit in the group. For example, "60" Hertz.
13	Year Unit Installed (N4): Enter the year in which the last unit of the group was installed, in the format YYYY. (TMYEAR)
14	Indicator Unit New (N1): Were the units new when installed? Enter "1" for yes; "Ø" for no. (INYONO)
15	Year Manufactured (N4): If the answer to data field 14 above is "no", enter the year in which the units were manufactured, in the format YYYY. (TMYEAR)
16	Year Rebuilt (N4): If the answer to data field 14 above is "no", enter the year in which the units were rebuilt, in the format YYYY. (TMYEAR)
17	Waterwheel Design Head (N6) FT: Enter the design head (in feet) of the waterwheel associated with the typical unit, if hydroelectric.
18	Efficiency for Hydroelectric (N3.2) CFS/KWH: Enter the efficiency factor of the typical unit, if hydroelectric.
19 (Key)	Fuel Type (N2): For each fuel type burned enter the code, from the Register of Data Standards, TYFUEL. Report only the three major fuels burned, listing primary fuel first, if multiple types are used. Do not include fuels for flame stabilization and start up.
20	Heat Rate (N6) BTU/KWH: For each fuel type listed, enter the full load fuel consumption (in BTU per kilowatt hour).

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I. DESCRIPTION

This schedule is used to collect data on installed capacity, generation and fuel usage for all electric generating plants, including nuclear and hydroelectric as well as fossil fuel-fired plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all electric generating plants whose generation is included in systems designated as Type I.

B. Respondents shall complete all data fields on this schedule annually.

C. If any plant is equipped with combinations of hydro, pumped storage, steam-electric internal combustion, or gas-turbine units, then each generating type should be reported separately using the same plant code in data field 1. However, steam-electric and gas-turbine units operating in combined cycle should be reported combined.

D. The respondent should complete either data field 7 or data field 8 depending upon the situation of the plant being reported.

E. In reporting data fields 14-16, all fuels, including those used for minor uses such as flame stabilization should be considered.

F. For jointly owned units, report only the respondents share of total capacity, gross generation and net generation. All other owners must report the same way.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter one of the abbreviations for type of generation from the following list: Note: See General Information, II-C. (TYPLPW) HY = Hydroelectric (conventional) ST = Steam-Electric HP = Hydroelectric (pumped storage) GT = Gas-Turbine IC = Internal Combustion CC = Combined Cycle
3	Nameplate Rating (N5.2) MW: Enter the total installed generating capacity for each type of generation (as defined in

Data Field Number	Instructions
3 (cont'd)	data field 2 above) as of the end of the subject year. Use maximum nameplate ratings. Include both main and auxiliary units.
4	Capacity Main Units (4.1) MW: Enter the total installed generating capacity of main generating units only, for each type of generation (as defined in data field 2 above) as of the end of the subject year. Use maximum nameplate ratings.
5	Capacity Auxiliary Units (N4.1) MW: Enter the total installed generating capacity of auxiliary or house generating units only, for each type of generation (as defined in data field 3 above) as of the end of the subject year. Use maximum nameplate ratings.
6	Gross Generation (N11) MWH: Enter the total annual output of all main generating units and all auxiliary generating units for each type of generation (as defined in data field 2 above) for the subject year.
7	Number of Employees (N4) NO: Enter the total number of employees for each type of generation at year end (as defined in data field 2 above). See also data field 8 below.
8	Average Annual Number of Employees (N4) NO: If a group of employees attend more than one type of generation, enter the approximate average number of employees assignable to each type of generation (as defined in data field 2 above) for the year.
9	MWH of Plant Use (N7) MWH: Enter the total amount of the energy, reported in data field 6 above, consumed during the subject year for plant light and power and for plant auxiliaries. Energy for synchronous condenser operation in plant may also be included in data field 9 if it is treated as "plant use" in respondent's books. Do not include energy used for pumping in pumped storage plants (see data field 10 below).
10	Pumping Energy (N5.1) MWH: Enter amount of energy used for pumping during the subject year, for pumped storage plants only.
11	Net Generation (N10) MWH: Enter net generation for each type of generation (as defined in data field 2 above) for the subject year. This amount should be the difference between gross generation (data field 6 above) and pumping energy (data field 10 above).

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DETAILED INSTRUCTIONS: SCHEDULE 0634	ANNUAL PLANT CAPACITY - OUTPUT AND FUEL DATA	3 of 3

Data Field Number	Instructions
12	Maximum Net Peak Demand (N10) MW: Enter the maximum net 60-minute peak demand on plant during subject year.
13	Hours to Load (N4) HR: Enter the number of hours plant was connected to load during the subject year.
14	Composite Average BTU - All Fuels (N7) BTU: Report for subject year in BTU.
15	Composite Fuel Cost Per KWH (N4.2) DOL/KWH: Enter the composite cost per KWH of all fuels burned during the subject year.
16	Heat Rate Efficiency (N5) BTU/KWH: Enter the composite heat rate (in BTU/KWH) for thermal plants for the subject year; for hydroelectric plants, leave blank.

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I. DESCRIPTION

This schedule is used to collect data on installed capacity, net generation, fossil fuel consumption and stocks from all electric utility power plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all electric utility power plants.

B. Respondents shall complete data fields 1-6 on this schedule monthly and complete data fields 7 and 8 when fuel type entered in data field 4 is gas, oil or coal.

C. One logical entry (i.e., one line) must be completed for each fuel type within the prime mover type. For example, a steam-electric plant using coal, oil and gas for generation during a given month must complete three separate logical entries on this schedule.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter one of the abbreviations for prime mover generator type, as follows: (TYPLPW) HY = Hydroelectric (conventional) ST = Steam-Electric HP = Hydroelectric (pumped storage) GT = Gas Turbine IC = Internal Combustion CS = Steam, Combined Cycle CG = Gas Turbine, Combined Cycle
3	Plant Status (A1): Enter the abbreviation for plant status, from the Register of Data Standards, TYSTOS.

NOTE: For data fields 4-8: Report fuel types in data field 4 and related data in data fields 5-8. If the respondent is unable to break down any data by fuel type, leave the data field blank for that particular fuel type. After reporting data for all data fields for each prime mover, report total plant data for data fields 5 and 6, entering code "ØØ" in data field 4.

4 (Key)	Fuel Type (N2): Enter the type of fuel associated with the prime mover generator type entered in data field 2 above, from the Register of Data Standards, TYFUEL.

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Data Field Number	Instructions
5	Installed Generating Capacity (N7.1) MW: Where possible, enter the installed generating capacity (in megawatts) for each fuel type within each prime mover type. Enter capacity as of the end of the subject month. The capacity should represent the total of the manufacturer's generator nameplate ratings at the end of the month, exclusive of auxiliary or house units. Where a generator nameplate shows two or more ratings, use the maximum rating.
6	Net Generation (N10.1) MWH: Enter the net generation (i.e., gross less use by power plant for auxiliary equipment) for each prime mover and fuel type combination. To report negative quantities refer to General Instructions, Level I.
7	Quantity Fuel Consumed for Generation (N7.1) NO: Enter the actual or estimated amount of fuel used for each prime mover and fuel type combination during the subject month. Enter only the quantity of fuel used in generating electric energy, including fuel for maintenance of standby service. Report in the following units: coal, 1000 short tons; fuel oil, 1000 42-gallon barrels; gas, 1000 Mcf.
8	Fuel Stocks - End of Month (N8.1) NO: Enter coal and fuel oil (in the same units of measure as data field 7 above) held for electric energy generation, including regular stocks at the plant and in cars or barges at the plant site. Amounts held in central storage yards should also be included and footnoted.

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DETAILED INSTRUCTIONS: SCHEDULE 0636	MONTHLY PLANT FUEL COST AND QUALITY DATA	1 of 4

I. DESCRIPTION

This schedule is used to collect data on the cost and quality of fossil fuels delivered at electric generating plants on a monthly basis.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants which have a total combined steam-electric, combustion turbine and internal combustion engine powered generating capacity of 25 megawatts or greater during the reporting month.

B. Respondents shall complete all the data fields on this schedule monthly.

C. Units of fuel to be reported separately, in each logical entry, for the month are total quantities representing individual laboratory analysis, combination of samples, or any other basis used for determining payment for each fuel supplier for the total receipts for the month.

D. Do not report negative quantities of zero values to reflect inventory adjustments, etc. Use footnotes to explain any such descriptions.

E. Notice that one logical entry can contain data for one type of fuel only, therefore some of the data fields would always remain blank (i.e., if the data is for "coal" data fields 23-28 will be blank).

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2	Month Code (N2): Enter the two-digit numeric code for month (i.e., January 01, October 10, etc.) as specified in the Register of Data Standards, TMMOYR.
3	Purchaser Entry ID (N3): Enter sequential number, assigned by the respondent to each fuel purchase (i.e., purchase one would be ØØ1, purchase ten would be Ø1Ø). (NRCADL)
4	Generating Type (A2): Enter one of the abbreviations for "type of generation", from the following list: (TYPLPW) ST - Steam Turbine GT - Gas-Turbine IC - Internal Combustion
5	Purchase Type (A2): Enter the abbreviation for type of purchase from the following list. Note: The purchase type for gas would be different than coal and oil. (TYFLPR)

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DETAILED INSTRUCTIONS: SCHEDULE 0636	MONTHLY PLANT FUEL COST AND QUALITY DATA	2 of 4

Data Field Number	Instructions
5 (cont'd)	Coal & Oil Purchases, use only the following codes: S - for "spot" purchase; NC - for new or newly renegotiated contract purchase under which deliveries were first made during the reporting month; CE - for contract purchases under which the price is changed from the price of the previous delivery under an existing contract due to provisions for automatic price adjustment; or O - for all other contract purchases. For gas purchases, use only the following codes: I - for "interruptible", F - for "firm"; and OP - for "off peak".
6	Length of Original Contract (N2) YR: Enter the total number of years during which fuel was to be delivered under the existing contract.
7	Time Until Expiration (N2) YR: Enter the number of years remaining before the existing contract expires. Round to the nearest year (i.e., if the contract duration involves seven months or more, round up to the higher year; for less than seven months, round down to the lower year).
8	Mode of Transportation (A2): Enter the major mode of transportation as specified in the Register of Data Standards, TYTRAN.
9	Generic Fuel Type (N2): Enter fuel type code for coal, oil and gas as provided, from the Register of Data Standards, TYFUEL.
10	Specific Fuel Type (N2): Enter the code for type of fuel (from the Register of Data Standards, TYFUEL) within the Generic Fuel Type specified in data field 9 above (i.e., anthracite which is a type of coal -- the code for anthracite will be reported in this data field, as in data field 9 above, since the Generic Fuel Type is coal).
11	Quantity (N7) NO: Specify quantities in units of a thousand (use thousands of tons for coal, thousands of barrels for oil and other liquid fuels and thousands of Mcf for gas). For example, if 213,000 tons of coal is delivered during the reporting month, report 213. Show separate quantities for each class of fuel. To derive the quantity, group all fuels

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Data Field Number	Instructions
11 (cont'd)	received within the month from the supplier for which the price was based upon a given or related set of laboratory analysis. For quantities of fuel received from a given supplier during the month for which no laboratory analysis is made, report on the basis of the last previous laboratory analysis upon which price paid was determined for that supplier or on the basis of contract specifications or estimates, and specify in a footnote the basis used.
12	BTU Content (N6) BTU: List the average BTU content of each fuel in terms of BTU per pound of coal, BTU per gallon for oil (and other liquid products), or BTU per cubic foot for gas.
13	Sulfur Content (N2.2) PCT: Show sulfur content of each unit-of-fuel in terms of per cent sulfur by weight. Show accurate to nearest 0.01 per cent.
14	Ash Content (N2.1) PCT: Show ash content of each unit-of-fuel in terms of per cent sulfur by weight. Show accurate to nearest 0.1 per cent.
15	Purchase Cost (N4.1) DOL: Enter the cost in cents per million BTU FOB Plant. Show accurate to the nearest 0.1 cent.
16	Coal Type (A1): Enter the abbreviation from the following list for the type of coal mine: (TYMINE) S - Surface Mined U - Underground Mined G - Underground Portion Greater than Surface Portion F - Surface Portion Greater than Underground Portion
17	BOM District Number (N2): Enter the code for BOM coal producing district number from which the coal originated, from the Register of Data Standards, IDCLDS.
18	Coal State of Origin (A2): Enter the abbreviation for state in which the coal was produced, from the Register of Data Standards, IDSTAT.
19	Mine County Code (N3): Enter the code for county from wh coal originated, from the Register of Data Standards, IDC.
20	Indicator Coal Washed (N1): Enter "1" for yes if the coal washed before consumption; if not, enter "Ø". (INYONO)
21	Coal Company Name (A35): Enter the name of the coal compan that mined the coal, abbreviate if necessary. (IDNAME)
22	Coal Mine Name (A26): Enter the name of coal mine, ab ev if necessary. (IDNAME)

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Data Field Number	Instructions
23	Oil Supplier (A35): Enter the name of the oil supplier, abbreviate if necessary. (IDOLSP)
24	Oil Refinery Name or Port of Entry (A35): Enter the name of the oil refinery or port of entry, abbreviate if necessary. (IDNAME)
25	Gas Pipeline Supplier (A35): Enter the name of the gas pipeline supplier, abbreviate if necessary. (IDRESP)
26	LNG Port of Entry (A35): Enter the port of entry if the fuel is LNG, abbreviate if necessary. (IDNAME)
27	Indicator Interstate (N1): Enter "1" if the price of the purchased gas is regulated by the Federal Power Commission; if not, enter "Ø". (INYONO)
28	Gas Producing State (A2): Enter the abbreviation for the state in which purchased gas is produced, from the Register of Data Standards, IDSTAT.

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DETAILED INSTRUCTIONS: SCHEDULE 0637	ANNUAL LARGE PLANT FUEL DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect data on the cost, quality, and quantity of each type of fuel burned at fossil fuel-fired and nuclear generating facilities.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all steam-electric, including nuclear, internal-combustion and gas-turbine as follows: Steam-electric (including nuclear), generation of 25 megawatts or greater; internal-combustion and gas-turbine facilities, 10 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule annually.

C. Complete one entry (data fields 1-12) for each type of fuel burned at a plant during the subject year.

D. Quantities of fuel burned (data field 6) and average cost per unit of fuel burned (data field 9) should be consistent with charges to expense accounts 501.00 and 547.00, as reflected in data field 10.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter the type of generation associated with each type of fuel reported, as follows: (TYPLPW) ST = Steam-Electric IC = Internal Combustion GT = Gas-Turbine
3 (Key)	Fuel Type (N2): Enter the code for each type of fuel burned, from the Register of Data Standards, TYFUEL.
4	Fuel Use Indicator (N1): Code for nuclear fuel only: "1" for initial load; or "2" for supplementary load. (INETOR)
5	Fuel Unit (A4): Enter "TONS" for coal, "MCF" for gas, "BBLS" for oil, or "KG" (kilograms) for nuclear. These units of measure are standard and should not be altered when reporting fuel. (TYUNMS)

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DETAILED INSTRUCTIONS: SCHEDULE 0637	ANNUAL LARGE PLANT FUEL DATA	2 of 2

Data Field Number	Instructions
6	Quantity Fuel Burned (N9) NO: Enter the quantity of each type of fuel burned during the subject year. As specified in data field 5 above, report all coal quantities in tons (2,000 pounds), all fuel oils in barrels (42 gallons), gas in MCF (million cubic feet), and nuclear fuel in kilograms.
7	Average BTU Per Unit (N7) BTU: Enter the average BTU content of each type of fuel listed in data field 3 above. Report coal in BTU per pound; all fuel oils in BTU per gallon; gas in BTU per cubic foot; and nuclear fuel in BTU per gram.
8	Average Cost Per Unit Delivered (N6.2) DOL: Enter the average cost (in dollars and cents per ton, barrel, MCF, or kilogram) of each type of fuel as delivered F.O.B. plant during the subject year.
9	Average Cost Per Unit Burned (N6.2) DOL: Enter the average cost (in dollars and cents per ton, barrel, MCF, or kilogram) of each type of fuel as burned at plant during the subject year.
10	Cost Per Million BTU (N3.2) DOL/MBT: Enter the cost (in dollars and cents per million BTU) of each type of fuel as burned at plant during the subject year.
11	Fuel Cost Per KWH Generated (N2.2) MIL/KWH: Enter the cost (in mills per kilowatt hour) of each type of fuel per kilowatt hour of energy generated.
12	BTU Per KWH Generated (N5) BTU/KWH: Enter the average heat rate (in BTU per KWH) of each type of fuel burned at plant during the subject year.

I. DESCRIPTION

This schedule is designed to collect data on costs and expenses associated with internal-combustion and gas-turbine electric generating plants.

II. GENERAL INFORMATION

A. This schedule will be submitted by electric utilities for all plants with internal-combustion or gas-turbine generating capacity of 10 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule annually.

C. Gas-turbine units functioning in combined cycle with conventional steam units should be reported on Schedule 0643, Steam Electric Costs and Expenses.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter "IC" for internal-combustion engines; or "GT" for gas-turbines. If a plant is equipped with both types of units, complete a set of data fields for each type of generation. (TYPLPW)
3	Land and Land Rights Costs (N9) DOL: Enter the amount (in dollars).
4	Structures and Improvements Cost (N9) DOL: Enter the amount (in dollars).
5	Equipment Cost (N9) DOL: Enter the amount (in dollars).
6	Total Plant Cost (N10) DOL: Enter the amount (in dollars) for the total plant cost.
7	Cost Per KW Installed Capacity (N5.2) DOL/KW: Report the cost per kilowatt of installed capacity (in dollars and cents).
8	Operation Expenses - Supervision and Engineering (N8) DOL: Enter all supervision and engineering expenses (in dollars) incurred in the operation of the plant.
9	Fuel Expenses (N10) DOL: Enter plant production expenses (in dollars) for fuel.

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Data Field Number	Instructions
10	General Expenses (N8) DOL: Enter any production expenses (in dollars) not otherwise classified on this schedule.
11	Electric Expenses (N8) DOL: Report operating expenses (in dollars) as detailed in Federal Power Commission Accounts 548.00 and 549.00.
12	Miscellaneous Power Expenses (N8) DOL: Enter all miscellaneous power expenses (in dollars) associated with plant productions.
13	Rent Expenses (N8) DOL: Enter the total of all expenses for rent (in dollars) associated with plant production.
14	Maintenance Expenses - Supervision and Engineering (N8) DOL: Report all maintenance expenses (in dollars) associated with supervision and engineering.
15	Maintenance Expenses - Structures (N8) DOL: Enter all expenses (in dollars) associated with maintenance of structures.
16	Maintenance Expenses - Electric Plant (N8) DOL: Enter all expenses (in dollars) associated with maintenance of the electric plant.
17	Maintenance Miscellaneous Power Expenses (N8) DOL: Enter the maintenance miscellaneous power expenses (in dollars).
18	Total Production Expenses (N10) DOL: Enter the total amount (in dollars) for all production expenses.
19	Expenses Per Net KWH (N5.2) MIL/KWH: Enter expenses (in mills) per net kilowatt hour.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0641	HYDROELECTRIC PLANT COSTS AND EXPENSES	1 of 2

I. DESCRIPTION

This schedule is used to collect data on costs and expenses associated with hydro-electric plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with hydro-electric generating capacity of 10 megawatts or greater.

B. Respondents shall complete all data fields on this schedule annually.

C. The items under cost of plant, data fields 3-9, represent accounts or combinations of accounts prescribed by the Uniform System of Accounts. Production expenses do not include Purchased Power, System Control and Load Dispatching, and Other Expenses classified as "Other Power Supply Expenses".

D. If any plant is equipped with combinations of hydro-electric and steam, internal combustion, or gas-turbine equipment, each type should be reported as a separate plant on the appropriate cost and expense schedule.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Preprinted "HY" indicating hydro-electric generation. For internal Federal Power Commission processing only. (TYPLPW)
3 (Key)	Land and Land Right Cost (N9) DOL: Enter the amount (in dollars).
4	Structures and Improvements Cost (N9) DOL: Enter the plant cost of this item (in dollars).
5	Reservoirs, Dams, and Waterways Cost (N9) DOL: Enter the plant cost of these items (in dollars).
6	Equipment Cost (N9) DOL: Enter the plant cost of equipment (in dollars).
7	Roads, Railroads, and Bridges Cost (N8) DOL: Enter the total plant cost of these items (in dollars).
8	Total Plant Cost (N10) DOL: Enter the amount of the total plant cost (in dollars).

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DETAILED INSTRUCTIONS: SCHEDULE 0641	HYDROELECTRIC PLANT COSTS AND EXPENSES	2 of 2

Data Field Number	Instructions
9	Cost Per KW Installed Capacity (N6.2) DOL/KW: Report the cost per kilowatt of installed capacity (in dollars and cents).
10	Operation Expenses - Supervision and Engineering (N8) DOL: Enter all supervision and engineering expenses incurred in the operation of the plant (in dollars).
11	Water for Power Expense (N8) DOL: Report the amount of all water for power expenses (in dollars).
12	Hydraulic Expenses (N8) DOL: Enter the amount for hydraulic expenses (in dollars).
13	Electric Expenses (N8) DOL: Report the total (in dollars).
14	Miscellaneous Hydraulic Power Generation Expenses (N8) DOL: Enter the total of all miscellaneous hydraulic power generation expenses (in dollars).
15	Rent Expenses (N8) DOL: Enter the total of all expenses for rents associated with plant production (in dollars).
16	Maintenance Expenses - Supervision and Engineering (N8) DOL: Enter the total of all supervision and engineering expenses incurred in the maintenance of the plant (in dollars).
17	Maintenance Expenses - Structure (N8) DOL: Enter the total of all expenses associated with the maintenance of structures (in dollars).
18	Maintenance Expense - Reservoirs, Dams, and Waterways (N8) DOL: Enter the total of all expenses incurred in the maintenance of reservoirs, dams and waterways (in dollars).
19	Maintenance Expense - Electric Plant (N8) DOL: Report the total for the maintenance of electric plant (in dollars).
20	Maintenance Expense - Miscellaneous Hydraulic Plant (N8) DOL: Report the total incurred in the maintenance of miscellaneous hydraulic plant.
21	Joint Multiple Use Operating Expenses (N5) DOL: Enter the joint or multiple use operating expenses (in dollars).
22	Joint Multiple Use Maintenance Expenses (N5) DOL: Enter the joint or multiple use maintenance expenses (in dollars).
23	Total Production Expenses (N10) DOL: Enter the total of all production expenses (in dollars).
24	Expenses MILS Per Net KWH (N4.1) MIL/KWH: Enter the joint or multiple use maintenance expenses (in mils).

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I. DESCRIPTION

This schedule is used to collect data on costs and expenses associated with the construction, operation, and maintenance of pumped storage plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with pumped storage generating capacity of 10 megawatts or greater.

B. Respondents shall complete all data fields on this schedule annually.

C. Include in the total for data field 24 (Pumping Expenses) the cost of energy used in pumping into the storage reservoir. When the item cannot be accurately computed, leave data fields 24, 27, and 28 blank. If these fields are not completed, submit an attached statement detailing the following: the company's principal sources of pumping power, the estimated amounts of energy from each station or other source that individually provides more than 10 per cent of the total energy used for pumping, and production expenses per net KWH as reported herein for each source described. Stations and other sources which individually provide less than 10 per cent of total pumping energy may be grouped. If contracts are made with others to purchase power for pumping, the supplier, contract number and date of contract should be stated. DO NOT append any additional information to the actual schedule of costs and expenses.

D. Data fields 3-9 represent accounts or combinations of accounts prescribed by the Uniform System of Accounts. Production expenses do not include Purchased Power, System Control and Load Dispatching, and Other Expenses classified as "Other Power Supply Expenses".

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Preprinted "HP" indicating type of plant as pumped storage. For internal Federal Power Commission processing only. (TYPLPW)
3 (Key)	Land and Land Rights Cost (N9) DOL: Enter the amount (in dollars).
4	Structures and Improvement Cost (N9) DOL: Enter the amount (in dollars) of the cost of structures and improvements.

Data Field Number	Instructions
5	Reservoirs, Dams, and Waterways Cost (N9) DOL: Enter the plant cost of these items (in dollars).
6	Waterwheels, Turbine, and Generation Cost (N9) DOL: Report the plant cost of all waterwheels, turbines, and generators (in dollars).
7	Accessory Electric Equipment Cost (N8) DOL: Report the plant cost of any accessory electric equipment (in dollars).
8	Miscellaneous Power Plant Equipment Cost (N8) DOL: Enter the plant cost of any miscellaneous power plant equipment (in dollars).
9	Roads, Railroads, and Bridges Cost (N8) DOL: Enter the plant cost of these items (in dollars).
10	Total Plant Cost (N10) DOL: Enter the total plant cost (in dollars).
11	Cost Per KW Installed Capacity (N6.2) DOL/KW: Report the cost per kilowatt of installed capacity (in dollars and cents).
12	Operation Expenses - Supervision and Engineering (N8) DOL: Enter all supervision and engineering expense incurred in the operation (in dollars).
13	Water for Power Expenses (N8) DOL: Report the amount of all water for power expenses (in dollars).
14	Pumped Storage Expenses (N8) DOL: Enter the total for pumped storage expenses (in dollars).
15	Electric Expenses (N8) DOL: Report the total (in dollars).
16	Miscellaneous Power Generation Expenses (N8) DOL: Enter the total of all miscellaneous pumped storage power generation expenses (in dollars).
17	Rent Expenses (N8) DOL: Enter the total of all expenses for rents associated with plant production (in dollars).
18	Maintenance Expenses - Supervision and Engineering (N8) DOL: Enter the total of all supervision and engineering expenses incurred in the maintenance of the plant (in dollars).

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DETAILED INSTRUCTIONS: SCHEDULE 0642	PUMPED STORAGE PLANT COSTS AND EXPENSES	3 of 3

Data Field Number	Instructions
19	Maintenance Expenses - Structures (N8) DOL: Enter the total of all expenses associated with the maintenance of structures (in dollars).
20	Maintenance Expenses - Reservoirs, Dams, and Waterways (N8) DOL: Report the total of all expenses incurred in the maintenance of all reservoirs, dams, and waterways (in dollars).
21	Maintenance Expenses - Electric Plant (N8) DOL: Report the total for the maintenance of electric plant (in dollars).
22	Maintenance Expenses - Miscellaneous Pumped Storage Plant (N8) DOL: Enter the total associated with the expense of maintaining the miscellaneous pumped storage plant (in dollars).
23	Production Expenses Before Pumping Expenses (N8) DOL: Enter the production expenses before pumping expenses (in dollars).
24	Pumping Expenses (N10) DOL: Report the total expense incurred in pumping (in dollars).
25	Joint or Multiple Use Operating Expenses (N5) DOL: Enter the joint or multiple use operating expenses (in dollars).
26	Joint or Multiple Use Maintenance Expenses (N5) DOL: Enter the joint or multiple use maintenance expenses (in dollars).
27	Total Production Expenses (N10) DOL: Enter the total of all production expenses (in dollars).
28	Expenses Per KWH (N4.1) MIL/KWH: Enter expenses per net kilowatt-hour (in mills).

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0643	STEAM-ELECTRIC PLANT COSTS AND EXPENSES	1 of 3

I. DESCRIPTION

This schedule is used to collect data concerning costs and expenses of steam-electric plants, operations fueled by nuclear power, and gas-turbine units functioning in combined cycle with conventional steam units. Selected plant operating parameters are also included in this schedule.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants as follows: Steam-electric (including nuclear or combined cycle) with installed generating capacity of 25 megawatts or greater. List steam and gas-turbine units operated as a combined cycle operation separately, if part of a multi-unit plant.

B. Respondents shall complete all data fields on this schedule annually.

C. If the respondent operates a generating plant which uses nuclear power, please append: (a) a brief explanatory statement concerning accounting for the cost of power generated including any attribution of excess costs to research and development expenses; (b) a brief explanation of types of cost units and with respect to the various components of the fuel cost, and (c) such additional information as may be informative concerning the type of plant, kind of fuel used, fuel enrichment by type and quantity for the reporting period and other physical and operating characteristics of the plant.

D. The item under cost of plant, represent accounts or combinations of accounts prescribed by the Uniform System of Accounts. Production expenses do not include Purchased Power, System Control and Load Dispatching, or Other Expenses classified as "Other Power Supply Expenses".

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Land and Land Rights Cost (N10) DOL: Enter the amount (in dollars).
4	Structures and Improvements Cost (N10) DOL: Enter the amount (in dollars) for costs of structures and improvements.
5	Equipment Cost (N10) DOL: Enter the amount (in dollars).

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DETAILED INSTRUCTIONS: SCHEDULE 0643	STEAM-ELECTRIC PLANT COSTS AND EXPENSES	2 of 3

Data Field Number	Instructions
6	Total Plant Cost (N8) MDOL: Enter the total plant cost (in thousands of dollars).
7	Cost Per KW Installed Capacity (N6.2) DOL/KW: Enter the cost per kilowatt of installed capacity (in dollars and cents).
8	Operation Expenses - Supervision and Engineering (N8) DOL: Enter all supervison and engineering expenses (in dollars) incurred in the operation of the plant.
9	Fuel Expenses (N10) DOL: Enter fuel expenses (in dollars) incurred during plant production.
10	Coolants and Water Expenses (N8) DOL: Report the production expenses (in dollars) incurred related to coolants and water. This element should be completed by nuclear plants only.
11	Steam Expenses (N8) DOL: Enter steam production expenses (in dollars).
12	Steam from Other Sources (N8) DOL: Enter expenses (in dollars) related to steam from other sources.
13	Steam Transferred - Credit (N8) DOL: Enter the expense (in dollars) of steam transferred.
14	Electric Expenses (N8) DOL: Report the amount (in dollars).
15	Miscellaneous Steam or Nuclear Power Expenses (N8) DOL: Enter the miscellaneous expense (in dollars) incurred in the production of either steam or nuclear power.
16	Rent Expenses (N8) DOL: Report all rent expenses (in dollars) associated with plant production.
17	Maintenance Expenses - Supervision and Engineering (N8) DOL: Enter all supervision and engineering expenses (in dollars) related to maintenance of production facilities.
18	Maintenance Expenses - Structures (N8) DOL: Enter expenses (in dollars) related to maintenance of structures.
19	Maintenance Expenses - Boiler-Reactor (N8) DOL: Report the expense (in dollars) incurred in the maintenance of boiler or reactor plant.
20	Maintenance Expense - Electric Plant (N8) DOL: Enter expense (in dollars) incurred in maintenance of electric plant.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0643	STEAM-ELECTRIC PLANT COSTS AND EXPENSES	3 of 3

Data Field Number	Instructions
21	Maintenance Expense - Miscellaneous Steam or Nuclear (N8) DOL: Enter expense (in dollars) related to miscellaneous steam or nuclear plant.
22	Total Production Expenses (N10) DOL: Report the total (in dollars) of all production expenses.
23	Expenses Per Net KWH (N5.2) MIL/KWH: Enter all expenses (in mills) per net kilowatt hour.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0644	SMALL PLANT COSTS AND EXPENSES	1 of 2

I. DESCRIPTION

This schedule is used to collect data on annual operations of small electric generating plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all small plants operated by all classes of respondents. Small plants are defined as steam-electric of less than 25 megawatts, internal-combustion or gas-turbine; conventional hydro and pumped storage plants of less than 10 megawatts installed capacity. If any plant is equipped with combinations of steam, hydro, internal-combustion or gas-turbine equipment, each should be reported separately using the same plant code in data field 1.

B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter one of the abbreviations for generating type from the following: (TYPLPW) ST = Steam-Electric HY = Hydroelectric (conventional) HP = Hydroelectric (pumped storage) IC = Internal Combustion GT = Gas-Turbine
3 (Key)	Data Year (N4): Year for which data is being reported, in the format YYYY. (TMYEAR)
4	Non-Fuel Operating Expenses (N10) DOL: Enter production expenses (in dollars) for operation of plant for report year, excluding fuel expenses.
5	Maintenance Expenses (N8) DOL: Enter production expenses (in dollars) for maintenance of plant during the report year.
6	Total Production Expenses (N9) DOL: Enter total production expenses (in dollars) for report year.
7	Production Expense for Fuel (N9) DOL: Enter production expenses (in dollars) for fuel for report year.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0644	SMALL PLANT COSTS AND EXPENSES	2 of 2

Data Field Number	Instructions
8	Plant Cost (N10) DOL: Enter the total cumulative cost (in dollars) of plant installation.
9	Cost per KW Installed Capacity (N6.2) DOL/KW: Enter the plant cost (in dollars and cents) per kilowatt of installed capacity.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0645	ANNUAL SMALL PLANT FUEL DATA	1 of 1

I. DESCRIPTION

This schedule is used to collect data on fuels used at small electric generating plants, as defined below.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all fossil-fuel fired small electric generating plants as follows: steam-electric with less than 25 megawatts of installed generating capacity (maximum nameplate rating) during the subject year; internal-combustion or gas-turbine with less than 10 megawatts of installed generating capacity (maximum nameplate rating) during the subject year.

B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter "ST" for steam-electric; "IC" for internal combustion engine; or "GT" for gas turbine. (TYPLPW)
3 (Key)	Fuel Type (N2): Enter the code for type of fuel used at plant during the subject year, from the Register of Data Standards, TYFUEL. Note: Complete one entry for each type of fuel used within each plant.
4	Fuel Quantity (N4) NO: Enter the quantity of each type of fuel consumed at plant during subject year. Report in the unit of measurement entered in data field 5 below.
5	Unit of Measure (A5): Enter the abbreviation for the unit of measurement for each quantity of fuel reported in data field 4 above, from the Register of Data Standards, TYUNMS.
6	Cost Per Million BTU (N4.2) DOL/MBT: Enter the annual average cost, in cents per million BTU, for each quantity of fuel reported in data field 4 above.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0647	ANNUAL LARGE PLANT UNIT PERFORMANCE DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect the data concerning unit performance of generating units for the reporting year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all large generating plants which have steam-electric generating capacity of 25 megawatts or greater and hydroelectric including conventional and pumped storage, internal combustion, and gas-turbine of 10 megawatts or greater.

B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter one of the abbreviations for type of generating unit, from the following list: (TYPLPW) ST = Steam-Electric HY = Hydroelectric (conventional) HP = Hydroelectric (pumped storage) IC = Internal Combustion GT = Gas Turbine CS = Steam (combined cycle) CG = Gas Turbine (combined cycle)
3 (Key)	Generating Group ID (A5): Enter the unique identification code assigned by the respondent for each generating group. (IDEQPT)
4 (Key)	Generating Unit ID (A5): Enter the unique identification code assigned by the respondent to the generating unit. Each generating unit is to be reported in a separate entry. (IDEQPT)
5	Hours On Line (N4) HR: Enter the number of hours during which the unit was actually on line.
6	Hours Available (N4) HR: Enter the number of hours during which the unit was not actually on line but was available for service.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0647	ANNUAL LARGE PLANT UNIT PERFORMANCE DATA	2 of 2

Data Field Number	Instructions
7	Maintenance Hours (N4) HR: Enter the total number of hours the unit was unavailable for service due to maintenance outages. A Maintenance Outage is the removal of a unit from service to perform work on specific components which could have been postponed past the very next weekend. This is work done to prevent a potential forced outage and which could not be postponed from season to season.
8	Planned Outages (N4) HR: Enter the total number of hours the unit was on scheduled outages. A Planned Outage is the removal of a unit from service for inspection and/or general overhaul of one or more major equipment groups. This is work which is usually scheduled well in advance (e.g., annual boiler overhaul, five-year turbine overhaul).
9	Unit Heat Rate (N5) BTU/KWH: Enter the annual average heat rate (BTU/KWH) for all units except Hydro.
10	Net Generation (N8) MWH: Enter the annual net generation of the unit during the subject year. Refer to General Instructions for reporting negative values.
11	Fuel Type (N2): Enter the code for the type of fuel that can be used, from the Register of Data Standards, TYFUEL. If unit can use more than one type of fuel, use combination code.
12 (Key)	Outage Sequence Number (N3): Enter a unique outage number assigned sequentially to each outage for each unit. As many as '6' outages per unit can be reported in one set of data by filling out same information (i.e., plant code, Gen. type, etc.) on first line. (NRCADL)
13	Outage Begin Date (N6): Enter the two-digit numeric code for the month, day and last two digits of the year, in that order, for outage beginning. (TMDATE)
14	Outage Time-of-Day (N2): Enter the hour of the day, on 24-hour time, the outage began, i.e., 2:00 PM = 14, etc. (TMHRDY)
15	Number of Outage Hours (N4) HR: Enter the number of hours during which each unit was on outage.
16	Cause of Outage (N3): Enter the code for the cause of outage from the Register of Data Standards, TYOUTC.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0648	ANNUAL PEAK DEMAND ON PLANT	1 of 2

I. DESCRIPTION

This schedule is used to collect data on annual plant operation at the time of system or pool peak.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all electric generating plants whose generation is included in systems designated as Type I.

B. Respondents shall complete all data fields on this schedule annually.

C. For jointly owned units, report only the respondents' share of capacity, capability, and plant demand at the time of the system peak load. All other owners must report the same way.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter one of the abbreviations for generating type, from the following list: (TYPLPW) ST = Steam-Electric HY = Hydroelectric (conventional) HP = Hydroelectric (pumped storage) IC = Internal Combustion GT = Gas Turbine CC = Combined Cycle
3 (Key)	Indicator System or Pool (N1): Enter "1" if the data is for a single system; or enter "2" if the data is for pool or combined systems. (INETOR)
4	Peak Load Time (N2): Enter the time (in 24 hour clocktime) of the system peak load of the year. For example, 8 A.M. must be reported as 08 and midnight must be reported as 24. (TMHRDY)
5	Peak Load Date (N4): Enter the month and day, in the format MMDD, of the system peak load of the year. For example, January 1 must be reported as 0101 and December 31, must be reported as 1231. (TMDATE)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0648	ANNUAL PEAK DEMAND ON PLANT	2 of 2

Data Field Number	Instructions
6	Demand Interval (N2): Enter the demand interval (in minutes) of the system peak load of the year), from the Register of Data Standards, TYDMIN.
7	Installed Capacity (N5.2) MW: Enter the total maximum nameplate rating of installed capacity (in megawatts) of generating units which were carrying load or operating as spinning reserve, in the plant, at the time of the system peak load of the year.
8	Net Plant Capability (N8) MW: Enter the net plant capability of the plant at the time of the system peak load of the year. Complete this field whether or not the plant was carrying load or was maintained as reserve at that time. Include the capacity of equipment which was out of service for maintenance or repair at that time and exclude the capacity of requirement not maintained in condition to operate for regular or emergency service. The "capability" of a plant refers to its load-carrying ability at the specified power factor and indicated time interval independent of other characteristics of the load. "Net plant capability" refers to the maximum load-carrying capacity normally available at time of system peak (station use deducted) for a period of one-hour.
9	Net Plant Demand (N8) MW: Enter the integrated net demand on the plant for the interval during which the system peak load of the year occurred.
10	Type of Service (A2): Enter the abbreviation for type of service, from the Register of Data Standards, TYUTSV.

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I. DESCRIPTION

This schedule is used to collect data on the quantity and quality of fossil fuels consumed monthly at electric generating plants.

II. GENERAL INFORMATION

A. This schedule shall be sumbitted by electric utilities for all fossil fuel-fired electric generating plants having a capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule annually.

C. Complete one line of data for each month and each type of fuel consumed at plant. Annual totals and weighted averages are also required. Fuel quality values, in data fields 5-8, should be reported as weighted averages for the month, to the nearest 0.1 per cent (based on weight of fuel consumed). These values should be reported on an "as burned" basis. If quality is available on "as received" basis, or if fuel is a blend of two or more types of fuel with distinctly different qualities (e.g. Eastern and Western coal), this should be described in a footnote.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Month (N2): Enter the correct code for the month, from the Register of Data Standards, TMMOYR.
3 (Key)	Fuel Type (N2): Enter the code for each type of fuel consumed at plant, from the Register of Data Standards, TYFUEL.
4	Consumption (N5.3) NO: Enter the monthly quantity (in the units specified below) of each fuel consumed at plant. Report quantities consumed in the following units: Coal - 1000 tons, Oil - 1000 barrels (42 gallon barrels), Gas - 1000 Mcf, rounded to three decimal places.
5	Btu Content (N6) BTU: Enter the weighted average heating value (in units specified below) for each quantity of fuel reported in data field 4 above. Report as follows: Coal and other solid fuels - Btu/Pound Oil and other liquid fuels - Btu/Gallon Gas and other gaseous fuels - Btu/Cubic foot

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Data Field Number	Instructions
6	Sulfur Content (N1.3) PCT: Enter the average sulfur content (in percent of weight) for each quantity of coal or oil or other solid and liquid fuels reported in data field 4 above, rounded to three decimal places.
7	Ash Content (N2.2) PCT: Enter the average ash content (in percent of weight) for each quantity of coal or other solid fuels reported in data field 4 above, rounded to two decimal places.
8	Moisture Content (N2.1) PCT: Enter the average moisture content (in percent of weight) for each quantity of coal or other solid fuels reported in data field 4 above, rounded to one decimal place.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0650	ANNUAL BOILER FUEL USE AND OPERATION	1 of 2

I. DESCRIPTION

This schedule is used to collect data on fuel usage and operation factors of fossil fuel-fired boilers at steam-electric generating plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule annually.

C. Repeat data field numbers 4-10 to the number of boilers in plant. Submit one schedule for each plant.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Generating Group ID (A5): Enter the unique identification code assigned by the respondent to the "Generating Group". (IDEQPT)
4 (Key)	Boiler ID (A5): Enter the unique identification code assigned by the respondent to each boiler in the plant. (IDEQPT)
5	Coal Consumption (N4.3) MTON: Enter the annual coal consumption, in 1000 tons, of each boiler listed in data field 4 above.
6	Heavy Oil Consumption (N4.3) MBBL: Heavy oil consists of F04, F05, F06, or crude oil. Enter the annual heavy oil consumption, in 1000 barrels, of each boiler listed in data field 4 above.
7	Distillate Oil Consumption (N4.3) MBBL: Distillate oil is defined as fuel oil #2 (F02). Enter the annual distillate oil consumption, in 1000 barrels, of each boiler listed in data field 4 above.

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DETAILED INSTRUCTIONS: SCHEDULE 0650	ANNUAL BOILER FUEL USE AND OPERATION	2 of 2

Data Field Number	Instructions
8	Gas Consumption (N4.3) MMCF: Enter the gas consumption, in 1000 Mcf, of each boiler listed in data field 4 above.
9	Total Operation Hours (N4) HR: Enter the total number of hours of boiler operation during year.
10	Capacity Factor (N3.2) PCT: Enter the capacity factor (percent) of the boiler using the following equation: $\frac{\text{(Pounds of steam produced during the year)}}{\text{(Maximum steam capacity in lbs/hr)} \times \text{(Total hours in year)}} \times 100$

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0651	MONTHLY BOILER FUEL CONSUMPTION AND PEAK OPERATION	1 of 2

I. DESCRIPTION

This schedule is used to collect data on the monthly fuel consumption and operation at peak periods of fossil fuel fired boilers at steam-electric generating plants.

II. GENERAL INSTRUCTIONS

A. This schedule shall be submitted by electric utility plants with fossil fuel-fired steam-electric generating capacity of 25 megawatts or greater during the subject year, for each boiler which operated or consumed fossil fuels for generation or standby service.

B. Respondents shall complete all data fields on this schedule annually.

C. Data fields 19-22 refer to 'System' peak weeks or lowest power period for 'System' and not to the plant or unit.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Generating Group ID (A5): Enter the unique identification code assigned by the respondent to the generating group associated with the boiler unit specified in data field 4 below. "Generating Group" is defined in the General Instructions - Electric Utility Respondents. (IDEQPT)
4 (Key)	Boiler ID (A5): Enter the unique identification code assigned by the respondent to the boiler being described in data fields 5-22 below. (IDEQPT)
5 (Key)	Fuel Type (N2): Show the type of fuel consumed in the boiler shown in data field 4 above. Enter the code, from the Register of Data Standards, TYFUEL.
6	January Amount (N4.3) NO: Enter the amount of fuel consumed in January for the type of fuel specified in data field 5. Report coal consumption in (1000 tons), oil in (1000 bbls), and gas in (1000 Mcf).

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0651	MONTHLY BOILER FUEL CONSUMPTION AND PEAK OPERATION	2 of 2

Data Field Number	Instructions
7-17	February Amount - December Amount (N4.3) NO (each field): Enter the amount of fuel consumed for the month specified in the data field title. See data field 6 above, for further instructions.
18	Period (N1): This is a preprinted data field for Federal Power Commission internal processing only, (TMSNYR) 4 = Winter Peak Week 2 = Summer Peak Week 0 = Lowest Power Period Week
19	Weekday High Output (N1): Enter the appropriate boiler operation code for the consecutive four hours of highest system output (weekdays), from the Register of Data Standards, TYBLOL.
20	Weekday Low Output (N1): Enter the appropriate boiler operation code for the consecutive four hours of lowest system output (weekdays), from the Register of Data Standards, TYBLOL.
21	Weekend High Output (N1): Enter the appropriate boiler operation code for the consecutive four hours of highest system output (weekends). The weekend period extends from midnight Friday to midnight Sunday, from the Register of Data Standards, TYBLOL.
22	Weekend Low Output (N1): Enter the appropriate boiler operation code for the consecutive four hours of lowest system output (weekends), from the Register of Data Standards, TYBLOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0652	BOILER FLUE-GAS CLEANING EQUIPMENT - OPERATIONAL DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect data on the operation of flue-gas cleaning equipment associated with steam-electric boilers.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants operating flue-gas cleaning equipment and having steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	FGCE ID (A5): Enter the unique identification code assigned by the respondent to each flue-gas cleaning collector in the plant. (IDEQPT)
4 (Key)	Type FGCE Code (A4): Enter the abbreviation for type of flue-gas cleaning equipment, identified in data field 3 above, as specified in the Register of Data Standards, TYFGCE.
5	Total Hours (N4) HR: Total hours for the year during which all electrical bus sections are energized and while boiler is operating (electrostatic types only).
6	Efficiency (N2.2) PCT: Tested efficiency of unit, rounded to two decimal places.
7	Date Tested (N6): Show the day, month, and year when the FGCE unit was tested, in the format MMDDYY. (TMDATE)
8	Not Fully Operational Hours (N4) HR: State number of hours during year when precipitator is not fully operational while boiler is operating (electrostatic or combination FGCE types only)

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DETAILED INSTRUCTIONS: SCHEDULE 0652	BOILER FLUE-GAS CLEANING EQUIPMENT - OPERATIONAL DATA	2 of 2

Data Field Number	Instructions
9	Efficiency When Not Fully Operational (N2.1) PCT: Estimated efficiency during periods when boiler is operating but when precipitator is not fully operational (electrostatic or combination FGCE types only).
10	Estimated Efficiency Annual Factor (N2.1) PCT: Estimated efficiency at annual operating factor (if no test during year).
11	Desulfurization System Hours (N4) HR: Hours of service during year of desulfurization system, if operational.
12	Name Other FGCE Type (A2Ø): If "OTHE" is entered in data field 4 above, enter the name of the other type. (IDDESC)
13	Other FGCE in Service Hours (N4) HR: Enter the number of hours in FGCE the unit reported in data field 12 was in service.
14	Unusual Operating Conditions (A2Ø): Briefly explain, in the 20 characters provided, any unusual operating conditions associated with the FGCE unit being described. (IDDESC)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0653	CHEMICALS USED IN PLANT COOLING AND BOILER WATER	1 of 1

I. DESCRIPTION

This schedule is used to collect data on chemical usage in the cooling system and boiler water make-up system at steam-electric plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all the data fields on this schedule annually.

C. Note that the chemical codes contained in the Register of Data Standards are in some cases generalized. For example, a single code is to be used for phosphate, disodium phosphate, and trisodium phosphate. Also, the code for chlorine is to be used for both chlorine and sodium hypochlorite. Finally, note that there are separate codes to be used for liquid or dry H_2 S04 and some other chemicals commonly used in both states.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Indicator Water Type (N1): Enter "1" for boiler water makeup; or enter "2" for cooling water. (INETOR)
3 (Key)	Chemical ID (N1): Enter code, from the Register of Data Standards, TYCHEM.
4	Amount Used (N8) NO: Enter the quantity of each chemical used during the year. Note that all chemicals are to be reported in pounds with the exceptions of hydrozine (gallons) and liquid sulfuric acid (gallons).
5	Chemical Title (A25): Enter only the names of chemicals not found in the Register of Data Standards list of codes for "Chemical ID", (data field 3). Do not enter chemicals for which the quantity used was less than 100 pounds or an equivalent liquid measure. (IDDESC)
6	Amount Used (N8) MTON: Enter the quantity (in 1000 tons) of each chemical (indicated in data field 5 above) used during the year. Note that no quantities less than 100 pounds or an equivalent liquid measure need be entered.
7	Units Reported (A5): Enter the abbreviation for units of measurement used for each chemical reported, from the Register of Data Standards, TYUNMS.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0654	PLANT DISPOSAL OF COMBUSTION CYCLE PRODUCTS	1 of 2

I. DESCRIPTION

This schedule is used to collect data on the impact of fossil fuel combination-cycle product disposal operations at steam-electric plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with steam-electric generating capacities of 25 megawatts or greater, and which consumed coal and/or oil during the subject year. Solely gas-fired plants need not report this schedule.

B. Respondents shall complete all data fields on the schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Product Type (N1): Enter the code, from the Register of Data Standards, TYCBBP.
3	Total Amount Collected (N9) MTON: Enter the total quantity in 1000 tons) of each product collected for the year. For fly-ash and bottom-ash the total should approximate the amount of ash and other non-combustible matter in the coal consumed minus the amount of ash emitted to the atmosphere.
4	Amount Sold (N8) MTON: Enter the quantity (in 1000 tons), of each product sold for the year.
5	Paid Disposal Amount (N8) MTON: Enter the quantity (in 1000 tons) for each product for which disposal was paid during the year.
6	Amount to Landfill (N8) MTON: Enter the quantity (in 1000 tons) of each product which was disposed to landfill during the year. Note that this includes the filling in of low lands or artificial ponds even though the ash may have been transported to the fill area by water.
7	Water Disposal Amount (N8) MTON: Enter the quantity (in 1000 tons) of each product which was disposed by water disposal during the year. Note that this includes only those quantities of products discharged into bodies of water for dispersion.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0654	PLANT DISPOSAL OF COMBUSTION CYCLE PRODUCTS	2 of 2

Data Field Number	Instructions
8	Other Disposal Amount (N8) MTON: Enter the quantity (in 1000 tons) of each product which was disposed of by any method not detailed in data fields 4-7 above.
9	Other Disposal Method (A20): Enter a brief descriptive name of the method used associated with the quantity in data field 8 above. Abbreviate if necessary. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0655	PLANT COMBUSTION CYCLE ADDITIVES	1 of 1

I. DESCRIPTION

This schedule is used to collect data on additives used in the combustion cycles of steam-electric plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all oil or gas fired plants with steam-electric generating capacity of 25 megawatts or greater. Only those plants which used combustion cycle additives during the reporting year need submit this schedule.

B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Name of Additive (A25): Enter the name of any combined cycle additives used. Three lines are provided for entry of the names of additives for each plant. (IDDESC)
3	Quantity of Additive (N7) MTON: Enter the associated quantity (in 1000 tons) for each additive named in data field 2 below.
4	Additive Unit (A5): Enter the abbreviation for unit of measure associated with the specific quantity in data field 3 above, from the Register of Data Standards, TYUNMS.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0656	ANNUAL PLANT ENVIRONMENTAL DATA	1 of 3

I. DESCRIPTION

This schedule is used to collect data on the revenues and expenses associated with air quality control.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with a steam-electric generating capacity of 25 megawatts or greater during the year reported.

B. Respondents shall complete all data fields on this schedule annually.

C. All expenses and revenues are to be reported in units of $1000. Additive amounts should be reported in units of 1000 tons, to nearest 0.01 thousand tons.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Data Year (N4): Year for which data is being reported. (TMYEAR)
3	Combined Cycle Additive - Amount of Limestone (N3.2) MTON: Report amount of limestone additive used (in 1000 tons), rounded to two decmal places.
4	Combined Cycle Additive - Amount of Dolomite (N3.2) MTON: Report amount of dolomite additive used (in thousands of tons), rounded to two decimal places.
5	Byproduct Purity of Sulfuric Acid Per Cent (N3) PCT: Enter purity of any sulfuric acid collected from combustion cycle (in percent by weight).
6	Air Quality Flyash Collection - Disposal Expenses (N8) MDOL: Enter expenses charged to flyash collection and disposal. Do not report the combined cost of flyash and bottom ash disposal. If only one figure is available, estimate separate amounts (in 1000 dollars).
7	Air Quality Bottom Ash Collection - Disposal Expenses (N8) MDOL: Enter expenses charged to bottom ash collection and disposal, as above (in 1000 dollars).

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DETAILED INSTRUCTIONS: SCHEDULE 0656	ANNUAL PLANT ENVIRONMENTAL DATA	2 of 3

Data Field Number	Instructions
8	Air Quality Sulfur Collection - Disposal Expenses (N8) MDOL: Enter expenses charged to sulfur and sulfur product collection and disposal (in 1000 dollars).
9	Air Quality Other Collection - Disposal Expenses (N8) MDOL: Enter expenses charged to collection and disposal of any other products (in 1000 dollars).
10	Other Air Quality Control Expenses - Explanation (A20): Enter a brief description of other air quality control and maintenance expenses incurred during year. (IDDESC)
11	Other Air Quality Control Expenses (N8) MDOL: Enter air quality control expenses for operations described in data field 10 above. Do not include "incremented cost" of low sulfur fuels or capital costs of air quality control equipment installed (in 1000 dollars).
12	Air Quality Total Expense (N9) MDOL: Enter total air quality control expenses for year (in 1000 dollars).
13	Air Quality Flyash Sales Revenue (N8) MDOL: Enter revenue from sales of flyash (if sold as flyash) (in 1000 dollars).
14	Air Quality Bottom Ash Sales Revenue (N8) MDOL: Enter revenue from sales of bottom ash (if sold as bottom ash) (in 1000 dollars).
15	Air Quality Intermingled Sales Revenue (N8) MDOL: Enter revenue from sales of intermingled flyash and bottom ash (in 1000 dollars).
16	Other Air Quality Control Revenues - Explanation (A20): Enter a brief description of other air quality control revenues or by-product sales. (IDDESC)
17	Air Quality Sulfur and Byproducts Sales Revenues (N8) MDOL: Enter revenue from sales of sulfur and sulfur byproducts (in 1000 dollars).
18	Other Air Quality Control Operating Revenues (N9) MDOL: Enter revenue from other air quality control operation or byproduct sales, as described in data field 16 above (in 1000 dollars).
19	Total Air Quality Control and Byproduct (N9) MDOL: Enter total annual revenue from air quality control operations and byproduct sales (in 1000 dollars).

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0656	ANNUAL PLANT ENVIRONMENTAL DATA	3 of 3

Data Field Number	Instructions
20	Incremental Cost of Low Sulfur Fuel (N8) MDOL: Report the incremental costs incurred when purchasing low-sulfur fuel for meeting air quality control regulations (in 1000 dollars).

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0657	WATER TEMPERATURE AND FLOW AT SEASONAL PEAKS	1 of 1

I. DESCRIPTION

This schedule is used to collect data on conditions at steam-electric plant cooling water supply sources during the months of system peak power loads in summer and winter seasons.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule annually.

C. All entries should reflect the actual operations of the plant during the year and not the design characteristics.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Type Peak (N1): Complete two entries for each plant with distant seasonal peaks. Enter one set of figures for the winter peak month and one set for the summer peak month. Enter (in data field 2) "4" for winter, or "2" for summer, or "Ø" for no seasonal peak. Note that the field refers to utility or system peak and not to that of the plant. (TMSNYR)
3 (Key)	Peak Load Month (N2): Enter the code for the peak load month in each logical entry, from the Register of Data Standards, TMMOYR.
4	Maximum Water Temperature at Diversion (N2) DEGF: Enter the maximum water temperature at the diversion of the natural water body supplying cooling water for plant. This refers to the temperature prior to any effect by the plant or diverting facilities.
5	Maximum Water Temperature at Outfall (N2) DEGF: Enter the maximum water temperature at the outfall to the natural water body receiving cooling water from the plant. This refers to the temperature of the cooling water immediately before it joins the water body. It includes the effects of all devices used to reduce the temperature.
6	Average Flow in Receiving Water (N5) CFS: Enter the monthly average flow (in CFS) in the receiving water body for each peak month reported. For tidal water bodies disregard this data field.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0658	COOLING SYSTEM OPERATIONAL DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect operational data on plant cooling systems.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with steam-electric generating capacity of 25 megawatts, or greater, during the subject year.

B. Respondents shall complete all data fields on this schedule annually.

C. Data fields 5, 6 and 7 refer to lakes, reservoirs, streams, wells, estuaries and oceans supplying the cooling water and receiving the final discharge. Cooling ponds and cooling towers are considered to be a part of the plant and withdrawals and discharges between these facilities and the plant should not be reported. Make-up requirements are an exception to this condition. The operation and maintenance expenses should include such expenses for pumps, ponds, cooling towers, fans, cooling water intakes and outlets, piping, and other costs associated with cooling water operation. The operation and maintenance expenses for condenser operation should not be included. Costs should be in accordance with the Federal Power Commission Uniform System of Accounts prescribed for Public Utilities and Licensees. The cost of chemical additives should be excluded from the operation and maintenance expenses and shown separately as indicated.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Cooling Facility ID (A5): Enter the unique cooling facility identification code assigned by the respondent. This code is the same code used on Schedule 0625, data field 3 and Schedule 0626, data field 3.
3 (Key)	Cooling Facility Type (A3): Code identifying cooling facility type as found in the Register of Data Standards, IYCLCD.
4 (Key)	Combination System Indicator (N1): Is this system a combined system? Enter "1" for yes; "0" for no. (INYONO)
5	Combined Use Indicator (N1): If combined systems are used independently, enter "1" in this data field; if not, enter "0". (INYONO)

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DETAILED INSTRUCTIONS: SCHEDULE 0658	COOLING SYSTEM OPERATIONAL DATA	2 of 2

Data Field Number	Instructions
6	Cooling System Average Withdrawal Rate (N3.2) CFS: Enter average annual rate of withdrawal of cooling water from water supply sources.
7	Cooling System Average Discharge Rate (N3.2) CFS: Enter average annual rate of discharge of cooling water into receiving water bodies.
8	Average Rate of Water Consumption (N2.2) CFS: Enter average annual rate of consumption of cooling water (i.e., must include quantities of water withdrawn after make-up purposes).
9	Cooling Water Operation-Maintenance Expenses (N7) MDOL: Enter the annual cooling water operation and maintenance expenses (in 1000 dollars).
10	Cooling Water Chemical Additives Cost (N7) MDOL: Enter annual cost of chemical additives used in cooling water operations (in 1000 dollars).
11	Boiler Water Operation-Maintenance Expenses (N7) MDOL: Enter the annual boiler water operation and maintenance expenses for boiler water makeup and boiler water blowdown treatment (in 1000 dollars).
12	Boiler Water Chemical Additives Cost (N7) MDOL: Enter annual cost of chemical additives used in boiler water makeup and boiler water blowdown treatment (in 1000 dollars).
13	Generating Capacity (N11) MW: Enter generating capacity served by cooling facility.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0659	PLANT PROJECTION DATA	1 of 6

I. DESCRIPTION

This schedule is used to collect data related to current steam-electric plant operating conditions, and projected conditions five years in the future and ten years in the future.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule annually.

C. Where used in this schedule current year means the year for which the data is reported; not the year in which data is submitted. The first forecasted year pertains to the current year plus 5 years, and the second forecasted year pertains to the current year plus 10 years.

D. When completing this schedule, enter the plant code and the plant name in data fields 1 and 2, respectively. Show all data for the current year in logical entry number 1 (lines 6-16); show all projected data for the first forecasted year in logical entry number 2 (lines 18-28); and show projected data for the second forecasted year in logical entry number 3 (lines 30-40). Note: Data reported for projected years must reflect yearly not cumulative totals.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2	Plant Name (A35): Enter the full name of the plant, from the Register of Data Standards, IDPLNT.
3 (Key)	Projected Year (N4): In the first logical entry (lines 6-16) enter the current year. In the second logical entry (lines 18-28) enter the first forecasted year (current year plus 5 years). In the third logical entry (lines 30-40) enter the second forecasted year (current year plus 10 years). (TMYEAR)
4	Indicator Future or Current (N1): In logical entries 2 and 3 enter a "1" if projected data pertains to a totally new plant scheduled for operation during the 10 years forecasted. Enter a "2" if projected data pertains to a plant which operated during the current year. (INETOR)
5	Total Generator Groups (N3) NO: In logical entry number 1 show the total number of boiler-generator groups installed at

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0659	PLANT PROJECTION DATA	2 of 6

Data Field Number	Instructions
5 (cont'd)	the plant as of the end of the current year. A boiler-generator unit refers to any combination, i.e., one boiler and one generator; two boilers and one generator; one boiler and four generators, etc., operating as a unit.
6	Number Operating Generator Groups (N3) NO: Enter the number of generating groups in operation during the subject year. "Generating groups" are defined in the instructions to data field 5 above.
7	Total Nameplate Capacity (N7) MW: Enter the total nameplate generating capacity (in megawatts) at maximum hydrogen pressure, of the generating groups enumerated in data field 5 above.
8	Total Land Requirements (N8) ACRE: Enter the total land (in acres) in use for plant. Include land for generating plant, substations, field storage areas, waste disposal areas, cooling facilities, etc.
9	Number Planned Generator Groups (N2) NO: Enter the number of new generating groups planned for installation in future years only.
10	Total New Nameplate Capacity (N7) MW: Enter the total nameplate capacity, (in megawatts) at maximum hydrogen pressure, of the new generating groups enumerated in data field 9 above, only.
11	Planned Land Requirements (N6) ACRE: Enter the total land (in acres) planned or estimated to be required for new plant or new units in future years only.
12	Quantity Coal Consumed (N4.3) TON: Enter the total quantity (in 1000 tons) of coal consumed at plant during the subject year.
13	Coal Btu Content (N5) BTU: Enter the annual weighted average heating volume (in Btu/pound) of the coal entered in data field 12 above.
14	Coal Sulfur Content (N1.2) PCT: Enter the weighted average sulfur content (as a percentage to two decimal places) of the coal entered in data field 12 above.
15	Bureau of Mines District (N2): Enter the numeric code only for the source of coal entered in data field 12 above. Enter the code for the Bureau of Mines coal producing district,

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Data Field Number	Instructions
15 (cont'd)	from the Register of Data Standards, IDCLDS. If coal is received from more than one producing district, show the percentage received from each district, in a footnote.
16	Coal State (A2): Enter the abbreviation for the state in which the coal was mined, from the Register of Data Standards, IDSTAT.
17	Quantity Residual Oil Consumed (N6.2) BBL: Enter the total quantity (in 1000 barrels) of residual oil consumed at the plant during the subject year.
18	Residual Oil BTU (N6) BTU: Enter the annual weighted average heating volume (in BTU/gallon) of the residual oil entered in data field 17 above.
19	Oil-Sulfur Content (N3) PCT: Enter the annual weighted average sulfur content (as a percentage) of the residual oil entered in data field 17 above.
20	Residual Oil Per Cent Domestic (N3) PCT: Enter the percentage representing that part of the residual oil (entered in data field 17 above) which was of domestic origin. The sum of this data field (20) and data field 21 must equal 100 per cent.
21	Residual Oil Per Cent Imported (N3) PCT: Enter the percentage representing that part of the residual oil (entered in data field 17 above) which was of imported origin. The sum of this data field (21) and data field 20 must equal 100 per cent.
22	Distillate Oil Quantity Consumed (N5) BBL: Enter the total quantity (in 1000 barrels) of distillate oil (No. 2) consumed at plant during the subject year.
23	Distillate Oil Per Cent Domestic (N3) PCT: Enter the percentage representing that part of the distillate oil (entered in data field 22 above) which was of domestic origin. The sum of this data field (23) and data field 24 must equal 100 per cent.
24	Distillate Oil Per Cent Imported (N3) PCT: Enter the percentage representing that part of the distillate oil (entered in data field 22 above) which was of imported origin. The sum of this data field (24) and data field 23 must equal 100 per cent.
25	Quantity Crude Consumed (N3.3) BBL: Enter total quantity (in 1000 barrels) of crude oil consumed at plant during the subject year.

Data Field Number	Instructions
26	Crude-Sulfur Per Cent (N3) PCT: Enter the annual weighted average sulfur content (as a percentage) of the crude oil entered in data field 25 above.
27	Crude Per Cent Domestic (N3) PCT: Enter the percentage representing that part of the crude oil (entered in data field 25 above) which was of domestic origin. The sum of this data field (27) and data field 28 must equal 100 per cent.
28	Crude Per Cent Imported (N3) PCT: Enter the percentage representing that part of the crude oil (entered in data field 25 above) which was of imported origin. The sum of this data field (28) and data field 27 must equal 100 per cent.
29	Firm Basis Gas (N5) MMCF: Enter the quantity of gas consumed (in 1000 MCF) which was supplied on a firm (i.e., non-interruptible) basis.
30	Interruptible Gas (N5) MMCF: Enter the quantity of gas consumed (in 1000 MCF) which was supplied on an interruptible basis.
31	Gas Consumption - Total (N6) MMCF: Enter the total quantity of gas (in 1000 MCF) consumed at plant during year. This entry must equal the sum of data fields 29 and 30 above.
32	Gas BTU (N4) BTU/CU FT: Enter the annual weighted average heating value of the gas entered in data field 31 above.
33	Particulate Emissions (N3.3) MTON: Enter the total plant particulate emissions (in 1000 tons/year) estimated for the subject year by the following method. Complete for each unit: (fuel ash content minus bottom ash collected) times (1 minus control technique efficiency expressed as a decimal). Sum up emissions from all fossil fueled units. Include non-ash carbonaceous matter resulting from oil burning.
34	Sulfur Oxides (N3.3) MTON: Enter the total plant sulfur oxide emissions (in 1000 tons/year) estimated for the subject year by the following method. Complete for each unit (sulfur content of fuel minus sulfur content of product removed) times 2. Sum up emissions from all fossil fueled units.
35	Nitrogen Oxides (N6.3) MTON: Enter the total plant nitrogen oxide emissions (in 1000 tons/year) estimated for the subject year by the following plant emissions notes: Pulverized Coal, dry bottom firing (181 pounds per ton of coal); Pulverized Coal, wet bottom firing (30 pounds per ton of coal); Cyclone

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DETAILED INSTRUCTIONS: SCHEDULE 0659	PLANT PROJECTION DATA	5 of 6

Data Field Number	Instructions
35 (cont'd)	of oil); Gas (390 pounds per 100 Mcf). Subtract nitrogen oxide reduction by a control technique. If plant data indicates a rate different from any of these given here, use it.
36	Heat Rejected to Air (N4.3) BBTU: Enter total heat (in billion BTU/year) rejected to air by plant during subject year. This refers to estimated heat emission with flue gases.
37	Quantity Stack Scrub Waste (N3.3) MTON: Enter the total quantity (in 1000 tons/year) of stack gas scrubbing waste at plant during subject year. Note: An entry in this data field (37) requires an entry in data field 38 below.
38	Description - Stack Scrubbing Waste (A20): Enter a brief description of the type of stack gas scrubbing waste for which a quantity was entered in data field 37 above. (IDDESC)
39	Quantity Annual Ash Waste (N3.3) TON: Enter the total combined quantity (in 1000 tons/year) of both flyash and bottom ash collected at plant during subject year.
40	Cooling Water Source (A20): Enter the source of plant cooling water. Include both name and type of water body. For example, enter "Mississippi River," not "Mississippi." (IDDESC)
41	Per Cent Capacity Served - Once Through (N3) PCT: Enter the percentage representing that portion of total plant generating capacity (as reported in data field 7 above) served by once through cooling systems.
42	Per Cent Capacity Served - Wet Cooling Towers (N3) PCT: Enter the percentage representing that portion of total plant generating capacity (as reported in data field 7 above) served by wet cooling towers.
43	Per Cent Capacity Served - Dry Cooling Towers (N3) PCT: Enter the percentage representing that portion of total plant generating capacity (as reported in data field 7 above) served by dry cooling towers.
44	Per Cent Capacity Served - Cooling Ponds (N3) PCT: Enter the percentage representing that portion of total plant generating capacity (as reported in data field 7 above) served by artificial cooling ponds or lakes.
45	Average Water Withdrawal (N5) CFS: Enter the average annual/ water withdrawal (in CFS) from the water body during the subject year.

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DETAILED INSTRUCTIONS: SCHEDULE 0659	PLANT PROJECTION DATA	6 of 6

Data Field Number	Instructions
46	Average Flow Through Condenser (N5) CFS: Enter the average annual water flow (in CFS) through condensers at plant during subject year.
47	Temperature Rise (N2) DEGF: Enter the design temperature rise (in degrees Fahrenheit) across condenser at plant during subject year.
48	Water Return (N5) CFS: Enter the average annual water return (in CFS) to the water body at plant during the subject year.
49	Evaporation Loss (N5) CFS: Enter the amount of direct and indirect evaporation losses (in Cfs) of cooling water at plant during year. This refers to direct evaporation and drift from cooling system plus induced evaporation in diversion channels and in the receiving water body. If plant data is not available use the following equation: Losses = 0.0086 X Withdrawal.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0660	PLANT CAPACITY AND GENERATING UNIT CHANGES	1 of 2

I. DESCRIPTION

This schedule is designed to collect data on changes in status of existing generating units and new units made operational during the subject year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all existing generating plants and units and new units made operational during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission only if there is a change to unit status (data field 5 of detailed instructions). On subsequent submssions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter the abbreviation for generation type from the following list: (TYPLPW) ST = Steam-electric HY = Hydroelectric (conventional) HP = Hydroelectric (pumped storage) IC = Internal Combustion GT = Gas Turbine
3 (Key)	Generating Group ID (A5): Enter the unique identification code assigned by the respondent to the generating group associated with the unit undergoing modification. (IDEQPT)
4 (Key)	Generating Unit ID (A5): Enter the unique number assigned by the respondent to each generating unit in the plant. (IDEQPT)
5	Unit Status (A4): Enter the abbreviation for unit status, from the Register of Data Standards, TYSTPL.
6	Name of Purchaser or Lessee (A35): If unit has been sold or leased to another, enter the name of purchaser or lessee. (IDNAME)

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DETAILED INSTRUCTIONS: SCHEDULE 0660	PLANT CAPACITY AND GENERATING UNIT CHANGES	2 of 2

Data Field Number	Instructions
7	Address of Purchaser or Lessee (A22): Enter the state abbreviation, from the Register of Data Standards, IDSTAT, followed by the city name of the purchaser or lessee (IDCITY).
8	Installed Capacity Before Modification (N5.2) MW: Enter the installed generating capacity (maximum nameplate rating in MW) of each unit after modification or any other changes mentior. 1 in data field 5 above.
9	Installed Capacity After Modification (N5.2) MW: Enter the installed generating capacity (maximum nameplate rating in MW) of each unit after modification or any other changes mentioned in data field 5 above.
10	Plant Net Capability After Modification (N5.2) MW: Enter the plant total net capacity after modification in MW.
11	Date of Change (N6): Enter the two-digit numeric code for the month, the day of the month, and the last two digits of the year, when the changes occurred, in the format MMDDYY. (TMDATE)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0665	PLANT TRANSFORMER DESIGN DATA	1 of 3

I. DESCRIPTION

This schedule is used to collect data on step-up transformers installed at electric generating plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with electric generating capacities as follow:

Steam-electric (including nuclear) - 25 megawatts or greater
Internal combustion and gas-turbine - 10 megawatts or greater
Hydroelectric (including pumped storage) - 10 megawatts or greater

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Note that the information requested applies to banks of identical transformers and their relationship to plant generating units.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Bank ID (A3): Enter the unique identification code assigned (by the respondent) to each bank of transformers in the plant. Once assigned, the same code must always be used for the same banks. (IDEQPT)
3	Number of Identical Transformers (N2) NO: Enter the number of identical transformers in the bank which are currently in service.
4	Number of Identical Spares (N2) NO: Enter the number of identical transformers in the bank which are used as spares.
5	Bank Type (A4): Enter the abbreviation for each transformer bank, from the following list: (TYTRBK) 2WND - Two Winder 3WND - Three Winder AUTO - Auto Transformer
6	Phase (N1) NO: Enter transformer phase, "1", "2", or "3".

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DETAILED INSTRUCTIONS: SCHEDULE 0665	PLANT TRANSFORMER DESIGN DATA	2 of 3

Data Field Number	Instructions
7	Frequency (N2) HZ: Enter transformer frequency, in Hertz.
8	Primary Connection (A1): Enter the code for the type of primary bank connection, from the following list: (TYTRCN) Y - Wye D - Delta V - Vee G - Wye Grounded Z - Zig Zag O - Other
9	Secondary Connection (A1): Enter the code for type of secondary bank connection, from the listing in data field 8 above. (TYTRCN)
10	Tertiary Connection (A1): Enter the code for type of tertiary bank connection, from the listing in data field 8 above. (TYTRCN)
11	Primary Normal Capacity Rating (N6) MVA: Primary capacity of a single transformer at normal rating.
12	Secondary Normal Capacity Rating (N6) MVA: Secondary capacity or a single transformer at normal rating.
13	Tertiary Normal Capacity Rating (N6) MVA: Tertiary capacity of a single transformer at normal rating.
14	Primary Maximum Continuous Rating With Forced Cooling (N6) MVA: Enter the primary maximum continuous rating of single transformer with forced cooling, if installed.
15	Secondary Maximum Continuous Rating With Forced Cooling (N6) MVA: Enter the secondary maximum continuous rating of single transformer with forced cooling, if installed.
16	Tertiary Maximum Continuous Rating With Forced Cooling (N6) MVA: Enter the tertiary maximum continuous rating of single transformer.
17	Primary Voltage (N5.2) KV.
18	Secondary Voltage (N5.2) KV.
19	Tertiary Voltage (N5.2) KV.
20	Primary Bank Capacity (N5.2) MVA.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0665	PLANT TRANSFORMER DESIGN DATA	3 of 3

Data Field Number	Instructions
21	Secondary Bank Capacity (N5.2) MVA.
22	Tertiary Bank Capacity (N5.2) MVA.

NOTE: Data fields 23, 24, and 25 must be the same codes already assigned (by the respondent) on the associated plant schedules.

23 (Key) Generating Type (A2): Enter the abbreviation for the generation type associated with the transformer bank, from the following list: (TYPLPW)

ST = Steam-Electric
HY = Hydroelectric (conventional)
HP = Hydroelectric (pumped storage)
IC = Internal Combustion
GT = Gas-Turbine

24 Generating Group ID (A5): Enter the unique identification code assigned by the respondent to the generating group which is accociated with the transformer bank being described. (IDEQPT)

25 Generating Unit ID (A5): Enter the unique identification code assigned by the respondent to the generating unit which is associated with the transformer bank being described. (IDEQPT)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0854	HYDROELECTRIC STORAGE RESERVOIR CURVES	1 of 3

I. DESCRIPTION

This schedule is used to collect data on storage reservoirs. This information shall be furnished when reservoirs or effected plants were:

(a) Constructed, purchased, or leased, and placed in operation by the respondent during the year, or

(b) Operated by the respondent prior to the year covered by this statement but not reported to this Commission in the form prescribed below.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all electric utilities with reservoirs under their jurisdiction.

B. Respondents shall submit this schedule with appropriate diagrams and curves on the initial submission for a reservoir. Thereafter, all respondents shall submit this schedule annually, with diagrams and curves showing changes that have occurred during the reporting period, or indicating that no changes have occurred.

C. The data on this schedule shall be reported by plant for each reservoir. However, reservoirs which are not located at a plant site shall be reported for the closest plant to which storage is provided. Curve number (1), Elevation - KWH (at site) and the name of plant site as illustrated in Addendum A, will be ommitted for this condition.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the plant code, from the Register of Data Standards, IDPLNT.
2	Plant Name (A35): Enter the plant name, from the Register of Data Standards, IDPLNT.
3	Reservoir Name (A35): Enter the name of the reservoir being reported upon. (IDNAME)

Note: A "1" must be entered in one and only one of the following data fields (4, 5 or 6) below:

4	Indicator Initial Submission (N1): Enter "1" if this is the initial submission of data for the reservoir named in data field 3 above, if not, enter "Ø". (INYONO)

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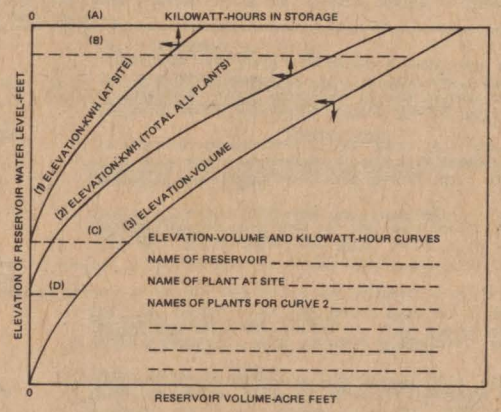
R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0854	HYDROELECTRIC STORAGE RESERVOIR CURVES	2 of 3

Data Field Number	Instructions
5	Indicator Annual Submission With Changes (N1): Enter "1" if this is an annual submission of data with changes to previously submitted information; if not, enter "Ø". (INYONO)
6	Indicator Annual Submission Without Changes (N1): Enter "1" if this is an annual submission of data without changes from that previously submitted data (in this case the material associated with data field 7 below may be ommitted); if not, enter "Ø". (INYONO)
7	Elevation Volume and Kilowatt Hour Curves: Provide this indicated data in this space. If this space is not adequate, the document should be attested to the schedule. The following items are requested: (1) Furnish "Elevation - Volume" and "Elevation Kilowatt-hour" curves for each storage reservoir on the system that can provide monthly or seasonal storage. A form for showing these data is illustrated in the accompanying sketch. (2) In addition to the foregoing curves, show (a) the maximum water level without spill (to be furnished for operation without and with flash boards if used), and (b) the maximum water level at which the reservoir is normally carried; (c) the minimum water level of the reservoir for plant operation at the site, and (d) the minimum water level to which water can be drawn for use at other plants; and (e) capacity-head curves for plants having large variations in head. Elevations should be referred to U.S.G.S. datum (or to the same datum as used in plant layout sketches). (3) Furnish "Operating Rule Curves" for each of the foregoing reservoirs, in the form in which they are available, and state period for which curves are applicable. See Addendum A for an illustrative diagram.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0854	HYDROELECTRIC STORAGE RESERVOIR CURVES	3 of 3

"ELEVATION-VOLUME" AND "ELEVATION-KILOWATT HOUR" CURVES



ADDENDUM A

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(3-76)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0855	HYDROELECTRIC POWER PLANT DIAGRAMS AND CURVES	1 of 2

I. DESCRIPTION

This schedule is used to collect data on conventional and hydroelectric and pumped storage power plants. This information shall be furnished for qualified plants which were:

(a) Constructed, purchased, or leased, and placed in operation by the respondent during the year, or

(b) Operated by the respondent prior to the year covered by this statement but not reported to this Commission in the form prescribed below.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for plants with conventional hydroelectric pumped storage installed generating capacity of 10 megawatts or greater.

B. Respondents shall submit this schedule with sketches, curves and photographs included on the initial submission for each plant. Thereafter, all respondents shall submit this schedule annually, with maps and diagrams showing changes in the system that occurred during the reporting period, or indicating that no changes have occurred.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the plant code, from the Register of Data Standards, IDPLNT.
2	Plant Name (A35): Enter the name of the plant, from the Register of Data Standards, IDPLNT.

Note: A "1" must be entered in one and only one of the following data fields (3, 4 or 5) below:

3	Indicator Initial Submission (N1): Enter "1" if this is the initial submission of data for the plant identified in data field 1 above; if not, enter "Ø". (INYONO)
4	Indicator Annual Submission With Changes (N1): Enter "1" if this is an annual submission of data with changes to previously submitted information; if not, enter "Ø". (INYONO)
5	Indicator Annual Submission Without Changes (N1): Enter "1" if this is an annual submission of data without changes from that previously submitted data (in this case the material associated with data field 6 below may be ommitted); if not, enter "Ø". (INYONO)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0855	HYDROELECTRIC POWER PLANT DIAGRAMS AND CURVES	2 of 2

Data Field Number	Instructions
6	Sketches, Diagrams and Photographs: Provide the indicated data in this space. If this space is not adequate, the documents may be attached to the schedule. The following items are requested: (1) For each hydroelectric plant of 10 megawatts installed capacity or greater furnish: (a) A panoramic sketch of the project, and a profile sketch of the plant layout showing elevations referred to U.S.G.S. datum, if such datum is available. Show for the dam its material and type, maximum height, total length, thickness at base, and length of spillway section. Furnish curves showing headwater and tailwater elevation, in feet, plotted against total discharge, including plant use in cubic feet per-second. (b) A photograph of the plant if available. (2) If available, furnish for all hydroelectric plants of 10 megawatts installed capacity or greater, curves showing the relation between over-all water use in cubic feet per second and gross plant load in megawatts, from minimum to full load at a constant gross head with approximates for the average head. The gross head should be stated.

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I. DESCRIPTION

This schedule is used to collect one-line diagrams to illustrate the station data within a steam-electric plant.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with a steam-electric generating capacity of 25 megawatts or greater.

B. This schedule shall be submitted with completed diagrams on the initial submission for a plant. Thereafter, it shall be submitted annually with completed diagrams showing changes that have occurred during the reporting period, or indicating that no changes have occurred.

III. DETAILED INSTRUCTIONS

The following data field ~~y~~-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the plant code, from the Register of Data Standards, IDPLNT.
2	Plant Name (A35): Enter the plant name, from the Register of Data Standards, IDPLNT.

Note: A "1" must be entered in one and only one of the following data fields (3, 4 or 5) below:

3	Indicator Initial Submission (N1): Enter "1" if this is the initial submission of data for the plant identified in data field 1 above; if not, enter "Ø". (INYONO)
4	Indicator Annual Submission With Changes (N1): Enter "1" if this is an annual submission of data with changes to previously submitted information; if not, enter "Ø". (INYONO)
5	Indicator Annual Submission Without Changes (N1): Enter "1" if this is an annual submission of data without changes from that previously submitted data (in this case the material associated with data field 6 below may be ommitted); if not, enter "Ø". (INYONO)
6	One-Line Diagrams: Using the provided diagrams, illustrate the plant operating configurations by inserting the identification codes (respondent commonly used designation) for all stacks, flue-gas cleaning equipment, boilers and generators which have been used in reporting this equipment to the FPC.

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Data Field Number	Instructions
6 (cont'd)	In the case of boilers and generators, the code is to be presented in combination with the generating group code identifying the group the boiler or generator is a part of. The order is to be: Generating Group Code Boiler or Generator Code

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTION: SCHEDULE 0000	FOOTNOTES TO FPC PUBLIC USE SCHEDULES	1 of 2

I. DESCRIPTION

This schedule is used to collect the text for all footnote references for a respondent submission.

II. GENERAL INFORMATION

A. This schedule shall be submitted when applicable by all respondents for reporting footnotes to FPC Public Use Schedules.

B. The footnote reference numbers must be unique within a particular submission.

C. The respondent has to indicate two major types of footnotes.

1. General Footnote - The General Footnote can refer to either the entire schedule or one data field on the schedule, i.e. all data which is reported for data field 5 on the schedule not just one specific value for data field 5.

2. Specific Footnote - The Specific Footnote can refer either to an entire logical entry, i.e. group of related data which separates as an entity on a schedule or a data item within the logical entry.

The following entries are provided as an example:

Type Footnote	Data Field 2 (Footnote No.)	Data Field 3 (Ref. ID)
1. General Footnote		
a. Entire schedule	001	GEN
b. All data values for data field 5 entries on this schedule	001	005
All data values for data field 6 entries on this schedule	001	006
2. Specific Footnote		
a. Entire logical entry	002	GEN
b. Data item entry	002	004
	002	006
	002	008

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTION: SCHEDULE 0000	FOOTNOTES TO FPC PUBLIC USE SCHEDULES	2 of 2

Data Field Number	Instructions
1 (Key)	Schedule Number (N4): Enter the number of the schedule on which the footnote reference number was assigned, e.g., 0501 or 0505.
2 (Key)	Footnote Number (N3): Enter the unique footnote reference number from 001-999 for each particular submission.
3 (Key)	Reference Identification (A3): Enter "GEN" for Type 1a and 2a footnotes, i.e., footnotes that apply to the entire schedule (or to an entire logical entry) or enter the appropriate data field number for the specific data field value being footnoted (Type 1b or 2b).
4 (Key)	Line Sequence Number (N2): Enter 01, 02 etc., for each successive line of text.
5 (Key)	System Code (N6): This data field applies only to Electric respondents reporting data by system. Enter the six digit number code for the system, from the Register of Data Standards, IDSYST.
6 (Key)	Plant ID (N5): This data field applies only to Electric respondents reporting data by plant. Enter the five digit numeric code for the plant, from the Register of Data Standards, IDPLNT.
7 (Key)	Project Development Code (A5): This data field applies only to Electric respondents reporting data by license projects. Enter the five digit numeric code for the license project, from the Register of Data Standards, IDLPRJ.
8	Text (A72): Enter the text of the footnote. Use successive lines as required for text. Repeat Data Fields 1-3, 5 or 6 as applicable, and increment Data Field 4 (Line Sequence Number) By 1.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 1000	SUPPORTING DOCUMENTATION	1 of 1

I. DESCRIPTION

This schedule is used to collect schedule related supporting documentation not required by the Public Use Schedules.

II. GENERAL INFORMATION

A. This schedule shall be submitted by any Federal Power Commission respondent who desires to provide supportive documentation or any additional information relating to the Public Use Schedules.

B. This schedule shall be completed only as deemed necessary by the respondent or where specifically requested by detailed instructions for other schedules.

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FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDAQCR

DATA ITEM LIST TITLE: ID, AIR QUALITY CONTROL REGIONS

DATA ITEM LIST DESCRIPTION: IDENTIFIES AIR QUALITY CONTROL REGIONS OF THE US AS DESIGNATED BY THE ENVIRONMENTAL PROTECTION AGENCY.

DATA ITEM LIST SOURCE: US ENVIRONMENTAL PROTECTION AGENCY

DATA ITEM LIST	CODE	ABBREVIATION
ALABAMA AND TOMBIGBEE RIVERS	1	
COLUMBUS-PHENIX CITY	2	
EAST ALABAMA	3	
METROPOLITAN BIRMINGHAM	4	
MOBILE-PENSACOLA-PANAMA CITY-SOUTHERN MISSISSIPPI	5	
SOUTHEAST ALABAMA	6	
TENNESSEE RIVER VALLEY-CUMBERLAND MOUNTAINS	7	
COOK INLET	8	
NORTHERN ALASKA	9	
SOUTH CENTRAL ALASKA	10	
SOUTHEASTERN ALASKA	11	
ARIZONA-NEW MEXICO SOUTHERN BORDER	12	
CLARK-MOHAVE	13	
FOUR CORNERS	14	
PHOENIX-TUCSON	15	
CENTRAL ARKANSAS	16	
METROPOLITAN FORT SMITH	17	
METROPOLITAN MEMPHIS	18	
MONROE-EL DORADO	19	
NORTHEAST ARKANSAS	20	
NORTHWEST ARKANSAS	21	
SHREVEPORT-TEXARKANA-TYLER	22	
GREAT BASIN VALLEY	23	
METROPOLITAN LOS ANGELES	24	
NORTH CENTRAL COAST	25	
NORTH COAST	26	
NORTHEAST PLATEAU	27	
SACRAMENTO VALLEY	28	
SAN DIEGO	29	
SAN FRANCISCO BAY AREA	30	
SAN JOAQUIN VALLEY	31	
SOUTH CENTRAL COAST	32	

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FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDCLDS

DATA ITEM LIST TITLE: ID, COAL DISTRICTS

DATA ITEM LIST DESCRIPTION: IDENTIFIES COAL AND LIGNITE PRODUCING COUNTRIES AND STATES OF THE US.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
EASTERN PENNSYLVANIA	01	
WESTERN PENNSYLVANIA	02	
NORTHERN WEST VIRGINIA	03	
OHIO	04	
MICHIGAN	05	
PANHANDLE	06	
SOUTHERN NO. 1	07	
SOUTHERN NO. 2	08	
WEST KENTUCKY	09	
ILLINOIS	10	
INDIANA	11	
IOWA	12	
SOUTHEASTERN	13	
ARKANSAS-OKLAHOMA	14	
SOUTHWESTERN	15	
NORTHERN COLORADO	16	
SOUTHERN COLORADO	17	
NEW MEXICO	18	
WYOMING	19	
UTAH	20	
NORTH DAKOTA-SOUTH DAKOTA	21	
MONTANA	22	
WASHINGTON	23	
PENNSYLVANIA ANTHRACITE	24	
POLAND	25	
SOUTH AFRICA	30	
AUSTRALIA	35	
CANADA	40	

DATA ITEM LIST MNEMONIC: IDCNSR

DATA ITEM LIST TITLE: ID, US CENSUS REGIONS

DATA ITEM LIST DESCRIPTION: IDENTIFIES SUBDIVISIONS OF THE US DESIGNATED AS CENSUS REGIONS FOR REPORTING AND SUMMARIZING OF CENSUS DATA.

DATA ITEM LIST SOURCE: US BUREAU OF CENSUS

DATA ITEM LIST	CODE	ABBREVIATION
NEW ENGLAND	01	
MIDDLE ATLANTIC	02	
EAST NORTH CENTRAL	03	
WEST NORTH CENTRAL	04	
SOUTH ATLANTIC	05	
EAST SOUTH CENTRAL	06	
WEST SOUTH CENTRAL	07	
MOUNTAIN	08	
PACIFIC	09	
NON-CONTIGUOUS	10	
HAWAII	11	
ALASKA	12	

DATA ITEM LIST MNEMONIC: IDCNTY

DATA ITEM LIST TITLE: ID, COUNTIES OF THE US.

DATA ITEM LIST DESCRIPTION: IDENTIFIES THE COUNTIES OF THE US. COUNTIES, AS FIRST ORDER SUBDIVISIONS OF MOST STATES, ARE CONSIDERED SYNONYMOUS WITH PARISH, BOROUGH, OR CENSUS DIVISION USED IN OTHERS. FOR RIS USE, THIS LIST IS SUPPLEMENTED WITH NATURAL GAS OFFSHORE AREAS.

DATA ITEM LIST SOURCE: FIPS PUB 6-2,SEP 15, 1973 AND FPC

DATA ITEM LIST	CODE	ABBREVIATION
OFFSHORE, STATE	00990	990
OFFSHORE, FEDERAL	00995	995
OFFSHORE, GENERAL	00999	999
OFFSHORE, ZONE 1, LOUISIANA	22991	LA991
OFFSHORE, ZONE 2, LOUISIANA	22992	LA992
OFFSHORE, ZONE 3, LOUISIANA	22993	LA993
OFFSHORE, ZONE 4, LOUISIANA	22994	LA994

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDLDCA

DATA ITEM LIST TITLE: ID, POWER LOAD CONTROL AREAS

DATA ITEM LIST DESCRIPTION: IDENTIFIES ELECTRIC POWER LOAD CONTROL AREAS OF THE US.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
CENTRAL MAINE POWER COMPANY	001	
CONNECTICUT VALLEY ELECTRIC EXCHANGE	002	CONVEX
CONSOLIDATED EDISON COMPANY OF NEW YORK	003	
NIAGARA MOHAWK POWER COMPANY	004	
NEW BRUNSWICK ELECTRIC POWER COMMISSION	005	
ONTARIO HYDRO	006	
RHODE ISLAND-EASTERN MASSACHSETTS-VERMONT ELECTRIC CONTROL	007	REMVEC
SAQUENAY POWER SYSTEM	008	
THE SOUTHERN COMPANY	008	
TAPOCO, INC	009	
PENNSYLVANIA-NEW JERSEY-MARYLAND INTERCONNECTION	009	PJM
SAVANNAH ELECTRIC POWER CO	010	
TENNESSEE VALLEY AUTHORITY	011	TVA
BIG RIVERS	012	
FLORIDA POWER CORP	013	
TAMPA ELECTRIC CO	014	
FLORIDA POWER & LIGHT CO	015	
VERO BEACH	016	
JACKSONVILLE ELECTRIC AUTHORITY	017	
ORLANDO UTILITIES COMMISSION	018	
SOUTH CAROLINA PUBLIC SERVICE AUTH	019	
SOUTH CAROLINA ELECTRIC & GAS CO	020	
DUKE POWER CO	021	
CAROLINA POWER & LIGHT CO	022	
YADKIN, INC	023	
VIRGINIA ELECTRIC POWER CO	024	
ALLEGHENY POWER SYSTEM	025	
AMERICAN ELECTRIC POWER SYSTEM	026	
KENTUCKY UTILITIES CO	027	
OHIO EDISON SYSTEM	028	
SO INDIANA GAS & ELECTRIC	029	

(CONTINUED)

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDLPRJ

DATA ITEM LIST TITLE: ID, LICENSED PROJECTS/DEVELOPMENTS

DATA ITEM LIST DESCRIPTION: IDENTIFIES FPC LICENSED PROJECTS AND ASSOCIATED DEVELOPMENTS. THE PROJECT IDENTIFICATION IS GIVEN FIRST, FOLLOWED BY THE DEVELOPMENT. THE CODE FORMAT IS PPPPD WHERE P=NUMERIC PROJECT CODE AND D=ALPHABETIC DEVELOPMENT SUFFIX.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
KERR	0005	
KERR FLATHEAD LAKE	0005A	
GREEN ISLAND PROJECT	0013	
GREEN ISLAND PROJECT GREEN ISLAND	0013A	
TWIN FALLS HYDRO PRO	0018	
TWIN FALLS HYDRO PRO TWIN FALLS RESERVOIR	0018A	
SODA	0020	
SODA SODA	0020A	
BIG CREEK	0067	
BIG CREEK POWERHOUSE SHAVER LAKE	0067A	
BIG CREEK POWERHOUSE FLORENCE LAKE RESER	0067B	
POTTER VALLEY	0077	
POTTER VALLEY LAKE PILLSBURY	0077A	
POTTER VALLEY VAN ARSDALE RESER	0077B	
MITCHELL DAM	0082	
MITCHELL DAM MITCHELL DAM	0082A	
KERCKHOFF	0096	
KERCKHOFF KERCKHOFF LAKE	0096A	
CHIPPEWA RESERVOIR	0108	
CHIPPEWA RESERVOIR	0108A	

(CONTINUED)

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDMFEQ

DATA ITEM LIST TITLE: ID, PLANT EQUIPMENT MANUFACTURERS

DATA ITEM LIST DESCRIPTION: IDENTIFIES THE MANUFACTURERS OF VARIOUS TYPES OF ELECTRIC POWER PLANT EQUIPMENT.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
UNSPECIFIED	000000	UNSP
AMERICAN AIR FILTER COMPANY,INC.	000010	AAFC
ALLIS-CHALMERS	000020	AC
ASSOCIATED ELECTRIC	000030	AE
ALCO	000040	AL
ATM	000050	AM
AMERICAN STANDARD,INC.	000060	AMST
AMERICAN LOCOMOTIVE	000070	AR
ASEA	000080	AS
ATLAS	000090	AT
THE BABCOCK AND WILCOX CO.	000100	B&W
BROWN-BOVERI	000110	BB
BELCO POLLUTION CONTROL CORP.	000120	BELC
BALDWIN-HAMILTON	000130	BH
B.L.H.	000140	BL
BROS	000150	BR
BUSCH-SULZER	000160	BS
BRUSH	000170	BU
BUELL ENGINEERING COMPANY,INC.	000180	BUEL
BABCOCK-WILCOX	000190	BW
CAT	000200	CA
COOPER BESSEMER	000210	CB
CECO	000220	CC
CHICAGO PNEUMATIC	000230	CD
COMBUSTION ENGINEERING INC.	000240	CE
CROCKER	000250	CK
CLEVELAND	000260	CL
CONNELLY	000270	CO
RESEARCH-COTTRELL,INC.	000280	COTT
CAP	000290	CP
CATERPILLAR	000300	CR
CAR	000310	CR
CURTIS-TERRY	000320	CU
DELAVEL	000330	DB
DIESEL ENGINE CO	000340	DE

(CONTINUED)

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDNPSR

DATA ITEM LIST TITLE: ID, NATIONAL POWER SURVEY REGION

DATA ITEM LIST DESCRIPTION: IDENTIFIES SUBDIVISIONS OF THE US DESIGNATED NATIONAL POWER SURVEY REGIONS BY THE FPC.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
NORTHEAST	1	NE
EAST CENTRAL	2	EC
SOUTHEAST	3	SE
WEST CENTRAL	4	WC
SOUTH CENTRAL	5	SC
WEST	6	W

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDPADD

DATA ITEM LIST TITLE: ID, PETROLEUM ADM FOR DEFENSE DIST

DATA ITEM LIST DESCRIPTION: IDENTIFIES SUBDIVISIONS OF THE US DESIGNATED AS PETROLEUM ADMINISTRATION FOR DEFENSE DISTRICTS.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
DISTRICT 1 (INCLUDES: CT,DE,DC,FL, GA,ME,MD,MA,NH,NJ,NY,NC,PA,RI,SC, VT,VA,WV)	1	
DISTRICT 2 (INCLUDES: IL,IN,IA,KS, KY,MI,MN,MO,NE,ND,OH,OK,SD,TN,WI)	2	
DISTRICT 3 (INCLUDES: AL,AR,LA,MS, NM,TX)	3	
DISTRICT 4 (INCLUDES: CO,ID,MT,UT, WY)	4	
DISTRICT 5 (INCLUDES: AK,AZ,CA,HI, NV,OR,WA)	5	

PAGE: IDPADD-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDPLNT

DATA ITEM LIST TITLE: ID, ELECTRIC POWER PLANTS

DATA ITEM LIST DESCRIPTION: IDENTIFIES ELECTRIC POWER GENERATING PLANTS REPORTING TO THE FPC.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
(TO BE FURNISHED BY BUREAU OF POWER)		

PAGE: IDPLNT-1

DATA ITEM LIST MNEMONIC: IDPPAR

DATA ITEM LIST TITLE: ID, PRIMARY PLANNING AREAS

DATA ITEM LIST DESCRIPTION: IDENTIFIES SUBDIVISIONS OF THE US DESIGNATED AS ELECTRIC POWER PRIMARY PLANNING AND OPERATING AREAS BY THE FPC.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
AMERICAN ELECTRIC POWER SYSTEM	1	AEP
ALLEGHENY POWER SYSTEM	2	APS
CENTRAL AREA POWER COORDINATION GROUP	3	CAPCO
CALIFORNIA POWER POOL	4	CAPP
CINCINNATI-COLUMBUS-DAYTON POOL	5	CCD
COLORADO POWER POOL	6	COLOPP
FLORIDA (SERC SUBREGION)	7	FLA
ILLINOIS-MISSOURI POOL	8	IMP
KENTUCKY-INDIANA POWER POOL	9	KIP
MID-AMERICA POWER POOL	10	MAPP
MISSOURI-KANSAS POOL	11	MOKAN
MIDDLE SOUTH UTILITIES SYSTEM	12	MSU
NEW ENGLAND POWER POOL (NPCC SUBREGION)	13	NEPOOL
NEW MEXICO POWER POOL	14	NMPP
NORTHWEST POWER POOL	15	NWPP
NEW YORK POWER POOL (NPCC SUBREGION)	16	NYPP
PENNSYLVANIA-NEW JERSEY-MARYLAND INTERCONNECTION	17	PJM
PACIFIC NORTHWEST COORDINATION AREA	18	PNCA
ROCKY MOUNTAIN POWER AREA	19	RMPA
SOUTH CENTRAL ELECTRIC COMPANIES	20	SCEC
SOUTHERN COMPANY SYSTEM (SERC SUBREGION)	21	SOCO
TENNESSEE VALLEY AUTHORITY (SERC SUBREGION)	22	TVA
VIRGINIA-CAROLINAS (SERC SUBREGION)	23	VACARS
WESTERN ENERGY SUPPLY AND TRANSMISSION ASSOCIATES	24	WEST
WISCONSIN-UPPER MICHIGAN SYSTEMS	25	WUMS

(CONTINUED)

DATA ITEM LIST MNEMONIC: IDPWSA

DATA ITEM LIST TITLE: ID, POWER SUPPLY AREAS

DATA ITEM LIST DESCRIPTION: IDENTIFIES SUBDIVISIONS OF THE US DESIGNATED AS POWER SUPPLY AREAS BY THE FPC.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST (NAMES NOT YET ASSIGNED TO AREAS)	CODE	ABBREVIATION
	1	
	2	
	3	
	4	
	5	
	6	
	7	
	8	
	9	
	10	
	11	
	12	
	13	
	14	
	15	
	16	
	17	
	18	
	19	
	20	
	21	
	22	
	23	
	24	
	25	
	26	
	27	
	28	
	29	
	30A	
	30B	
	31A	
	31B	
	32A	
	32B	

(CONTINUED)

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDREGN

DATA ITEM LIST TITLE: ID, FPC REGIONS

DATA ITEM LIST DESCRIPTION: IDENTIFIES SUBDIVISIONS OF THE US DESIGNATED REGIONS BY THE FPC.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
NEW YORK	1	N
ATLANTA	2	A
CHICAGO	3	C
FORT WORTH	4	F
SAN FRANCISCO	5	S

PAGE: IDREGN-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDRRCL

DATA ITEM LIST TITLE: ID, REGIONAL RELIABILITY COUNCILS

DATA ITEM LIST DESCRIPTION: IDENTIFIES SUBDIVISIONS OF THE US DESIGNATED AS REGIONAL RELIABILITY COUNCIL AREAS.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
ALASKA SYSTEMS COORINATING COUNCIL	1	ASCC
EAST CENTRAL AREA RELIABILITY COORDINATION AGREEMENT	2	ECAR
ELECTRIC RELIABILITY COUNCIL OF TEXAS	3	ERCOT
MID ATLANTIC AREA COUNCIL	4	MAAC
MID AMERICA INTERPOOL NETWORK	5	MAIN
MID CONTINENT AREA RELIABILITY COORDINATION AGREEMENT	6	MARCA
NATIONAL ELECTRIC RELIABILITY COUNCIL	7	NERC
NORTHEAST POWER COORDINATING COUNCIL	8	NPCC
SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL	9	SERC
SOUTHWEST POWER POOL	10	SWPP
WESTERN SYSTEMS COORDINATING COUNCIL	11	WSCC

PAGE: IDRRCL-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDSTAT

DATA ITEM LIST TITLE: ID, STATES OF THE UNITED STATES

DATA ITEM LIST DESCRIPTION: IDENTIFIES THE 50 STATES, THE DISTRICT OF COLUMBIA, AND THE OUTLYING AREAS OF THE US, ALL OF WHICH ARE CONSIDERED FIRST ORDER SUBDIVISIONS OF THE US.

DATA ITEM LIST SOURCE: FIPS PUB 5-1, JUN 15, 1970

DATA ITEM LIST	CODE	ABBREVIATION

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDSYST

DATA ITEM LIST TITLE: ID, ELECTRIC POWER SYSTEMS

DATA ITEM LIST DESCRIPTION: IDENTIFIES ELECTRIC POWER SYSTEMS REPORTED TO THE FPC.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST (TO BE FURNISHED BY BUREAU OF POWER)	CODE	ABBREVIATION

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDWTRR

DATA ITEM LIST TITLE: ID, WATER RESOURCE REGIONS

DATA ITEM LIST DESCRIPTION: IDENTIFIES MAJOR RIVER BASINS OF THE US.

DATA ITEM LIST SOURCE: WATER RESOURCE COUNCIL

DATA ITEM LIST	CODE	ABBREVIATION
NEW ENGLAND	01	
MID-ATLANTIC	02	
SOUTH ATLANTIC-GULF	03	
GREAT LAKES	04	
OHIO	05	
TENNESSEE	06	
UPPER MISSISSIPPI	07	
LOWER MISSISSIPPI	08	
SOURIS-RED RAINY	09	
MISSOURI (MISSOURI BASIN)	10	
ARKANSAS-WHITE-RED	11	
TEXAS - GULF	12	
RIO GRANDE	13	
UPPER COLORADO	14	
LOWER COLORADO	15	
GREAT BASIN	16	
PACIFIC NORTHWEST (COLUMBIA-NORTH PACIFIC)	17	
CALIFORNIA (SOUTH PACIFIC)	18	
ALASKA	19	
HAWAII	20	
PUERTO RICO	21	

PAGE: IDWTRR-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TMMOYR

DATA ITEM LIST TITLE: TIME, MONTH OF YEAR

DATA ITEM LIST DESCRIPTION: IDENTIFIES THE MONTHS OF YEAR ACCORDING TO THE CIVIL (GREGORIAN) CALENDAR. FOR RIS USE, AN "UNSPECIFIED" MONTH ENTRY HAS BEEN ADDED.

DATA ITEM LIST SOURCE: FIPS PUB 4, NOV 1, 1968

DATA ITEM LIST	CODE	ABBREVIATION
UNSPECIFIED	00	UNS
JANUARY	01	JAN
FEBRUARY	02	FEB
MARCH	03	MAR
APRIL	04	APR
MAY	05	MAY
JUNE	06	JUN
JULY	07	JUL
AUGUST	08	AUG
SEPTEMBER	09	SEP
OCTOBER	10	OCT
NOVEMBER	11	NOV
DECEMBER	12	DEC

PAGE: TMMOYR-1

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYBLFR

DATA ITEM LIST TITLE: TYPE OF BOILER FIRING

DATA ITEM LIST DESCRIPTION: INDICATES THE METHOD OF FIRING STEAM BOILERS BY TYPE OF FUEL.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
UNSPECIFIED	00	UNSP
CYCLONE	01	CYCL
FLUIDIZED BED	02	FLUI
GAS, FRONT FIRING	03	GFRO
GAS, OPPOSED FIRING	04	GOPP
GAS, TANGENTIAL FIRING	05	GTAN
NUCLEAR FISSION	06	NUCF
OTHER STOKER	07	OSTO
PULVERIZED COAL, UNSPECIFIED	10	PCUN
PULVERIZED COAL, FRONT FIRING	11	PCFR
PULVERIZED COAL, OPPOSED FIRING	12	PCOP
PULVERIZED COAL, TANGENTIAL FIRING	13	PCTA
RESIDUAL OIL, FRONT FIRING	20	RFRO
RESIDUAL OIL, OPPOSED FIRING	21	ROPP
RESIDUAL OIL, TANGENTIAL FIRING	22	RTAN
SPREADER STOKER	30	SPRE
OTHER FIRING METHOD	99	OTHE

PAGE: TYBLFR-1

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYBLOL

DATA ITEM LIST TITLE: TYPE OF BOILER OPERATING LEVEL

DATA ITEM LIST DESCRIPTION: INDICATES THE OPERATING LEVEL OR STATUS OF A STEAM BOILER.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
CONTINUOUS NOMINAL FULL LOAD	1	
LESS THAN FULL BUT OVER 75% LOAD	2	
50% TO 75% LOAD	3	
UNDER 50% LOAD	4	
NO-LOAD HOT STANDBY	5	
NO-LOAD COLD STANDBY	6	
OTHER	9	

PAGE: TYBLOL-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYBSIN

DATA ITEM LIST TITLE: TYPE OF BUSINESS INTEREST

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPE OF BUSINESS INTEREST OR RELATIONSHIP.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
OWNER OPERATOR	01	OO
OWNER LESSOR	02	OL
LESSEE OPERATOR	03	LO
LESSEE LESSOR	04	LL
ASSOCIATED COMPANY	05	AC
SITE OWNER	06	SO

PAGE: TYBSIN-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYCBBP

DATA ITEM LIST TITLE: TYPE OF COMBUSTIBLE BY-PRODUCT

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPES OF BY-PRODUCTS PRODUCED BY COMBUSTION OF BOILER FUELS.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
FLYASH	1	
BOTTOM ASH	2	
ELEMENTAL SULFUR	3	
SULFURIC ACID	4	
SULFUR DIOXIDE	5	
OTHER SULFUR PRODUCTS	6	
OTHER PRODUCTS	9	

PAGE: TYCBBP-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYCHEM

DATA ITEM LIST TITLE: TYPE OF CHEMICAL

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPES OF CHEMICALS.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
PHOSPHATE	1	
CAUSTIC SODA	2	
HYDRAZINE	3	
LIME	4	
ALUMINUM	5	
CHLORINE	6	
OTHER	9	

PAGE: TYCHEM-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYCLCD

DATA ITEM LIST TITLE: TYPE OF CONDENSER COOLING

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPE OF COOLING USED FOR ELECTRIC POWER PLANT STEAM CONDENSERS.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
COMBINATION	01	CB
COOLING POND	02	CP
CIRCULATING POND	03	CRP
DRY COOLING TOWER	04	DCT
EVAPORATIVE	05	EVP
ONCE THROUGH	06	OT
ONCE-THROUGH, FRESH	07	OTF
ONCE-THROUGH, SALINE	08	OTS
WET COOLING TOWER	10	WCT
OTHER	99	OTH

PAGE: TYCLCD-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYCLGN

DATA ITEM LIST TITLE: TYPE OF GENERATOR COOLANT

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPE OF COOLANT USED BY AN ELECTRIC POWER GENERATOR.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
AIR	1	A
HYDROGEN	2	H
WATER	3	W
HELIUM (GAS OR LIQUID)	4	L
NITROGEN (GAS OR LIQUID)	5	N
OTHER	9	O

PAGE: TYCLGN-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYCONS

DATA ITEM LIST TITLE: TYPE OF PLANT CONSTRUCTION

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPE OF POWER PLANT CONSTRUCTION.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
CONVENTIONAL	1	C
SEMI-OUTDOOR	2	S
FULL OUTDOOR	3	F

PAGE: TYCONS-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYDMIN

DATA ITEM LIST TITLE: TYPE OF DEMAND INTERVAL

DATA ITEM LIST DESCRIPTION: INDICATES THE PERIOD OF TIME DURING WHICH ELECTRIC ENERGY FLOW IS AVERAGED TO DETERMINE DEMAND.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
INSTANTANEOUS	00	INST
15-MINUTE	15	15MN
30-MINUTE	30	30MN
60-MINUTE	60	60MN

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYFGCE

DATA ITEM LIST TITLE: TYPE OF FLUEGAS CLEANING EQUIPMENT

DATA ITEM LIST DESCRIPTION: INDICATES THE VARIOUS TYPES OF FLUE GAS CLEANING EQUIPMENT USED BY ELECTRIC POWER PLANTS WHICH BURN FOSSIL FUELS.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
ELECTROSTATIC	01	ELEC
COMBINATION MECHANICAL-ELECTRIC PRECIPITATORS	02	COMB
DESULFURIZATION SYSTEM	03	DESF
OTHER TYPE EQUIPMENT	04	OTHE
MECHANICAL,NOT OTHERWISE SPECIFIED	05	MECH
MECHANICAL,GRAVITATIONAL OR BAFFLED CHAMBER	06	GRAV
MECHANICAL,SINGLE CYCLONE CONVENTIONAL REVERSE FLOW, TANGENTIAL INLET	07	SCTA
MECHANICAL,SINGLE CYCLONE, CONVENTIONAL REVERSE FLOW, AXIAL INLET	08	SCAX
MECHANICAL,MULTIPLE CYCLONE, CONVENTIONAL REVERSE FLOW, TANGENTIAL INLET	09	MCTA
MECHANICAL,MULTIPLE CYCLONE, CONVENTIONAL REVERSE FLOW, AXIAL INLET	10	MCAX
MECHANICAL, STRAIGHT-THROUGH-FLOW CYCLONES	11	CYCL
MECHANICAL, IMPELLOR COLLECTOR	12	IMPE
MECHANICAL, WET COLLECTOR,VENTURE	13	VENT
MECHANICAL, WET COLLECTOR,OTHER	14	WETC
MECHANICAL, BAGHOUSE (FABRIC COLLECTOR)	15	BAGH
MECHANICAL, OTHER	16	MOTH

(CONTINUED)

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYFUEL

DATA ITEM LIST TITLE: TYPE OF FUEL

DATA ITEM LIST DESCRIPTION: INDICATES THE SUBSTANCE OR MATERIAL USED AS A SOURCE OF HEAT OR POWER.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
UNSPECIFIED	00	UNSP
WOOD,REFUSE OR WASTES	01	WD
FOSSIL FUEL, UNSPECIFIED	09	FFUN
COAL,UNSPECIFIED	10	CU
COAL,BITUMINOUS	11	CBIT
COAL,SUB-BITUMINOUS	12	CSUB
COAL,ANTHRACITE	13	CANT
COAL,LIGNITE	14	CLIG
PETROLEUM COKE	15	CPC
COAL,SOLVENT REFINED	16	CSR
GAS,UNSPECIFIED	20	GU
GAS,NATURAL	21	GN
GAS,LIQUEFIED NATURAL	23	GLN
GAS,REFINERY	24	GR
GAS,BLAST FURNACE	25	GBF
GAS,COKE OVEN	26	GCO
GAS,SEWAGE	27	GSW
GAS,SYNTHETIC	28	SNG
GAS,LIQUID PETROLEUM	29	LPG
OIL,FUEL,UNSPECIFIED	30	OFU
OIL,FUEL OIL-2	32	OF2
OIL,FUEL OIL-4	34	OF4
OIL,FUEL OIL-5	35	OF5
OIL,FUEL OIL-6	36	OF6
OIL,FUEL OIL, HIGH VISCOSITY	37	OHV
OIL,DRY BKOH	41	OBK
OIL,LIQUID PROPANE GAS	42	OLPG
OIL,CRUDE	43	OCRU
OIL,TOPPED CRUDE	44	OTOP
OIL,JET FUEL	45	OJF
OIL,KEROSENE	46	OKER
OIL,REREFINED MOTOR	47	RRO
OIL,DIESEL	48	DSL
NUCLEAR	50	NU
GEOTHERMAL	60	GT

(CONTINUED)

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYOUTC

DATA ITEM LIST TITLE: TYPE OF POWER OUTAGE CAUSE

DATA ITEM LIST DESCRIPTION: INDICATES THE CAUSES OF ELECTRIC POWER OUTAGES BY TYPE OF POWER GENERATING EQUIPMENT.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
BOILER - PLANNED OUTAGE	001	
BOILER - MAINTENANCE OUTAGE	002	
BOILER - GENERAL CODE	100	
BOILER - WATER WALLS	101	
BOILER - GENERATING TUBES	102	
BOILER - SUPERHEATER	103	
BOILER - REHEATER - FIRST	104	
BOILER - REHEATER - SECOND	105	
BOILER - ECONOMIZER	106	
BOILER - AIR PREHEATER - TUBULAR	107	
BOILER - AIR PREHEATER - REGENERATIVE	108	
BOILER - INDUCED DRAFT FANS	109	
BOILER - FORCED DRAFT FANS	110	
BOILER - RECIRCULATING FANS	111	
BOILER - DESUPERHEATERS AND ATTEMPERATORS	112	
BOILER - BY-PASS DAMPERS	113	
BOILER - FURNACE REFRACTORY	114	
BOILER - SAFETY VALVES	115	
BOILER - STEAM VALVES AND PIPING	116	
BOILER - VALVES AND PIPING - FEEDWATER AND BLOWDOWN	117	
BOILER - GAGE GLASSES	118	
BOILER - SLAG AND FLY ASH DISPOSAL SYSTEM	119	
BOILER - STACK	120	
BOILER - PULVERIZERS	121	
BOILER - CYCLONES	122	
BOILER - FUEL HANDLING EQUIPMENT (GAS, OIL, COAL, ETC)	123	
BOILER - FIRESIDE CLEANING	124	
BOILER - ACID CLEANING	125	
BOILER - BOILER CASING BREECHING AND DUCTS	126	

(CONTINUED)

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYOWNA

DATA ITEM LIST TITLE: TYPE OF OWNERSHIP/AUTHORITY

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPE OF OWNERSHIP OR LEVEL OF GOVERNMENTAL AUTHORITY.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
MUNICIPAL (OR CITY)	1	M
TOWNSHIP	2	T
BOROUGH	3	B
COUNTY (OR PARISH)	4	C
TERRITORY	5	R
STATE (OR DISTRICT)	6	S
FEDERAL	7	F
PRIVATE	8	P
OTHER	9	O

PAGE: TYOWNA-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYOWNS

DATA ITEM LIST TITLE: TYPE OF OWNERSHIP

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPES OF OWNERSHIP OF UTILITIES.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATIO
FEDERAL	1	FEDL
PRIVATE	2	PRIV
COOPERATIVE	3	COOP
INDUSTRIAL	4	INDU
POWER DISTRICT AND STATE PROJECT	5	PDSP
MUNICIPAL	6	MUNI

PAGE: TYOWNS-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYPLPW

DATA ITEM LIST TITLE: TYPE ELECTRIC PLANT/MOTIVE POWER

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPES OF ELECTRIC POWER PLANTS AS CHARACTERIZED BY MOTIVE POWER.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
STEAM, ELECTRIC	10	ST
STEAM, COMBINED CYCLE	11	CS
GAS TURBINE	30	GT
GAS TURBINE, OPEN CYCLE	31	GO
GAS TURBINE, CLOSED CYCLE	32	GC
GAS TURBINE, COMBINED CYCLE	33	CG
UNSPECIFIED TURBINE, COMBINED CYCLE	39	CC
INTERNAL COMBUSTION ENGINE, UNSPECIFIED CYCLE	40	IC
INTERNAL COMBUSTION ENGINE, 2-CYCLE	41	I2
INTERNAL COMBUSTION ENGINE, 4-CYCLE	42	I4
HYROELECTRIC, CONVENTIONAL	81	HY
HYDROELECTRIC, PUMPED STORAGE	82	HP
OTHER	99	OT

PAGE: TYPLPW-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYPROJ

DATA ITEM LIST TITLE: TYPE OF HYDROELECTRIC PROJECT

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPE OF HYDROELECTRIC PROJECT OPERATION BY FEDERAL EXECUTIVE DEPARTMENT OR OTHERS, OR LICENSED BY THE FPC.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
FEDERAL, TVA	10	TVA
FEDERAL, USBR	11	USBR
FEDERAL, USCE	12	USCE
FEDERAL, OTHER	19	FOTH
LICENSED	20	LI
OTHER	99	OTH

PAGE: TYPROJ-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYPUMP

DATA ITEM LIST TITLE: TYPE OF PUMP CONSTRUCTION

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPE OF CONSTRUCTION OF MOTOR-DRIVEN PUMPS.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
CENTRIFUGAL	1	
MIXED FLOW	2	
AXIAL	3	

PAGE: TYPUMP-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYSTOS

DATA ITEM LIST TITLE: TYPE OF OPERATIONAL STATUS

DATA ITEM LIST DESCRIPTION: INDICATES PLANT OR EQUIPMENT STATUS BY DEGREE OF OPERATION OR OPERATIONAL AVAILABILITY.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
FULLY OPERATIONAL (IN COMMERCIAL SERVICE)	1	O
STANDBY OR RESERVE	2	S
RETIRED	3	R
TESTING (NOT IN COMMERCIAL SERVICE)	4	T

PAGE: TYSTOS-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYSTPL

DATA ITEM LIST TITLE: TYPE OF PLANT STATUS

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPES OF PLANT OR EQUIPMENT STATUS WITH RESPECT TO CONSTRUCTION, MODIFICATION OR DISPOSITION.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
DISMANTLED	1	DISM
REMOVED FROM SERVICE	2	REMO
SOLD	3	SOLD
LEASED	4	LEAS
PLANNED MAJOR MODIFICATION	5	PMMD
UNPLANNED MAJOR MODIFICATION	6	UPMM
PLANNED NEW PLANT	7	PNPL
NEW PLANT UNDER CONSTRUCTION	8	NPUC
NEW PLANT IN COMMERCIAL SERVICE	9	NPCS

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FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYTRAN

DATA ITEM LIST TITLE: TYPE OF TRANSPORTATION MODE

DATA ITEM LIST DESCRIPTION: INDICATES THE MODE OF TRANSPORT USUALLY USED FOR UTILITY FUELS. WHERE AN INTERMEDIATE STORAGE OR TRANSSHIPMENT POINT IS INVOLVED, A DOUBLE CODE OR ABBREVIATION IS USED, THE FIRST FOR THE INITIAL MODE, THE SECOND FOR THE FINAL MODE.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
BARGE, UNSPECIFIED TYPE	10	B
BARGE, UNIT	12	A
SHIP, UNSPECIFIED TYPE	20	H
COLLIER	23	V
OIL TANKER	24	W
SHIP, LNG	25	L
RAIL, NON-UNIT TRAIN	31	R
RAIL, UNIT TRAIN	32	U
RAIL, TANK CAR	34	X
PIPELINE, COAL SLURRY	43	S
PIPELINE, GAS OR OIL	44	P
TRUCK, UNSPECIFIED TYPE	50	T
TRUCK,TANK	54	Y
TRUCK,LNG	55	Z
CONVEYOR BELT	81	C
OTHER	99	O

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FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYUNMS

DATA ITEM LIST TITLE: TYPE OF UNIT OF MEASURE

DATA ITEM LIST DESCRIPTION: INDICATES THE PHYSICAL OR TIME UNITS BY WHICH A VALUE IS MEASURED.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
LITER		L
ACRE FEET	1	ACFT
ACRE	2	ACRE
AMPERE	3	AMP
BARREL	4	BBL
BARRELS PER HOUR	5	BBL/HR
BILLIONS BTU	6	BBTU
BRAKE HORSEPOWER	7	BHP
BARRELS PER DAY	8	BPD
BRITISH THERMAL UNIT	9	BTU
BTU PER CUBIC FOOT	10	BTU/CF
BTU PER ONE CENT (MONEY)	11	BTU/CTS
BTU PER KWH	12	BTU/KWH
BTU PER MCF	13	BTU/MCF
CENTRIGRADE	14	C
CUBIC CENTIMETER	15	CC
CUBIC FEET PER MINUTE	16	CFM
CUBIC FEET PER SECOND	17	CFS
CFS PER KILOWATT	18	CFS/KW
CUBIC FEET PER YEAR	19	CFY
CENTIMETER	20	CM
CANDLE POWER	21	CP
CENTS PER MMBTU	22	CT/MMBT
CENTS (MONEY)	23	CTS
CENTS PER KWH	24	CTS/KWH
CENTS PER MCF	25	CTS/MCF
CUBIC FEET	26	CUFT
HUNDREDWEIGHT	27	CWT
DEGREES, API (SPECIFIC GRAVITY)	28	DEGA
DEGREES, CENTIGRADE (TEMPERATURE)	29	DEGC
DEGREES, FARENHEIT (TEMPERATURE)	30	DEGF
DEGREES, ANGULAR MEASURE	31	DEGG
DEGREES, KELVIN (TEMPERATURE)	32	DEGK
DEGREES, RANKINE	33	DEGR
DOLLARS	34	DOL

(CONTINUED)

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYUTSV

DATA ITEM LIST TITLE: TYPE OF UTILITY SERVICE

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPE OF UTILITY SERVICE WITH RESPECT TO THE LOAD CHARACTERISTICS.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
BASE LOAD	1	BL
AUXILIARY PEAKING	2	PK
STANDBY	3	SB
PEAK SHAVING	4	PH
PEAKING STANDBY	5	PS
CYCLING	6	CY

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYWWPR

DATA ITEM LIST TITLE: TYPE OF WATERWHEEL PROPELLOR

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPE OF WATERWHEEL WITH RESPECT TO THE PLANE OF THE PROPELLOR BLADES.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
HORIZONTAL	1	HORZ
VERTICAL	2	VERT
INCLINED	3	INCL

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FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYWWRN

DATA ITEM LIST TITLE: TYPE OF WATERWHEEL RUNNER

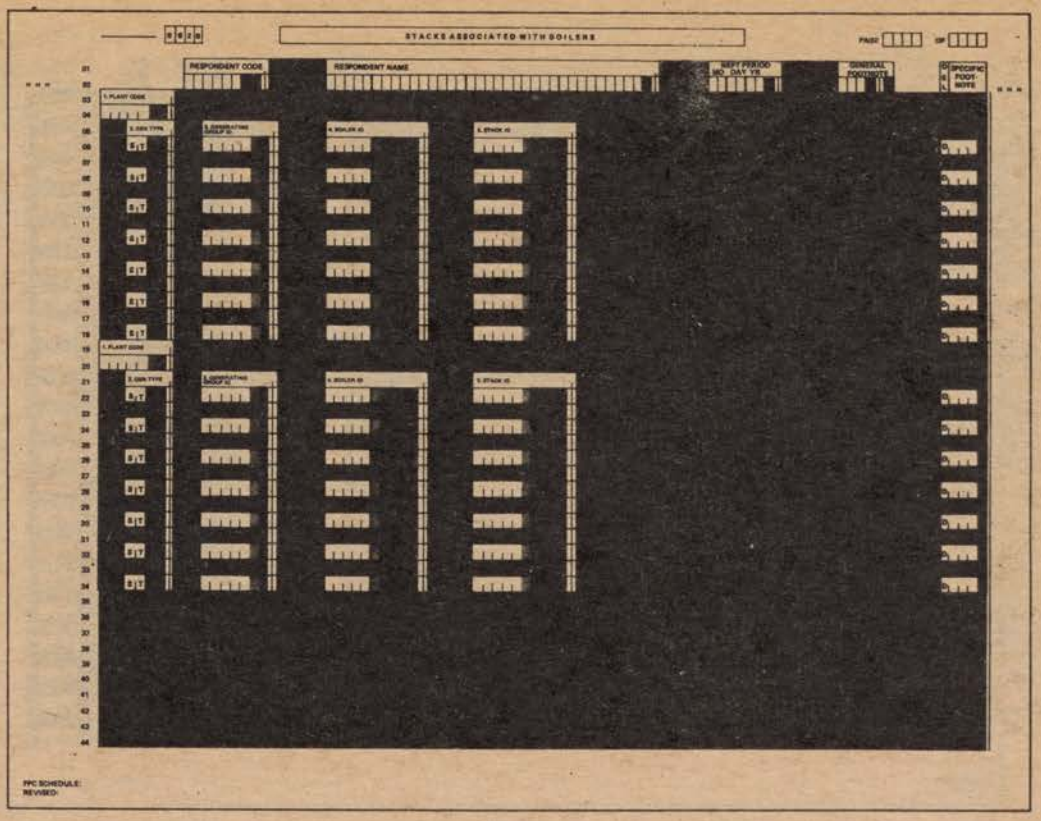
DATA ITEM LIST DESCRIPTION: INDICATES THE TYPE OF HYDRAULIC TURBINE BY THE TYPE OF WATERWHEEL RUNNER.

DATA ITEM LIST SOURCE: FPC STAFF

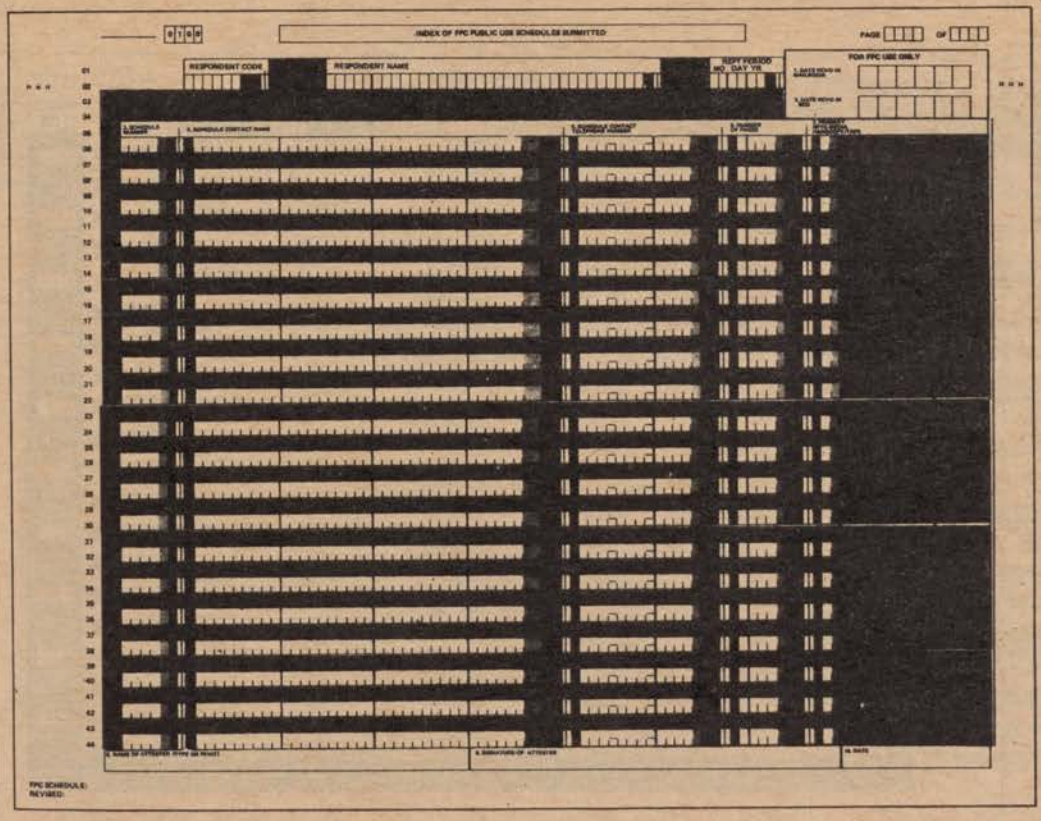
DATA ITEM LIST	CODE	ABBREVIATION
FRANCIS	1	F
PROPELLER (FIXED)	2	P
KAPLAN (AUTOMATICALLY ADJUSTABLE)	3	K
PELTON (IMPULSE)	4	W
DERIAZ (DIAGONAL FLOW AUTOMATIC PROPELLER)	5	D

PAGE: TYWWRN-1

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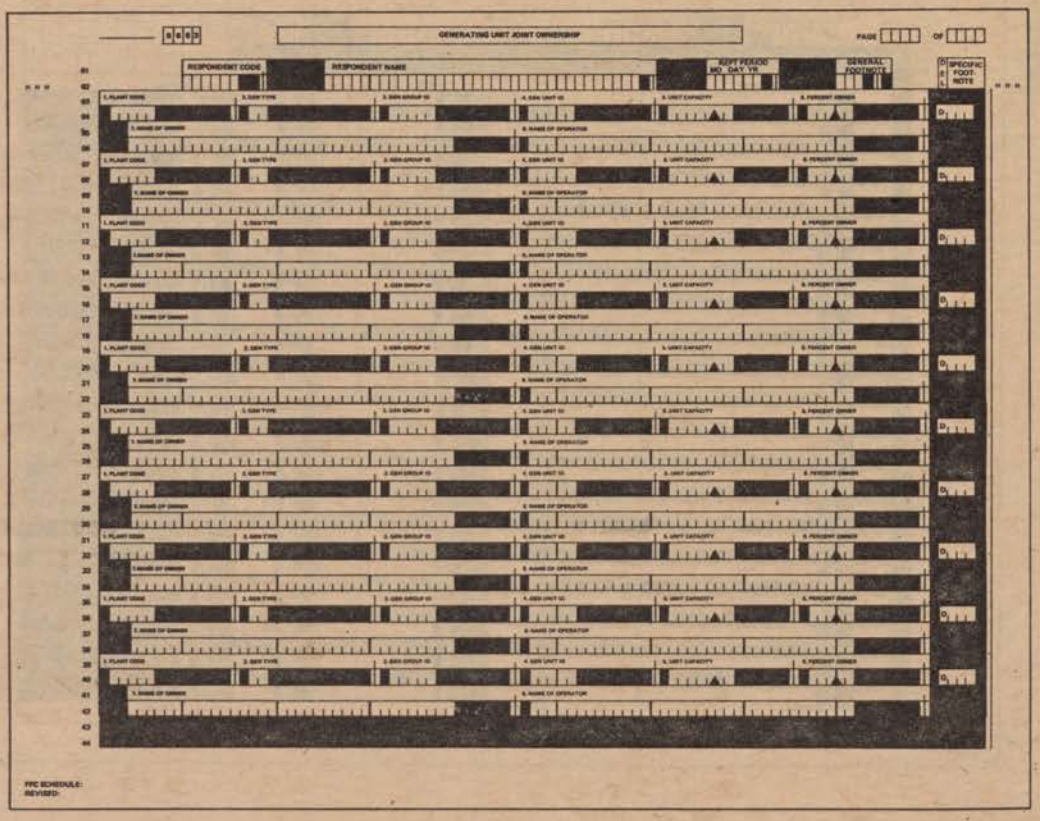
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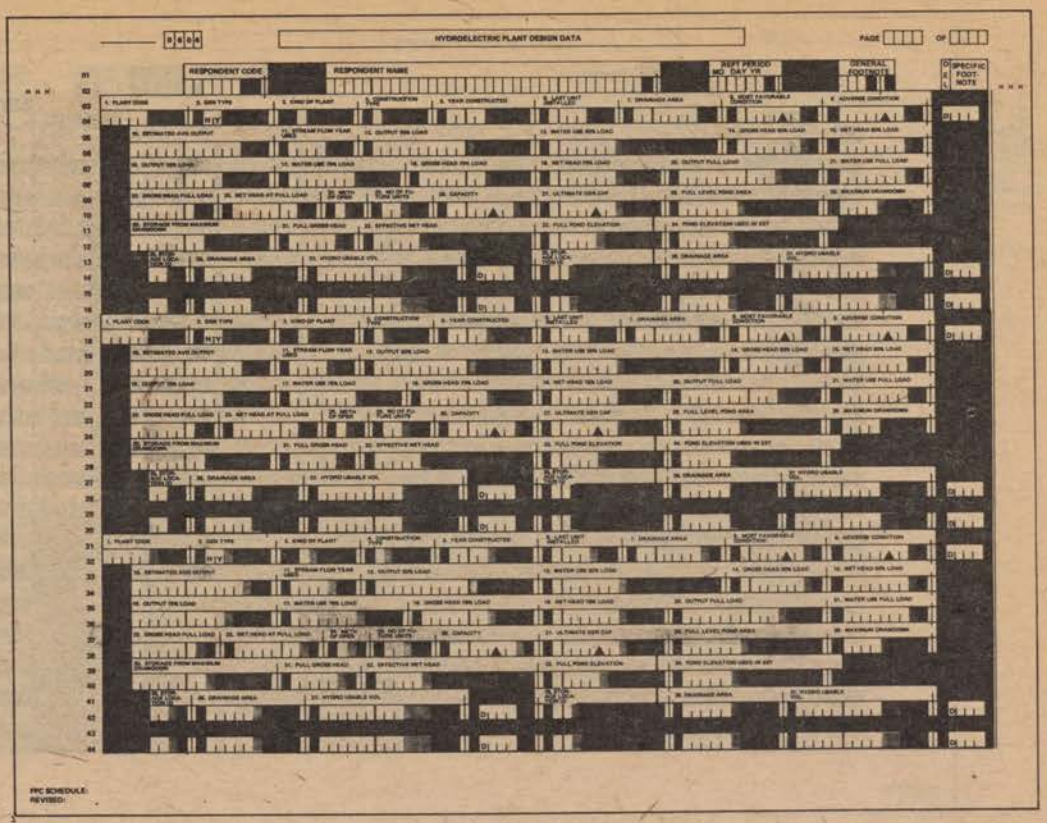
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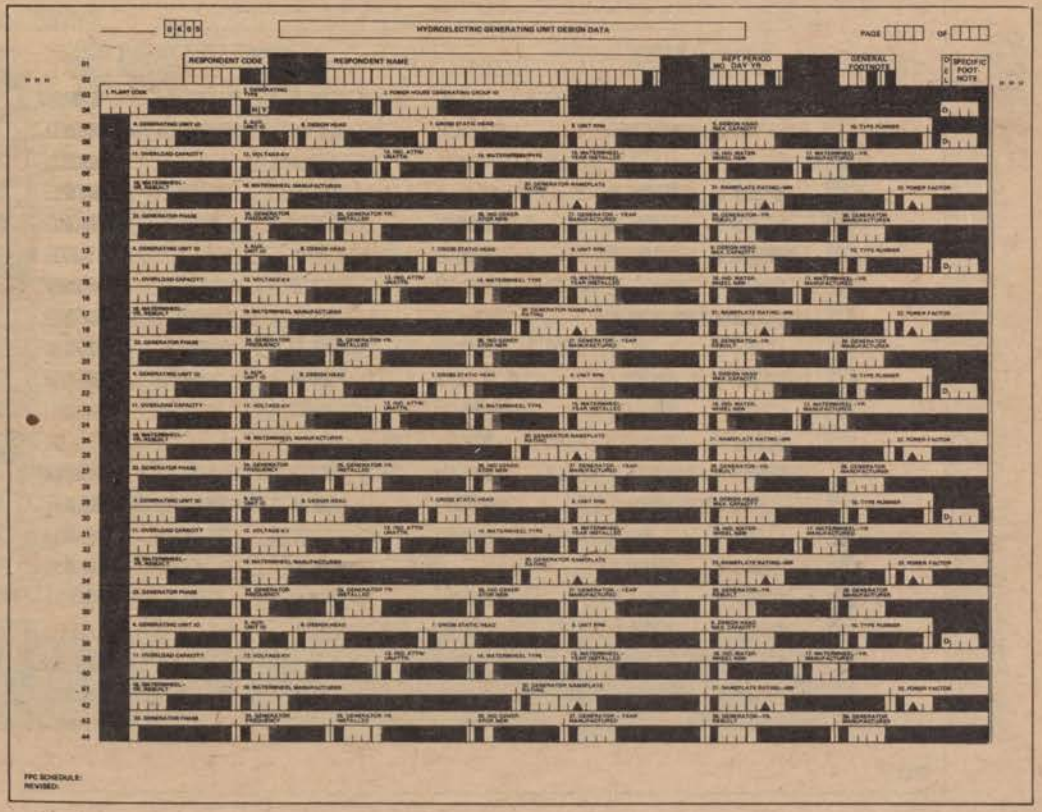
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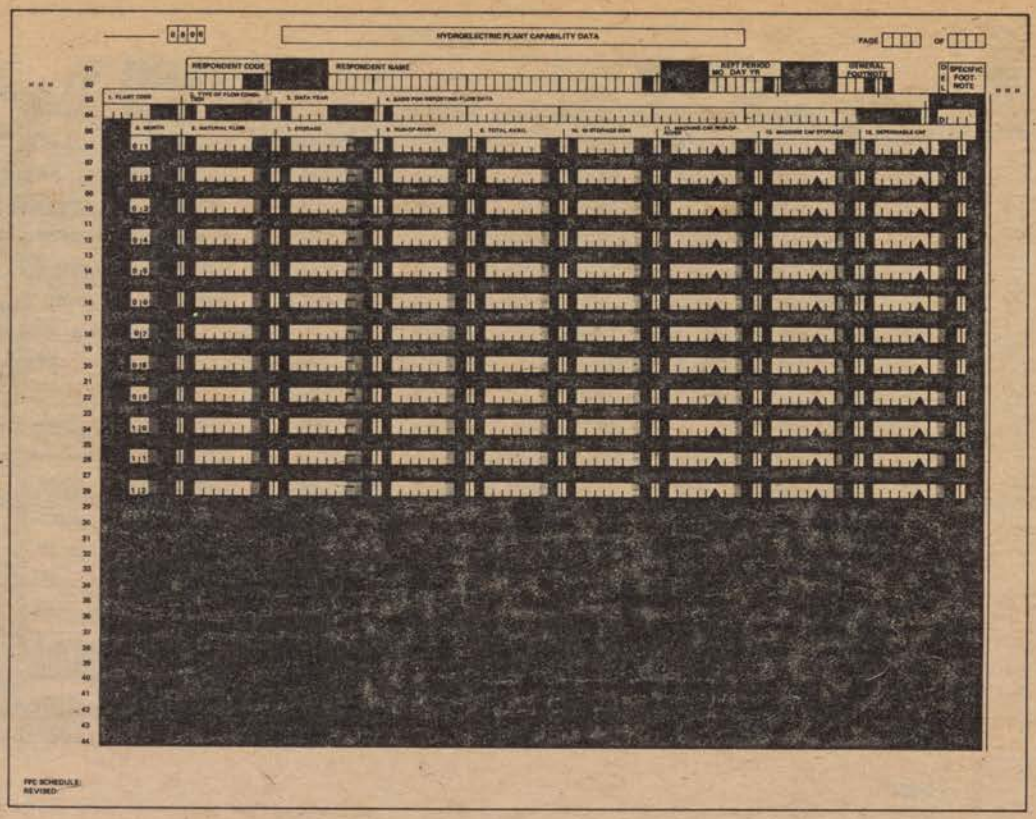
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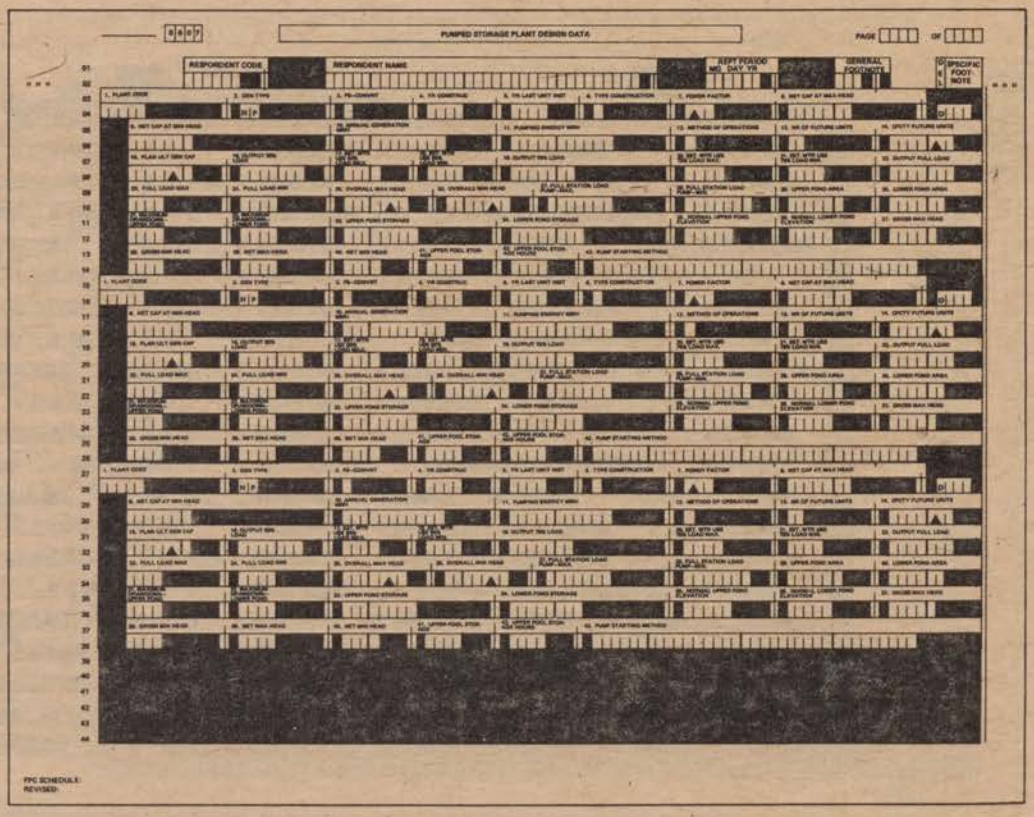
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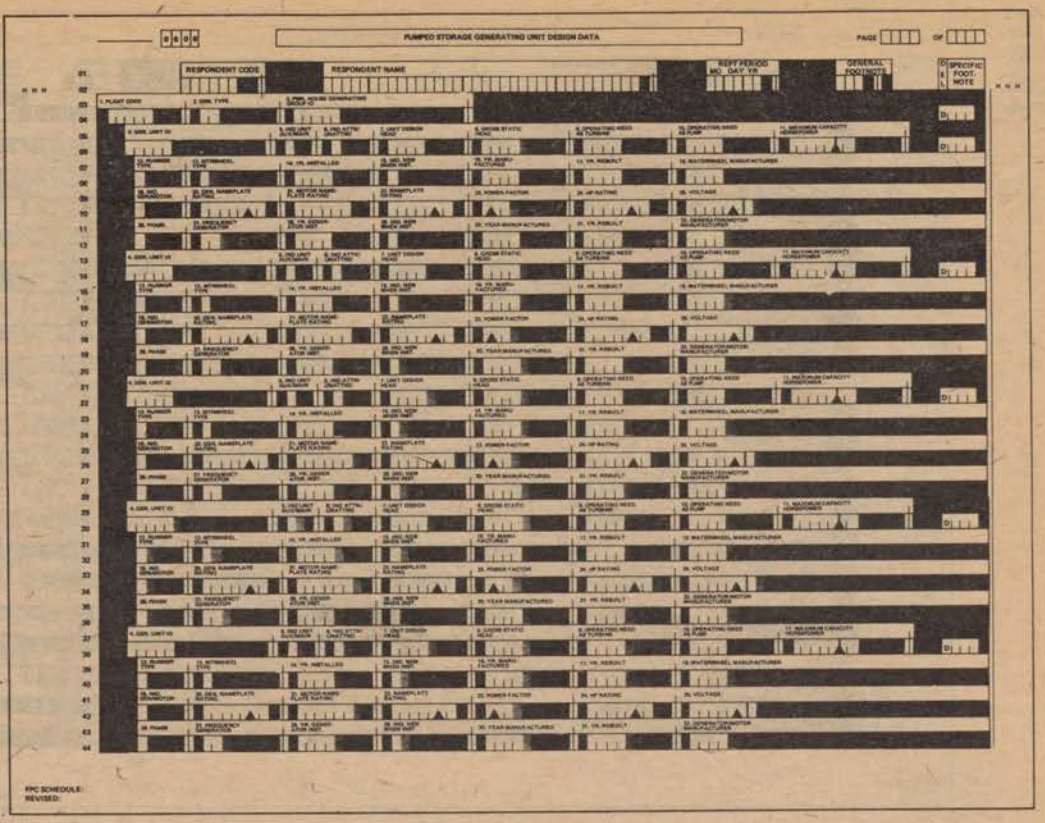
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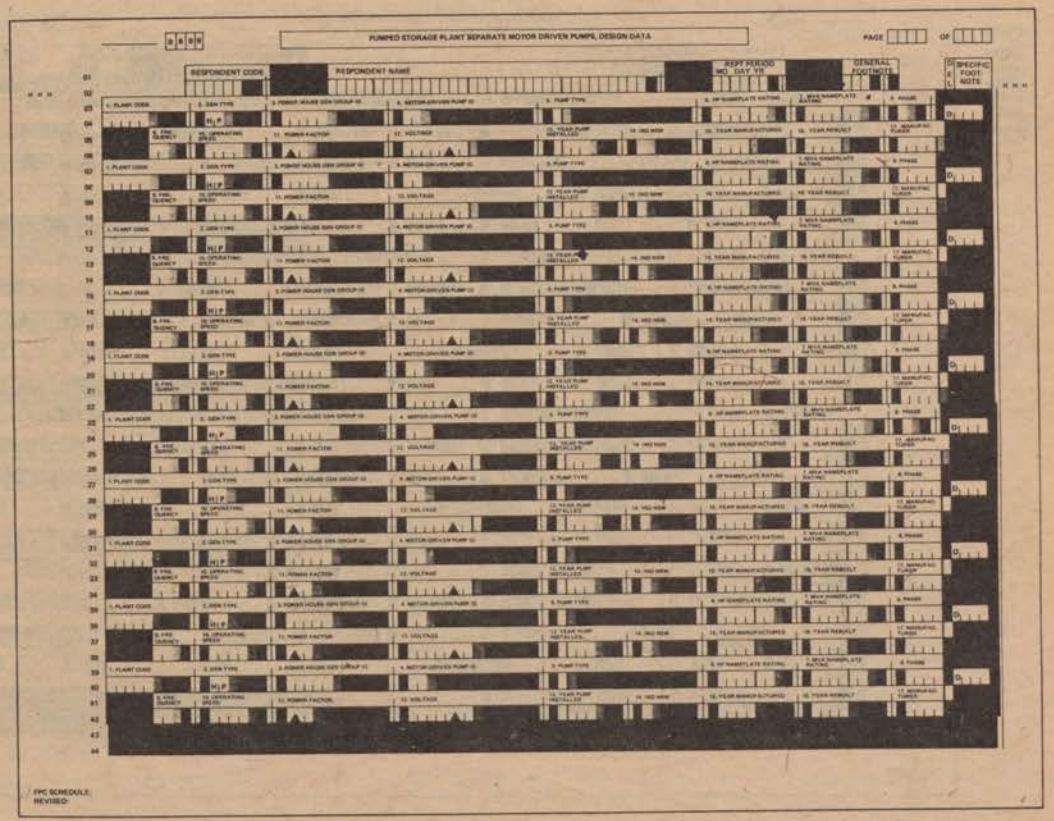
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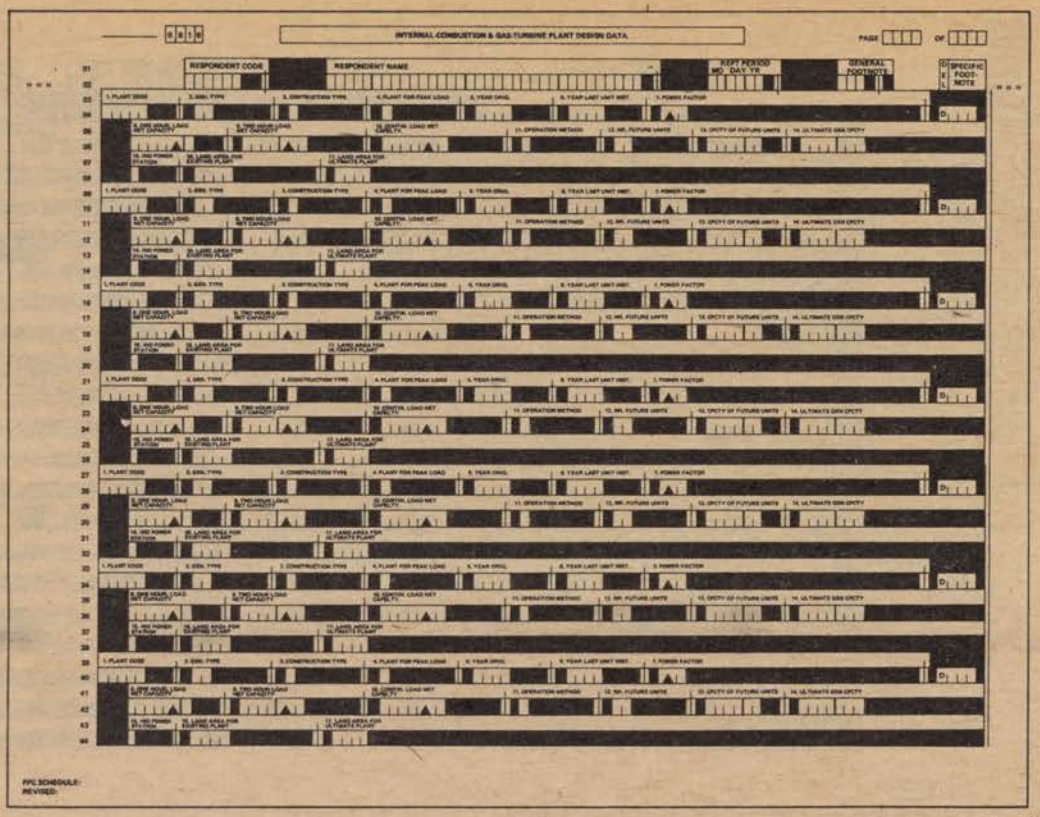
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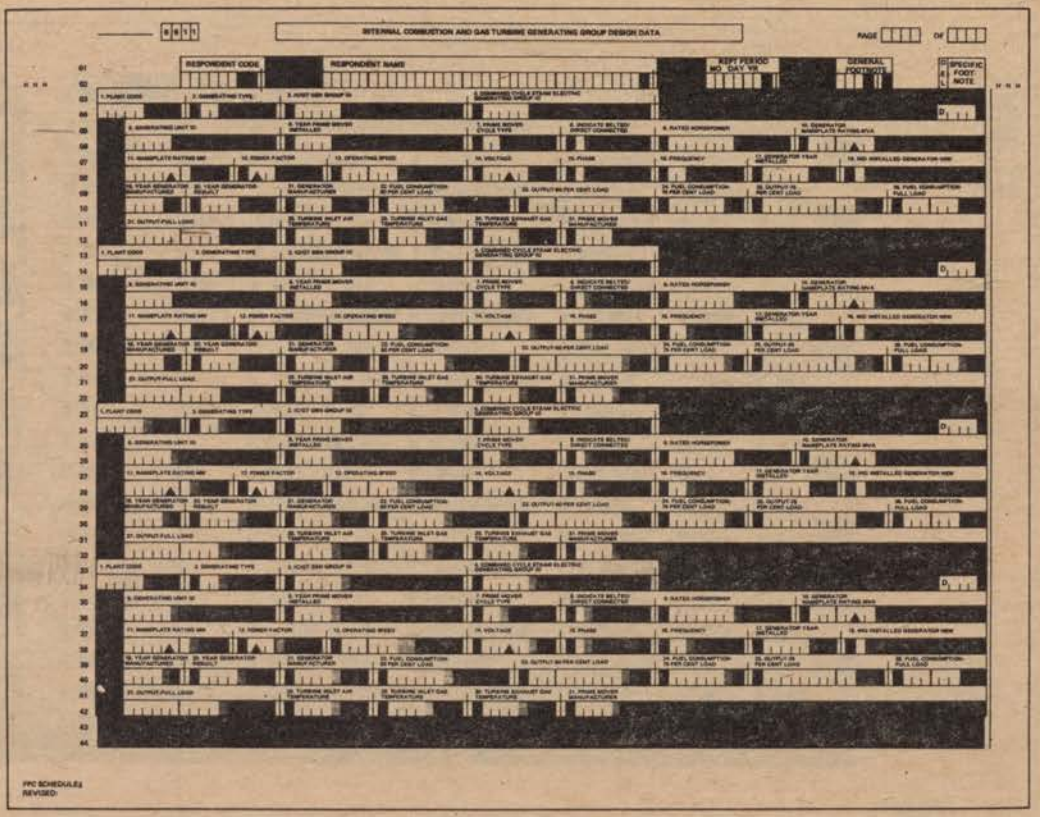
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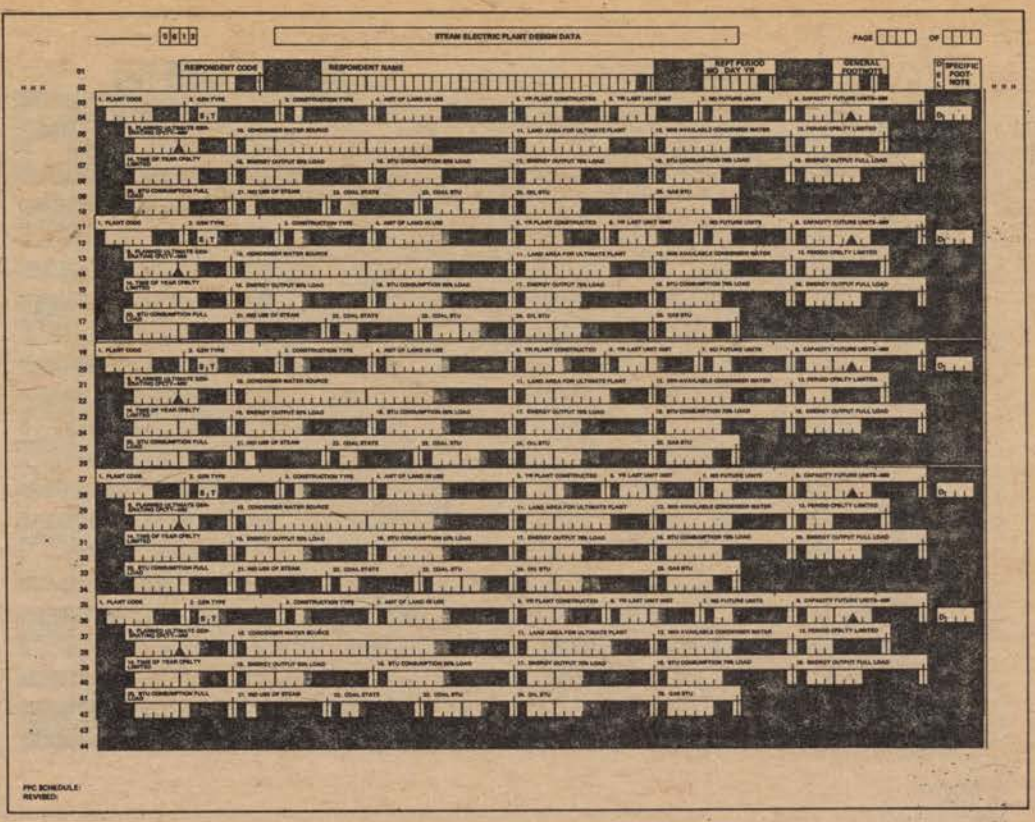
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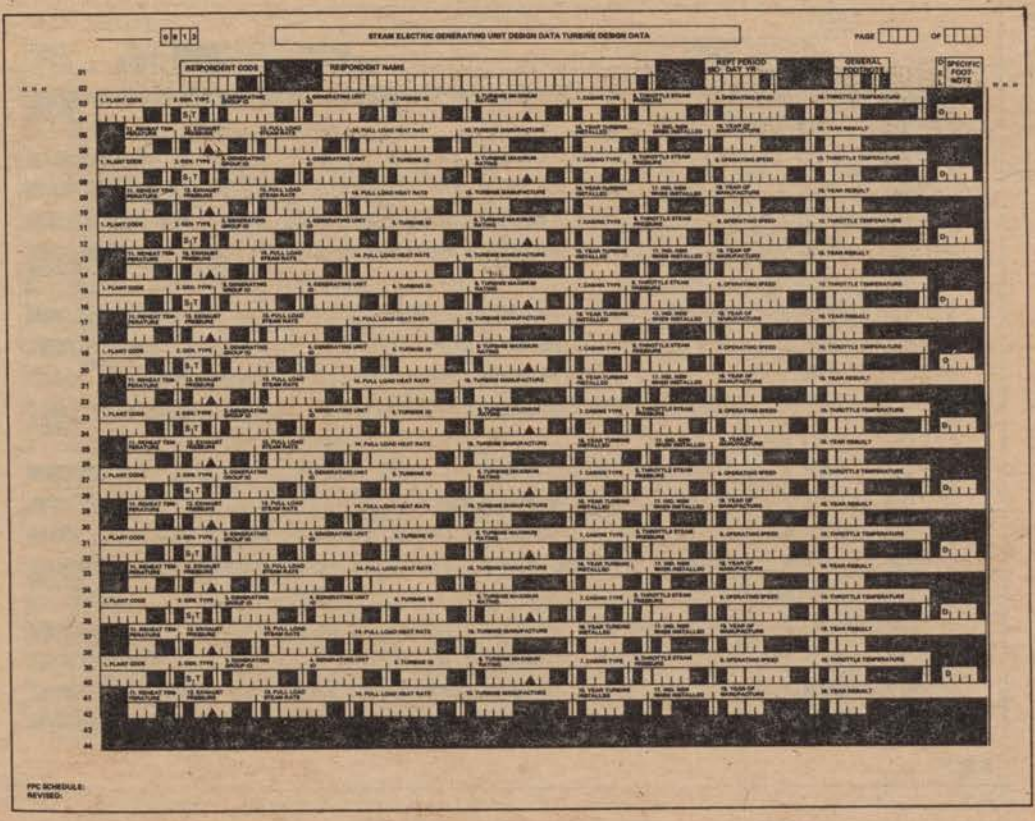
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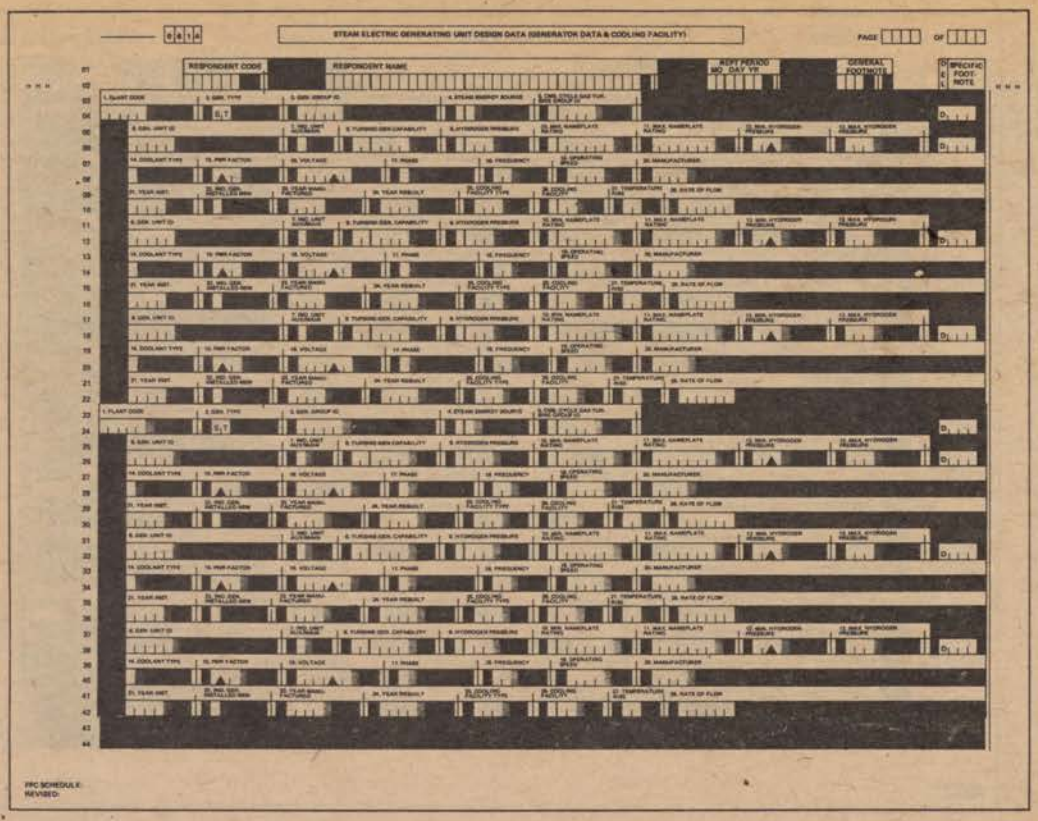
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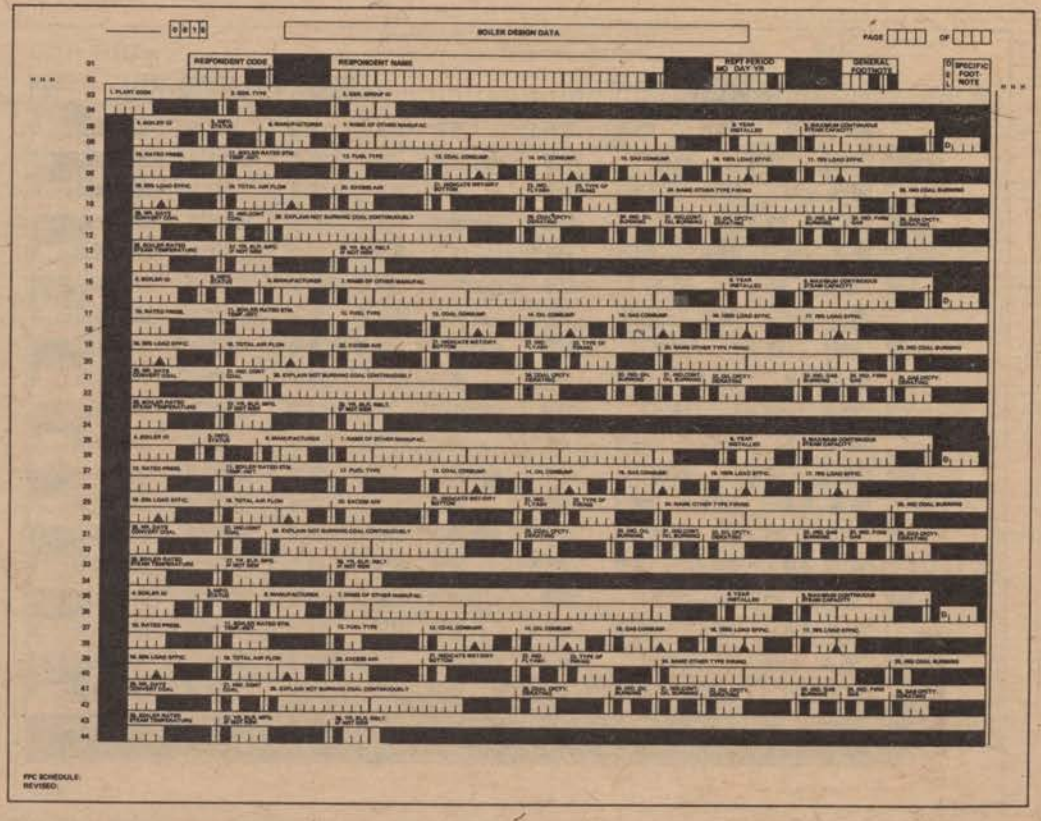
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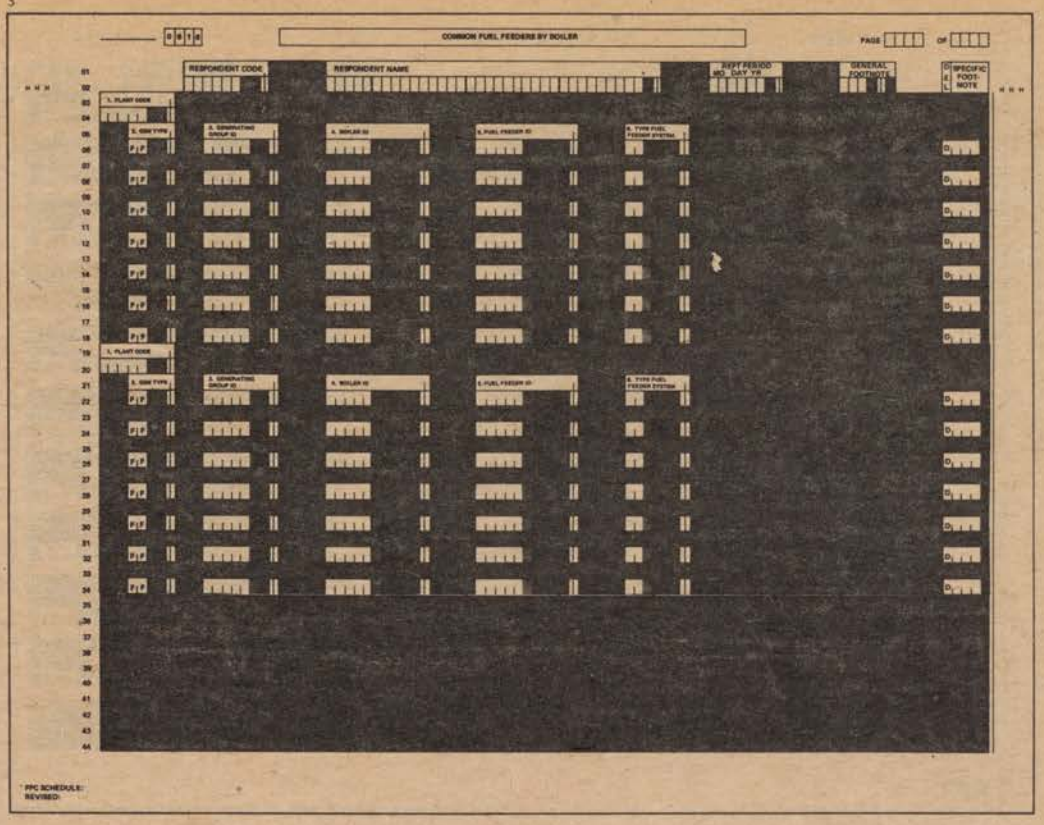
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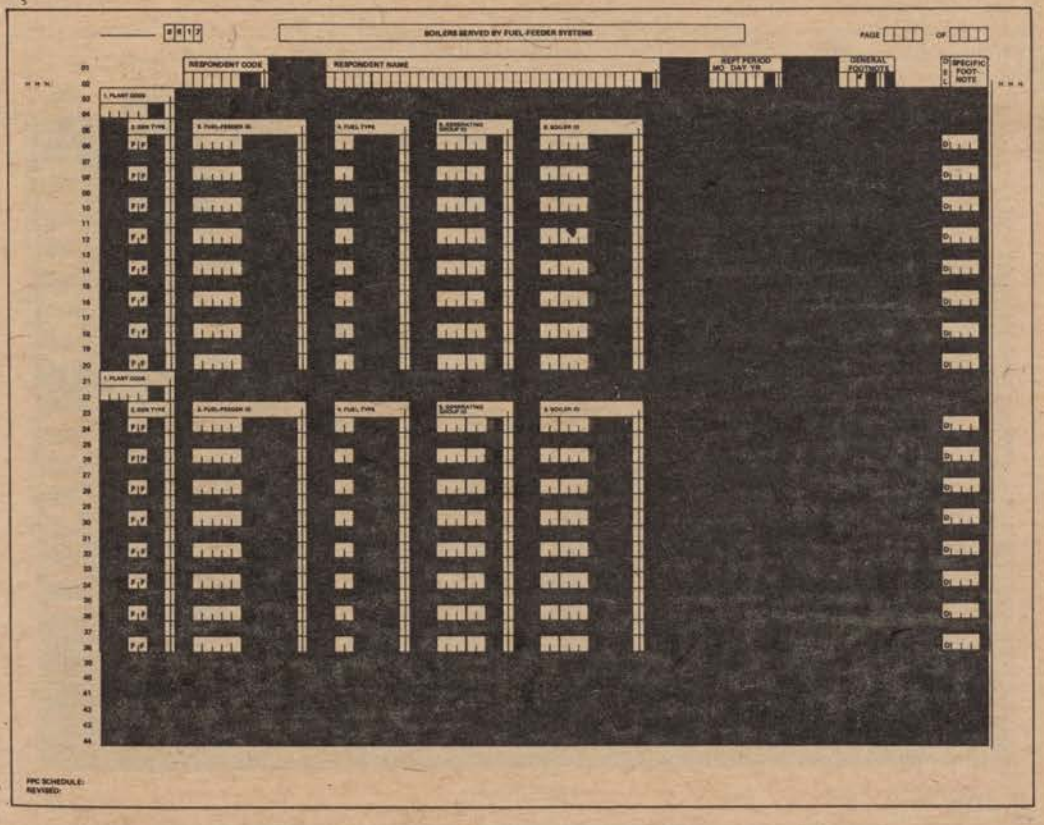
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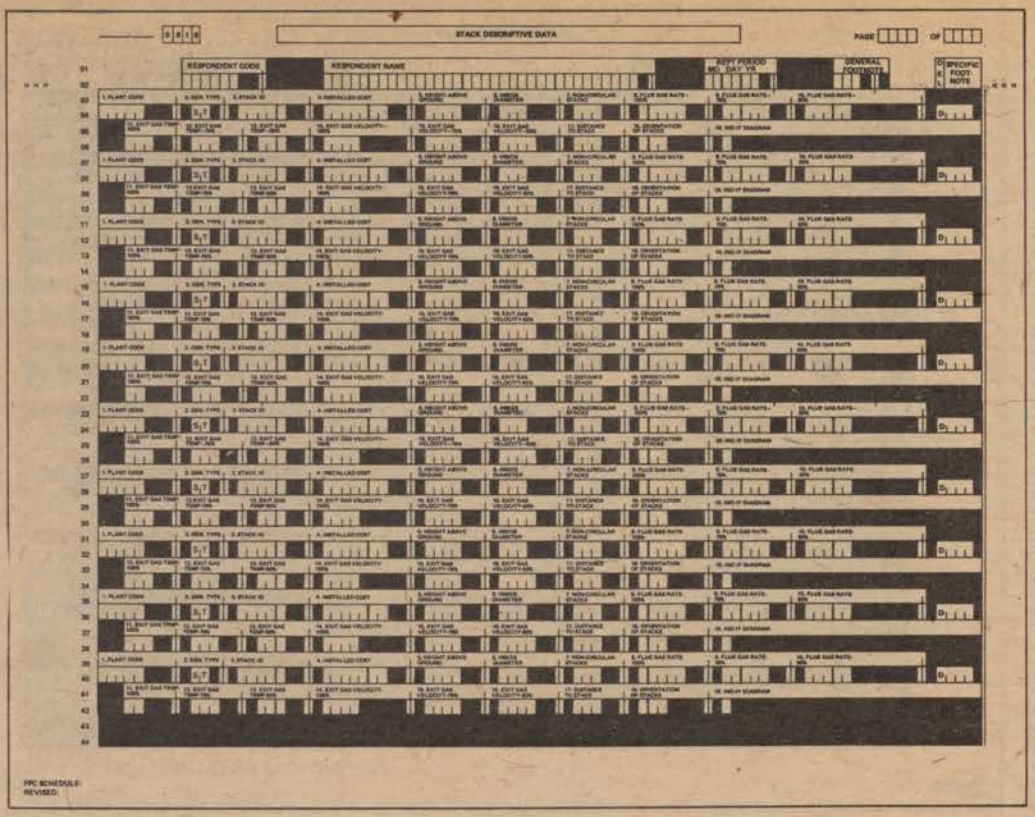
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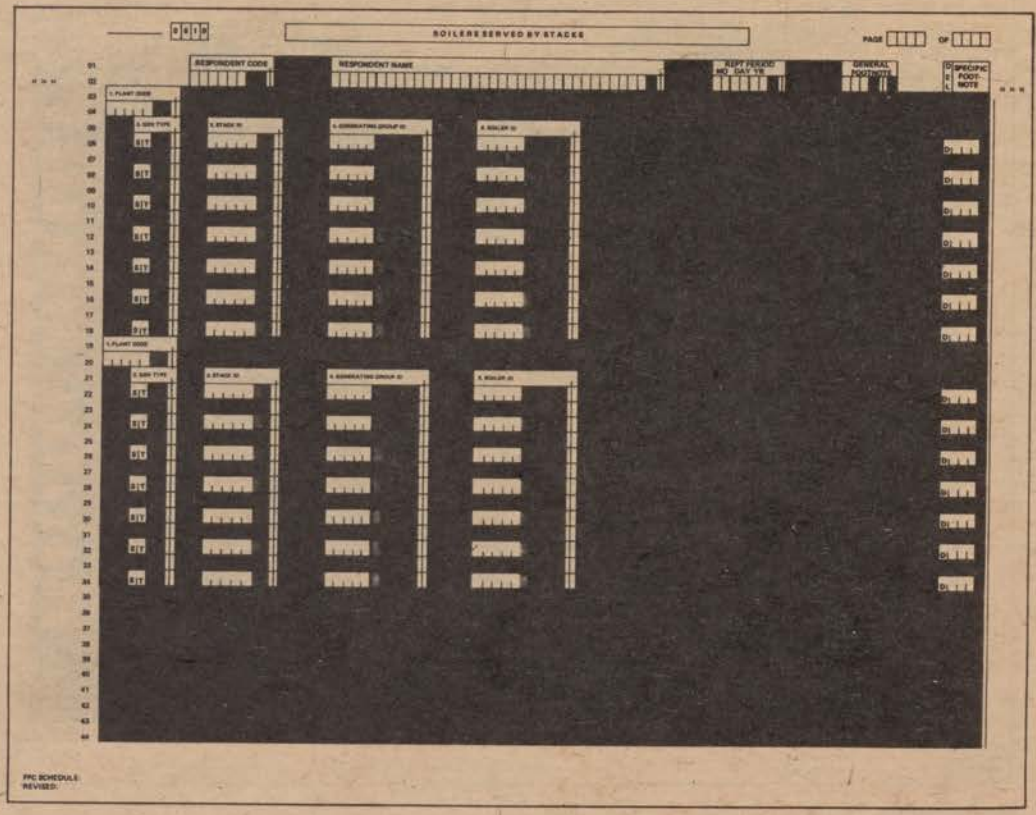
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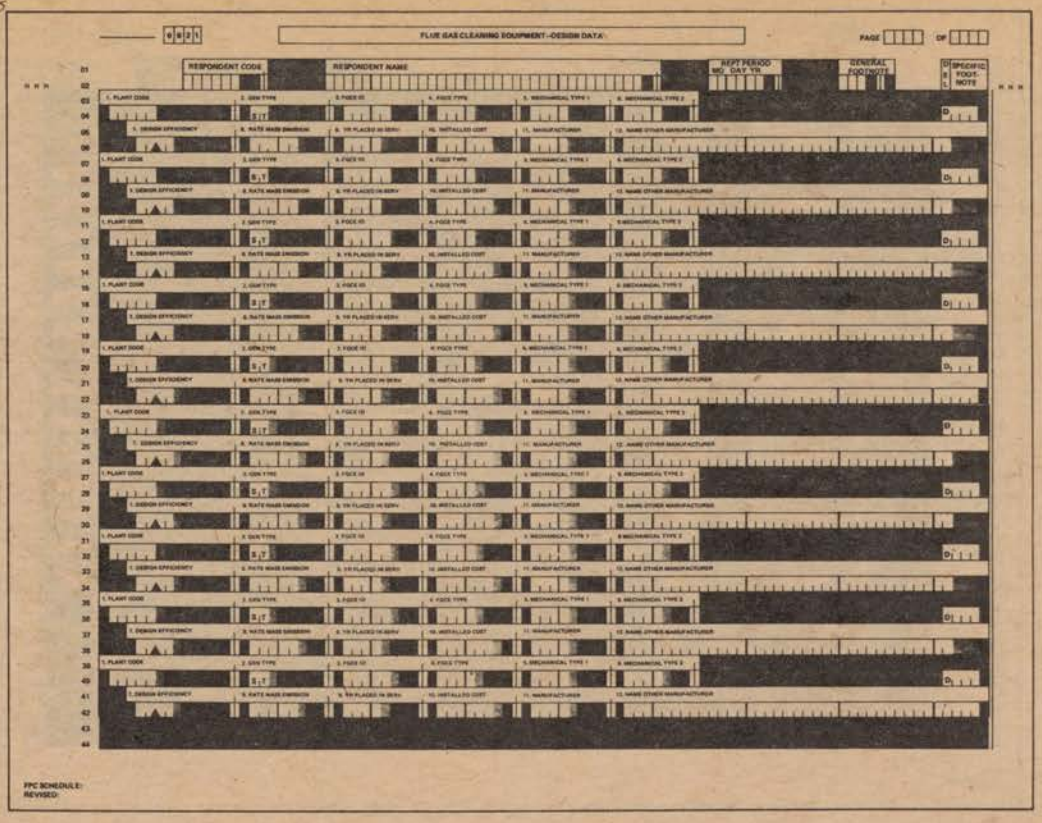
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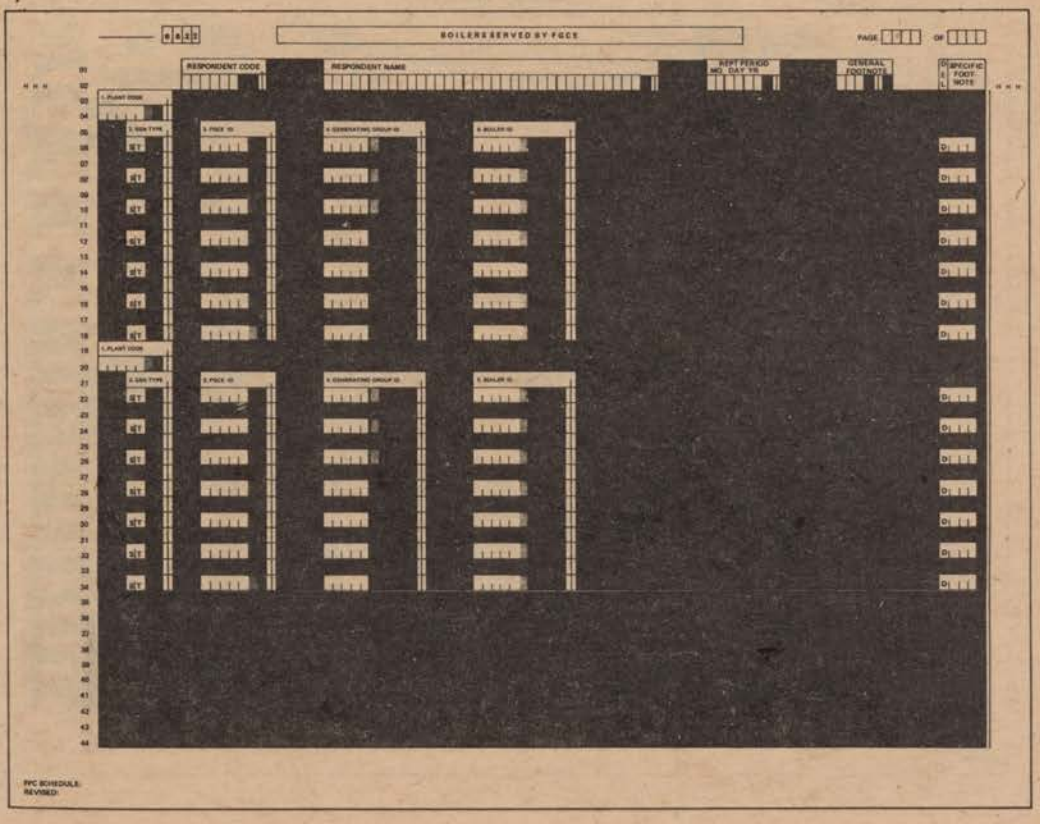
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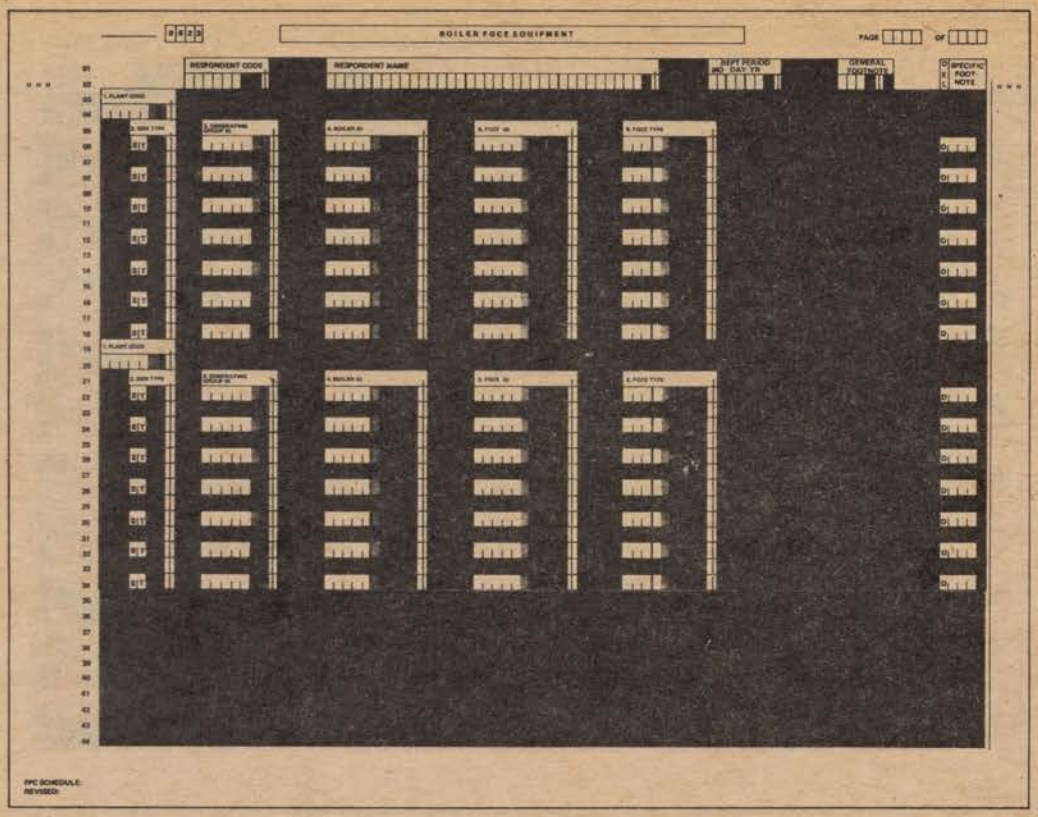
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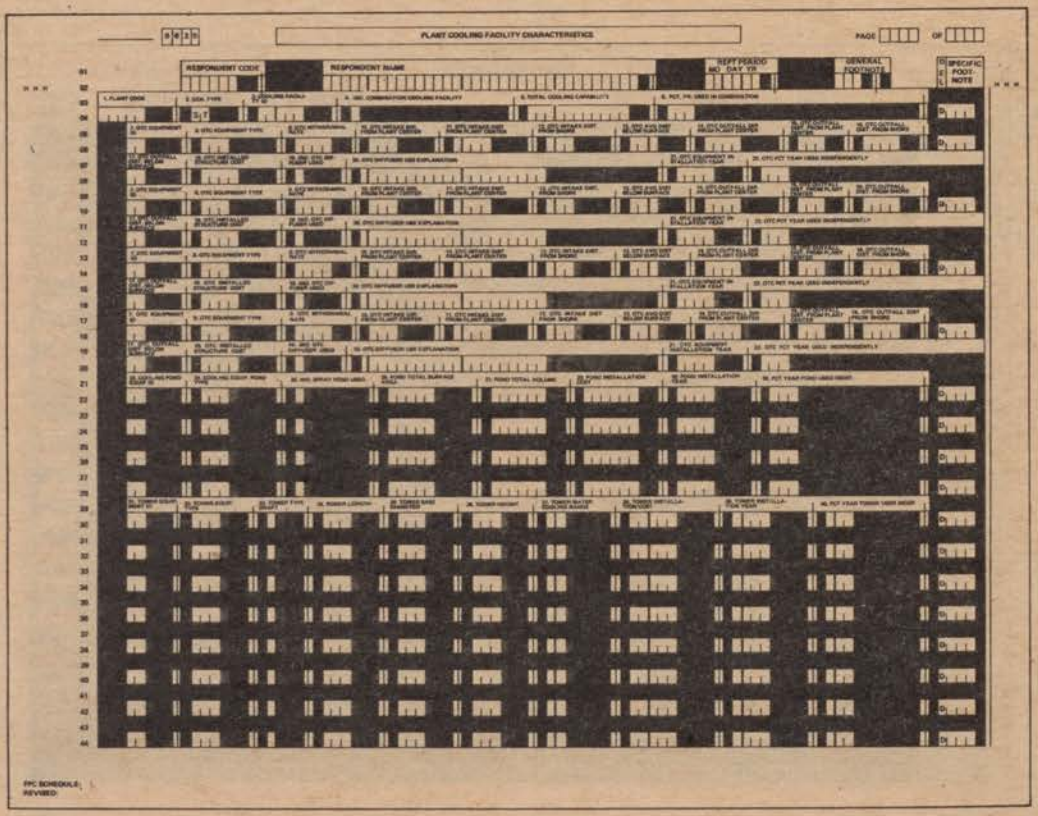
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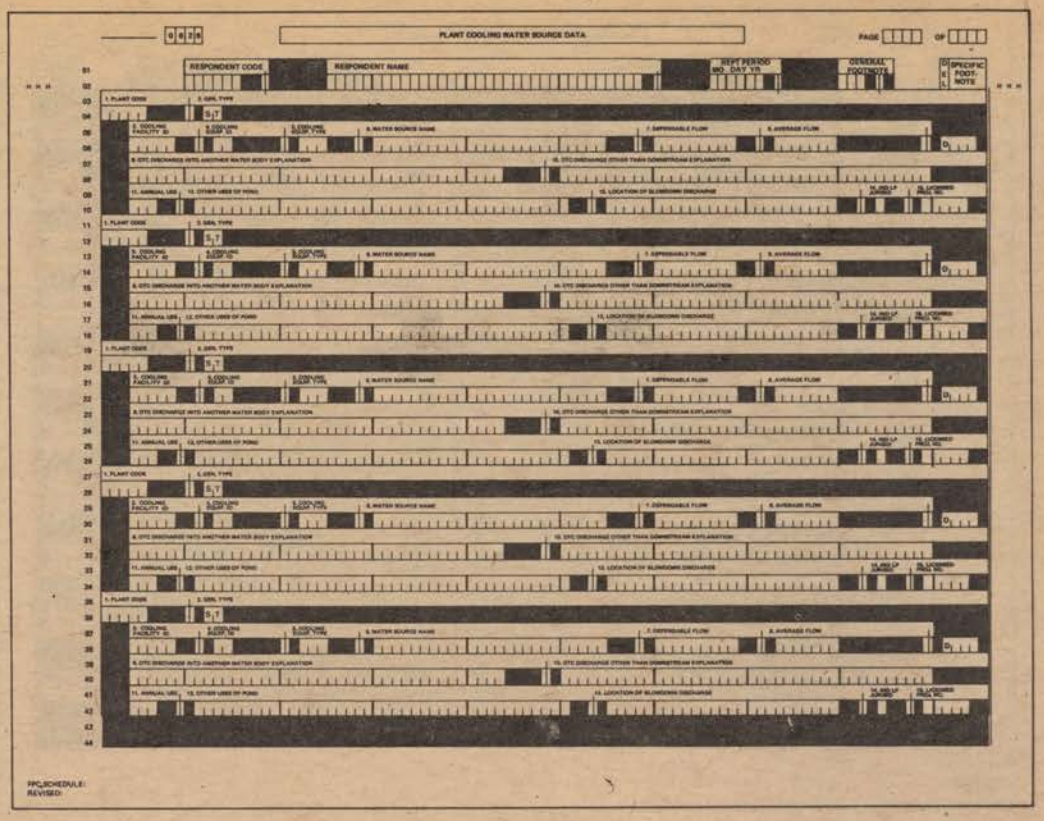
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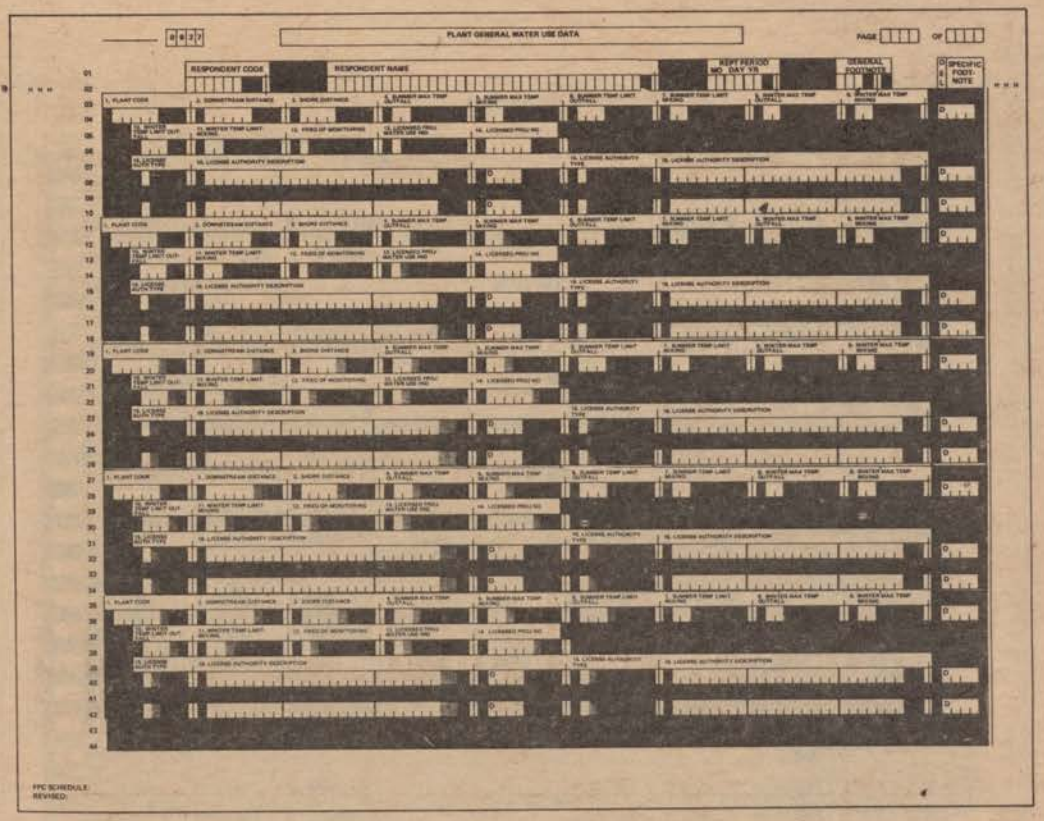
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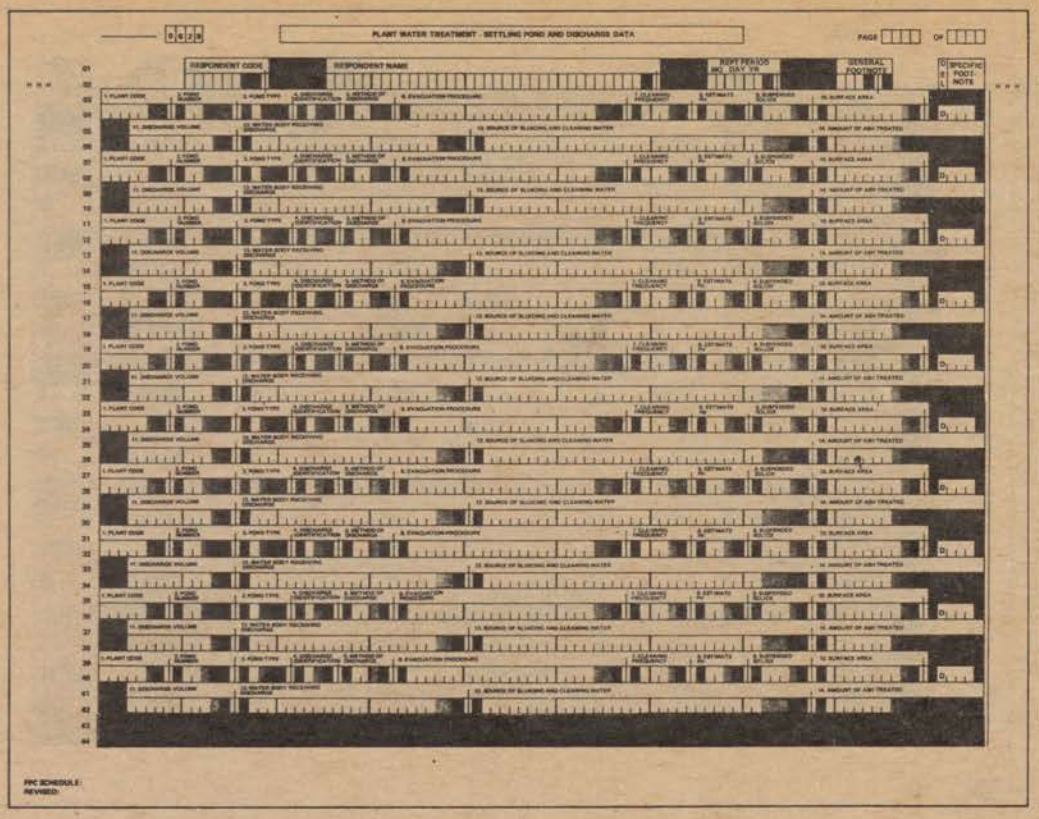
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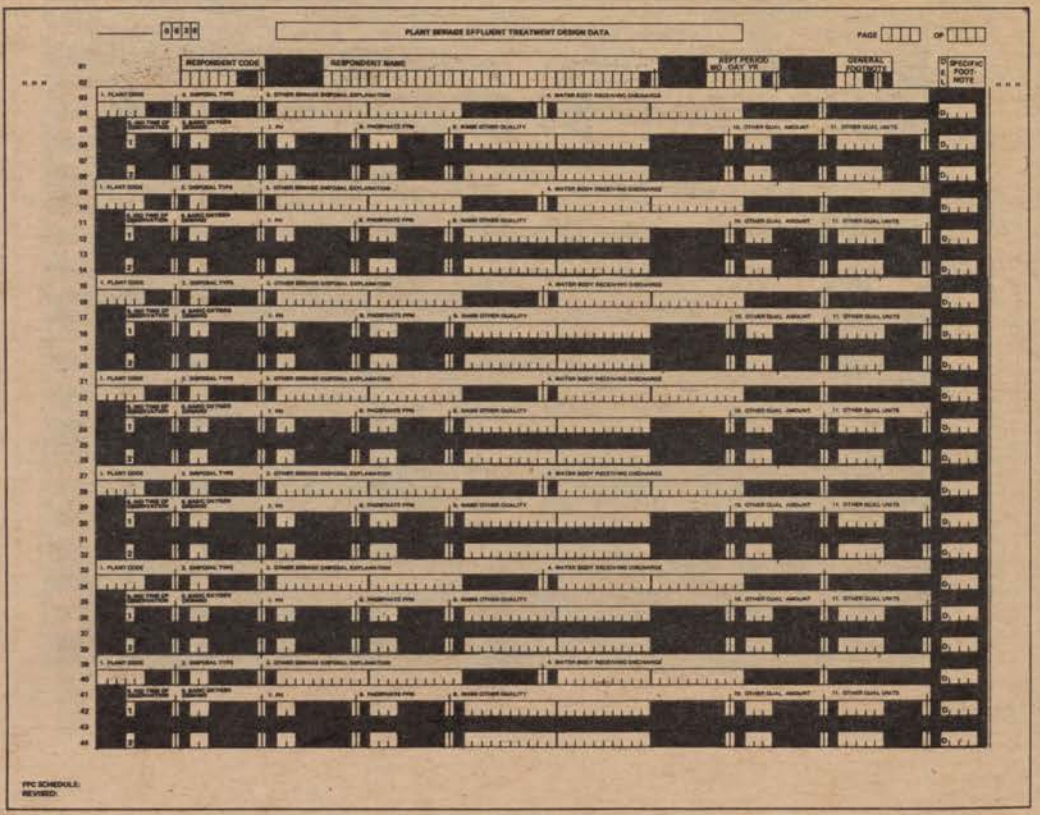
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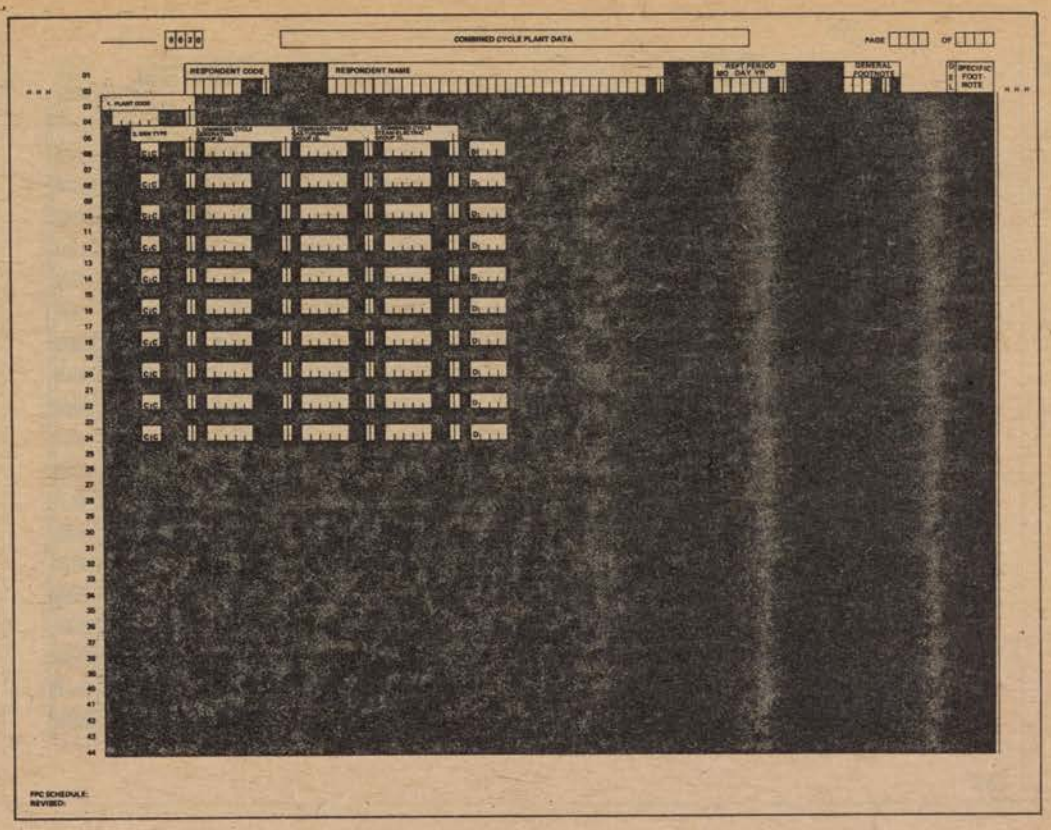
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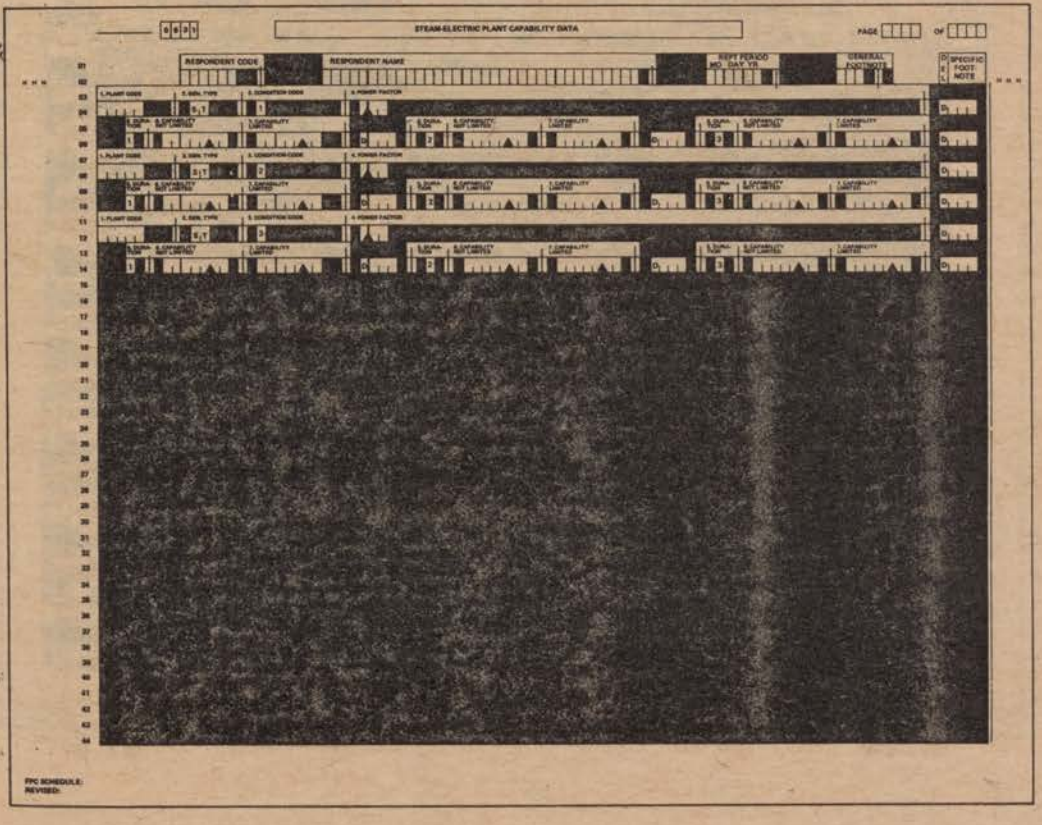
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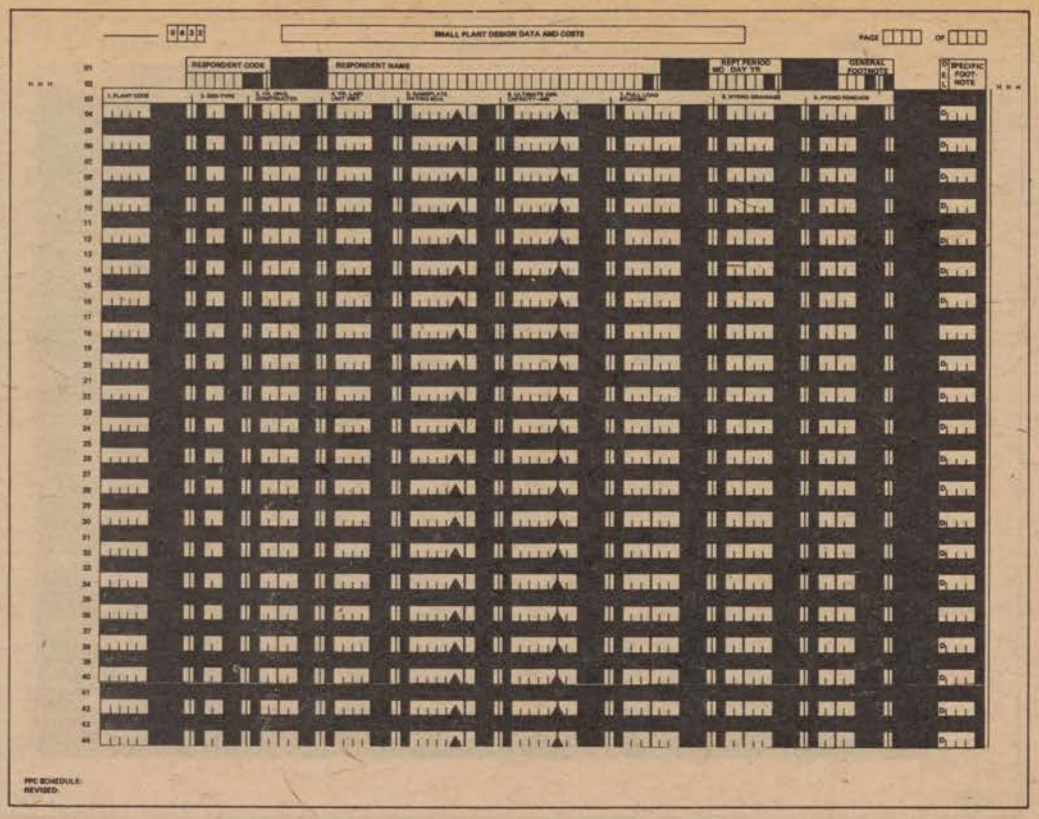
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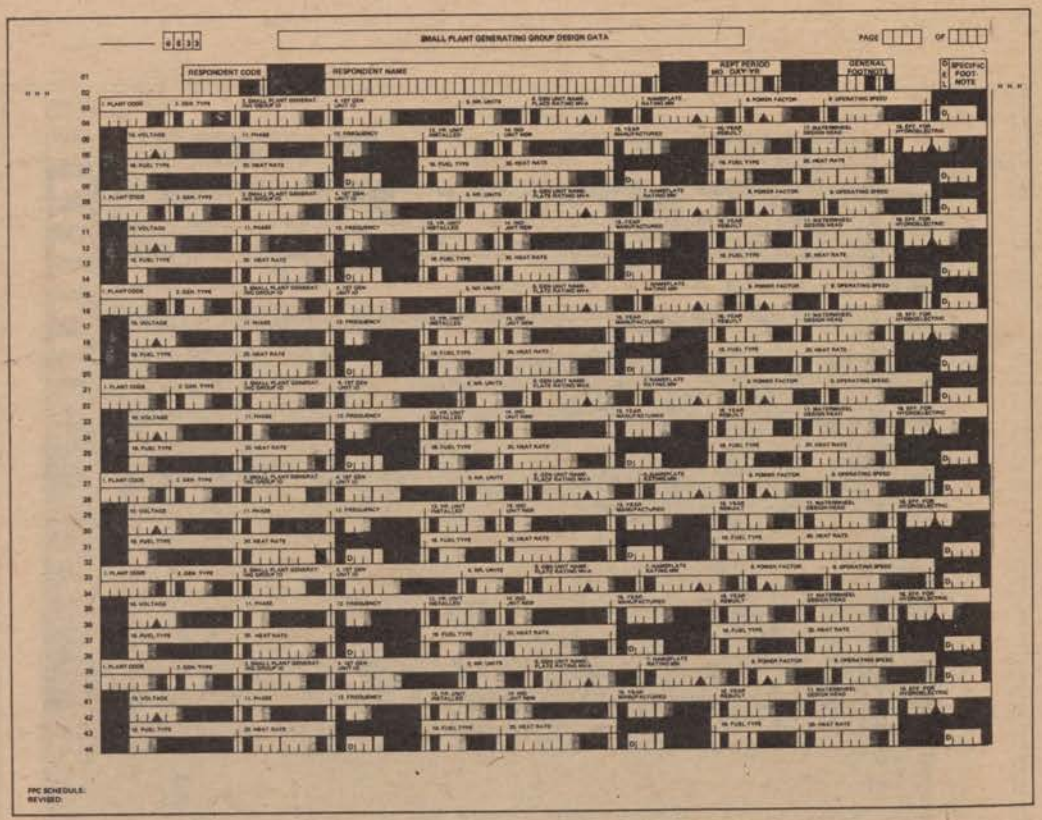
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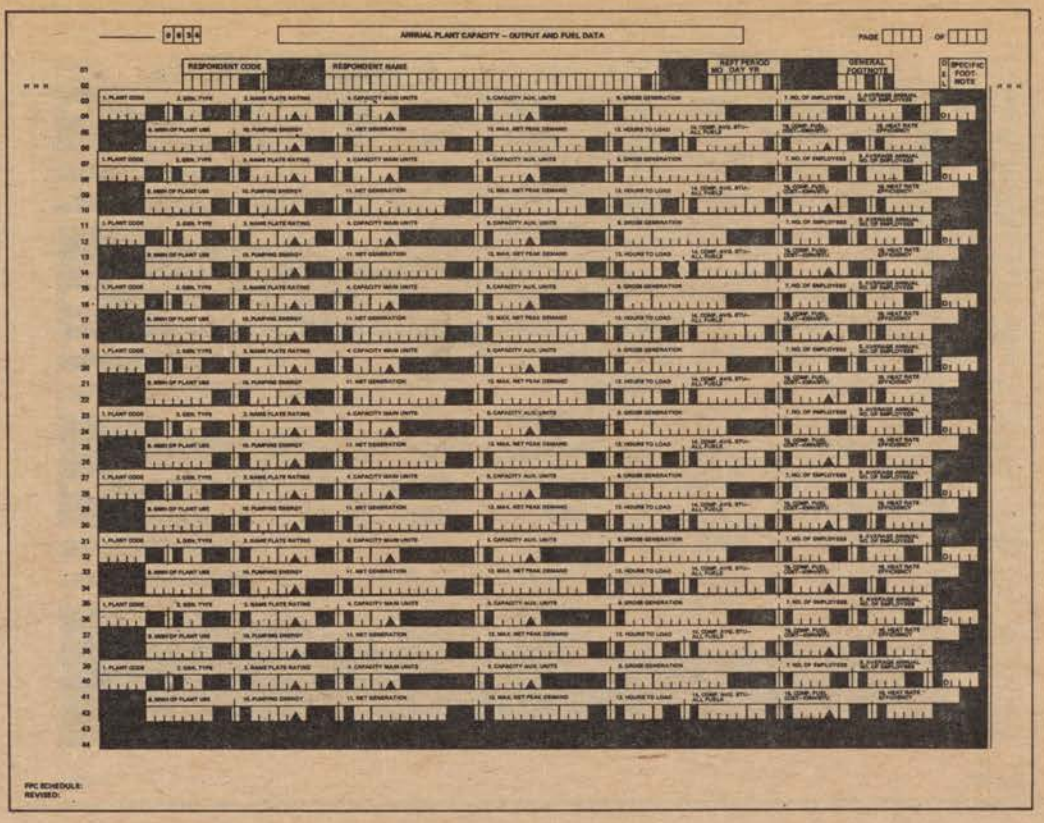
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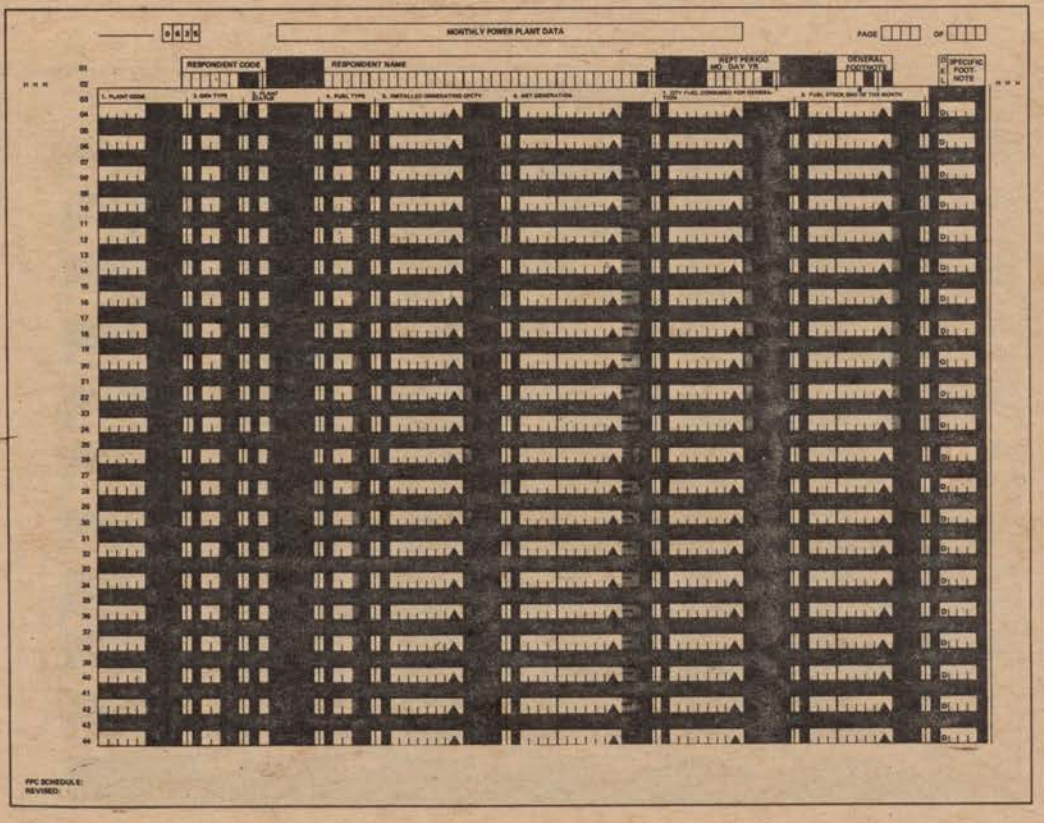
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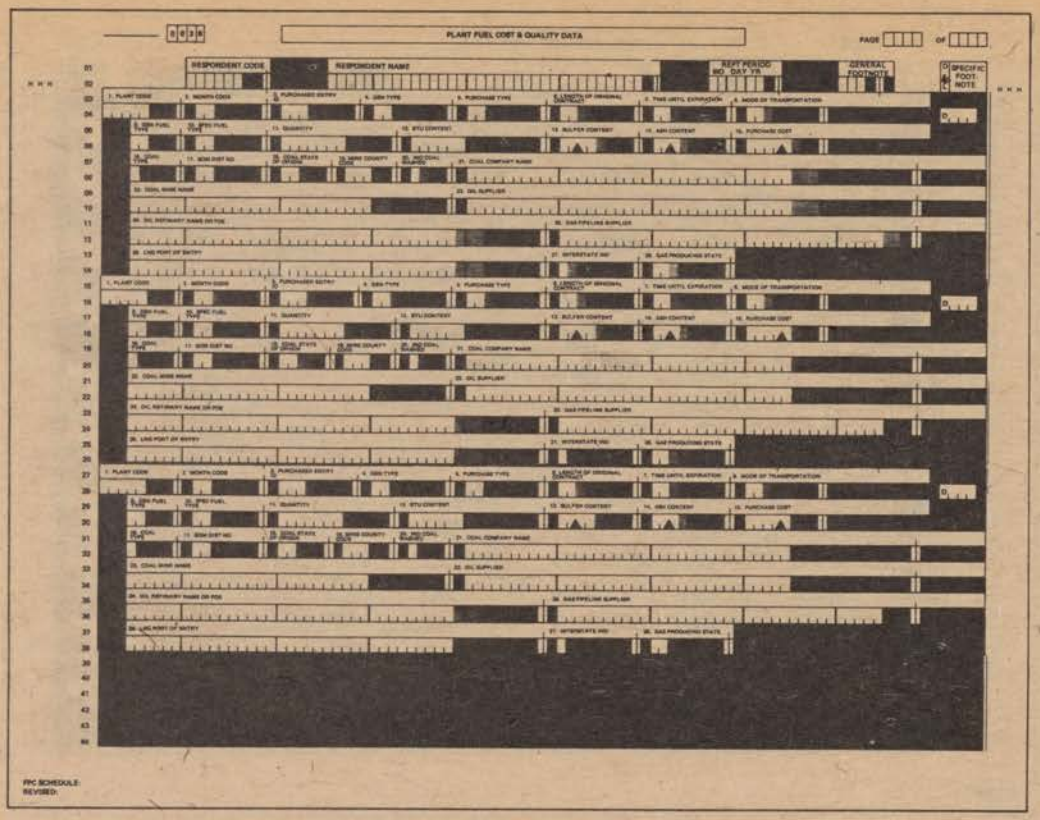
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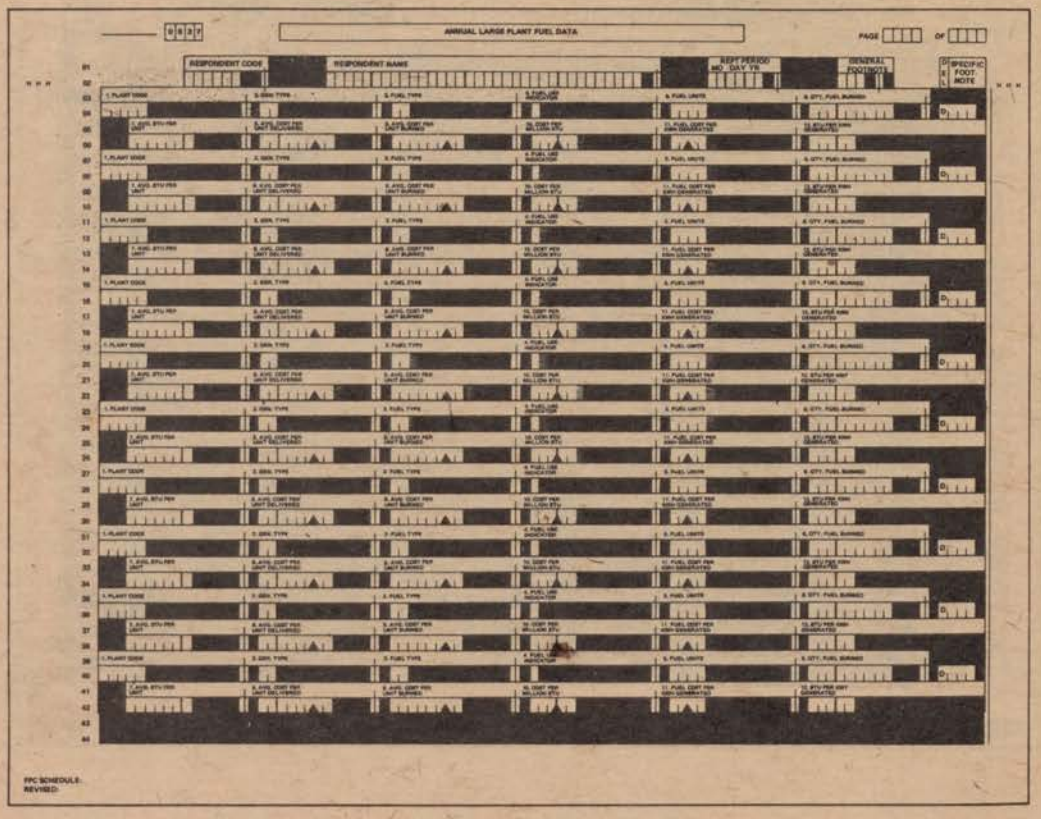
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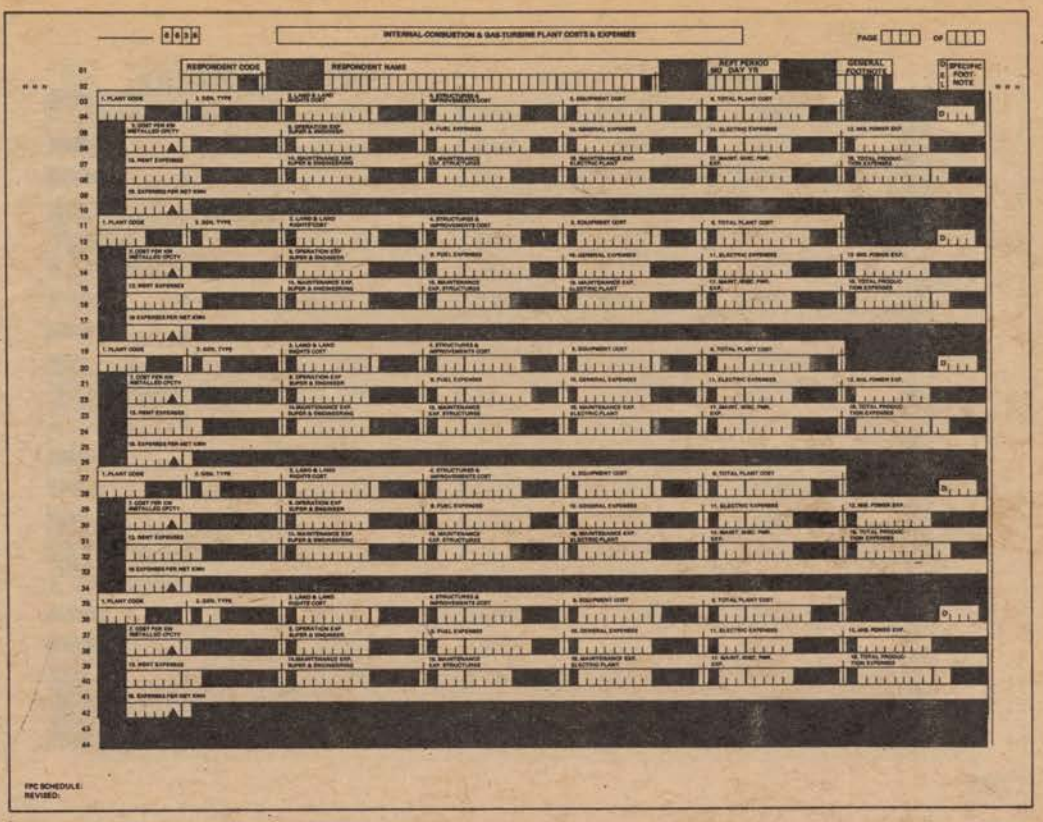
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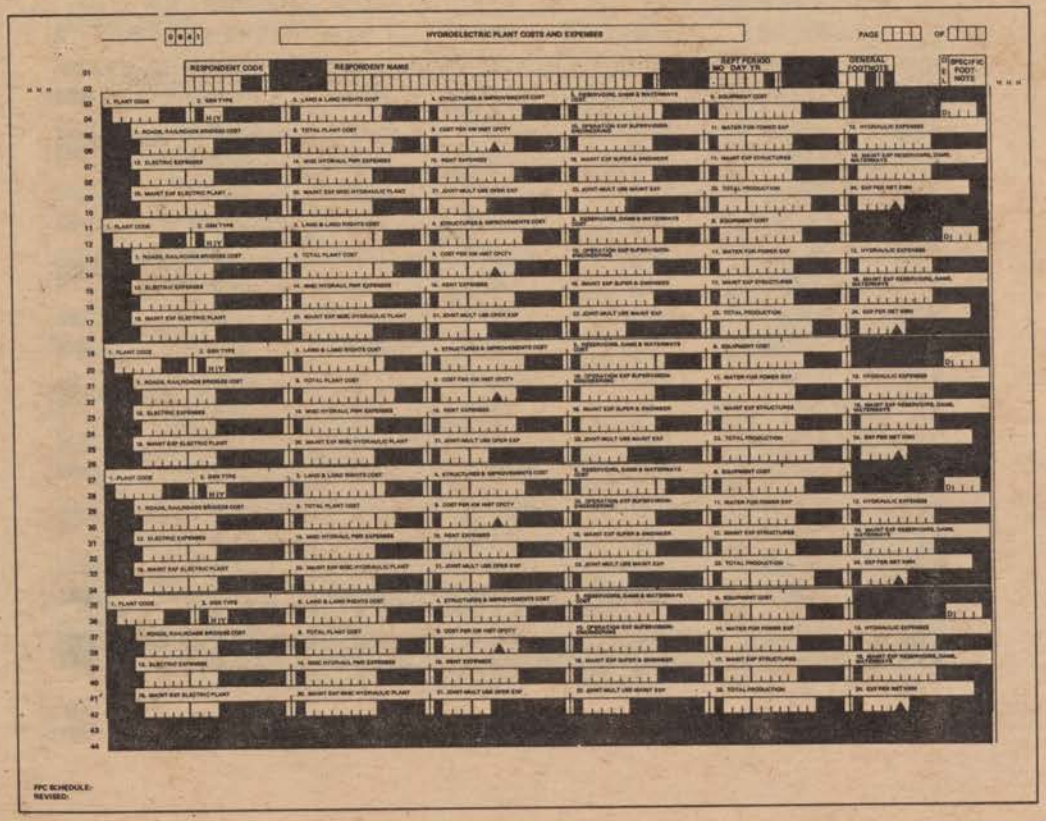
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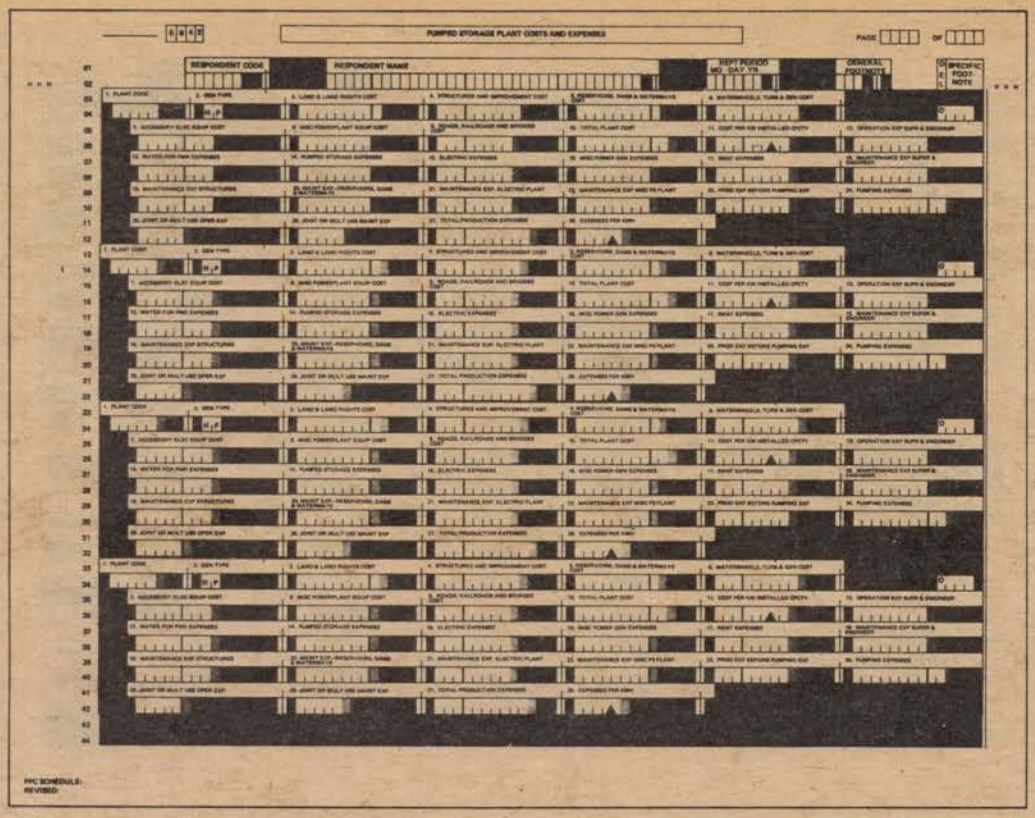
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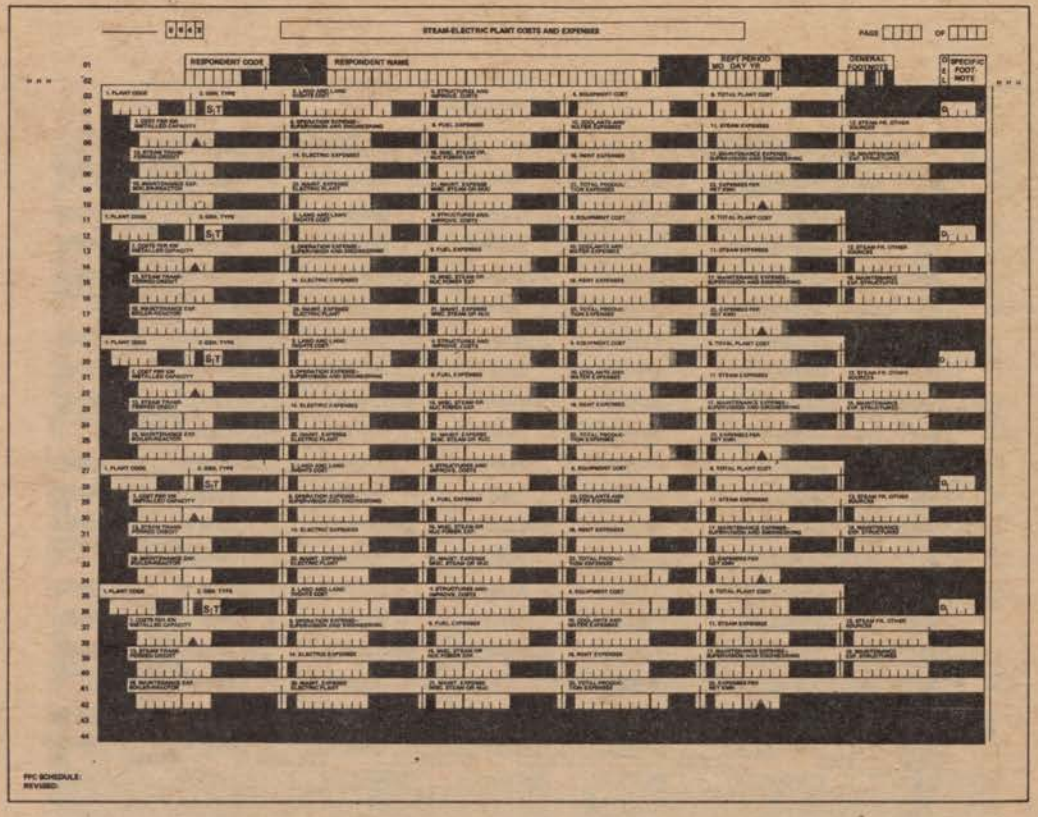
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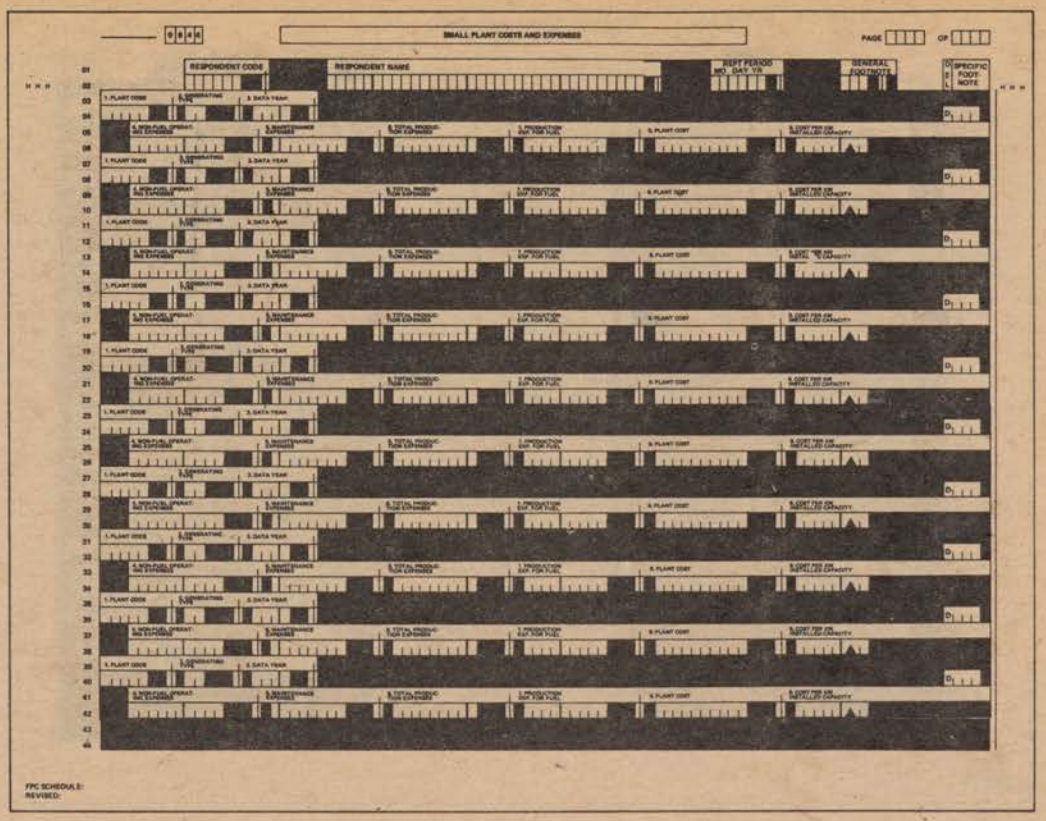
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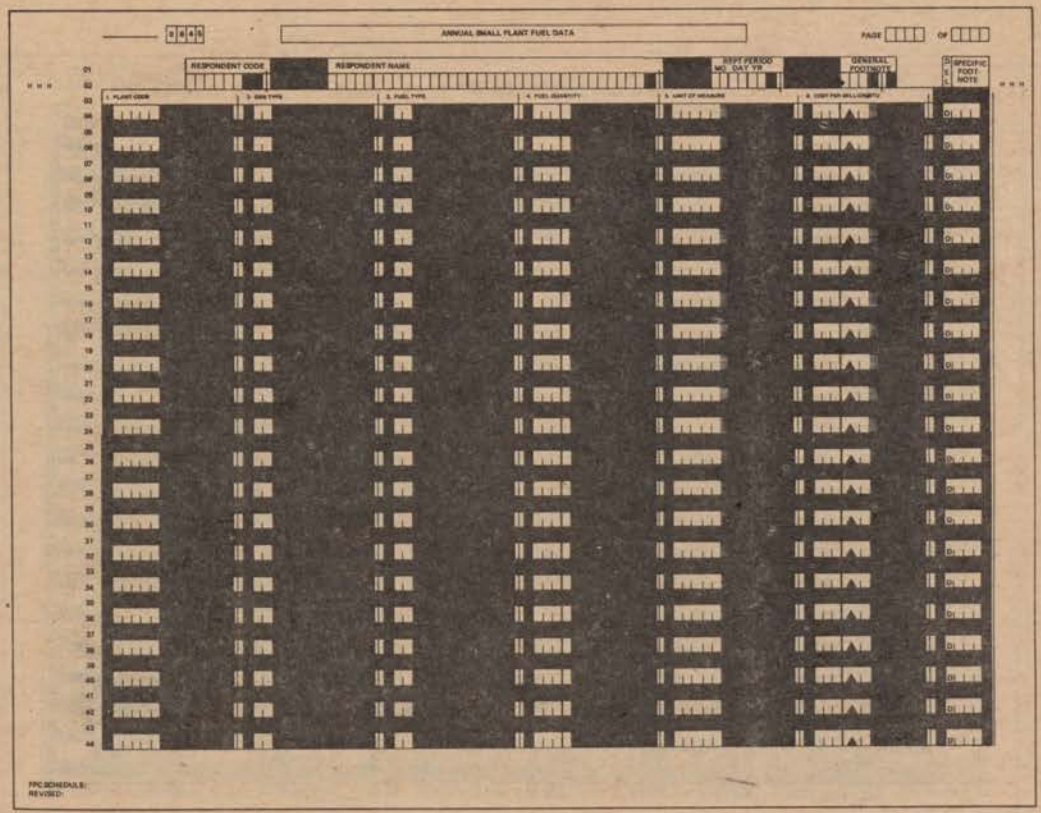
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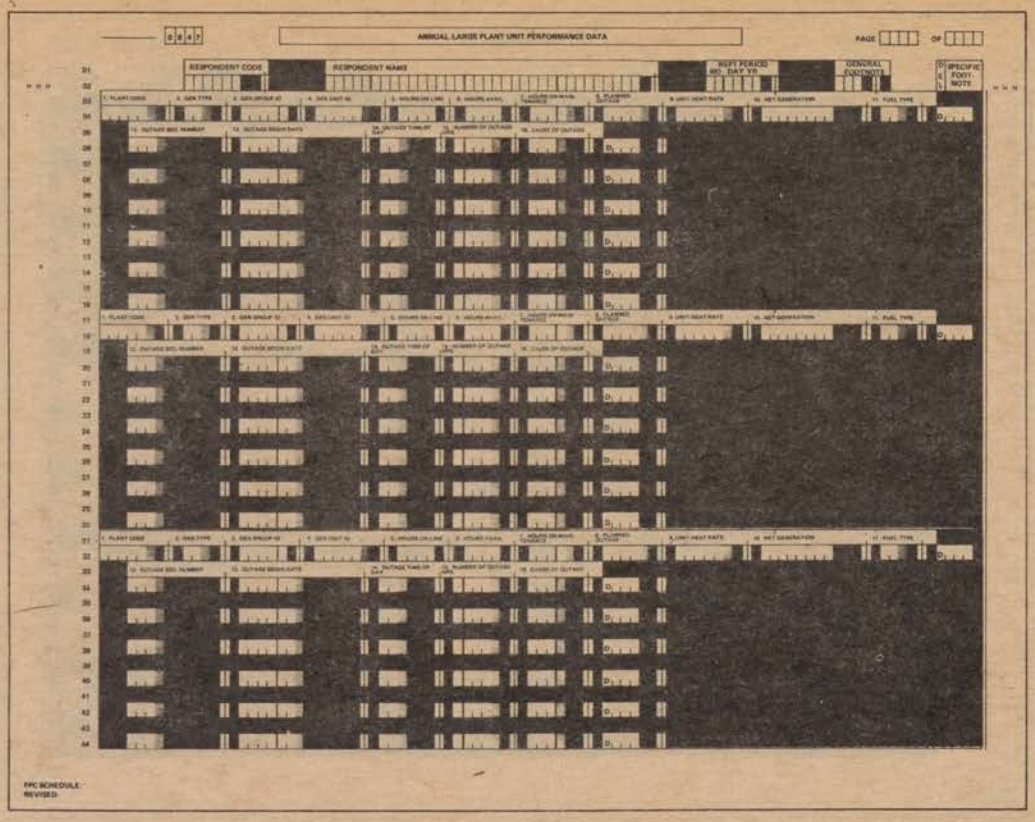
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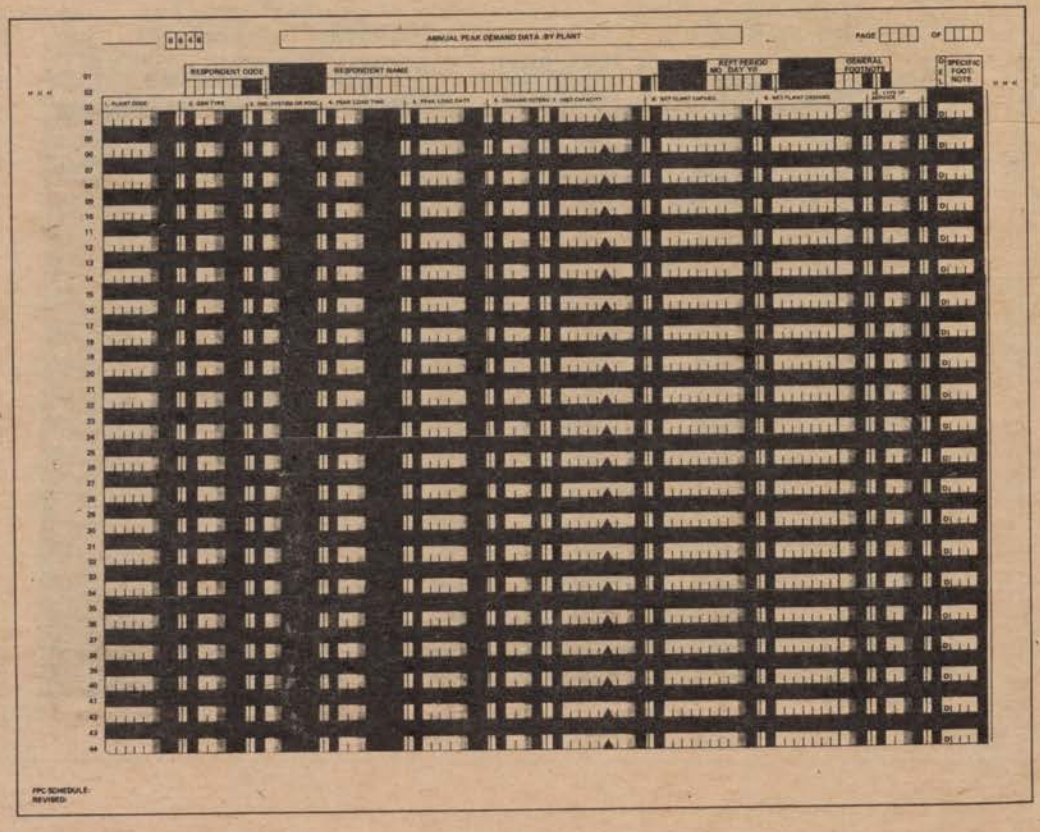
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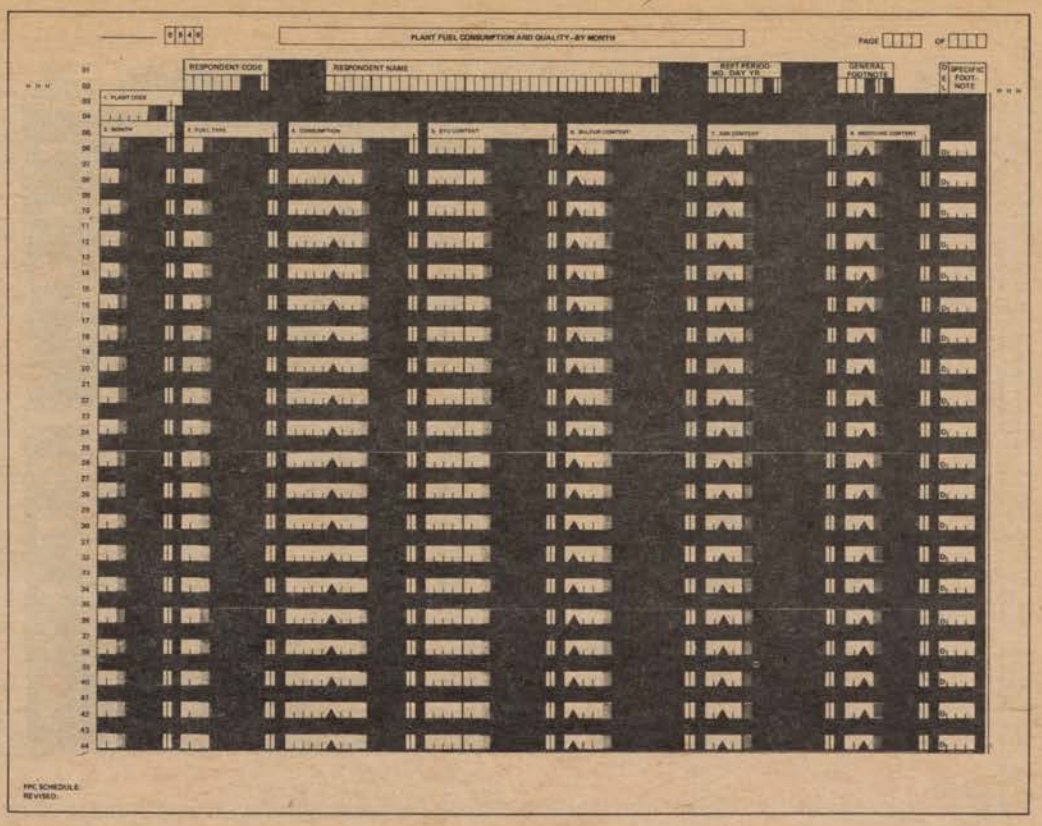
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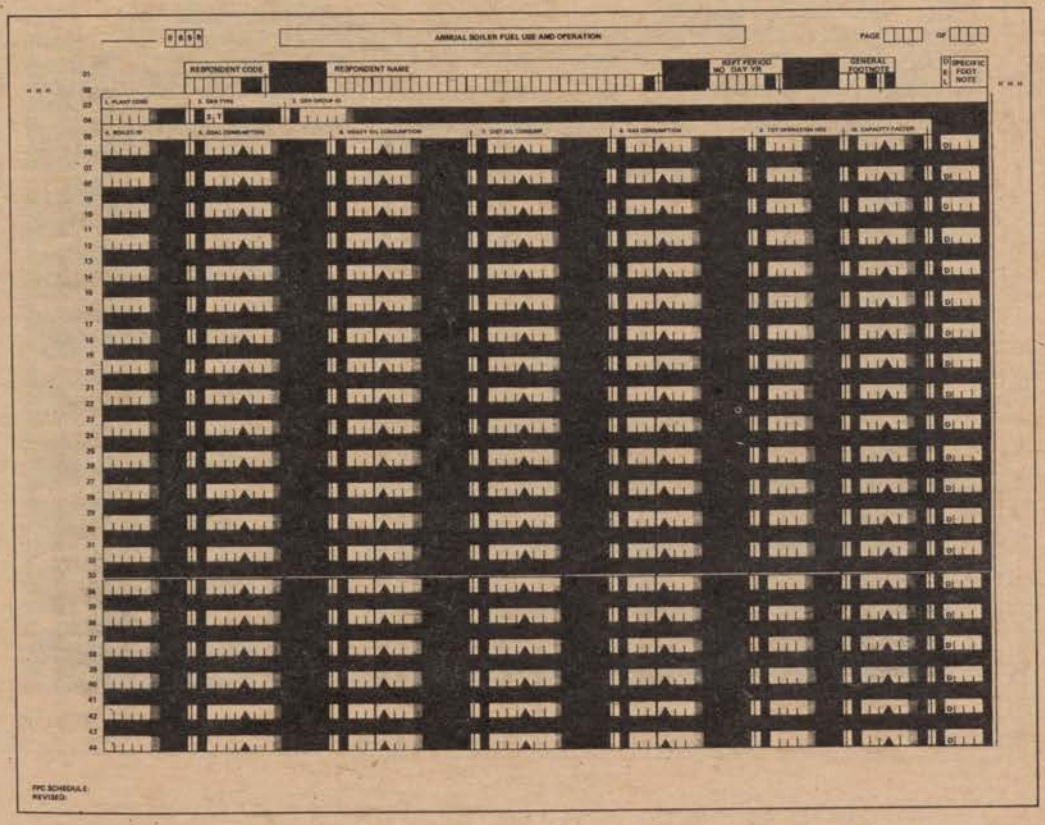
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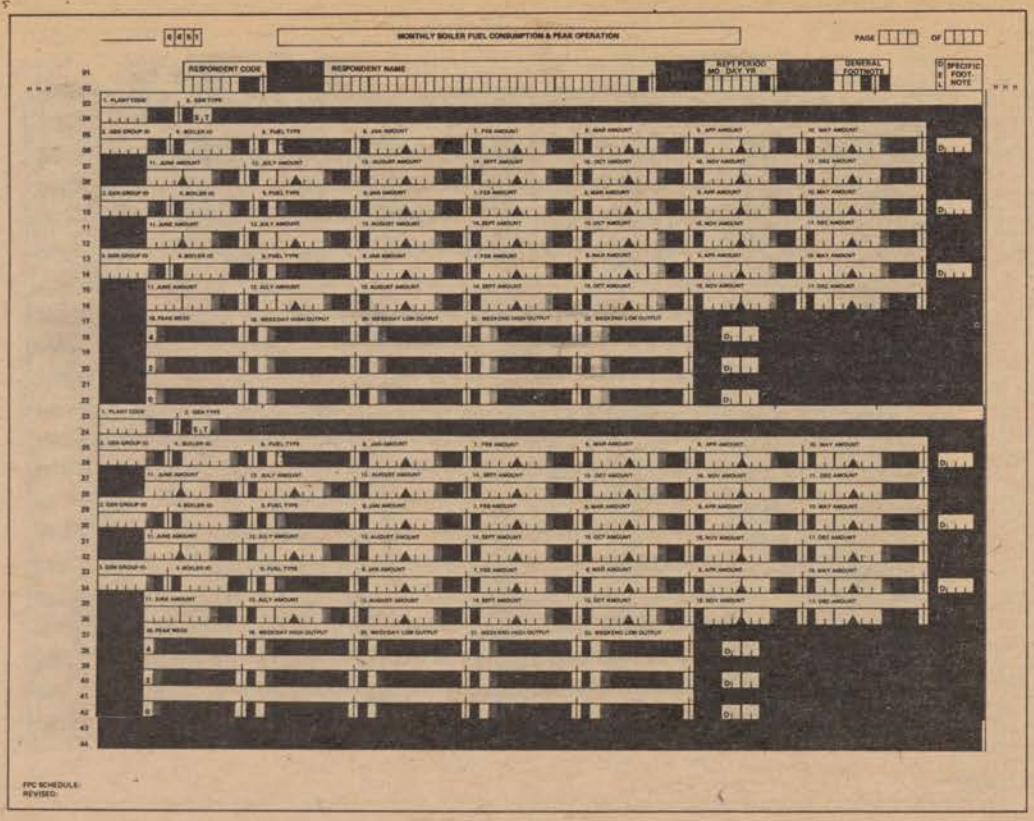
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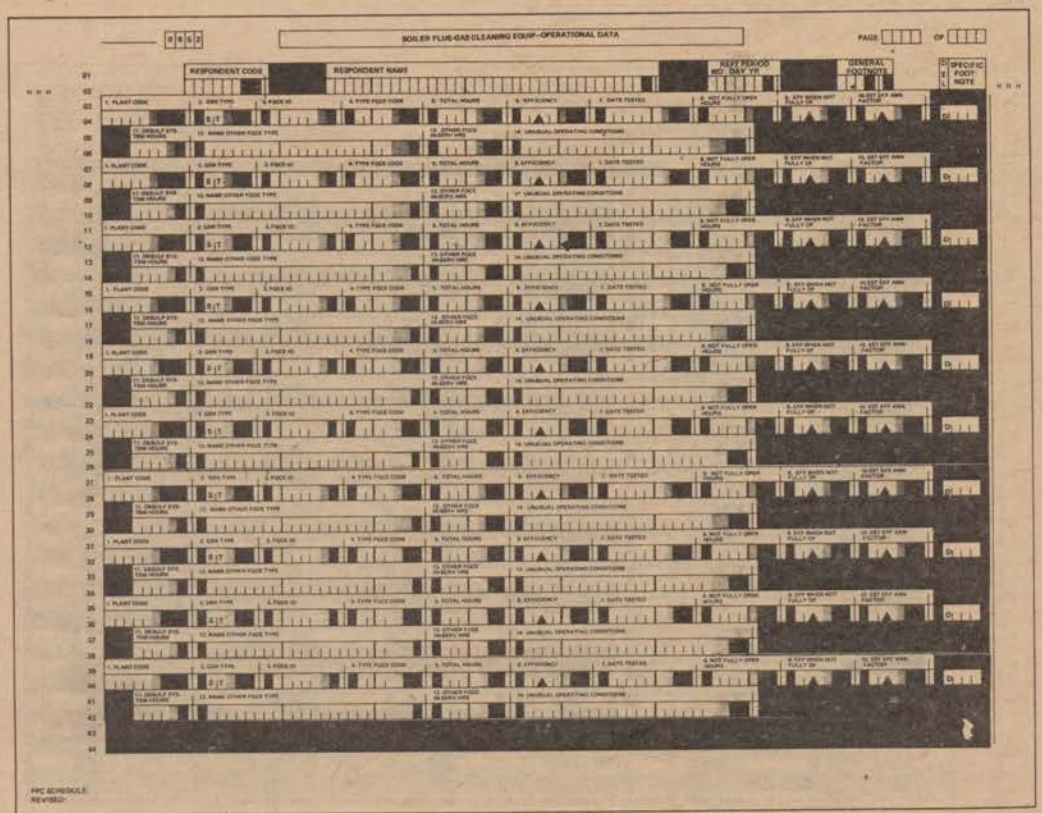
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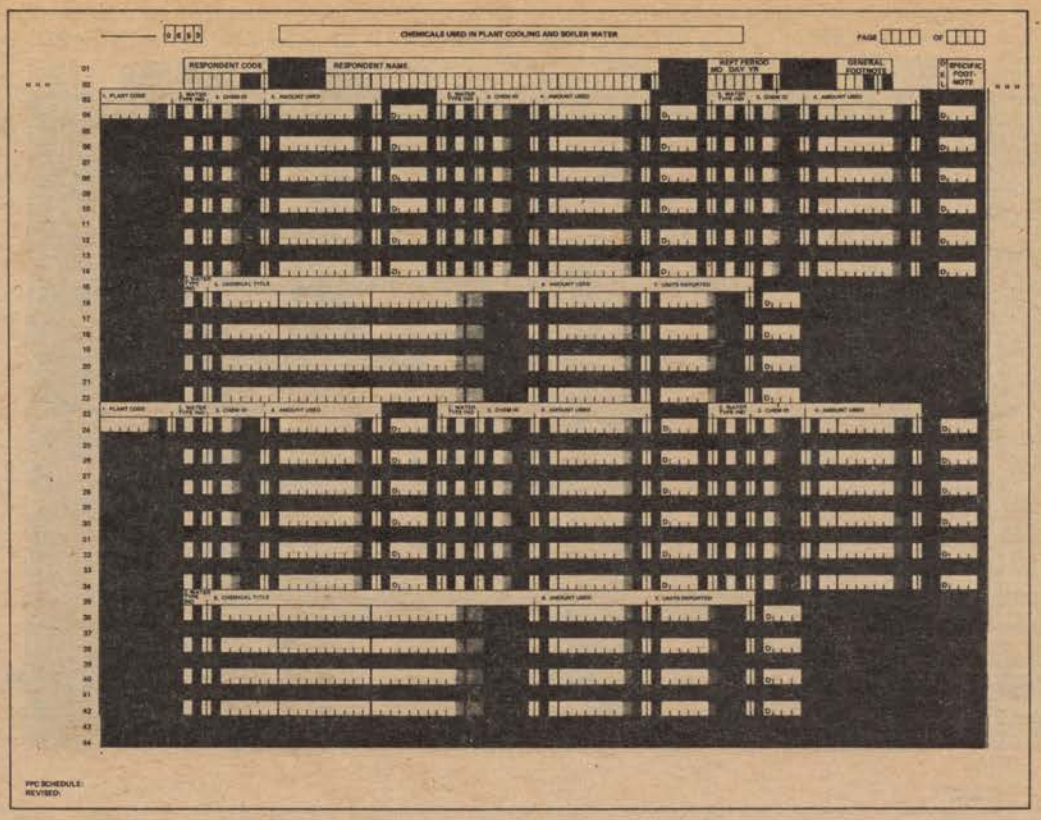


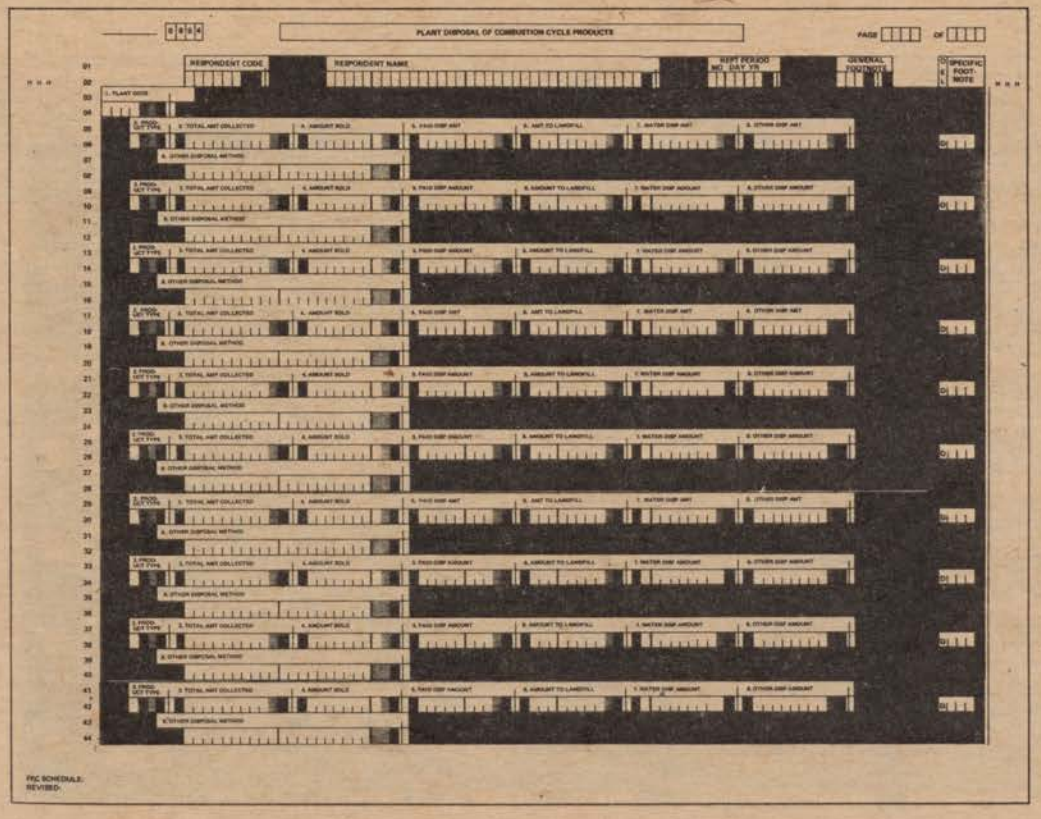
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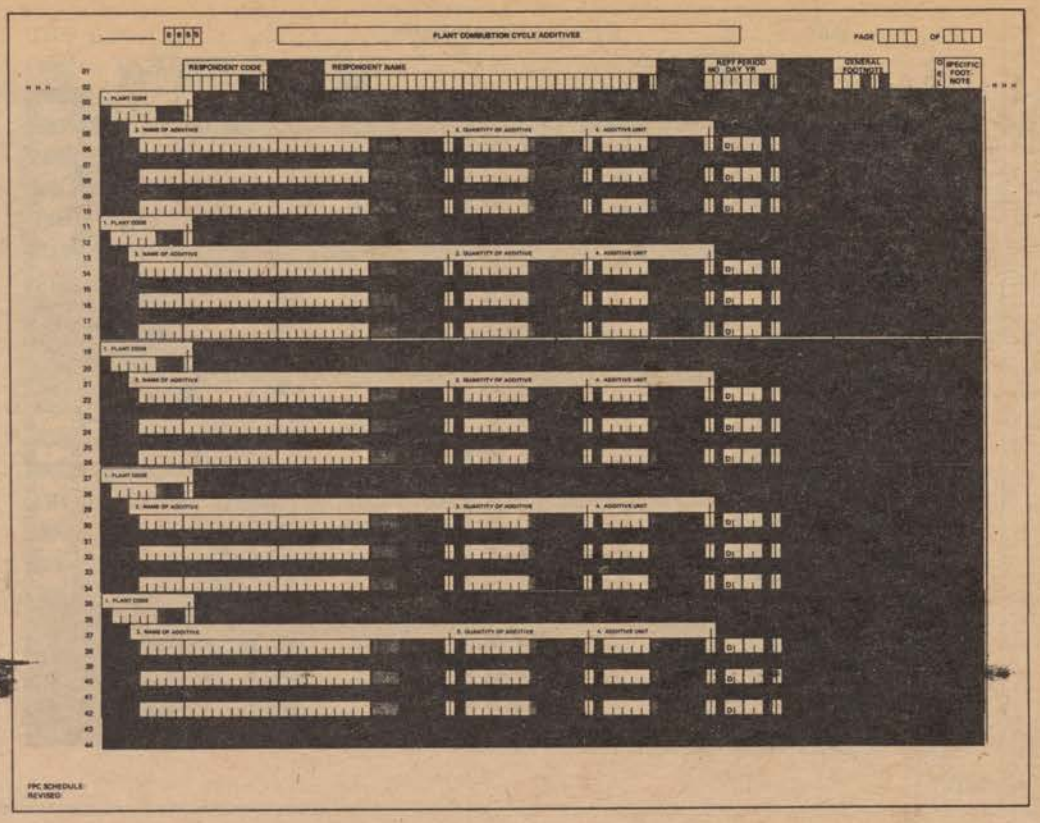
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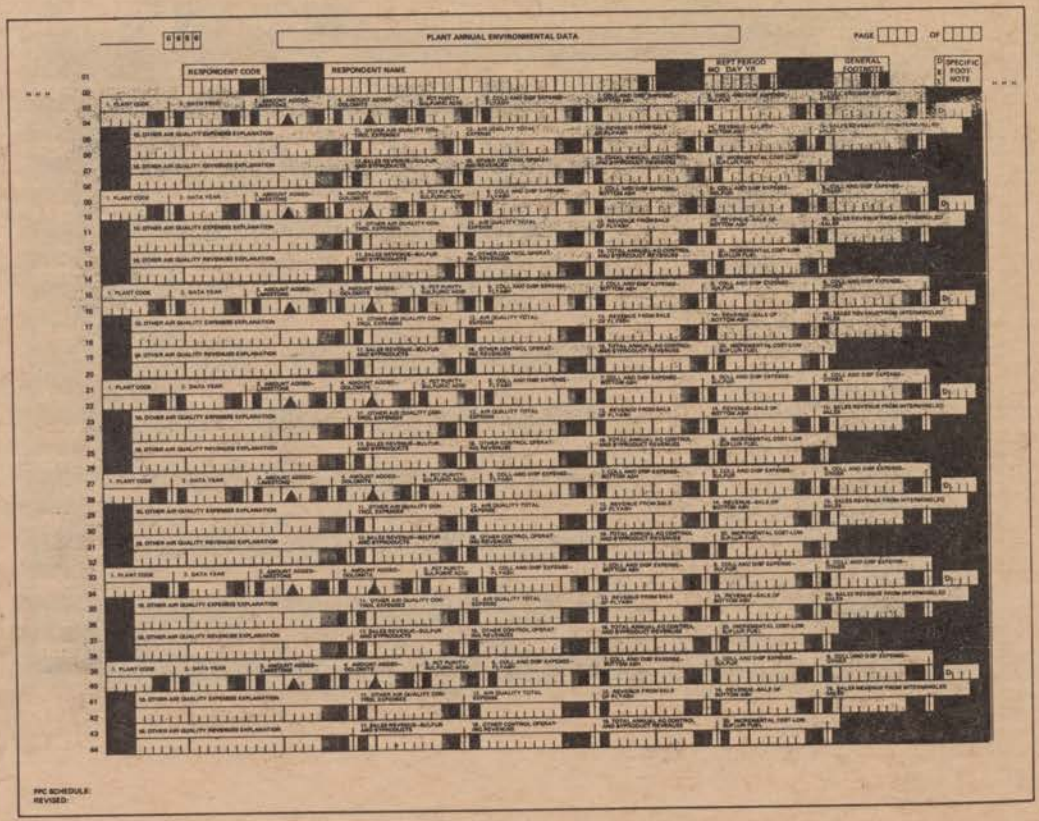

CHEMICALS USED IN PLANT COOLING AND BOILER WATER
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RESPONDENT NAME
REPT PERIOD MO DAY YR
GENERAL FOOTNOTE
SPECIFIC FOOT-NOTE
PAGE
OF
SAMPLE

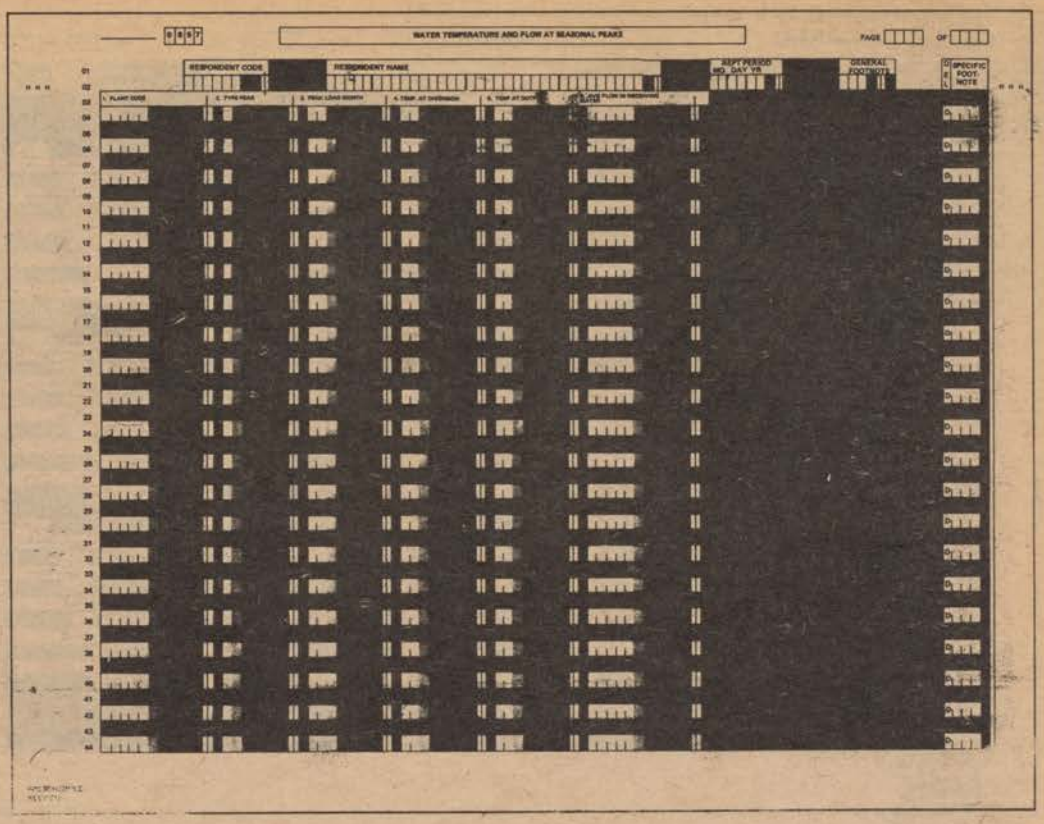

PLANT DISPOSAL OF COMBUSTION CYCLE PRODUCTS
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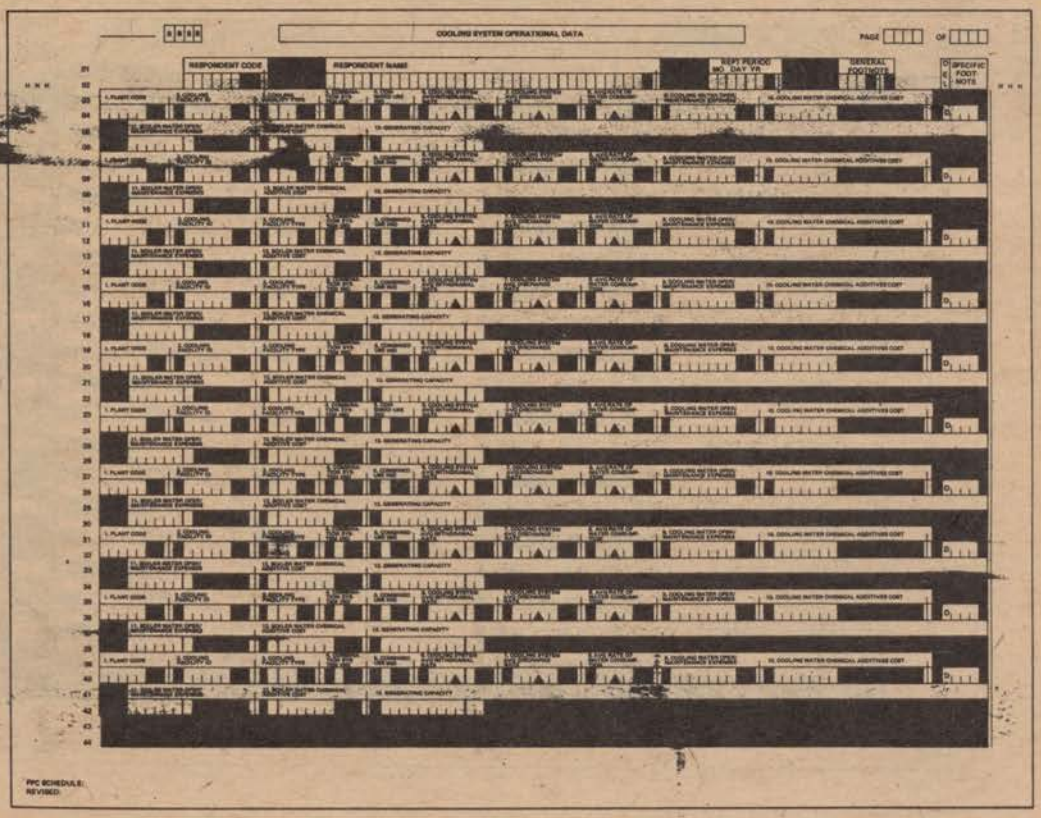
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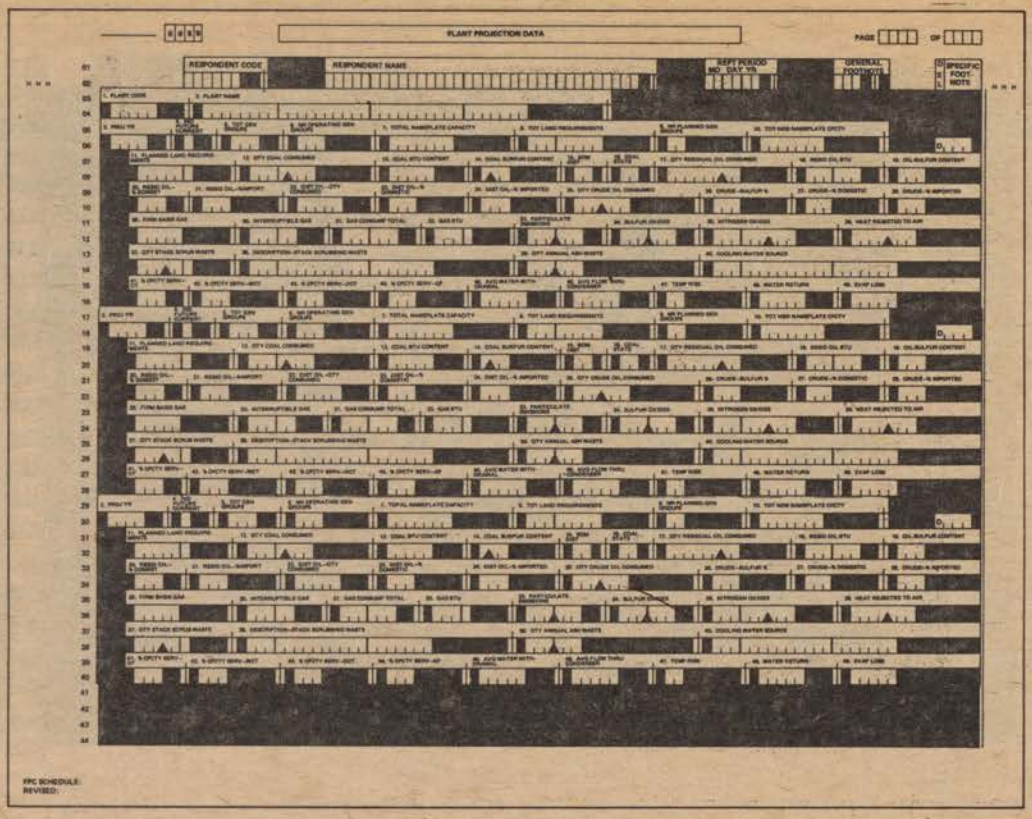
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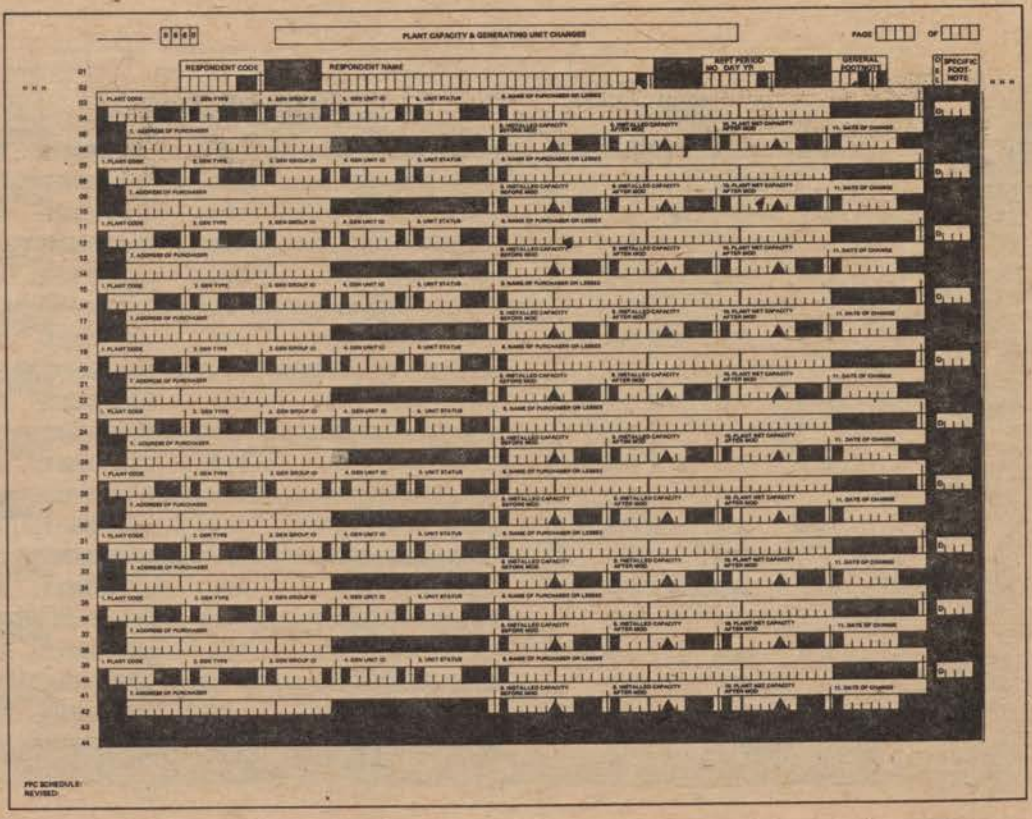

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WATER TEMPERATURE AND FLOW AT SEASONAL PEAKS
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RESPONDENT NAME
REPT PERIOD MO DAY YR
GENERAL FOOTNOTE
SPECIFIC FOOT-NOTE
1. PLANT CODE
2. TYPE PEAK
3. TRIAL LOAD WIDTH
4. TEMP. AT DIVERSION
5. TEMP. AT DISCH
6. DISCHARGE FLOW IN RECEIVING
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REVISED:


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9008
COOLING SYSTEM OPERATIONAL DATA
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REPT PERIOD MO DAY YR
GENERAL FOOTNOTE
SPECIFIC FOOT-NOTE
FPC SCHEDULE:
REVISED:

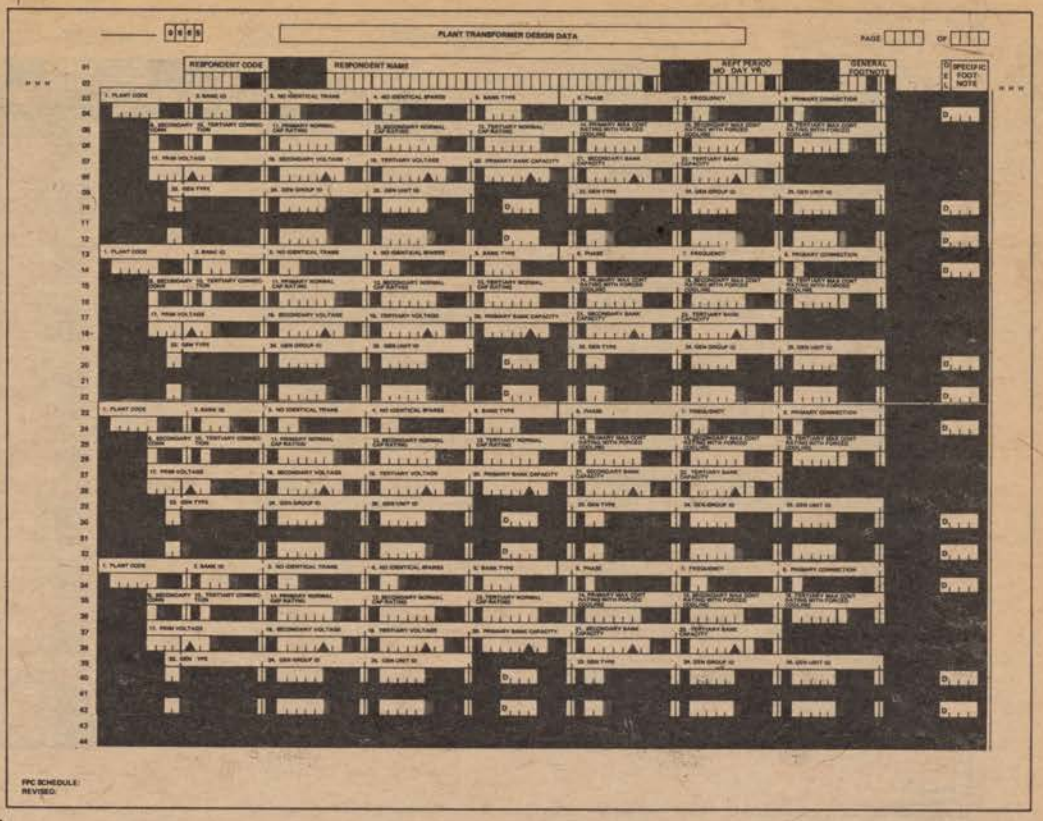
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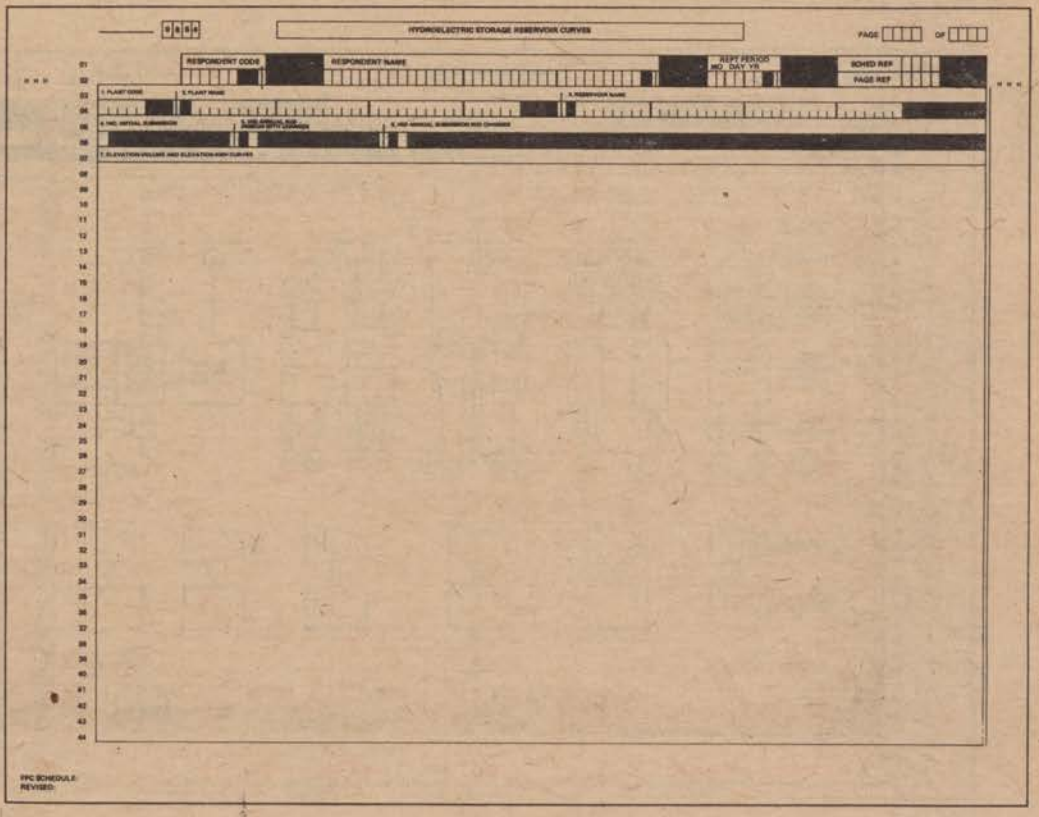
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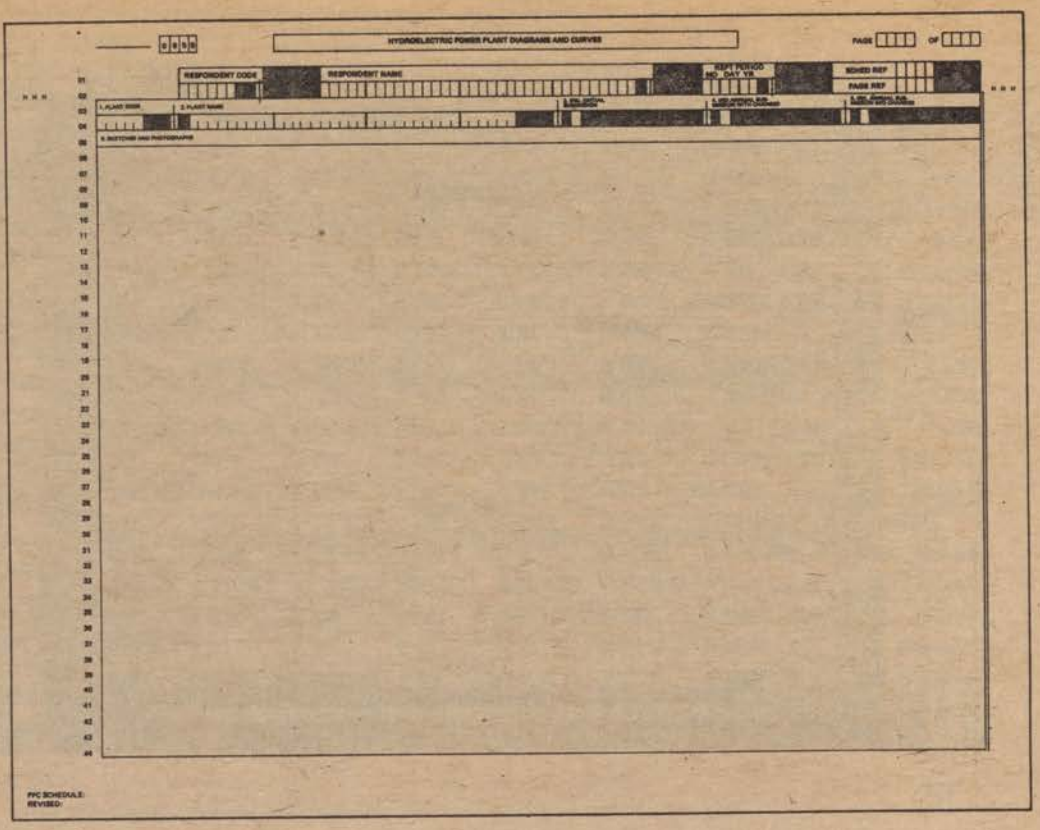
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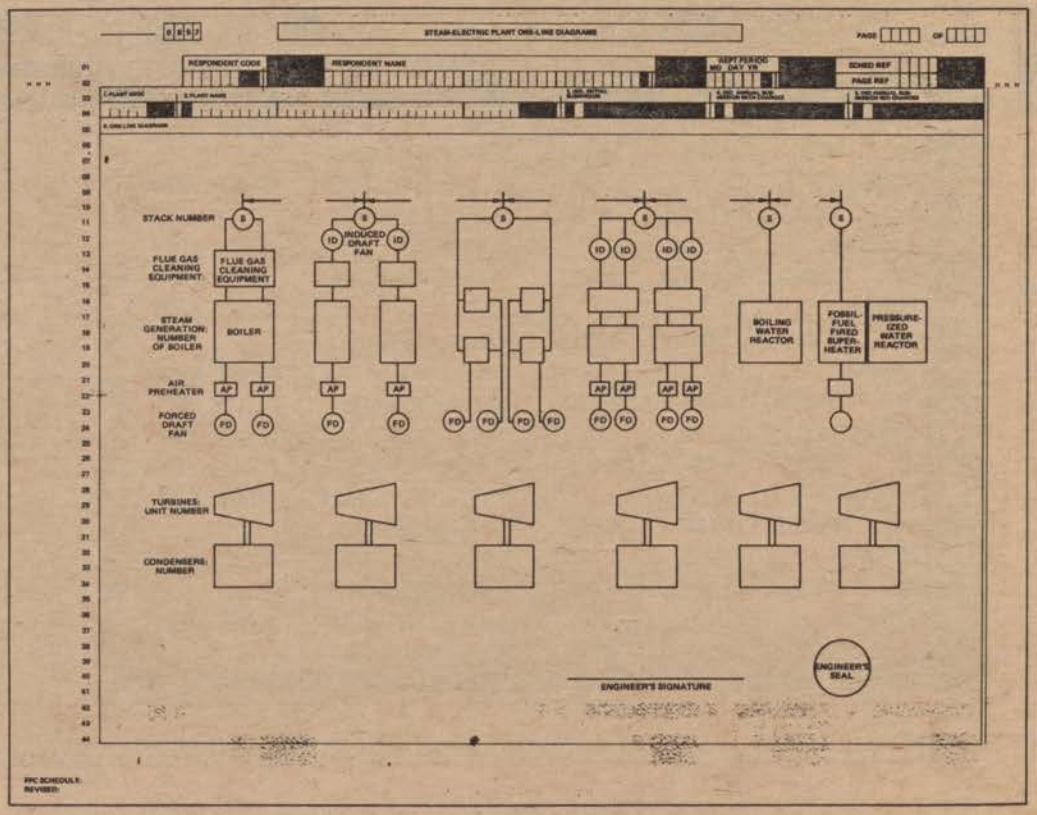
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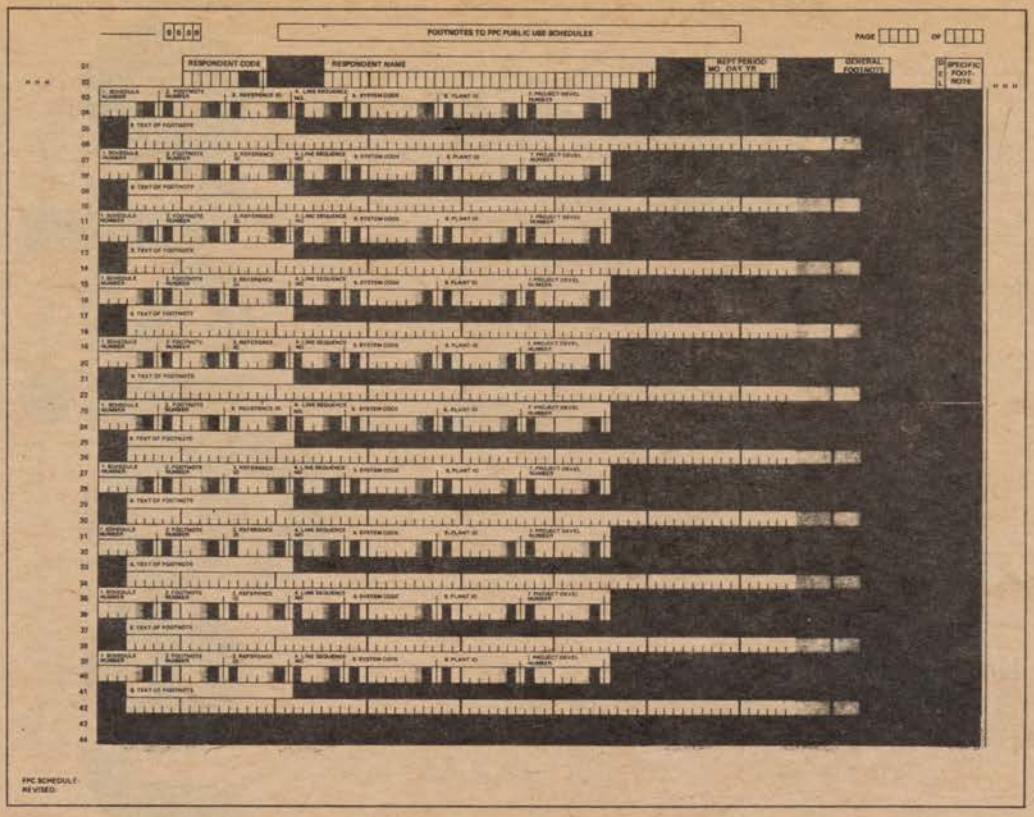
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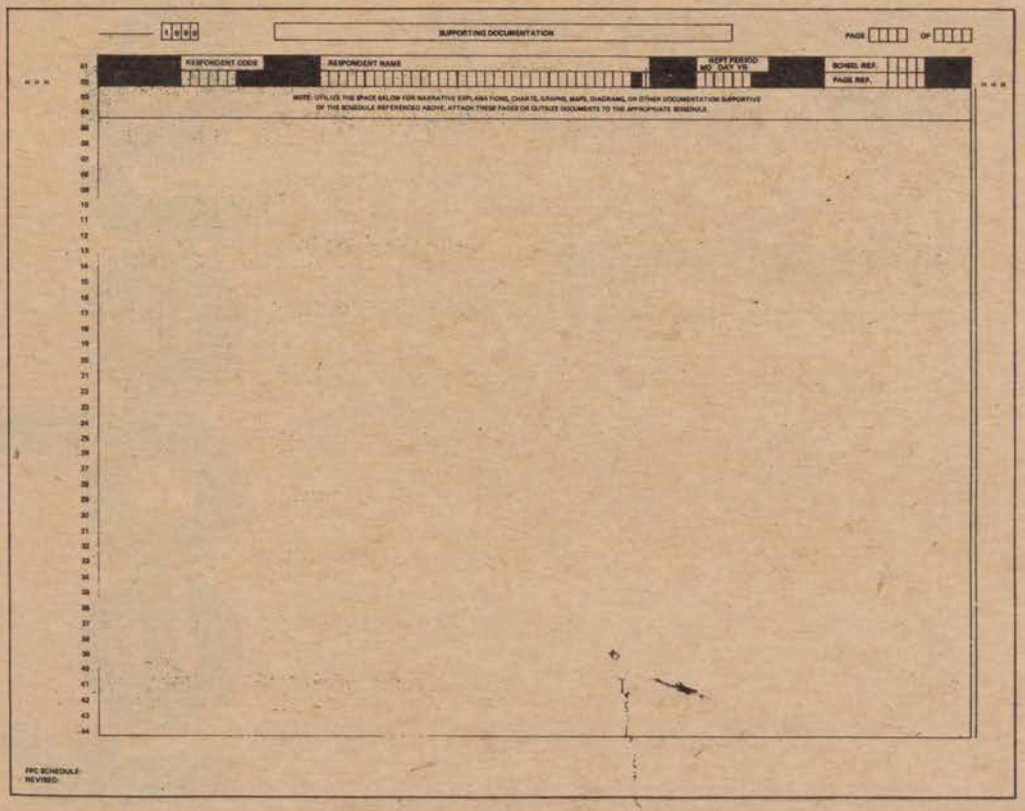
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[FR Doc.76-25182 Filed 8-31-76;8:45 am]

federal register

WEDNESDAY, SEPTEMBER 1, 1976



PART VI:

THE PRESIDENT

■

TRADE PREFERENCES FOR DEVELOPING COUNTRIES

Executive Order 11934

Executive Order 11934 • August 30, 1976

Amending the Generalized System of Preferences

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Title V and Section 604 of the Trade Act of 1974 (88 Stat. 2066, 19 U.S.C. 2461 *et seq.;* 88 Stat. 2073, 19 U.S.C. 2483), and as President of the United States of America, in order to modify, as provided by Section 504(c) of the Trade Act of 1974 (88 Stat. 2070, 19 U.S.C. 2464(c)), the limitations on preferential treatment for eligible articles from countries designated as beneficiary developing countries, adjust the original designation of eligible articles, and modify the designations of beneficiary developing countries in accord with my notifications to the Congress of February 26, 1976, and August 14, 1976, and in accord with technical changes in the identification of certain beneficiary countries, it is hereby ordered as follows:

SECTION 1. In order to subdivide existing items for purposes of the Generalized System of Preferences, the Tariff Schedules of the United States (TSUS) are modified as provided in Annex I, attached hereto and made a part hereof.

SEC. 2. Annex II of Executive Order No. 11888 of November 24, 1975, as amended by Annex II of Executive Order No. 11906 of February 26, 1976, is amended as provided in Annex II, attached hereto and made a part hereof.

SEC. 3. Annex III of Executive Order No. 11888, as amended by Annex III of Executive Order No. 11906, is amended as provided in Annex III attached hereto and made a part hereof.

SEC. 4. General Headnote 3(c)(iii) of the TSUS is modified as provided in Annex IV, attached hereto and made a part hereof.

SEC. 5. (a) General Headnote 3(c)(i) of the TSUS is modified—

(i) by deleting from the list therein of countries designated as beneficiary developing countries for purposes of the Generalized System of Preferences "Laos", in order to withdraw from Laos the status of a beneficiary of the GSP,

(ii) by adding, in alphabetical order, to that list of designated beneficiary developing countries "Portugal", in order to designate Portugal as a beneficiary of the Generalized System of Preferences, and

(iii)(A) by deleting from the list of designated beneficiary developing countries "Taiwan" and "Dahomey", and by substituting therefor, in alphabetical order, "Republic of China" and "Benin", respectively, and (B) by deleting from the list of designated beneficiary nonindependent countries and territories "Gilbert and Ellice Island" and by substituting therefor, in alphabetical order, the entries "Gilbert Islands", and "Tuvalu".

(b) General Headnote 3(c)(iii) of the TSUS is modified by deleting from the list therein "(Taiwan)" wherever that entry appears beside the entry "Republic of China".

SEC. 6. (a) The amendments made by Section 5 of this Order shall be effective on the date of publication of this Order in the FEDERAL REGISTER.

(b) The amendments made by Annex IV, paragraph (b) of this Order, made part hereof by Section 4 above, shall be effective with respect to articles both: imported on or after January 1, 1976, and entered for consumption, or withdrawn from warehouse for consumption, on or after March 1, 1976.

(c) The other amendments made by this Order shall be effective with respect to articles both: imported on or after January 1, 1976, and entered for consumption, or withdrawn from warehouse for consumption, on or after October 1, 1976.

Gerald R. Ford

THE WHITE HOUSE,
August 30, 1976.

ANNEX I

GENERAL MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES

NOTES:

1. Bracketed matter is included to assist in the understanding of proclaimed modifications.

2. The following items, with or without preceding superior descriptions, supersede matter now in the Tariff Schedules of the United States (TSUS). The items and superior descriptions are set forth in columnar form and material in such columns is inserted in the columns of the TSUS designated "Item", "Articles", "Rates of Duty 1", and "Rates of Duty 2", respectively.

Subject to the above notes the TSUS is modified as follows:

1. Items 152.74 and 152.75 are superseded by:

	[Fruit pastes and fruit pulps:]		
"152.60	Tamarind	15% ad val.	35% ad val.
152.61	If product of Cuba	14% ad val. (s)	
152.76	Other	15% ad val.	35% ad val.
152.77	If product of Cuba	14% ad val. (s)"	

2. Item 168.50 is superseded by:

	"Tequila:		
168.47	In containers each holding not over 1 gallon	$1.25 per gal.	$5 per gal.
168.48	In containers each holding over 1 gallon	$1.25 per gal.	$5 per gal.
	[Other spirits...:]		
168.52	Spirits	$1.25 per gal.	$5 per gal."

3. (a) Item 176.02 is superseded by:

	[Castor oil:]		
	"Valued over 20 cents per pound:		
176.14	Having Lovibond color values greater than 6 yellow and 0.6 red	1.5¢ per lb.	3¢ per lb.
176.15	Other	1.5¢ per lb.	3¢ per lb."

(b) Conforming changes: Items 176.03 and 176.04 are redesignated as 176.16 and 176.17, respectively.

4. Items 220.38, 220.40, 220.45 and 220.46 are superseded by:

	[Disks...:]		
	[Tapered.:]		
	"Not hollow and not perforated:		
	With maximum diameter not over 0.75 inch:		
220.36	Stoppers wholly of cork	12¢ per lb.	31¢ per lb.
220.37	Other	12¢ per lb.	31¢ per lb.
	With maximum diameter over 0.75 inch:		
220.39	Stoppers wholly of cork	10¢ per lb.	25¢ per lb.
220.41	Other	10¢ per lb.	25¢ per lb.
	Other:		
220.47	Stoppers wholly of cork of a thickness (or length) greater than the maximum diameter	10¢ per lb.	25¢ per lb.
220.48	Other	10¢ per lb.	25¢ per lb.
220.49	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, Schedule 6)	Free"	

5. Items 687.40 and 687.41 are superseded by:

	[Electronic tubes...:]		
	[Television picture tubes:]		
	Other:		
687.37	Having no straight-line dimension across the faceplate that exceeds 16.4 inches	15% ad val.	60% ad val.
687.38	Other	15% ad val.	60% ad val.
687.39	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, Schedule 6)	Free"	

ANNEX II

Annex II to Executive Order No. 11888, as amended by Executive Order No. 11906, is amended --

(a) by deleting the following TSUS item numbers:

121.50	220.40
145.52	220.45
146.66	220.50
153.28	305.50
220.10	455.40
220.15	455.42
220.20	514.34
220.25	687.40
220.35	745.63
220.38	

(b) by adding, in numerical sequence, the following TSUS item numbers:

152.60
168.48
168.52
176.01
176.14
220.36
220.39
220.47
687.37

ANNEX III

Annex III to Executive Order No. 11888, as amended by Executive Order No. 11906, is amended --

(a) by deleting the following TSUS item numbers:

168.50
176.01
176.02

(b) by adding, in numerical sequence, the following TSUS item numbers:

145.52	220.35
146.66	220.37
153.28	220.41
176.15	220.48
220.10	220.50
220.15	305.50
220.20	514.34
220.25	

ANNEX IV

General Headnote 3(c)(iii) of the TSUS, as amended by Executive Order No. 11906, is amended --

(a) by deleting the following TSUS item numbers and countries set opposite those numbers:

168.50	Mexico
176.01	Brazil
176.02	Brazil

(b) by deleting Costa Rica opposite TSUS item number 155.20

(c) by adding, in numerical sequence, the following TSUS item numbers and countries set opposite those numbers:

145.52	Portugal
146.66	Portugal
153.28	Portugal
176.15	Brazil
220.10	Portugal
220.15	Portugal
220.20	Portugal
220.25	Portugal
220.35	Portugal
220.37	Portugal
220.41	Portugal
220.48	Portugal
220.50	Portugal
305.50	Portugal
514.34	Portugal

[FR Doc.76-25878 Filed 8-31-76;11:43 am]