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federal register

THURSDAY, OCTOBER 28, 1976

highlights

PART I:

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

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, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register
Area Code 202 Phone 523-5240

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H.R. 1144..... Pub. Law 94–568
To amend the Internal Revenue Code of 1954 with respect to the tax treatment of social clubs and certain other membership organizations, to provide for a study of tax incentives for recycling, and for other purposes
(Oct. 20, 1976; 90 Stat. 2697)

H.R. 7228..... Pub. Law 94–569
To amend the Internal Revenue Code of 1954 to permit the authorization of means other than stamp on containers of distilled spirits as evidence of tax payment, to provide an extension of certain provisions relating to members of the Armed Forces missing in action, and for other purposes
(Oct. 20, 1976; 90 Stat. 2699)

H.R. 9719..... Pub. Law 94–565
To provide for certain payments to be made to local governments by the Secretary of the Interior based upon the amount of certain public lands within the boundaries of such locality
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H.R. 13160..... Pub. Law 94–567
To designate certain lands within units of the National Park System as wilderness; to revise the boundaries of certain of those units; and for other purposes
(Oct. 20, 1976; 90 Stat. 2692)

H.R. 13955..... Pub. Law 94–564
To provide for amendment of the Bretton Woods Agreements Act, and for other purposes
(Oct. 19, 1976; 90 Stat. 2660)

H.R. 14535..... Pub. Law 94–571
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Title 3—The President

PROCLAMATION 4471

American Education Week, 1976

By the President of the United States of America

A Proclamation

One of our Nation's greatest gifts to its children is the right to free public education through the high school years. No country on earth offers at public expense so extended an education to so many young people without regard to their social or economic background and regardless of their race, creed, color and sex.

The quality of our education system is still improving steadily. As just one indication of this, the National Assessment of Educational Progress shows that children in the elementary grades are reading significantly better than they did five years ago. Federal aid programs are helping disadvantaged, bilingual, and handicapped children gain equal access to education's mainstream, thus offering all students the benefits of education's progress.

Beyond high school, our many fine colleges, universities, and occupational schools give young people the opportunity to prepare for virtually any career and to fulfill almost any desire for self-enrichment. Federal grants and loans, along with State and private aid, ease the financial burden of education after high school to an extent never before enjoyed by our Nation's youth.

People of all ages are taking advantage of their many higher education options. A decade ago the average American had a high school education. Today the average American has some postsecondary experience.

We may be justifiably proud of our achievements in education while still recognizing that our schools and colleges face problems. Some school districts and colleges are experiencing financial difficulties. Some are plagued by vandalism and violence that disrupt the learning environment and cost taxpayers more than a half-billion dollars a year. Some are re-evaluating their mission in response to the demand for greater emphasis on basic learning skills and career training.

Our education system is resilient and responds positively to challenge. I am confident that it will continue to be responsive to the needs and aspirations of all Americans.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning November 14, 1976, as American Education Week.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of October, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred and first.

Gerald R. Ford

[FR Doc.76-31807 Filed 10-27-76;10:46 am]

PROCLAMATION 4472

National Farm–City Week, 1976

By the President of the United States of America

A Proclamation

As we near the end of our Bicentennial year, we have good cause to once again give thanks for the unique productivity of our farms and cities. While we are a nation of individuals—farmers and ranchers, and townspeople—we all work closely together to operate our economic and governmental systems.

Our independence as a country for two centuries has been successful because our citizens have been successful working together. This is nowhere more apparent than in the continuing development of our agricultural and urban areas. Our farmers and ranchers are the greatest producers of food in the world. They do this through the help of the goods and services produced by those who have moved from farms to the cities.

It is clear that this continuing interdependence between farm and city should be more fully understood by all citizens, for it is through this partnership that the country may achieve new abundance and prosperity in the future.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the period November 19 through November 25, 1976, as National Farm-City Week.

I request that interested individuals in all pursuits join with agricultural organizations, business and labor groups, youth and community groups, schools, and others to focus attention upon the interrelationships which exist between individuals and their labors in our economic system.

I urge the Department of Agriculture, educational institutions and all organizations and governmental agencies and officials to mark the significance of National Farm-City Week with special study, public meetings, exhibits and other appropriate activity in the public interest.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of October, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred and first.

Gerald R. Ford

[FR Doc.76–31808 Filed 10–27–76;10:47 am]

PROCLAMATION 4473

National Family Week, 1976

By the President of the United States of America

A Proclamation

The success of our American experiment in self-government depends upon the unique character of the American spirit—a spirit that is nurtured, taught by example, and lived by experience within the vital framework of the American family.

It is in our families that we learn, develop and practice those attitudes and concepts of right and wrong, of fairness, of charity, and love of country. Neither schools nor the institutions of government can ever replace the American family in the development of responsible and caring individuals.

Since we believe that every child has the right to grow up in a secure, loving family and that this experience lays the foundation for a happy, productive adulthood, we commend the growing numbers of Americans who are building families through adoption. By this means, thousands of children of all ages, backgrounds and with various special needs have been able to reap the benefits of permanent family membership.

It is within that family circle that each child learns the most important of life's lessons: from parents, love and respect; from grandparents and other elder relatives, wisdom and tolerance. These family experiences nurture our sense of community with others.

In deprivation and abundance, in turmoil and tranquility, Americans have reached out for their destiny from the constant sanctuary of family life.

In recognition of this fundamental role of the family in the development and continued vitality of our Nation, the Congress has requested that the week of Thanksgiving in 1976 be designated as National Family Week (Public Law 94–270, 90 Stat. 372).

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning on November 21, 1976, as National Family Week. I invite the Governors of the several States and the chief officials of local governments to observe National Family Week with appropriate ceremonies and activities.

I urge all Americans to observe this week by sharing with their families and friends an expression of the bonds between them and a common acknowledgement that through the extended relationships of the family, we will improve the quality of our lives and increase our Nation's store of peace, progress, happiness, and individual liberty.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of October, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred and first.

Gerald R. Ford

[FR Doc.76–31809 Filed 10–27–76;10:48 am]

PROCLAMATION 4474

Thanksgiving Day, 1976

By the President of the United States of America

A Proclamation

Traditionally, Americans have set aside a special day to express their gratitude to the Almighty for the blessings of liberty, peace and plenty that have been bestowed upon a grateful Nation.

The early settlers of this land possessed an unconquerable spirit and a reliance on Divine Providence that remains a part of the American character. That reliance, coupled with a belief in our selves and a love of individual freedom, has brought this Nation through two centuries of progress and kept us strong.

As we cross the threshold into our third century as a sovereign and independent Nation, it is especially appropriate that we reaffirm our trust in Him and express our gratitude for the unity, freedom and renewed sense of national pride we enjoy today.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, in accord with Section 6103 of Title 5 of the United States Code, do hereby proclaim Thursday, November 25, 1976, as a day of national thanksgiving. I call upon all Americans to join on that day with their friends and families in homes and places of worship throughout the land to offer thanks for the blessings we enjoy.

Let each of us resolve this Thanksgiving Day to make the coming year one in which our every deed will reflect our constant gratitude to God. Let us set a standard of honor, justice, and charity against which all the years of our third century may be measured.

Let us make this Thanksgiving a truly special one.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of October, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred and first.

Gerald R. Ford

[FR Doc.76-31810 Filed 10-27-76;10:49 am]

PROCLAMATION 4475

Wright Brothers Day, 1976

By the President of the United States of America

A Proclamation

On December 17, 1903, near Kitty Hawk, North Carolina, two brothers, Orville and Wilbur Wright, revolutionized transportation when they made the first successful flight in a heavier-than-air, powered aircraft. On that memorable day, 73 years ago, those two Americans laid the foundation for modern aviation. The phenomenal advances in aviation and space technology since that first successful adventure are now portrayed in the new National Air and Space Museum in our Nation's Capital.

It is particularly fitting to recognize, in this year of our Nation's Bicentennial, the determination and ingenuity displayed by the Wright brothers during the years of experimentation in developing their airplane. These traits are symbolic of the American spirit and of the American commitment to make this a better world.

To commemorate the historic achievements of the Wright brothers, the Congress, by a joint resolution of December 17, 1963 (77 Stat. 402, 36 U.S.C. 169), designated the seventeenth day of December of each year as Wright Brothers Day and requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I GERALD R. FORD, President of the United States of America, do hereby call upon the people of this Nation, and their local and national government officials, to observe Wright Brothers Day, December 17, 1976, with appropriate ceremonies and activities, both to recall the accomplishments of the Wright brothers and to provide a stimulus to aviation in this country and throughout the world.

IN WITNESS WHEREFOF, I have hereunto set my hand this twenty-fifth day of October, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred and first.

Gerald R. Ford

[FR Doc.76-31811 Filed 10-27-76;10:50 am]

Executive Order 11943 • October 25, 1976

Amendment of Adjustments of Certain Rates of Pay and Allowances

By virtue of the authority vested in me as President of the United States of America, in order to correct a typographical error, it is hereby ordered that the adjusted maximum scale of pay in the Section 4103 Schedule for Director of Nursing Service, as set forth in Schedule 3 of Executive Order No. 11941 of October 1, 1976, is amended by changing "2,611*" to read "52,611*".

Gerald R. Ford

THE WHITE HOUSE,
October 25, 1976.

[FR Doc.76-31812 Filed 10-27-76;10:51 am]

Executive Order 11944 October 25, 1976

Authorizing Delegation of Authority to the Secretary of the Treasury With Respect to the Northern Mariana Islands

By virtue of the authority vested in me by the Act of June 30, 1954, as amended (48 U.S.C. 1681), and as President of the United States of America, Section 2 of Executive Order No. 11021 of May 7, 1962, is amended by deleting the period at the end of Section 2 and by adding the following:

", except that the Secretary may, with the approval of the Secretary of the Treasury, delegate to the Secretary of the Treasury so much of this authority as is necessary to effectuate the purposes of Section 606(a) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Public Law 94–241, 90 Stat. 263, 48 U.S.C. 1681 note), which authority is to be exercised in such manner as shall be agreed upon by the Secretary of the Interior and the Secretary of the Treasury.".

Gerald R. Ford

THE WHITE HOUSE,
October 25, 1976.

[FR Doc.76–31813 Filed 10–27–76;10:52 am]

Executive Order 11945 • October 25, 1976

Physical Fitness and Sports

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, Executive Order No. 11562, as amended, is further amended as follows:

SECTION 1. Section 1 is amended to read:

"Section 1. *Program for physical fitness and sports.* The Secretary of Health, Education, and Welfare (hereinafter referred to as "the Secretary"), shall, in carrying out his responsibilities in relation to education and public health, develop and coordinate a national program for physical fitness and sports. The Secretary shall:

"(a) Enlist the active support and assistance of individual citizens, civic groups, professional associations, amateur and professional sports groups, private enterprise, voluntary organizations and others in efforts to promote and improve the health of all Americans through regular participation in physical fitness and sports activities;

"(b) initiate programs to inform the general public of the importance of exercise and the link which exists between regular physical activity and such qualities as good health and effective performance;

"(c) strengthen coordination of Federal services and programs relating to physical fitness and sports participation;

"(d) encourage State and local governments to emphasize the importance of regular physical fitness and sports participation;

"(e) seek to advance the physical fitness of children, youth, adults and senior citizens by systematically encouraging the development of community recreation, physical fitness and sports participation programs;

"(f) develop cooperative programs with medical, dental, and other similar professional societies to encourage the implementation of sound physical fitness practices;

"(g) stimulate and encourage research in the areas of physical fitness and sports performances;

"(h) assist educational agencies at all levels in developing high-quality, innovative health and physical education programs which emphasize the importance of exercise to good health;

"(i) assist business, industry, government and labor organizations in establishing sound physical fitness programs to elevate employee health and to reduce the financial and human costs resulting from physical inactivity.".

SEC. 2. The following new subsection is added to Section 5:

"(c) Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act (5 U.S.C. App. 1), except that of reporting annually to the Congress, which are applicable to the Council established by this Order, shall be performed by the Secretary in accordance with guidelines and procedures established by the Office of Management and Budget.".

Gerald R. Ford

THE WHITE HOUSE,
October 25, 1976.

[FR Doc.76-31814 Filed 10-27-76;10:53 am]

Executive Order 11946 • October 25, 1976

White House Fellowships

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, Executive Order No. 11183 of October 3, 1964, as amended, is hereby further amended as follows:

SECTION 1. Paragraph (5) of subsection 2(b) is amended to read:

"(5) Are not, on the date on which they apply or at any time between the date of application and the beginning of service as a White House Fellow, employed in, or receiving any salary or wage as compensation for, the performance of a Federal function under authority of law or Executive act; except that, this exclusion shall not apply to regular members of the Army, Navy, Air Force, Marine Corps or Coast Guard, nor shall it apply to a "special Government employee" as defined in Section 202 of Title 18 of the United States Code, nor shall it apply to an independent contractor or employee thereof.".

SEC. 2. Section 3 is amended to read:

"Sec. 3. *White House Fellows.* White House Fellows will be appointed to serve for 12 months, beginning on September 1 of the year in which they are selected, and shall be assigned to serve on the White House staff, in the Executive Office of the President, in the office of the Vice President, in the offices of members of the Cabinet, or in the offices of such other Executive Branch officials as shall, from time to time, be designated by the President and the Commission.".

Gerald R. Ford

THE WHITE HOUSE,
October 25, 1976.

[FR Doc.76-31815 Filed 10-27-76;10:54 am]

Memorandum of September 21, 1976

Determination Under Sections 103(d) (3) and (4) of the Agricultural Trade Development and Assistance Act of 1954, as Amended (Public Law 480)—Egypt

[Presidential Determination No. TQ6]

Memorandum for the Secretary of State, the Secretary of Agriculture

THE WHITE HOUSE,
Washington, September 21, 1976.

Pursuant to the authority vested in me under the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter "the Act"), I hereby:

(a) Determine that for Egypt the waiver of the exclusion provided for by Section 103(d)(3) of the Act, for the purpose of selling up to 100,000 metric tons of wheat/wheat flour, is in the national interest of the United States and I do hereby waive such exclusion; and

(b) Determine, pursuant to Section 103(d)(4) of the Act, that the sale to Egypt of 100,000 metric tons of wheat/wheat flour is in the national interest of the United States.

Gerald R. Ford

STATEMENT OF REASONS THAT SALES UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED (PUBLIC LAW 480) TO EGYPT ARE IN THE NATIONAL INTEREST

In response to current Egyptian needs, it is proposed to export to that country 100,000 metric tons of wheat/wheat flour (wheat grain equivalent) under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (P.L. 480). Added to previous allocations, the total amount of wheat/wheat flour (wheat grain equivalent) provided to Egypt under Title I in FY 1976 and the Transition Quarter will be 1,350,000 metric tons. The proposed food aid is for shipment during the July 1–September 30 U.S. Transition Quarter.

Egypt continues to be central to our efforts to achieve a just and lasting peace in the Middle East. Our ultimate success will depend in part on Egyptian confidence in our intention to develop a broad and constructive bilateral relationship with that country. Continuation of a program for concessional sales of agricultural commodities to Egypt will constitute a tangible demonstration of our intended role.

In order to enter into an agreement with the Government of Egypt for such sales under Title I, it is necessary that the President determine that such sales would be in the national interest of the United States. Section 103(d)(3) of P.L. 480 excludes from eligibility for concessional sales under Title I any country which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam any equipment, materials, or commodities (so long as those countries are governed by Communist regimes). Egyptian governmental entities maintain trade with Cuba. However, under Section 103(d)(3), as amended by Section 203 of P.L. 94–161, the President is authorized to waive this exclusion if he determines that such a waiver is in the national interest. Section 103(d)(4) specifically prohibits sales of commodities under Title I to Egypt unless the President determines such sales are in the national interest of the United States.

The considerations noted above make the proposed sales and the necessary waivers important to the national interest of the United States.

[FR Doc.76–31660 Filed 10–26–76;3:00 pm]

Memorandum of October 18, 1976

Determination Under Section 103(d)(3) of the Agricultural Trade Development and Assistance Act of 1954, as Amended (Public Law 480) Portugal

[Presidential Determination No. 77–1]

Memorandum for the Secretary of State, the Secretary of Agriculture

THE WHITE HOUSE,
Washington, October 18, 1976.

Pursuant to the authority vested in me under the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter "the Act"), I hereby:

Determine that for Portugal the waiver of the exclusion provided for by Section 103(d)(3) of the Act, for the purpose of selling up to $50 million worth of agricultural commodities under Title I during Fiscal Year 1977, is in the national interest of the United States, and I do waive that exclusion.

Gerald R. Ford

STATEMENT OF REASONS THAT A WAIVER UNDER SECTION 103(d)(3) OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED (PUBLIC LAW 480), IS IN THE NATIONAL INTEREST

In response to current Portuguese import needs, the Executive Branch proposes to export to that country up to 50 million dollars of agricultural commodities in fiscal year 1977 under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (P.L. 480).

After almost 50 years of authoritarian rule, a popularly-elected Portuguese government was sworn in on July 23, 1976. The United States strongly supports the restoration of democracy to Portugal. However, beset by enormous economic problems, exacerbated by the influx of thousands of refugees, Portugal needs urgent economic assistance. Concessional sales of agricultural commodities to Portugal constitute a tangible demonstration of our willingness to help provide this assistance.

Portuguese nationalized firms export to Cuba. Therefore, in order to enter into an agreement with the Government of Portugal for such a sale under Title I, it is necessary that the President determine that such sales to Portugal would be in the national interest of the United States. Section 103(d)(3) of P.L. 480 excludes from eligibility for concessional sales undre Title I any country which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam any equipment, materials, or commodities, so long as those countries are governed by Communist regimes. However, under Section 103(d)(3), as amended by Section 203 of P.L. 94–161, the President is authorized to waive this exclusion if he determines that such a waiver is in the national interest.

The considerations noted above make the proposed sale of agricultural commodities to Portugal and the necessary waiver important to the national interest of the United States.

[FR Doc.76–31661 Filed 10–26–76;3:01 pm]

Memorandum of October 18, 1976

Determination Under Section 103(d) (3) and (4) of the Agricultural Trade Development and Assistance Act of 1954, as Amended (Public Law 480)—Egypt

[Presidential Determination No. 77-2]

Memorandum for the Secretary of State, the Secretary of Agriculture

THE WHITE HOUSE,
Washington, October 18, 1976.

Pursuant to the authority vested in me under the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter "the Act"), I hereby:

(a) Determine that the waiver of the exclusion provided for by Section 103(d) (3) of the Act, for the purpose of selling to the Arab Republic of Egypt up to 1,000,000 metric tons of wheat/wheat flour (wheat grain equivalent) and 4,000 metric tons of tobacco and/or tobacco products, is in the national interest of the United States and I do hereby waive such exclusion; and

(b) Determine, pursuant to Section 103(d)(4) of the Act, that the sale to the Arab Republic of Egypt of 1,000,000 metric tons of wheat/wheat flour and 4,000 metric tons of tobacco and/or tobacco products is in the national interest of the United States.

Gerald R. Ford

STATEMENT OF REASONS THAT SALES UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED (PUBLIC LAW 480) TO EGYPT ARE IN THE NATIONAL INTEREST

In response to current Egyptian needs, the United States proposes to export to that country during Fiscal Year 1977 1,000,000 metric tons of wheat/wheat flour (wheat grain equivalent) and 4,000 metric tons of tobacco and/or tobacco products under Title I of the Agricultural Trade Development and Assistance Act of 1954 as amended (Public Law 480). We expect to negotiate an agreement with the Egyptian Government for sale of 500,000 metric tons of wheat/wheat flour and all of the tobacco early in the fiscal year. We would then seek agreement on the balance of the wheat later in the year.

Egypt continues to be central to our efforts to achieve a just and lasting peace in the Middle East. Our ultimate success in this endeavor will depend in part on Egyptian confidence in our intention to develop broad and constructive bilateral relations with that country. Continuation of a program for concessional sales of agricultural commodities to Egypt will constitute a tangible demonstration of our intended role.

In order to enter into an agreement with the Egyptian Government for such sales under Title I of Public Law 480 it is necessary that the President determine that such sales would be in the national interest of the United States. Section 103(d)(3) of the Act excludes from eligibility for concessional sales under Title I any nation which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam any equipment, materials, or commodities (so long as those countries are governed by Communist regimes). Egyptian governmental entities have maintained trade with North Vietnam and Cuba. However under Section 103(d)(3), as amended by Section 203 of Public Law 94-161, the President is authorized to waive this exclusion if he determines that such a waiver is in the national interest. Section 103(d)(4) specifically prohibits sales of commodities under Title I to Egypt (referred to as the United Arab Republic in the Act) unless the President determines that such sales are in the national interest of the United States.

The considerations noted above make the proposed sales and the necessary waivers important to the national interest of the United States.

[FR Doc.76-31662 Filed 10-26-76;3:02 pm]

rules and regulations

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-GL-20; Amdt. 39-2753]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca Model 7 & 8 Series Airplanes with Adjustable Front Seats

There have been failures of the front adjustable seat on Bellanca Model 7 & 8 Series airplanes that could result in the front seat back restricting the rear control stick movement. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require an inspection of the adjustable front seat for cracks in the seat frame side tubes on Bellanca Model 7 & 8 Series airplanes.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697 and 14 CFR 11.89) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELLANCA AIRCRAFT CORPORATION. Applies to:

Model:	*Serial Number*
7 ECA	1126-76 through 1173-76.
7GCAA	324-76 through 332-76.
7GCBC	887-76 through 942-76.
7KCAB	551-76 through 584-76.
8KCAB	219-76 through 265-76.
8GCBC	188-76 through 228-76.

And all previous serial numbered airplanes in which the adjustable front seat has been installed per Bellanca Kit No. 252.

Compliance required within the next 10 hours' time in service after the effective date of this AD, unless already accomplished.

To detect permanent deformation and/or cracks in the lower frame side tubes on the adjustable front seat, accomplish the following:

a. Inspect the left and right side lower seat frame side tubes for evidence of cracks and/or permanent deformation in an area just forward of the side brace and side tube junction. A permanent upward bow in the side tube at this junction is evidence of permanent deformation. The area can best be inspected after removal of the seat cushion.

b. If cracks and/or permanent deformation are found, repair per AC 43.13-1 and install Bellanca Kit No. 253, or replace the seat frame with a new reinforced seat frame P/N 7-1513, before further flight.

c. If cracks and/or permanent deformation are not found, install Bellanca Kit No. 253 within the next 20 hours' time in service after the effective date of this AD.

Bellanca Service Letter number C-125 dated May 19, 1976 pertains to this subject.

This amendment becomes effective November 2, 1976.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, and 1423), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c).)

Issued in Des Plaines, Ill., on October 19, 1976.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

[FR Doc.76-31538 Filed 10-27-76;8:45 am]

[Airspace Docket No. 76-SW-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of VOR Airway

On August 19, 1976, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (41 FR 35073) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the airway width of V-13W in the vicinity of Harlingen, Tex.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 30, 1976, as hereinafter set forth.

In § 71.123 (41 FR 307, 11275, 29094) the airway is amended as follows:

In V-13 "including a W. alternate from Harlingen via INT Harlingen 006° and Corpus Christi 193° radials; 34 miles standard width, 37 miles 7 miles wide (4 miles E. and 3 miles W. of centerline). Corpus Christi;" is deleted, and "including a W. alternate from Harlingen, 23 miles 7 miles wide (3 miles E. and 4 miles W. of centerline), 4 miles 8 miles wide, via INT Harlingen 006° and Corpus Christi 193° radial; 34 miles standard width, 37 miles 7 miles wide (4 miles E. and 3 miles W. of centerline); to Corpus Christi;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c).)

Issued in Washington, D.C., on October 21, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-31536 Filed 10-27-76;8:45 am]

[Airspace Docket No. 76-NE-31]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Relocation of Waypoint

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to collocate the FAWNS, N.Y., waypoint (44°57'35" N., 74°05'34" W.) with the present Frontier VHF/DME intersection (44°59'01" N., 74°05'33" W.). Concurrent with this action the Frontier intersection will be renamed FAWNS intersection.

Since this change is a minor matter upon which the public would not have particular reason to comment, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 30, 1976, as hereinafter set forth.

In § 75.400 (41 FR 721) the FAWNS waypoint location is amended to read "44°59'01" N. 74°05'33" W."

(Sec. 307(a), Federal Aviation Act of 1958, (49 USC 1348(a)); sec. 6(c), Department of Transportation Act, (49 USC 1655(c)).)

Issued in Washington, D.C., on October 21, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-31537 Filed 10-27-76;8:45 am]

[Docket No. 15196, Amdt. Nos. 63-18; 91-133; 105-6; 121-130; 123-6; 129-7; 135-42; 145-15; and 147-3]

OPERATIONS REVIEW PROGRAM

Amendment No. 1: Clarifying and Editorial Changes

The purpose of these amendments is to incorporate into Parts 63, 91, 105, 121, 123, 129, 135, 145, and 147 of the Federal Aviation Regulations several clarifying and editorial revisions.

These amendments are based on a Notice of Proposed Rule Making (Notice 75-39), published in the FEDERAL REGISTER on December 8, 1975 (40 FR 57342) and are the first in a series of amendments to be issued as part of the First Biennial Operations Review Program.

Interested persons have been afforded an opportunity to participate in the making of these amendments and due consideration has been given to all comments presented. Several changes have been made to the proposed rules based upon the relevant comments received and subsequent review by the FAA. Those changes and comments are discussed below and, except for those changes, the

reasons for the amendments remain the same as contained in Notice 75–39. The following discussion is keyed to the like-numbered proposals contained in Notice 75–39.

Proposal 1. Addition of class ratings to flight engineer certificates is presently controlled by § 63.33 and hence the proposed revision to § 63.45 would create a redundancy. As the applicable dates have passed, § 63.45 is no longer operative and therefore it is being deleted.

Proposal 4. This proposed change to § 91.24 is being deferred for consideration in a later notice.

Proposal 9. As December 30, 1975 has passed, § 91.52(g) is no longer applicable and is therefore deleted.

Proposal 13. This proposal to amend § 91.181 contained two typographical errors. The reference to §§ 91.127 and 91.129 should read §§ 91.217 and 91.219, respectively.

Proposal 27. This proposal to amend § 121.433(c)(1)(i) was intended to clarify the existing rule. Several commentators noted that the intended clarification had the opposite effect. Therefore, this proposal is being withdrawn to allow further study to determine whether a clarification is necessary and how best to accomplish it.

Proposal 39. One commentator opposed the addition of paragraph (b) to § 135.67 on the basis that it would be physically impossible for the pilot in command to make the determination that the inspections required under § 91.217 have been made. In light of this comment and the fact that review of Part 135 is presently underway, this proposal is being withdrawn from consideration at this time.

Proposal 41. One commentator pointed out that the preamble did not speak to this proposal to amend § 135.138(b). The only change effected by this proposal is to correct the reference to revised Part 61. The commentator also objected to use of the words "related advisory circulars." As those words are contained in the current rule and removal would amount to a substantive change, the comment is beyond the scope of this regulatory action.

Proposals 43 and 44. One commentator stated, "The deletion of section 135.144a leaves the proposed rule incomplete in that FAR 23.1(a) applies to airplanes of nine seats or less and therefore no provisions are given for this in 135.144 as proposed." Such is not the case. The change to § 135.144 and the deletion of § 135.144a will in no way affect current substantive requirements for aircraft of nine seats or less. Section 135.144, as its title indicates, imposes additional requirements for airplanes carrying 10 or more passengers.

The commentator also noted substantive objections to § 135.144 and noted that no substantive discussion of the proposed change was included in the notice. Since the proposed rule change was nonsubstantive, it was not addressed in the preamble other than to note that an editorial change was being proposed. Substantive objections to the provisions of § 135.144 are beyond the scope of this regulatory action.

Proposals 48, 49, 50, and 51. Comments received on these proposals to make several changes to Part 137 indicate that further study is appropriate. The proposals are being withdrawn and will be addressed in a later notice.

Proposal 53. One commentator suggested that the phrase "or equivalent" be added after "inspection procedures manual" in proposed § 145.45(f) since several air carriers holding repair station certificates utilize different titles for their manuals. The intent of the regulation is not to require a manual of specific title but a manual of specific content. Therefore, to preclude confusion, the language is changed to "a manual containing inspection procedures".

These amendments are made under the authority of secs. 307, 313(a), 601, 603, and 607, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, 1423, and 1427), and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and for the reasons stated in Notice No. 75–39, Parts 63, 91, 105, 121, 123, 129, 135, 145, and 147 of the Federal Aviation Regulations are amended effective, November 29, 1976 as follows:

PART 63—CERTIFICATION: FLIGHT CREW MEMBERS OTHER THAN PILOTS

1. By deleting and reserving § 63.45.

§ 63.45 [Reserved]

PART 91—GENERAL OPERATING AND FLIGHT RULES

§ 91.4 [Amended]

2. By amending § 91.4 by deleting the words "After November 1, 1974, no" and inserting the word "No" in place thereof.

§ 91.17 [Amended]

3. By amending § 91.17(a)(1) by deleting the reference to "§ 61.38" and inserting "§ 61.69" in place thereof and by deleting and reserving § 91.17(c).

4. By revising the first sentence of § 91.33(c)(3) and by revising § 91.33(e) to read as follows:

§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates; instrument and equipment requirements.

* * * * * *

(c) * * *

(3) An approved aviation red or aviation white anticollision light system on all U.S. registered civil aircraft. * * *

* * * * * *

(e) *Flight at and above 24,000 feet MSL.* If VOR navigational equipment is required under pargaraph (d)(2) of this section, no person may operate a U.S. registered civil aircraft within the 50 states, and the District of Columbia, at or above 24,000 feet MSL unless that aircraft is equipped with approved distance measuring equipment (DME). When DME required by this paragraph fails at and above 24,000 feet MSL, the pilot in command of the aircraft shall notify ATC immediately, and may then continue operations at and above 24,000 feet MSL to the next airport of intended landing at which repairs or replacement of the equipment can be made.

* * * * *

5. By revising the first sentence of § 91.43(e) to read as follows:

§ 91.43 Special rules for foreign civil aircraft.

* * * * * *

(e) *Flight at and above 24,000 feet MSL.* If VOR navigation equipment is required under paragraph (c)(1)(ii) of this section, no person may operate a foreign civil aircraft within the 50 states and the District of Columbia at or above 24,000 feet MSL, unless the aircraft is equipped with distance measuring equipment (DME) capable of receiving and indicating distance information from the VORTAC facilities to be used. * * *

* * * * * *

§ 91.45 [Amended]

6. By amending § 91.45(a)(2)(iv) by deleting the words "After February 20, 1967," and by amending § 91.45(a)(3)(ii) by deleting the words "After February 20, 1967, a" and inserting the word "A" in place thereof.

§ 91.51 [Amended]

7. By amending § 91.51(a) by deleting the words "after February 29, 1972,".

8. By deleting § 91.52(g) and by revising § 91.52(a) to read as follows:

§ 91.52 Emergency locator transmitters.

(a) Except as provided in paragraphs (e) and (f) of this section, no person may operate a U.S. registered civil airplane unless it meets the applicable requirements of paragraphs (b), (c), and (d) of this section.

* * * * * *

§ 91.53 [Amended]

9. By amending § 91.53(a) by deleting the words "July 1 of each of the years 1970 and 1971, and April 1 of each year thereafter" and inserting the words "April 1 of each year" in place thereof.

10. By amending § 91.90 by deleting from paragraph (c) the words "After the date specified in § 91.24(b)(3), no" and inserting the word "No" in place thereof, and by revising subdivisions (a)(3)(iii) and (b)(2)(iii) to read as follows:

§ 91.90 Terminal control areas.

(a) * * *

(3) * * *

(iii) The applicable equipment specified in § 91.24.

(b) * * *

(2) * * *

(iii) The applicable equipment specified in § 91.24, except that automatic pressure altitude reporting equipment is not required for any operation within the terminal control area, and a transponder is not required for IFR flights operating to or from an airport outside of but in close proximity to the terminal control area, when the commonly used transition, approach, or departure pro-

cedures to such airport require flight within the terminal control area.

* * * * *

§ 91.173 [Amended]

11. By inserting a comma between the words "airframe" and "engine" in § 91.173(a)(2)(vi).

12. By revising §91.181(a) to read as follows:

§ 91.181 Applicability.

(a) Sections 91.181 through 91.215 prescribe operating rules, in addition to those prescribed in other subparts of this part, governing the operation of large and of turbojet-powered multiengine civil airplanes of U.S. registry. The operating rules in this subpart do not apply to those airplanes when they are required to be operated under Parts 121, 123, 129, 135, and 137 of this chapter. Sections 91.217 and 91.219 prescribe an inspection program for large and for turbine-powered (turbojet and turboprop) multiengine airplanes of U.S. registry when they are operated under this subpart or Parts 129 or 137 and for small turbine-powered multiengine airplanes operated under Part 135 of this chapter.

* * * * *

§ 91.213 [Amended]

13. By amending § 91.213(a) by deleting the words "after January 22, 1973," and by amending § 91.213(c) by deleting the words "After January 22, 1973, no" and inserting the word "No" in place thereof.

§ 91.217 [Amended]

14. By amending § 91.217, as follows:

(a) By deleting the words ", and after January 22, 1973, except as provided in paragraph (f) of this section," in paragraph (a) and inserting the word "and" in place thereof;

(b) By deleting the words "after January 22, 1973, except as provided in paragraph (f) of this section," in paragraph (b); and

(c) By deleting paragraph (f).

PART 105—PARACHUTE JUMPING

15. By revising § 105.25(a)(5) to read as follows:

§ 105.25 Information required, and notice of cancellation or postponement of jump.

(a) * * *

(5) The duration of the intended jump.

* * * * *

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

§ 121.55 [Amended]

16. By amending § 121.55 by deleting paragraphs (b) and (c), by deleting the designation "(a)", and by redesignating § 121.55(a)(1), (2), (3), (4), and (5) as § 121.55 (a), (b), (c), (d), and (e) respectively.

17. By revising § 121.289 by deleting paragraph (d) and amending paragraph (a) as follows:

§ 121.289 Landing gear: aural warning device.

(a) Each large airplane must have a landing gear aural warning device that functions continuously under the following conditions:

* * * * *

§ 121.305 [Amended]

18. By amending § 121.305(j) by deleting the words "after August 5, 1971, on" and inserting the word "On" in place thereof and by deleting the flush paragraph at the end of the section which begins with the words "A certificate holder * * *."

§ 121.343 [Amended]

19. By amending § 121.343 by:

a. Deleting the words "After September 18, 1973, for" in paragraph (a)(2) and inserting the word "For" in place thereof;

b. Deleting the words "After March 18, 1974, each" in paragraph (f) and inserting the word "Each" in place thereof; and

c. Deleting the words "After September 18, 1972, each" in paragraph (g) and inserting the word "Each" in place thereof.

20. By amending § 121.349(c) to read as follows:

§ 121.349 Radio equipment for operations under VFR over routes not navigated by pilotage or for operations under IFR or over-the-top.

* * * * *

(c) Whenever VOR navigational receivers are required by paragraph (a) or (b) of this section, at least one approved distance measuring equipment unit (DME) capable of receiving and indicating distance information from VOR TAC facilities must be installed on each airplane when operated in the 50 states and the District of Columbia.

* * * * *

§ 121.357 [Amended]

21. By amending § 121.357 by deleting the words, "in passenger-carrying operations," in paragraph (a) and by deleting paragraph (b) and marking it "Reserved".

22. By revising § 121.359(a) to read as follows:

§ 121.359 Cockpit voice recorders.

(a) No certificate holder may operate a large turbine engine powered airplane or a large pressurized airplane with four reciprocating engines unless an approved cockpit voice recorder is installed in that airplane and is operated continuously from the start of the use of the checklist (before starting engines for the purpose of flight), to completion of the final checklist at the termination of the flight.

* * * * *

23. By revising § 121.409(c) as follows:

§ 121.409 Training courses using airplane simulators and other training devices.

* * * * *

(c) * * *

(1) A course of pilot training in an airplane simulator as provided in § 121.424(d); or

(2) A course of flight engineer training in an airplane simulator or other training device as provided in § 121.425(c).

24. By amending § 121.415 by deleting the flush paragraph immediately following paragraph (a)(3), by revising the introductory text in paragraph (a)(1) and by revising paragraph (b) as follows:

§ 121.415 Crewmember and dispatcher training requirements.

(a) Each training program must provide the following ground training as appropriate to the particular assignment of the crewmember or dispatcher:

(1) Basic indoctrination ground training for newly hired crewmembers or dispatchers including 40 programmed hours of instruction, unless reduced under § 121.405 or as specified in § 121.401(d), in at least the following—

* * * * *

(b) Each training program must provide the flight training specified in §§ 121.424 through 121.426, as applicable.

* * * * *

§ 121.432 [Amended]

25. By deleting § 121.432 (a) and (b) and redesignating § 121.432 (c), (d), (e), and (f) as § 121.432(a), (b), (c), and (d) respectively.

§ 121.433a [Amended]

26. By amending § 121.433a(a) by deleting the words, "After December 6, 1973, no" and inserting the word "No" in place thereof.

§ 121.538 [Amended]

27. By amending § 121.538(b) by deleting the words ", before February 6, 1972,".

§ 121.576 [Amended]

28. By amending § 121.576 by deleting the words "After May 1, 1974, means must be provided" and inserting the words "The certificate holder must provide means" in place thereof.

§ 121.579 [Amended]

29. By amending § 121.579 by deleting the words "automatic pilot" wherever they appear in the title and text and inserting the word "autopilot" in place thereof.

PART 123—CERTIFICATION AND OPERATIONS: AIR TRAVEL CLUBS USING LARGE AIRPLANES

30. By revising § 123.3 to read as follows:

§ 123.3 Certificate and operations specifications required.

No person may operate an airplane in operations to which this part applies

without, or in violation of, an air travel club operating certificate and appropriate operations specifications issued under this part.

§ 123.5 [Reserved]

31. By deleting and reserving § 123.5.

§ 123.11 [Amended]

32. By amending § 123.11(a) by deleting the words "Except as provided in § 123.3(b), the" and inserting the word "The" in place thereof.

PART 129—OPERATIONS OF FOREIGN AIR CARRIERS

33. By revising § 129.17(b) to read as follows:

§ 129.17 Radio equipment.

* * * * *

(b) Whenever VOR navigational equipment is required by paragraph (a) of this section, at least one distance measuring equipment unit (DME), capable of receiving and indicating distance information from the VORTAC facilities to be used, must be installed on each airplane when operated at or above 24,000 feet MSL within the 50 states, and the District of Columbia.

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

§ 135.2 [Amended]

34. By deleting § 135.2(d) and marking it "Reserved".

35. By revising § 135.11 to read as follows:

§ 135.11 Duration of certificate.

An ATCO certificate is effective until surrendered, suspended, or revoked. The holder of an ATCO certificate that is suspended or revoked shall return it to the Administrator.

§ 135.43 [Amended]

36. By amending § 135.43(b) by deleting the word "or" and inserting the word "and" in place thereof.

§ 135.127 [Amended]

37. By amending § 135.127 by deleting the reference to "§ 61.47(d)" and inserting "§ 61.57(e)" in place thereof.

38. By revising § 135.138(b) to read as follows:

§ 135.138 Initial and recurrent pilot testing requirements.

* * * * *

(b) No certificate holder may use the services of a pilot, nor may any person serve as a pilot, in any aircraft unless, since the beginning of the 12th calendar month before that service, he has passed a flight check given to him by the Administrator or an authorized check pilot in that class of aircraft, if single-engine airplane other than turbojet, or the type of aircraft, if helicopter, multiengine, or turbojet, to determine the pilot's competence in practical skills and techniques in that aircraft or class of aircraft, including at least the maneuvers that are set forth in § 61.127(a) (except (5)), § 61.127(b) (except (7)), § 61.127(c) (except (7)), and § 61.65(c) (1) and (5) of this chapter, and related advisory circulars for pilot certification in the class of aircraft the pilot is to operate. However, a pilot who holds an instrument rating need not demonstrate the instrument flight maneuvers in § 61.65(c) (1) and (5).

* * * * *

§ 135.140 [Amended]

39. By amending § 135.140(a) by deleting the words "After December 6, 1973, no" and inserting the word "No" in place thereof.

§ 135.144 [Amended]

40. By amending § 135.144 by deleting the words "After May 31, 1972, no" and inserting the word "No" in place thereof.

§ 135.144a [Deleted]

41. By deleting § 135.144a.

§ 135.155 [Amended]

42. By amending § 135.155(e) by deleting the words "After March 6, 1965, and" and inserting the word "An" in place thereof.

43. By revising the first sentence of § 135.163(b) to read as follows:

§ 135.163 Emergency equipment: extended over-water operations.

* * * * *

(b) No person may operate an aircraft in extended over-water operations unless there is attached to one of the liferafts required by paragraph (a) of this section, a survival type emergency locator transmitter that meets the applicable requirements of § 37.200 of this chapter. * * *

* * * * *

§ 135.167 [Amended]

44. By amending § 135.167(a) by deleting the words "After April 1, 1971, no" and inserting the word "No" in place thereof.

PART 145—REPAIR STATIONS

§ 145.43 [Amended]

45. By amending § 145.43(b)(3) by deleting the word "date,".

46. By amending § 145.45 by revising the first sentence of paragraph (f) to read as follows:

§ 145.45 Inspection systems.

* * * * *

(f) At the time he applies for a repair station certificate, the applicant must provide a manual containing inspection procedures, and thereafter maintain it in current condition at all times. * * *

§ 145.71 [Amended]

47. By amending § 145.71 by deleting the word "to" in the last sentence and inserting the word "through" in place thereof.

PART 147—AVIATION MAINTENANCE TECHNICIAN SCHOOLS

48. By revising § 147.3 to read as follows:

§ 147.3 Certificate required.

No person may operate as a certificated aviation maintenance technician school without, or in violation of, an aviation maintenance technician school certificate issued under this part.

§ 147.7 [Amended]

49. By deleting § 147.7(c).

§ 147.38a [Amended]

50. By changing the word "test" wherever it appears in § 147.38a to the plural word "tests".

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Washington, D.C., on October 20, 1976.

J. W. COCHRAN,
Acting Administrator.

[FR Doc.76-31285 Filed 10-27-76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 1—GENERAL PROCEDURES

Subpart B—Rules and Rulemaking Under Section 18(a)(1)(B) of the FTC Act as Amended by Public Law 93-637

The Commission announces the following amendments to § 1.14(a) which is applicable to all trade regulation rules proposed after this date. This amendment, which adds § 1.14(a)(4), is designed to insure that the Commission and its staff give due consideration in the course of trade regulation rulemaking proceedings to the effect of a rule on state and local law:

Section 1.14(a) is revised to read as follows:

§ 1.14 Promulgation.

(a) The Commission shall review the rulemaking record including the summary, findings, and conclusions of the presiding officer as to the issues designated for consideration in accordance with §§ 1.13 (d)(5) and (d)(6), the verbatim transcript of the informal hearing, the report and recommendations of the staff and any public comments thereon, to determine what form of rule, if any, it should promulgate. The Commission may issue, modify, or decline to issue any rule. Where it believes that it should have further information or additional views of interested persons as to the form and content of the rule, it may withhold final action pending the receipt of such additional information or views. If it determines to issue a rule, it shall adopt a Statement of Basis and

Purpose to accompany the rule. If it determines not to issue a rule, it may adopt and publish an explanation for not doing so. The Statement of Basis and Purpose to accompany a rule promulgated under this subpart shall include (1) a statement as to the prevalence of the acts or practices treated by the rule, (2) a statement as to the manner and context in which such acts or practices are unfair or deceptive, (3) a statement as to the economic effect of the rule, taking into account the effect on small businesses and consumers, and (4) a statement as to the effect of the rule on state and local laws.

* * * * *

By direction of the Commission dated October 21, 1976.

Effective October 28, 1976.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.76-31492 Filed 10-27-76;8:45 am]

Title 21—Food and Drugs

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

[FRL 635-3; FAPSH5068/T21]

PART 193—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

2-(1-Methylethoxy)Phenol Methylcarbamate

On May 13, 1975, the Environmental Protection Agency (EPA) announced (40 FR 20793) that in response to a petition (FAP 5H5068) submitted by Chemagro Agricultural Division of Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120, 21 CFR 193 and 561 were being amended to establish regulations permitting the use of the insecticide 2-(1-methylethoxy(phenol methylcarbamate in a proposed experimental program involving application in food handling establishments with a tolerance limitation of 0.2 part per million in food commodities. Such experimental program was conducted in accordance with an experimental use permit issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This experimental program expired May 8, 1976.

Chemagro has requested a one-year renewal of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of food commodities affected by the application of the insecticide in food handling establishments.

The scientific data reported and other relevant material have been evaluated, and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit issued under the FIFRA. It has further been determined that since residues of the pesticide may result in food commodities from the use provided for by the experimental use permit, the one-year renewal of the regulations, 21 CFR 193.301 and 561.281, requested by the petitioner should include a tolerance limitation.

Accordingly, regulations are being established as set forth below. Any person adversely affected by these regulations, may on or before November 29, 1976 file written objections with the Hearing Clerk Environmental Protection Agency, East Tower, Room 1019, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on October 28, 1976, 21 CFR 193.301 and 561.281 are amended as set forth below.

(Sec. 409(c)(1)(4), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346(c)(1) and (4)).)

Dated: October 20, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

§ 193.301 (2-(1-Methylethoxy)phenol methylcarbamate.

Tolerances of 0.2 part per million are hereby established for residues of the insecticide 2-(1-methylethoxy)phenol methylcarbamate in food commodities exposed to the insecticide during treatment of food handling establishments. Such residues may be present therein only as a result of the use of the insecticide in an experimental program which expires. Residues remaining in or on the food commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term and in accordance with provisions of the temporary permit/food additive tolerances.

§ 561.281 2-(1-Methylethoxy)phenol methylcarbamate.

Tolerances of 0.2 part per million are hereby established for residues of the insecticide 2-(1-methylethoxy)phenol methylcarbamate in food commodities exposed to the insecticide during treatment of food handling establishments. Such residues may be present therein only as a result of the use of the insecticide in an experimental program which expires. Residues remaining in or on the food commodities after expiration of these tolerances wil not be considered actionable if the pesticide is legally applied during the term and in accordance with provisions of the temporary permit/food additive tolerances.

[FR Doc.76-31551 Filed 10-27-76;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2413]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Suspension of Community Eligibility

• The purpose of this notice is to list communities wherein the sale of flood insurance as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) will be suspended because of noncompliance with the program regulations (24 CFR Part 1909 et seq.) •

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and insurance is purchased. Accordingly, for communities listed under this Part such restriction exists as of the effective date of suspension because insurance, which is required, cannot be purchased.

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

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.6 at Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.6 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
New Jersey	Union	Linden, city of	Nov. 20, 1970, emergency; Oct. 27, 1976, regular; Dec. 1, 1976, suspended.	July 16, 1976	340467
North Carolina	Beaufort	Washington Park, town of	Sept. 29, 1972, emergency; Nov. 20, 1976, regular; Dec. 1, 1976, suspended.	Feb. 9, 1973	370268
Pennsylvania	Montgomery	Cheltenham, township of	Oct. 1, 1971, emergency; Nov. 20, 1976, regular; Dec. 1, 1976, suspended.	June 28, 1974 Apr. 11, 1975	420696
Do.	Somerset	Somerset, borough of	Sept. 10, 1971, emergency; Nov. 27, 1976, regular; Dec. 2, 1976, suspended.	June 28, 1974 May 28, 1976	420803B

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 29, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969), as amended 39 FR 2787, Jan. 24, 1974.)

Issued: October 15, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-31217 Filed 10-27-76;8:45 am]

[Docket No. FI-2414]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

• The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128). •

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at § 1912.5, 24 CFR Part 1912).

The Flood Disaster Protection Act of 1973 (P.L. 93–234) requires the purchase of flood insurance as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by Section 202 (b) or the Act, as amended, unless the community has entered the program Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.6 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
New York	Otsego	Westford, town of	Oct. 12, 1976, emergency	Oct. 25, 1974 June 11, 1976	361282A
South Dakota	Minnehaha	Garretson, city of	do	Sept. 26, 1975	460177
Idaho	Bear Lake	Paris, city of	do	Sept. 19, 1975	160183
Michigan	Mecosta	Morley, village of	do	do	260585
Missouri	St. Louis	Velda Village, city of	do	Aug. 6, 1976	290643
New Hampshire	Cheshire	Westmoreland, town of	do	Jan. 17, 1975	330138
Pennsylvania	Clearfield	Girard, township of	do	Apr. 4, 1975	422811
Do.	Somerset	Indian Lake, borough of	do		422513
Texas	Harris	Pasadena, city of	May 26, 1970, regular	May 24, 1974 Nov. 7, 1975	480307C
Alabama	Marshall	Albertville, city of	Oct. 13, 1976, emergency		010344
Maine	York	Parsonfield, town of	do	June 28, 1974	230154
Do.	Androscoggin	Sabattus, town of	do	May 31, 1974 June 18, 1976	230011A
Michigan	Sanilac	Croswell, city of	do	Apr. 11, 1975	260515
Missouri	Nodaway	Barnard, city of	do	July 11, 1975	290768
Ohio	Lucas	Harbor View, village of	Oct. 8, 1976, emergency	Aug. 8, 1975	390702
Do.	Madison and Union	Plain City, village of	Oct. 13, 1976, emergency	July 25, 1975	390356
Pennsylvania	Clarion	Hawthorn, borough of	do	Dec. 27, 1974	421503
New Hampshire	Merrimack	Boscawen, town of	Oct. 14, 1976, emergency	Mar. 15, 1974	330105
Ohio	Portage	Windham, village of	do	do	390459A
Oklahoma	Johnston	Tishomingo, city of	do	Jan. 16, 1974 May 7, 1976	400077A
Iowa	Appanoose	Mystic, city of	Oct. 15, 1976, emergency	Nov. 1, 1974 Jan. 30, 1976	190010A
New Hampshire	Grafton	Lyman, town of	do		330066
New York	Essex	Willsboro, town of	do		360267A
Ohio	Portage	Ravenna, city of	do		390458
Colorado	Weld	Frederick, town of	Oct. 18, 1976, emergency	Sept. 26, 1975	080244
Texas	Kendall	Unincorporated areas	do	Dec. 27, 1974	480117
Indiana	Orange	French Lick, town of	Oct. 21, 1976, emergency	Feb. 1, 1974	180187A
Iowa	Boone	Madrid, city of	do	Sept. 19, 1975	190325
Kansas	Leavenworth	Lansing, city of	do	Aug. 23, 1974 Nov. 28, 1975	200189A
Oklahoma	Le Flore	Howe, town of	do	July 2, 1976	400091
Do.	Wagoner	Red Bird, town of	do	June 27, 1975	400321
Delaware	Sussex	South Bethany, town of	Oct. 7, 1976, suspension withdrawn	May 31, 1974	100051
Kansas	Butler	Eldorado, city of	Apr. 21, 1972, emergency; Mar. 5, 1976, regular; July 5, 1976, suspended; Sept. 1, 1976, reinstated.	May 10, 1974 Oct. 24, 1975	200039A

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Delaware	Sussex	Unincorporated areas	Apr. 16, 1974, emergency; Oct. 6, 1976, regular	Dec. 13, 1974	10029A
Florida	Volusia	Ponce Inlet, town of	May 28, 1974, emergency; Oct. 8, 1976, regular	Aug. 9, 1974 Feb. 13, 1976	120312B
Do	do	South Daytona, city of	June 18, 1971, emergency; Oct. 8, 1976, regular	June 28, 1974 Sept. 5, 1975	120314B
Missouri	Jasper and Newton	Joplin, city of	Oct. 8, 1971, emergency; Dec. 8, 1976, regular	June 21, 1974 Jan. 16, 1976	290183B
Pennsylvania	Somerset	Somerset, borough of	Sept. 10, 1971, emergency; Nov. 29, 1976, regular.	June 28, 1974 May 28, 1976	420803B
Do	Delaware	Upland, borough of	Dec. 3, 1971, emergency; Dec. 10, 1976, regular	Feb. 8, 1972	420438A
Texas	Brazoria	Clute, city of	Oct. 1, 1971, emergency; Dec. 7, 1976, regular	May 10, 1974	480068B
Illinois	Saline	Eldorado, city of	Voluntary withdrawal. The city has not been identified as flood prone. It is a nonparticipating community, which is not eligible for the sale of flood insurance.		170596A
Missouri	Scotland	Memphis, city of	Suspension withdrawn. The city has not been identified as flood prone. It is a nonparticipating community, which is not eligible for the sale of flood insurance.		290408
South Carolina	Horry	Unincorporated areas	Suspension withdrawn. The county lacks the proper enabling authority to adopt flood plain management measures. In addition, the county has not been identified as flood prone. It is a nonparticipating community, which is not eligible for the sale of flood insurance.		450184

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

Issued: October 15, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-31218 Filed 10-27-76;8:45 am]

Title 25—Indians

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

SUBCHAPTER B—LAW AND ORDER

PART 11—LAW AND ORDER ON INDIAN RESERVATIONS

Law Enforcement Standards for Police and Detention Programs

OCTOBER 15, 1976.

This notice is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Beginning on Page 7413 of the February 18, 1976, FEDERAL REGISTER (41 FR 7413) there was published a notice of proposed rulemaking to revise §§ 11.304 and 11.305 of Subchapter I, of Title 25 of the Code of Federal Regulations.

The purpose of these revisions is to establish uniform standards for Bureau of Indian Affairs law enforcement programs including those operated by tribal organizations under contract.

Interested persons were given 60 days in which to submit written comments, suggestions, or objections regarding the proposed regulations. Careful consideration was given to all comments received during this period. Many comments were subsequently adopted but certain other comments were not adopted.

Comments on the proposed rules were received from the American Indian Policy Review Commission; the Quinault Tribe, the law firm of Fried, Frang, Harris, Shriver and Kampelman, which represents a number of Indians tribes including the Miccosukee Tribe of Indians of Florida, the Pueblo of Laguna and the Metlakatla Indian Community; the Puyallup Tribe; the Navajo Police Department; Douglas Nash, attorney for the Confederated Tribes of the Umatilla Indian Reservation; the law firm of Ward, Hufford, Blue and Withers, which is involved in litigation concerning detention facilities on the Navajo Reservation; the Turtle Mountain Band of Chippewa Indians; and the Salt River Pima-Maricopa Indian Community.

A. CHANGES MADE DUE TO COMMENTS RECEIVED

As a result of comments received, the following changes in the regulations are made:

Section 11.304(a). This section has been modified to require police officers to pass the firearms test before being commissioned.

Section 11.304(b). A requirement that officers be issued a photo identification card has been added.

Section 11.304(f)(1). Language has been added to make it clear that only Bureau officers who were carrying .357 Magnum hand guns while working for the Bureau before may be authorized by the Bureau to carry such a weapon without a waiver from the Commissioner.

Section 11.304(g). A sentence has been added to each subparagraph to state the consequences of non-compliance.

Section 11.304(j). This paragraph has been modified to establish the Bureau salary levels as the minimum. As previously drafted, this provision would have prevented paying salaries higher than those paid Bureau officers. Such a result was not intended.

Section 11.305(d). This frequency of inspections has been increased from one an hour to one every 30 minutes.

Section 11.305(h). This paragraph has been strengthened by requiring that meals be nutritionally adequate.

Section 11.305(i). The requirement of training for foodhandlers has been added. Indian Health Service officials consider such training even more important than medical examinations in preventing the spread of communicable diseases.

Section 11.305(k). The exception for emergency situations has been eliminated. If emergency situations require the arrests of large numbers of people, alternative detention facilities should be used instead of overcrowding the regular jail.

Section 11.305(n). This paragraph requiring training of jailors has been added. The Indian Police Academy now has the capability to provide a basic jailor training course to all BIA jailors.

B. CHANGES NOT ADOPTED

Certain other recommendations have been carefully considered but have not been accepted. The following suggestions were not adopted for the reasons assigned:

Several commentators objected that requiring contractors to adhere to these standards would violate the Indian Self-Determination Act of 1975, Pub. L. 93-638, by imposing unauthorized conditions on tribal contractors.

Program standards, as set forth in a tribal contract proposal that differ from these regulations are not cause, in and of themselves, to permit the Bureau to decline to contract unless they establish standards required by statute. Such legislative requirements will prevent the establishment of a legal contract because they cannot be waived. The Commissioner may otherwise decline to contract only if it can be shown by substantial evidence that a tribal contract proposal

containing different standards will result in services which will be deleterious to the welfare of the Indian people to be served.

Where regulations are inconsistent with a contract proposal, a tribe may request a waiver of the regulation under 25 CFR 271.15(e). The waiver will be granted unless the Commissioner can show by substantial evidence that granting it would be deleterious to the welfare of the Indian people to be served.

In addition, tribes may propose to redesign programs to continue under Bureau operations as authorized by 25 CFR 272.27. Such proposals may include program standards which differ from those contained in these regulations.

Where regulations are inconsistent with a tribal proposal to redesign a Bureau-operated program, a tribe may request a waiver of the regulation based on special circumstances under 25 CFR 272.27(e). The Commissioner may grant a waiver in all cases permitted by law which are found to be in the best interest of the Indians.

It was recommended that the prohibition in § 11.304(c) against the firing of warning shots be deleted because the prohibition might justify shooting a person in circumstances where it might otherwise be wholly unreasonable. The same section also prohibits firing a weapon except when there is imminent danger of loss of life or serious bodily injury. Deleting the warning shot prohibition would, therefore, permit warning shots to be used only when loss of life or serious bodily injury is threatened. It is difficult to imagine a situation in which an officer could know of such a threat and still be so far away that a warning could not be conveyed by yelling. A firearm is a very dangerous kind of warning device. The likelihood that injury or death will result when a firearm is discharged is so great that no officer should fire unless injury or death is both the intended and justified result.

It was also recommended that this section give examples of situations in which the use of a firearm would be justified. Such examples are more appropriately provided in the context of police training rather than in the policy statement.

A comment was received urging that § 11.304(f) be amended to include the 9mm pistol as a standard issue weapon. The 9mm pistol is much more deadly than the .38 caliber pistol and requires more firearms training than the BIA currently requires. The nature of the communities that BIA police serve does not justify the additional training.

The adverse action hearing rules in § 11.304(k) are retained despite a comment that they favor the employee too much. Providing an adequate informal hearing at an early stage will help prevent expensive litigation in the courts.

One commentator recommended that no juveniles be detained in the same facility as adults. Other comments have been received, however, arguing that where the number of juveniles incarcerated is few, such a policy would lead to excessive isolation of juveniles and increase the risk of suicides.

Effective date. These revisions shall become effective November 29, 1976.

Sections 11.304 and 11.305 are revised to read as follows:

§ 11.304 Minimum standards for police programs.

The following minimum standards are required of all law enforcement programs that receive funding from the Bureau of Indian Affairs:

(a) Each law enforcement officer shall be specifically identified as such and shall be individually authorized to make arrests and carry firearms. Only employees assigned duties as law enforcement officers and qualified under paragraph (e) of this section may be authorized to carry firearms or make arrests.

(b) Uniforms, when worn, shall positively identify the wearer as a law enforcement officer. Badge, name plate and tribal or Bureau of Indian Affairs patch shall be visible at all times. Uniforms of all enforcement personnel shall be plainly distinguishable from the uniforms of any non-enforcement personnel working on the reservation. Each officer shall be issued a standard identification card bearing a photograph of the officer.

(c) A firearm may be discharged only when in the considered judgment of the officer there is imminent danger of loss of life or serious bodily injury to the officer or to another person. The weapon may be fired only for the purpose of rendering the person at whom it is fired incapable of continuing the activity prompting the officer to shoot. The firing of warning shots is prohibited. This policy does not apply to the use of firearms to participate in official marksmanship training or to kill a dangerous or seriously injured animal.

(d) Except in firearms training, each time a firearm is used for law enforcement purposes a report shall be filed with the superior of the officer who used the weapon. Whenever use of a weapon results in serious injury or death of any person, the officer firing the weapon shall be placed on administrative leave, or be assigned to strictly administrative duties pending a thorough investigation of all circumstances surrounding the incident.

(e) Each law enforcement officer must have attained a score of 70 percent or better on an approved firearms qualification course within the previous six months to be qualified to carry a firearm. Whenever an officer's firearms qualification lapses, the officer shall return all weapons issued. The following courses are approved firearms qualification courses:

(1) The National Rifle Association National Police Course.

(2) The National Rifle Association 25-Yard Course.

(3) The National Rifle Association Practical Pistol Course.

(4) The Federal Bureau of Investigation Practical Pistol Course.

(f) (1) Law enforcement officers shall be issued the standard police .38 caliber revolver and ammunition. The use of other types of hand guns such as automatics, parabellums, or calibers other than the authorized .38 caliber is prohibited. The barrel length may be not more than 6 inches nor less than 4 inches for uniformed personnel, and not less than 2 inches for plainclothes personnel. Only standard load ammunition may be used. Bureau of Indian Affairs officers who carried a .357 Magnum revolver while performing law enforcement functions for the Bureau of Indian Affairs before July 17, 1972, may be authorized to carry a .357 Magnum revolver. The Commissioner of Indian Affairs may grant a written waiver to permit Bureau of Indian Affairs officers to carry hand guns not authorized by this paragraph.

(2) Each tribe shall specify the type of firearms, ammunition and auxiliary equipment to be used by the law enforcement officers of that tribe.

(g) (1) Newly-employed enforcement personnel in nonsupervisory positions shall successfully complete within their first year of service the approved Basic Police Training Course conducted at the Indian Police Academy or other basic police training course that is certified by the State where the officers are employed. An officer who fails to complete the training required by this subparagraph shall be discharged or transferred to a position not involving law enforcement duties.

(2) Within one year after promotion or appointment to a supervisory enforcement position, an employee shall complete the approved Supervisory Enforcement Officers Training Course conducted at the Indian Police Academy or a similar course that is certified by the State where the supervisor is employed. An officer who fails to complete the training required by this subparagraph shall be discharged or transferred to a nonsupervisory position.

(3) Within one year after promotion to a criminal investigator position, an officer shall successfully complete the basic criminal investigator course conducted at the Indian Police Academy or any other course approved by the Commissioner of Indian Affairs. An officer who fails to complete the training required by this subparagraph shall be demoted.

(4) Before promotion to a supervisory criminal investigator position, or within one year thereafter, an officer shall successfully complete the Command and Management Course conducted at the Indian Police Academy or any other similar course approved by the Commissioner of Indian Affairs. An officer who fails to complete the training required by this subparagraph shall be demoted.

(h) Each law enforcement officer shall receive a minimum of forty hours of local in-service training annually to meet training needs determined by the tribe and to keep abreast with developments in the field of law enforcement.

(i) The Civil Service Commission excepted Bureau of Indian Affairs stand-

ards for skill level GS–083 are the minimum entry level qualifications for a patrol officer. The Civil Service Commission standards for skill level GS–1811 are the minimum entry level qualifications for criminal investigators. The standards are available for inspection or copying at any Bureau, Agency, Area, or Central Personnel Office.

(j) Salaries paid law enforcement officers by a tribal organization under a contract under Part 271 of this chapter or by a tribal governing body under a grant under Part 272 of this chapter shall be equal to or greater than the salaries paid officers with similar responsibilities employed directly by the Bureau of Indian Affairs.

(k) Prior to taking an adverse action against any employee, the contractor under Part 271 of this chapter or grantee under Part 272 of this chapter shall take the following steps:

(1) Notify the employee of the contemplated action and give a full specification of the reasons such action is contemplated.

(2) Provide the employee with a written statement of any specific violation of rules, regulations, or statutes the contractor or grantee alleges the employee has committed and the names of all persons upon whose testimony these allegations are based.

(3) Set a hearing date not less than 15 days after the employee has been given the written statement of allegation.

(4) Provide the employee and the employee's counsel at the hearing with an opportunity to confront and cross-examine each adverse witness.

(5) Provide the employee and the employee's counsel at the hearing with an opportunity to delineate issues, to present factual contentions in an orderly manner and to generally protect the employee's interest.

(6) Reconsider the decision to take the adverse action based solely on the evidence given at the hearing and provide the employee at the time the decision is announced with a written statement of the reasons for the decision and the evidence relied upon in reaching the decision.

(7) Issue a final order based on the decision reached after the hearing.

(l) After October 1, 1977, the tribe shall require each law enforcement officer it employs to adhere to a law enforcement code of conduct prescribed by the tribe. The code shall establish specific rules concerning conflicts of interest, employee conduct both on and off duty, impartially and thoroughness in performance of duty, and acceptance of gifts or favors.

(m) A contractor under Part 271 of this chapter shall use the same report forms and submit the same statistical reports to the Central Office that are required of Bureau of Indian Affairs police programs.

§ 11.305 Minimum standards for detention programs.

Each detention program that receives funds from the Bureau of Indian Affairs shall meet the following minimum standards:

(a) No sick or injured person may be booked or held in a detention facility unless a medical release has been obtained from a medical officer.

(b) Any inmate requiring medical attention shall be treated as soon as possible.

(c) The jailor or other responsible employee shall maintain control over the custody and issue of all medicine to prisoners under treatment for chronic ailments to insure proper use and to guard against overdose.

(d) Routine inspections of all cells shall be conducted every thirty (30) minutes to protect the safety and welfare of prisoners. A record of each inspection shall be logged in appropriate records.

(e) Only persons who have been specifically authorized by the jailor to visit a prisoner or prisoners may be allowed in the cell block areas.

(f) Special attention shall be given to cells occupied by persons jailed for intoxication to guard against the infliction of personal injury.

(g) No juvenile may be kept in the same cell with any adult.

(h) Each prisoner shall be served three nutritionally adequate meals a day.

(i) Each foodhandler shall be given a medical examination and, if training in foodhandling is available locally from the Indian Health Service, shall complete the foodhandler training offered by the Indian Health Service prior to employment.

(j) All jail facilities including kitchens shall be subject to periodic inspections by personnel from the Indian Health Service or other appropriate agency to insure proper sanitary conditions.

(k) The number of persons in each cell may not exceed the number for which the cell was designed.

(l) A record of all visitors shall be maintained indicating date, time and identity of each visitor.

(m) Proper precautions shall be taken to insure the safekeeping of property belonging to inmates.

(n) No jailor may be employed who has not completed the approved Jailor Training Course conducted at the Indian Police Academy or other jailor training course that is certified in the State where the jailor is employed.

(Catalog of Federal Domestic Assistance Program No. 15.131, Indian Law Enforcement Services)

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76–31443 Filed 10–27–76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—MILITARY PERSONNEL

[CGD 75–130]

PART 40—CADETS OF THE COAST GUARD

Appointment of Cadets

On July 12, 1976, there was published in the FEDERAL REGISTER (41 FR 28532), a notice of proposed rulemaking to amend the regulations concerning the appointment of cadets to the Coast Guard Academy. Interested persons were given the opportunity to submit, no later than August 27, 1976, comments concerning the proposed amendment.

No comments were received. Therefore, the proposed amendment is adopted without change, as set forth below.

Effective date: This amendment is effective on November 29, 1976.

Dated: October 15, 1976.

O. W. SILER,
Admiral, U.S. Coast Guard, Commandant.

Part 40 of Title 33 of the Code of Federal Regulations is amended as follows:

§ 40.4 [Amended]

1. In § 40.4(b), by striking the words "through the United Armed Forces Institute," in the third sentence, and inserting the words "by correspondence," in place thereof.

2. By revising § 40.4(b)(1) to read:

* * * * * * *

(b) * * *

REQUIRED

(1) The subjects listed below, consisting of 6 units, are mandatory and are required for eligibility:

	Units
Mathematics (to include algebra, plane or coordinate geometry, or their equivalents in courses such as those suggested by the Commission on Mathematics of the College Entrance Examination Board)	3
English 1, 2, and 3	3
Total	6

* * * * * * *

3. In § 40.4(b)(2), by adding the word "economics" at the end of the listing for Social Studies; and by adding the words "physical geography" at the end of the listing for Physical Science.

4. By revising § 40.4(b)(3) to read:

* * * * * * *

(b) * * *

(3) A total of not more than two units will be accepted from other subjects recognized by the applicant's secondary school in its regular program of study.

* * * * * * *

5. In § 40.4(b)(4), by striking the words "Solid Geometry" and inserting the words "further work in Geometry and elementary functions" in place thereof.

6. In § 40.4(c), by striking the word "Commandant" in the second sentence and inserting the word "Superintendent" in place thereof.

§ 40.10 [Amended]

7. In § 40.10, by adding the word "Academy" after the words "Coast Guard" in the second sentence; and by striking the third sentence and inserting the words "Except as provided in § 40.11 (c), the application must be postmarked not later than December 15." in place thereof.

8. By revising § 40.11 to read as follows:

§ 40.11 Annual competitive examination.

(a) The annual nationwide competitive examination is either the Scholastic Aptitude Test (SAT) administered by the College Entrance Examination Board (CEEB), or the ACT Assessment (ACT) administered by the American College Testing Program.

(b) Only those SAT and ACT scores from regularly scheduled administrations prior to and inclusive of the December administration of the year of application will be used. Applicants failing to comply with these testing regulations will not be considered in the competition.

(c) Any exception to the established testing dates and the application postmark date may be granted by the Superintendent if all the required examination scores are submitted in time to be considered in the regular applicant processing schedule.

(d) All expenses connected with the candidate's appearance before examiners and medical boards are borne by the candidate. The SAT or ACT examination fee is borne by the candidate.

9. By revising § 40.12 (c), (d), (i), and (j) to read as follows:

§ 40.12 Annual competition for appointment.

* * * * *

(c) *Selection instruments.* The instruments used in the selection are the competitive examination, the supplementary testing, and the transcripts, evaluations, and questionnaires furnished by each candidate.

(d) *Submission and consideration of test scores.* A candidate's SAT or ACT score is submitted to the Coast Guard when the candidate takes either of the tests within the required time frame and indicates on the CEEB registration card or ACT Assessment registration folder that the Coast Guard Academy is to receive the results. Except as provided in § 40.11(a), consideration of the test scores will only be granted to those candidates whose applications to the Coast Guard for participation in the competition for appointment are postmarked not later than 15 December of the year of the application. The Coast Guard will advise applicants of their individual standing on the competitive examination approxmately ten weeks after the date of the December testing. Those candidates who do not qualify on the examination will not receive further consideration for appointment.

* * * * *

(i) The final marks of each candidate are computed by averaging the standard weighted scores provided through the test marks and the Cadet Candidate Evaluation Board rating.

(j) *Offering of appointments.* Candidates will be offered appointments in the order of their final marks until the vacancies for the year have been filled. A candidate who fails to receive an appointment may compete again in subsequent years without prejudice, provided the age and physical qualifications are met.

10. By revising § 40.13 (b) and (c) to read as follows:

§ 40.13 Appointment as cadet, U.S. Coast Guard.

* * * * *

(b) Candidates who are eligible for appointment and who have passed the required physical examination will receive appointments as cadets in the United States Coast Guard and will be sent instructions to report to Coast Guard Academy in June or July.

(c) After reporting to the Coast Guard Academy, a cadet will be reimbursed for the actual mileage from home to the Academy at the rate of 8 cents per mile.

* * * * *

(14 U.S.C. 182, 632 and 633; 49 U.S.C. 1655 (b)(1); 49 CFR 1.46(b).)

[FR Doc.76-31505 Filed 10-27-76;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART III—GENERAL INFORMATION ON POSTAL SERVICE

Use of Rubber Bands on Packages of Presorted First-Class Mail

In the July 12, 1976, FEDERAL REGISTER (41 FR 28478), there appeared the final regulations of the Postal Service implementing the changes in the mail classification schedule that were approved by the Governors of the Postal Service on June 2, 1976. Section 131.545a–c of those regulations, which deals with preparation requirements for packages of presorted first-class mail, provides that five-digit ZIP Code delivery unit packages, city packages, and SCF packages must be "secured with one or two rubber bands." Some mailers have erroneously interpreted this regulation as permitting them to use either one or two rubber bands as they wish.

It has been a long-standing practice in the Postal Service that packages of letter mail are to be banded with one rubber band when the package is less than 1 inch in thickness, and two rubber bands when the package is from 1 to 4 inches in thickness. See Post Office Department Poster 168, August 1966, revised in June 1975 and renumbered as Postal Service Poster 16, which describes and pictures the manner of the banding. Postal Service Posters are directives of the Postal Service pursuant to Headquarters Manual, section IV, item IV–A–1, and directives are part of the regulations of the Postal Service. See 39 CFR 211.2(a)(3).

Since the existing regulation does not specifically describe the required banding, or refer to Postal Service Poster 16, where such banding is described, the regulation lies open to misinterpretation. It is the purpose of this document, then, to eliminate future misinterpretation by amending the regulation to specifically describe the intended, required use of rubber bands on packages of presorted first-class mail.

Accordingly, the Postal Service hereby adopts the following revisions of the Postal Service Manual, effective immediately.

PART 131—FIRST CLASS

1. In section 131.5 add new .542c reading as follows:

131.5 *Preparation of presort rate mail.*

* * *

.54 *Sorting requirements.* * * *

.542 *Rubber bands.* * * *

c. Packages up to one inch in thickness shall be secured with one rubber band around the girth. Packages between one and four inches in thickness shall be secured with two rubber bands, the first around the length and the second around the girth.

2. In section 131.545a(1) the second sentence is revised to read as follows: "The pieces in the package must be faced in the same direction and secured with one or two rubber bands around each package, as provided by 131.542c."

3. In section 131.545b(1) strike out the period at the end of the first sentence, insert a comma in lieu thereof, and add the following: "as provided by 131.542c."

4. In section 131.545c(1) strike out the period at the end of the second sentence, insert a comma in lieu thereof, and add the following: "as provided by 131.542c."

A Post Office Services (Domestic) transmittal letter making these changes in the pages of the Postal Service Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the FEDERAL REGISTER as provided in 39 CFR 111.3.

(39 U.S.C. 401, 3623.)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.76-31478 Filed 10-27-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 172]

PART 1–3—PROCUREMENT BY NEGOTIATION

Subpart 1–3.12—Cost Accounting Standards

This amendment modifies and expands provisions in Subpart 1–3.12 concerning cost accounting standards. A revised Notice for solicitations which reflects current Cost Accounting Standards Board

(CASB) rules for submission of disclosure statements is provided. Cost Accounting Standards 410, 411, 412, and 414 together with additional definitions are included for convenience. Definitions for "contractor" and "subcontractor" are provided. Agency reporting requirements to the CASB are expanded.

The table of contents for Part 1–3 is amended to revise one entry and add seven new entries, as follows:

Sec.

1–3.1205	Review of prime contractor Disclosure Statements and changed practices.
1–3.1218	Modification or withdrawal of applicability. [Reserved]
1–3.1219	Guidance for implementation.
1–3.1220–10	Allocation of business unit general and administrative expenses to final cost objectives.
1–3.1220–11	Accounting for acquisition costs of material.
1–3.1220–12	Composition and measurement of pension cost.
1–3.1220–13	[Reserved]
1–3.1220–14	Cost of money as an element of the cost of facilities capital.

Subpart 1–3.12—Cost Accounting Standards

1. Section 1–3.1201 is amended to revise the last two sentences. The revised section is as follows:

§ 1–3.1201 Purpose.

Public Law 91–379, 50 U.S.C. App. 2168, as implemented by the regulations of the Cost Accounting Standards Board (see 4 CFR 331 et seq.) requires the development of cost accounting standards to be used in connection with negotiated national defense contracts and disclosure of cost accounting practices to be used in such contracts. Such disclosure of cost accounting practices shall also be used in connection with negotiated nondefense contracts. In addition, cost accounting standards shall be used in negotiated nondefense contracts as the standards become effective and to the same extent that such standards are applicable to defense contracts. If deemed appropriate, however, the application of a particular standard to negotiated nondefense contracts may be limited by a modification or withdrawal of applicability. Such action, if any, will be set forth in § 1–3.1218 entitled Modification or withdrawal of applicability. Waivers of cost accounting standards, rules, and regulations are treated in § 1–3.1211.

2. Section 1–3.1202 is amended by adding paragraph (c), as follows:

§ 1–3.1202 Definitions.

* * * * *

(c) "Contractor" and "subcontractor" as the words pertain to contract requirements under the clause entitled Cost Accounting Standards (see § 1–3.1204–1) apply to business units, such as a profit center, division, subsidiary, or similar unit of a company, which perform the contract, even in those cases where the contract was entered into on behalf of the overall company rather than the business unit.

3. Section 1–3.1203 is amended by revising paragraphs (a)(1)(ii), (a)(3), and (g), as follows:

§ 1–3.1203 Applicability of cost accounting standards and prime contractor disclosure statement(s).

(a) * * *

(1) * * *

(ii) The method of procurement utilized is (A) "Small Business Restricted Advertising" (§ 1–1.706–5(b)) Note: Contracts involving total small business set-asides which are entered into by conventional negotiation are not exempt; (B) Partial small business set-aside (§ 1–1.706–6); (C) Section 8(a) of the Small Business Act (§ 1–1.713); or (D) Partial labor surplus area set-aside (§ 1–1.804);

* * * * *

(3) *Notice for solicitations.* Insert the following notice in all solicitations which are likely to result in a negotiated contract exceeding $100,000, unless the procurement is exempted under § 1–3.1203 (a)(1) or (a)(2):

DISCLOSURE STATEMENT—COST ACCOUNTING PRACTICES AND CERTIFICATION

Any contract in excess of $100,000 resulting from this solicitation except (1) when the price negotiated is based on (a) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation, or (2) contracts which are otherwise exempt (see 4 CFR 331.30(b) and FPR § 1–3.1203(a)(2)), shall be subject to the requirements of the Cost Accounting Standards Board. Any offeror submitting a proposal, which, if accepted, will result in a contract subject to the requirements of the Cost Accounting Standards Board must, as a condition of contracting, submit a Disclosure Statement as required by regulations of the Board. The Disclosure Statement must be submitted as a part of the offeror's proposal under this solicitation (see (I) below) unless (i) the offeror, together with all divisions, subsidiaries, and affiliates under common control, did not receive net awards exceeding the monetary exemption for disclosure as established by the Cost Accounting Standards Board (see (II) below); (ii) the offeror exceeded the monetary exemption in the Federal Fiscal Year immediately preceding the year in which this proposal was submitted but, in accordance with the regulations of the Cost Accounting Standards Board, is not yet required to submit a Disclosure Statement (see (III) below); (iii) the offeror has already submitted a Disclosure Statement disclosing the practices used in connection with the pricing of this proposal (see (IV) below); or (iv) post award submission has been authorized by the Contracting Officer. See 4 CFR 351.70 for submission of a copy of the Disclosure Statement to the Cost Accounting Standards Board.

Caution: A practice disclosed in a Disclosure Statement shall not, by virtue of such disclosure, be deemed to be a proper, approved, or agreed to practice for pricing proposals or accumulating and reporting contract performance cost data.

Check the appropriate box below:

☐ I. CERTIFICATE OF CONCURRENT SUBMISSION OF DISCLOSURE STATEMENT(S)

The offeror hereby certifies that he has submitted, as a part of his proposal under this solicitation, copies of the Disclosure Statement(s) as follows: (i) original and one copy to the cognizant Contracting Officer; and (ii) one copy to the cognizant contract auditor.

Date of Disclosure Statement(s):

Name(s) and Address(es) of Cognizant Contracting Officer(s) where filed:

The offeror further certifies that practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the Disclosure Statement(s).

☐ II. CERTIFICATE OF MONETARY EXEMPTION

The offeror hereby certifies that he, together with all divisions, subsidiaries, and affiliates under common control, did not receive net awards of negotiated national defense prime contracts subject to cost accounting standards totaling more than $10,000,000 in either Federal Fiscal Year 1974 or 1975 or net awards of negotiated national defense prime contracts and subcontracts subject to cost accounting standards totaling more than $10,000,000 in Federal Fiscal Year 1976 or in any subsequent Federal Fiscal Year preceding the year in which this proposal was submitted.

Caution: Offerors who submitted or who currently are obligated to submit a Disclosure Statement under the filing requirements previously established by the Cost Accounting Standards Board are not eligible to claim this exemption unless they have received notification of final acceptance of all deliverable items on all of their prime contracts and subcontracts containing the Cost Accounting Standards clause (§ 1–3.1204–1).

☐ III. CERTIFICATE OF INTERIM EXEMPTION

The offeror hereby certifies that (i) he first exceeded the monetary exemption for disclosure, as defined in (II) above, in the Federal Fiscal Year immediately preceding the year in which this proposal was submitted, and (ii) in accordance with the regulations of the Cost Accounting Standards Board (4 CFR 351.40(f)), he is not yet required to submit a Disclosure Statement. The offeror further certifies that if an award resulting from this proposal has not been made by March 31 of the current Federal Fiscal Year, he will immediately submit a revised certificate to the Contracting Officer, in the form specified under (I), above, or (IV), below, as appropriate, to verify his submission of a completed Disclosure Statement.

Caution: Offerors may not claim this exemption if they are currently required to disclose because they exceeded monetary thresholds in Federal Fiscal Years prior to fiscal year 1976. Further, the exemption applies only in connection with proposals submitted prior to March 31 of the year immediately following the Federal Fiscal Year in which the monetary exemption was exceeded.

☐ IV. CERTIFICATE OF PREVIOUSLY SUBMITTED DISCLOSURE STATEMENT(S)

The offeror hereby certifies that the Disclosure Statement(s) were filed as follows:

Date of Disclosure Statement(s):

Name(s) and Address(es) of Cognizant Contracting Officer(s) where filed:

The offeror further certifies that practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the Disclosure Statement(s).

* * * * *

(g) *Amendment of disclosure statement(s).* Amendments of a Disclosure Statement after contract award shall be processed in accordance with 4 CFR 351.120 and §§ 1–3.1205(d) and 1–3.1207 of these regulations. Normally, the cog-

nizant contracting officer should require submission of a complete, updated Disclosure Statement pursuant to 4 CFR 351.120 only when the number of amended pages or the nature of the amendments are so extensive that the review process would be substantially expedited as a result of the resubmission.

* * * * * *

4. Section 1–3.1205 is amended by revising the section title, as follows:

§ 1–3.1205 Review of prime contractor Disclosure Statements and changed practices.

* * * * *

5. Section 1–3.1210 is amended by revising paragraph (a) and adding subparagraph (10) to paragraph (c), as follows:

§ 1–3.1210 Cost Accounting Standards Board report.

(a) Each Government agency is required to furnish to the Cost Accounting Standards Board (CASB) within 120 days after the close of each calendar year an annual report to provide to the CASB information for assessing the effectiveness of the CASB publications and for revealing problem areas requiring new or revised CASB standards, rules, and regulations. Each agency's report will include information for all affected contracts, including those of other Federal agencies for which the reporting agency has cognizance. Reports will cover the full calendar year and will be submitted to the Cost Accounting Standards Board, 441 G Street, N.W., Washington, DC 20548. Copies of the report shall be submitted to the Office of Management and Budget, Financial Management Branch, Budget Review Division, Washington, DC 20503, and to the General Services Administration (FV), Washington, DC 20406.

* * * * *

(c) * * *

(10) *Contracts subject to cost accounting standards.* To the extent such data are readily available or can be estimated with reasonable accuracy by the agency preparing the report, this portion of the report will be included to indicate the number and dollar amount of contracts subject to cost accounting standards. In order to generate data reasonably consistent among agencies, a contract number should be counted only when the Cost Accounting Standards clause (§ 1–3.1204–1) is first included in the contract. All contract dollars subject to the clause should be counted.

CAS-covered contracts	Number	Dollars
1. Inventory—start of calendar year		
2. Actions added during year		
3. Actions physically completed during year		
4. Inventory—end of year (1+2−3)		

6. Section 1–3.1218 is added, as follows:

§ 1–3.1218 Modification or withdrawal of applicability. [Reserved]

7. Section 1–3.1219 is added, as follows:

§ 1–3.1219 Guidance for implementation.

Subsections under this § 1–3.1219 address specific topics where it has been determined that the contracting community might benefit from such treatment. In addition, the Cost Accounting Standards Board often includes preambles in the FEDERAL REGISTER issue that promulgates rules, regulations, and standards in order to provide readers with administrative history and other commentary. These preambles are also included in Title 4 of the Code of Federal Regulations which is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Temporary requirements or informational guidance may also be published from time to time as FPR temporary regulations or FPR Bulletins.

8. Section 1–3.1220 is amended by adding to paragraph (b) definitions (38) through (61), as follows:

§ 1–3.1220 Standards prescribed by the Cost Accounting Standards Board.

* * * * * *

(b) * * *

(38) *Cost input.* The cost, except G&A expenses, which for contract costing purposes is allocable to the production of goods and services during a cost accounting period.

(39) *General and administrative (G&A) expense.* Any management, financial, and other expense which is incurred by or allocated to a business unit and which is for the general management and administration of the business unit as a whole. G&A expense does not include those management expenses whose beneficial or causal relationship to cost objectives can be more directly measured by a base other than a cost input base representing the total activity of a business unit during a cost accounting period.

(40) *Business unit.* Any segment of an organization, or an entire business organization which is not divided into segments.

(41) *Category of material.* A particular kind of goods, comprised of identical or interchangeable units, acquired or produced by a contractor, which are intended to be sold, or consumed or used in the performance of either direct or indirect functions.

(42) *Material inventory record.* Any record used for the accumulation of actual or standard costs of a category of material recorded as an asset for subsequent cost allocation to one or more cost objectives.

(43) *Moving average cost.* An inventory costing method under which an average unit cost is computed after each acquisition by adding the cost of the newly acquired units to the cost of the units of inventory on hand and dividing this figure by the new total number of units.

(44) *Weighted average cost.* An inventory costing method under which an average unit cost is computed periodically by dividing the sum of the cost of beginning inventory plus the cost of acquisitions, by the total number of units included in these two categories.

(45) *Accrued benefit cost method.* An actuarial cost method under which units of benefit are assigned to each cost accounting period and are valued as they accrue—that is, based on the services performed by each employee in the period involved. The measure of normal cost under this method for each cost accounting period is the present value of the units of benefit deemed to be credited to employees for service in that period. The measure of the actuarial liability at a plan's inception date is the present value of the units of benefit credited to employees for service prior to that date. (This method is also known as the Unit Credit cost method.)

(46) *Actuarial assumption.* A prediction of future conditions affecting pension cost; for example, mortality rate, employee turnover, compensation levels, pension fund earnings, changes in values of pension fund assets.

(47) *Actuarial cost method.* A technique which uses actuarial assumptions to measure the present value of future pension benefits and pension fund administrative expenses, and which assigns the cost of such benefits and expenses to cost accounting periods.

(48) *Actuarial gain and loss.* The effect on pension cost resulting from differences between actuarial assumptions and actual experience.

(49) *Actuarial liability.* Pension cost attributable, under the actuarial cost method in use, to years prior to the date of a particular actuarial valuation. As of such date, the actuarial liability represents the excess of the present value of the future benefits and administrative expenses over the present value of future contributions for the normal cost for all plan participants and beneficiaries. The excess of the actuarial liability over the value of the assets of a pension plan is the Unfunded Actuarial Liability.

(50) *Defined-benefit pension plan.* A pension plan in which the benefits to be paid or the basis for determining such benefits are established in advance and the contributions are intended to provide the stated benefits.

(51) *Defined-contribution pension plan.* A pension plan in which the contributions to be made are established in advance and the benefits are determined thereby.

(52) *Funded pension cost.* The portion of pension costs for a current or prior cost accounting period that has been paid to a funding agency or, under a pay-as-you-go plan, to plan participants or beneficiaries.

(53) *Funding agency.* An organization or individual which provides facilities to receive and accumulate assets to be used either for the payment of benefits under a pension plan, or for the purchase of such benefits.

(54) *Multiemployer pension plan.* A plan to which more than one employer contributes and which is maintained pursuant to one or more collective bargaining agreements between an employee organization and more than one employer.

(55) *Normal cost.* The annual cost attributable, under the actuarial cost method in use, to years subsequent to a particular valuation date.

(56) *Pay-As-You-Go cost method.* A method of recognizing pension cost only when benefits are paid to retired employees or their beneficiaries.

(57) *Pension plan.* A deferred compensation plan established and maintained by one or more employers to provide systematically for the payment of benefits to plan participants after their retirement: *Provided,* That the benefits are paid for life or are payable for life at the option of the employees. Additional benefits such as permanent and total disability and death payments, and survivorship payments to beneficiaries of deceased employees may be an integral part of a pension plan.

(58) *Projected benefict cost method.* Any of the several actuarial cost methods which distribute the estimated total cost of all of the employees' prospective benefits over a period of years, usually their working careers.

(59) *Cost of capital committed to facilities.* An imputed cost determined by applying a cost of money rate to facilities capital.

(60) *Facilities capital.* The net book value of tangible capital assets and of those intangible capital assets that are subject to amortization.

(61) *Intangible capital asset.* An asset that has no physical substance, has more than minimal value, and is expected to be held by an enterprise for continued use or possession beyond the current accounting period for the benefits it yields.

9. Section 1-3.1220-3 is amended to revise § 403.70(a) of Part 403 of Title 4 CFR, as follows:

§ 1-3.1220-3 Allocation of home office expenses to segments.

* * * * *

§ 403.70 Exemptions.

(a) Any contractor or subcontractor which together with its subsidiaries did not receive net awards of negotiated national defense prime contracts during Federal fiscal year 1971 (July 1, 1970, through June 30, 1971) totaling more than $30 million is exempt from this Standard (40 FR 32747, August 4, 1975).

* * * * *

10. Sections 1-3.1220-10, 1-3.1220-11, 1-3.1220-12, 1-3.1220-13, and 1-3.1220-14 are added, as follows:

§ 1-3.1220-10 Allocation of business unit general and administrative expenses to final cost objectives.

PART 410—ALLOCATION OF BUSINESS UNIT GENERAL AND ADMINISTRATIVE EXPENSES TO FINAL COST OBJECTIVES

Sec.

AUTHORITY: 84 Stat. 796, sec. 103, 50 U.S.C. App. 2168.

SOURCE: The provisions of Part 410 appear at 41 FR 16135, April 16, 1976, Correction 41 FR 22241, June 2, 1976, unless otherwise noted.

§ 410.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

§ 410.20 Purpose.

The purpose of this Cost Accounting Standard is to provide criteria for the allocation of business unit general and administrative (G&A) expenses to business unit final cost objectives based on their beneficial or causal relationship. These expenses represent the cost of the management and administration of the business unit as a whole. The Standard also provides criteria for the allocation of home office expenses received by a segment to the cost objectives of that segment. This Standard will increase the likelihood of achieving objectivity in the allocation of expenses to final cost objectives and comparability of cost data among contractors in similar circumstances.

§ 410.30 Definitions.

(a) The following definitions of terms which are prominent in this Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section.

(1) *Allocate.* To assign an item of cost or a group of items of cost, to one or more cost objectives. This term includes both direct assignment of cost and the reassignment of a share from an indirect cost pool.

(2) *Business unit.* Any segment of an organization, or an entire business organization which is not divided into segments.

(3) *Cost input.* The cost, except G&A expenses, which for contract costing purposes is allocable to the production of goods and services during a cost accounting period.

(4) *Cost objective.* A function, organizational subdivision, contract or other work unit for which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, capitalized projects, etc.

(5) *Final cost objective.* A cost objective which has allocated to it both direct and indirect costs, and, in the contractor's accumulation systems, is one of the final accumulation points.

(6) *General and Administrative (G&A) expense.* Any management, financial, and other expense which is incurred by or allocated to a business unit and which is for the general management and administration of the business unit as a whole. G&A expense does not include those management expenses whose beneficial or causal relationship to cost objectives can be more directly measured by a base other than a cost input base representing the total activity of a business unit during a cost accounting period.

(7) *Segment.* One of two or more divisions, product departments, plants, or other subdivisions of an organization reporting directly to a home office, usually identified with responsibility for profit and/or producing a product or service. The term includes Government-owned contractor-operated (GOCO) facilities, and joint ventures and subsidiaries (domestic and foreign) in which the organization has a majority ownership. The term also includes those joint ventures and subsidiaries (domestic and foreign) in which the organization has less than a majority of ownership, but over which it exercises control.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Standard: None.

§ 410.40 Fundamental requirement.

(a) Business unit G&A expenses shall be grouped in a separate indirect cost pool which shall be allocated only to final cost objectives.

(b) (1) The G&A expense pool of a business unit for a cost accounting period shall be allocated to final cost objectives of that cost accounting period by means of a cost input base representing the total activity of the business unit except as provided in paragraph (b) (2) of this section. The cost input base selected shall be the one which best represents the total activity of a typical cost accounting period.

(2) The allocation of the G&A expense pool to any particular final cost objectives which receive benefits significantly different from the benefits accruing to other final cost objectives shall be determined by special allocation, (410.50(j)).

(c) Home office expenses received by a segment shall be allocated to segment cost objectives as required by 410.50(g).

(d) (1) Except as provided in (d) (2) below, any costs which do not satisfy the definition of G&A expenses in this Standard, but which have been classified by a business unit as G&A expenses can remain in the G&A expense pool unless they can be allocated to business unit cost objectives on a beneficial or casual relationship which is best measured by a base other than a cost input base.

(2) Independent Research and Development costs and Bidding and Proposal costs shall be treated pursuant to provisions of existing laws regulations and other controlling factors.

§ 410.50 Techniques for application.

(a) G&A expenses of a segment incurred by another segment shall be removed from the incurring segment's G&A expense pool. They shall be allocated to the segment for which the expenses were incurred on the basis of the beneficial or causal relationship between the expenses incurred and all benefiting or causing segments. If the expenses are incurred for two or more segments, they shall be allocated using an allocation base common to all such segments.

(b) The G&A expense pool may be combined with other expenses for allocation to final cost objectives provided that:

(1) The allocation base used for the combined pool is appropriate both for the allocation of the G&A expense pool under this Standard and for the allocation of the other expenses; and

(2) Provision is made to identify the components and total of the G&A expense pool separately from the other expenses in the combined pool.

(c) Expenses which are not G&A expenses and are insignificant in amount may be included in the G&A expense pool for allocation to final cost objectives.

(d) The cost input base used to allocate the G&A expense pool shall include all significant elements of that cost input which represent the total activity of the business unit. The cost input base selected to represent the total activity of a business unit during a cost accounting period may be: (1) total cost input, (2) value-added cost input, or (3) single element cost input. The determination of which cost input base best represents the total activity of a business unit must be judged on the basis of the circumstances of each business unit.

(1) A total cost input base is generally acceptable as an appropriate measure of the total activity of a business unit.

(2) Value-added cost input shall be used as an allocation base where inclusion of material and subcontract costs would significantly distort the allocation of the G&A expense pool in relation to the benefits received and where costs other than direct labor are significant measures of total activity. A value-added cost input base is total cost input less material and subcontract costs.

(3) A single element cost input base, e.g., direct labor hours or direct labor dollars, which represents the total activity of a business unit may be used to allocate the G&A expense pool where it produces equitable results. A single element base may not produce equitable results where other measures of activity are also significant in relation to total activity. A single element base is inappropriate where it is an insignificant part of the total cost of some of the final cost objectives.

(e) Where, prior to the effective date of this Standard, a business unit's disclosed or established cost accounting practice was to use a cost of sales or sales base, that business unit may use the transition method set out in Appendix A hereof.

(f) Cost input shall include those expenses which by operation of this Standard are excluded from the G&A expense pool and are not part of a combined pool of G&A expenses and other expenses allocated using the same allocation base.

(g)(1) Allocations of the home office expenses of (i) line management of particular segments or groups of segments, (ii) residual expenses, and (iii) directly allocated expenses related to the management and administration of the receiving segment as a whole shall be included in the receiving segment's G&A expense pool.

(2) Any separate allocation of the expenses of home office (i) centralized service functions, (ii) staff management of specific activities of segments, and (iii) central payments or accruals, which is received by a segment shall be allocated to the segment cost objectives in proportion to the beneficial or causal relationship between the cost objectives and the expense if such allocation is significant in amount. Where a beneficial or causal relationship for the expense is not identifiable with segment cost objectives, the expense may be included in the G&A expense pool.

(h) Where a segment performs home office functions and also performs as an operating segment having a responsibility for final cost objectives, the expense of the home office functions shall be segregated. These expenses shall be allocated to all benefiting or causing segments, including the segment performing the home office functions, pursuant to disclosed or established accounting practices for the allocation of home office expenses to segments.

(i) For purposes of allocating the G&A expense pool, items produced or worked on for stock or product inventory shall be accounted for as final cost objectives in accordance with the following paragraphs:

(1) Where items are produced or worked on for stock or product inventory in a given cost accounting period, the cost input to such items in that period shall be included only once in the computation of the G&A expense allocation base and in the computation of the G&A expense allocation rate for that period and shall not be included in the computation of the base or rate for any other cost accounting period.

(2) A portion of the G&A expense pool shall be allocated to items produced or worked on for stock or product inventory in the cost accounting period or periods in which such items are produced at the rates determined for such periods except as provided in (3) below.

(3) Where the contractor does not include G&A expense in inventory as part of the cost of stock or product inventory items, the G&A rate of the cost accounting period in which such items are issued to final cost objectives may be used to determine the G&A expenses applicable to issues of stock or product inventory items.

(j) Where a particular final cost objective in relation to other final cost objectives receives significantly more or less benefit from G&A expense than would be reflected by the allocation of such expenses using a base determined pursuant to paragraph (d) of this section, the business unit shall account for this particular final cost objective by a special allocation from the G&A expense pool to the particular final cost objective commensurate with the benefits received. The amount of a special allocation to any such final cost objective shall be excluded from the G&A expense pool required by section 410.40(a), and the particular final cost objective's cost input data shall be excluded from the base used to allocate this pool.

§ *410.60 Illustrations.*

(a) Business Unit A has been including the cost of scientific computer operations in its G&A expense pool. The scientific computer is used predominately for research and development, rather than for the management and administration of the business unit as a whole. The costs of the scientific computer operation do not satisfy the Standard's definition of G&A expense; however, they may remain in the G&A expense pool unless they can be allocated to business unit cost objectives on a beneficial or causal relationship which is best measured by a base other than a cost input base representing the total activity of a business unit during a cost accounting period.

(b) Segment B performs a budgeting function, the cost of which is included in its G&A expense pool. This function includes the preparation of budgets for another segment. The cost of preparing the budgets for the other segment should be removed from B's G&A expense pool and transferred to the other segment.

(c) (1) Business Unit C has a personnel function which is divided into two parts (i) a vice president of personnel who establishes personnel policy and overall guidance, and (ii) a personnel department which handles hirings, testing, evaluations, etc. The expense of the vice president is included in the G&A expense pool. The expense of the personnel department is allocated to the other indirect cost pools based on the beneficial or causal relationship between that expense and the indirect cost pools. This procedure s in compliance with the requirements of this Standard.

(2) Business Unit C has included selling costs as part of its G&A expense pool. Business Unit C wishes to continue to include selling costs in its G&A expense pool. Under the provisions of this Standard, Business Unit C may continue to include selling costs in its G&A pool, and these costs will be allocated over a cost input base selected in accordance with the provisions of 410.50(d).

(3) Business Unit C has included IR&D and B&P costs in its G&A expense pool. C has used a cost of sales base to allocate its G&A expense pool. As of January 1, 1978 (assumed for purposes of this illustration), the date on which C must first allocate its G&A expense pool in accordance with the requirements of this Standard, C has among its final cost objectives several cost reimbursement contracts and fixed price contracts subject to the CAS clause [referred to as the pre-existing contracts]. If C chooses to use the transition method in 410.50(e):

(i) C shall allocate IR&D and B&P costs during the transition period (from January 1, 1978, to and including the cost counting period during which the pre-existing contracts are completed), to the preexisting contracts as part of its G&A expense pool using a cost of sales base pursuant to 410.50 (e) and Appendix A.

(ii) During the transition period such costs, as part of the G&A expense pool, shall be allocated to new cost reimbursement contracts and new fixed price contracts subject to the CAS clause using a cost input base as required by 410.50(d) and (e) and Appendix A.

(iii) Beginning with the cost accounting period after the transition period the IR&D and B&P costs as part of the G&A expense pool shall be allocated to all final cost objectives using a cost input base as required by 410.50(d). If C chooses not to use the transition method in 410.50(e), the contractual provision requiring appropriate equitable adjustment of the prices of affected prime contracts and subcontracts will bo implemented.

(4) Business Unit C has accounted for and allocated IR&D and B&P costs in a cost pool separate and apart from the G&A expense pool, C may continue to account for these costs in a separate cost pool under the provision of this Standard. If C is to use a total cost input base, these costs when accounted for and allocated in a cost pool separate and apart from the G&A expense pool will become part of the total cost input base used by C to allocate the G&A expense pool.

(5) Business Unit C has included selling costs as part of its G&A expense pool. Business Unit C has used a cost of sales base to allocate the G&A expense pool. Business Unit C desires to continue to allocate selling costs using the costs of sales base. Under the provisions of this Standard, Business Unit C would account for selling costs as a cost pool separate and apart from the G&A expense pool, and continue to allocate these costs over a cost of sales base. If C uses a total cost input base to allocate the G&A expense pool, the selling costs will become part of the total cost input base.

(d)(1) Business Unit D has accounted for selling costs in a cost pool separate and apart from its G&A expense pool and has allocated these costs using a cost of sales

base. Under the provisions of this Standard, Business Unit D may continue to account for those costs in a separate pool and allocate them using a cost of sales base. Business Unit D has a total cost input base to allocate its G&A expense pool. The selling costs will become part of the cost input base used by Business Unit D to allocate the G&A expense pool.

(2) During a cost accounting period, Business Unit D buys $2,000,000 of raw materials. At the end of that cost accounting period, $500,000 of raw materials inventory have not been charged out to contracts or other cost objectives. The $500,000 of raw materials are not part of the total cost input base for the cost accounting period, because they have not been charged to the production of goods and services during that period. If all of the $2,000,000 worth of raw material had been charged to cost objectives during the cost accounting period, the cost input base for the allocation of the G&A expense pool would include the entire $2,000,000.

(3) Business Unit D manufactures a variety of testing devices. During a cost accounting period, Business Unit D acquires and uses a small building, constructs a small production facility using its own resources, and keeps for its own use one unit of a testing device that it manufactures and sells to its customers. The acquisition cost of the building is not part of the total cost input base; however, the depreciation taken on the building would be part of the total cost input base. The costs of construction of the small production facility are not part of the total cost input base. The requirements of Cost Accounting Standard 404 provide that those G&A expenses which are identifiable with the constructed asset and are material in amount shall be capitalized as part of the cost of the production facility. If there are G&A expenses material in amount and identified with the constructed asset, these G&A expenses would be removed from the G&A expense pool prior to the allocation of this pool to final cost objectives. The cost of the testing device shall be part of the total cost input base per the requirements of Cost Accounting Standard 404 which provides that the cost of constructed assets identical with the contractor's regular product shall include a full share of indirect cost.

(e)(1) Business Unit E produces Item Z for stock or product inventory. The business unit does not include G&A expense as part of the inventory cost of these items for costing or financial reporting purposes. A production run of these items occurred during Cost Accounting Period 1. A number of the units produced were not issued during Period 1 and are issued in Period 2. However, those units produced in Period 1 shall be included in the cost input of that period for calculating the G&A expense allocation base and shall not be included in the cost input of Period 2.

(2) Business Unit E should apply the G&A expense rate of Period 1 to those units of Item Z issued during Period 1 and may apply the rate of Period 2 to the units issued in Period 2.

(3) If the practice of Business Unit E is to include G&A expense as part of the cost of stock or product inventory, the inventory cost of all units of Item Z produced in Period 1 and remaining in inventory at the end of Period 1, should include G&A expense using the G&A rate of Period 1.

(f)(1) Business Unit F produced Item X for stock or product inventory. The business unit does not include G&A expense as part of the inventory cost of these items. A production run of these items was started, finished, and placed into inventory in a single cost accounting period. These items are issued during the next cost accounting period.

(2) The cost of items produced for stock or product inventory should be included in the G&A base in the same year they are produced. The cost of such items is not to be included in the G&A base on the basis of when they are issued to final cost objectives. Therefore, the time of issuance of these items from inventory to a final cost objective is irrelevant in computing the G&A base.

(g) The normal productive activity of Business Unit G includes the construction of base operating facilities for others. G uses a total cost input base to allocate G&A expense to final cost objectives. As part of a contract to construct an operating facility, G agrees to acquire a large group of trucks and other mobile equipment to equip the base operating facility. G does not usually supply such equipment. The cost of the equipment constitutes a significant part of the contract cost. A special G&A allocation to this contract shall be agreed to by the parties if they agree that in the circumstances the contract as a whole receives substantially less benefit from the G&A expense pool than that which would be represented by a cost allocation based on inclusion of the contract cost in the total cost input base.

(h)(1) The home office of Segment H separately allocates to benefiting or causing segments significant home office expenses of (i) staff management functions relative to manufacturing, (ii) staff management functions relative to engineering, (iii) central payment of health insurance costs and (iv) residual expenses. H receives these expenses as separate allocations. H maintains three indirect cost pools: (i) G&A expense, (ii) manufacturing overhead and (iii) engineering overhead: all home office expenses allocated to H are included in H's G&A expense pool.

(2) This accounting practice of H does not comply with section 410.50(g)(2). Home office residual expenses should be in the G&A expense pool, and the expenses of the staff management functions relative to manufacturing and engineering should be included in the manufacturing overhead and engineering overhead pools, respectively. The health insurance costs should be allocated in proportion to the beneficial and casual relationship between these costs and H's cost objectives.

§ 410.70 Exemptions.

This Standard shall not apply to contractors who are subject to the provisions of Federal Management Circular 73-8 (Cost Principles for Educational Institutions) or Circular 74-4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments).

§ 410.80 Effective date.

(a) The effective date of this Standard is October 1, 1976 (41 FR 27311, July 2, 1976).

(b) This Standard shall be followed by each contractor after the start of his next fiscal year beginning after January 1, 1977.

APPENDIX A

TRANSITION FROM A COST OF SALES OR SALES BASE TO A COST INPUT BASE

A business unit may use the method described below for transition from the use of a cost of sales or sales base to a cost input base.

(1) Calculate the cost of sales or sales base in accordance with the cost accounting practice disclosed or established prior to the date established by Section 410.80(b) of this Cost Accounting Standard.

(2) Calculate the G&A expense allocation rate using the base determined in paragraph (1) above and use that rate to allocate from the G&A expense pool to the final cost objectives which were in existence prior to the date on which the business unit must first allocate costs in accordance with the requirements of this Cost Accounting Standard.

(3) Calculate a cost input base in compliance with § 410.50(d) above.

(4) Calculate the G&A expense rate using the base determined in paragraph (3) above and use that rate to allocate from the G&A expense pool to those final cost objectives which arise under contracts entered into on or after the date on which the business unit must first allocate costs in accordance with the requirements of this Cost Accounting Standard.

(5) The calculations set forth in paragraphs (1)–(4) above shall be performed for each cost accounting period during which final cost objectives described in (2) are being performed.

(6) The business unit shall establish an inventory suspense account. The amount of the inventory suspense account shall be equal to the beginning inventory of contracts subject to the CAS clause of the cost accounting period in which the business unit must first allocate costs in accordance with the requirements of this Cost Accounting Standard.

(7) In any cost accounting period, after the cost accounting periods described in (5) above, if the ending inventory of contracts subject to the CAS clause is less than the balance of the inventory suspense account, the business unit shall calculate two G&A expense allocation rates, one to allocate G&A expenses to contracts subject to the CAS clause and one applicable to other work.

(a) The G&A expense pool shall be divided in the proportion which the cost input of the G&A expense allocation base of the contracts subject to the CAS clause bears to the total of the cost input allocation base, selected in accordance with § 410.50(d), for the cost accounting period.

(b) The G&A expenses applicable to contracts subject to the CAS clause shall be reduced by an amount determined by multiplying the difference between the balance of the inventory suspense account and the ending inventory of contracts subject to the CAS clause by the cost of sales rate, as determined under (1) above, of the cost accounting period in which a business unit must first allocate costs in accordance with the requirements of this Cost Accounting Standard.

(8) In any cost accounting period in which such a reduction is made, the balance of the inventory suspense account shall be reduced to be equal to the ending inventory of contracts subject to the CAS clause of that cost accounting period.

* * * * *

The following illustrates how a business unit would use this transition method.

1. Business Unit R has been using a cost of sales base to allocate its G&A expense pool to final cost objectives. Business Unit R uses a calendar year as its cost accounting period. On October 1, 1976 (assumed for purposes of this illustration) Cost Accounting Standard 410 becomes effective. On October 2, 1976, Business Unit R receives a three-year contract containing the Cost Accounting Standards clause. As a result, Business Unit R must comply with the requirements of the Standard in the cost accounting period beginning in January, 1978.

As of January 3, 1978, Business Unit R has the following contracts:

(1) Contract I—A four-year contract awarded in January, 1975.

(2) Contract II—A three-year contract which was negotiated in March, 1976, and was awarded on October 2, 1976.

(3) Contract III—A four-year contract awarded on January 2, 1978.

If Business Unit R chooses to use the transition method provided in § 410.50(e), it will allocate the G&A expense pool to these contracts as follows:

(a) Contract I—Since Contract I was in existence prior to January 1, 1978, the G&A expense pool shall be allocated to it using a cost of sales base as provided in 410.50(e).

(b) Contract II—Since this contract was in existence prior to January 1, 1978, the G&A expense pool shall be allocated to it using a cost of sales base as provided in § 410.50(e).

(c) Contract III—Since this contract was awarded after January 1, 1978, the G&A expense pool shall be allocated to this contract using a cost input base.

Having chosen to use § 410.50(e), Business Unit R will use the transition method of allocating the G&A expense pool to final cost objectives until all contracts awarded prior to January 1, 1978, are completed (1979 if the contracts are completed on schedule). Beginning with the cost accounting period subsequent to that time, 1980, Business Unit R will use a cost input base to allocate the G&A expense pool to all cost objectives. Business Unit R will also carry forward an inventory suspense account in accordance with the requirements of this Standard.

2.A Business Unit N is first required to allocate its costs in accordance with the requirements of CAS 410 during the fiscal year beginning January 1, 1978. Business Unit N has used a cost of sales base to allocate its G&A expense pool.

During the years 1978, 1979, 1980, Business Unit N reported the following data:

	Total	Contracts prior to Jan. 1, 1978			Contracts after Jan. 1, 1978		
		Non-CAS work	CAS-fixed price work	CAS-cost contracts	Non-CAS work	CAS-fixed price work	CAS-cost contracts
Year 1978:							
Beginning inventory	$500	300	200	0	0	0	0
Cost input	+3,000	400	600	700	500	500	300
Total	3,500	700	800	700	500	500	300
Cost of sales	−3,000	600	550	700	450	400	300
Ending inventory	500	100	250	0	50	100	0
Year 1979:							
Beginning inventory	500	100	250	0	50	100	0
Cost input	+3,000	400	600	700	500	500	300
Total	3,500	500	850	700	550	600	300
Cost of sale	−2,500	450	650	700	150	250	300
Ending inventory	1,000	50	200	0	400	350	0
Year 1980:							
Beginning inventory	1,000	50	200	0	400	350	0
Cost input	+3,000	400	600	700	500	500	300
Total	4,000	450	800	700	900	850	300
Cost of sales	−3,250	450	800	700	450	550	300
Ending inventory	750	0	0	0	450	300	0

NOTES

Operating data is in thousands of dollars.
G. & A. expense $375,000 in accordance with the requirements of this standard.

Work existing prior to January 1, 1978 may include:

(1) Government contracts which contain the CAS clause;

(2) Government contracts which do not contain the CAS clause;

(3) Contracts other than Government contracts or customer orders; and

(4) Production not specifically identified with contracts or customer orders under production or work orders existing prior to the date on which a business unit must first allocate its costs in compliance with this Standard and which are limited in time or quantity.

Production under standing or unlimited work orders, continuous flow processes and the like, not identified with contracts or customer orders are to be treated as final cost objectives awarded after the date on which a business unit must first allocate its costs in compliance with the requirements of this Standard.

Business Unit N may allocate the G&A expense pool as follows:

[In dollars]

	Year 1978	Year 1979	Year 1980
1. G. & A. expense pool	375	375	375
Cost of sales rate	375/3,000= .125	375/2,500= .15	375/3,250= .115
Cost input rate	375/3,000= .125	375/3,000= .125	375/3,000= .125
2. G. & A. allocations:			
Prior contracts:			
Non-CAS work	600×0.125= 75.00	450×0.15 = 67.50	450×0.115= 51.75
CAS-fixed price work	550×0.125= 68.75	650×0.15 = 97.50	800×0.115= 92.00
CAS-cost contracts	700×0.125= 87.50	700×0.15 =105.00	700×0.115= 80.50
After contracts:			
Non-CAS wor't	500×0.125= 62.50	500×0.125= 62.50	500×0.125= 62.50
CAS-fixed price work	500×0.125= 62.50	500×0.125= 62.50	500×0.125= 62.50
CAS-cost contracts	300×0.125= 37.50	300×0.125= 37.50	300×0.125= 37.50
	393.75	432.50	386.75
3. Inventory suspense account [1]	200		
G. & A. rate applicable	.125		

[1] Beginning inventory of contracts subject to the CAS clause, January 1978.

2.B In cost accounting period 1982, Business Unit N has an ending inventory of contracts subject to the CAS clause of $100,000. This is the first cost accounting period after the transition in which the amount of the ending inventory is less than the amount of the inventory suspense account. During this cost accounting period, Business Unit N had G&A expenses of $410,000 and cost input of $3,500,000, $1,500,000 applicable to contract subject to the CAS clause and $2,000,000 applicable to other work.

Business Unit N would compute its G&A expense allocation rate applicable to contracts subject to the CAS clause as follows:

(1) Amount of inventory suspense account	$200,000
Amount of ending inventory	100,000
Difference	100,000
G. & A. rate applicable (see A above)	×0.125
Adjustment to G. & A. expense applicable to contracts subject to the CAS clause	12,500
(2) G. & A. expense pool	410,000
G. & A. expenses applicable to contracts subject to the CAS clause ($1,500,000/$3,500,000 ×$410,000)	175,890
G. & A. expenses applicable to other work	234.110
(3) G. & A. expenses applicable to contracts subject to the CAS clause	175,890
Adjustment to G. & A. expenses applicable to contracts subject to the CAS clause	−12,500
G. & A. expenses allocable to contracts subject to the CAS clause	163,390
(4) G. & A. expense allocation rate applicable to contracts subject to the CAS clause for cost accounting period 1982 −$163,390/$1,500,000=0.109.	

The amount of the inventory suspense account would be reduced to $100,000.

§ 1-3.1220-11 Accounting for acquisition costs of material.

PART 411—COST ACCOUNTING STANDARD ACCOUNTING FOR ACQUISITION COSTS OF MATERIAL

Sec.
411.10 General applicability.
411.20 Purpose.
411.30 Definitions.
411.40 Fundamental requirement.
411.50 Techniques for application.
411.60 Illustrations.
411.70 Exemptions.
411.80 Effective date.

AUTHORITY: 84 Stat. 796, sec. 103 (50 U.S.C. App. 2168).

SOURCE: The provisions of Part 411 appear at 40 FR 19425, May 5, 1975, unless otherwise noted.

§ 411.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

§ 411.20 Purpose.

(a) The purpose of this Cost Accounting Standard is to provide criteria for the accounting for acquisition costs of material. The Standard includes provisions on the use of inventory costing methods. Consistent application of this Standard will improve the measurement and assignment of costs to cost objectives.

(b) This Cost Accounting Standard does not cover accounting for the acquisition costs of tangible capital assets nor accountability for Government-furnished materials.

§ 411.30 Definitions.

(a) The following definitions of terms which are prominent in this Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section:

(1) *Allocate.* To assign an item of cost, or a group of items of cost, to one or more cost objectives. This term includes both direct assignment of cost and the reassignment of a share from an indirect cost pool.

(2) *Business Unit.* Any segment of an organization or an entire business organization which is not divided into segments.

(3) *Category of Material.* A particular kind of goods, comprised of identical or interchangeable units, acquired or produced by a contractor, which are intended to be sold, or consumed or used in the performance of either direct or indirect functions.

(4) *Cost Objective.* A function, organizational subdivision, contract or other work unit for which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, capitalized projects, etc.

(5) *Material Inventory Record.* Any record used for the accumulation of actual or standard costs of a category of material recorded as an asset for subsequent cost allocation to one or more cost objectives.

(6) *Moving Average Cost.* An inventory costing method under which an average unit cost is computed after each acquisition by adding the cost of the newly acquired units to the cost of the units of inventory on hand and dividing this figure by the new total number of units.

(7) *Weighted Average Cost.* An inventory costing method under which an average unit cost is computed periodically by dividing the sum of the cost of beginning inventory plus the cost of acquisitions, by the total number of units included in these two categories.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Standard: None.

§ 411.40 Fundamental requirement.

(a) The contractor shall have, and consistently apply, written statements of accounting policies and practices for accumulating the costs of material and for allocating costs of material to cost objectives

(b) The cost of units of a category of material may be allocated directly to a cost objective provided the cost objective was specifically identified at the time of purchase or production of the units.

(c) The cost of material which (1) is used solely in performing indirect functions, or (2) is not a significant element of production cost, whether or not incorporated in an end product, may be allocated to an indirect cost pool. When significant, the cost of such indirect material not consumed in a cost accounting period shall be established as an asset at the end of the period.

(d) Except as provided in paragraphs (b) and (c) of this section, the cost of a category of material shall be accounted for in material inventory records.

(e) In allocating to cost objectives the costs of a category of material issued from company-owned material inventory, the costing method used shall be selected in accordance with the provisions of § 411.50, and shall be used in a manner which results in systematic and rational costing of issues of material to cost objectives. The same costing method shall, within the same business unit, be used for similar categories of materials.

§ 411.50 Techniques for application.

(a) Material cost shall be the acquisition cost of a category of material whether or not a material inventory record is used. The purchase price of material shall be adjusted by extra charges incurred or discounts and credits earned. Such adjustments shall be charged or credited to the same cost objective as the purchase price of the material, except that where it is not practical to do so, the contractor's policy may provide for the consistent inclusion of such charges or credits in an appropriate indirect cost pool.

(b) One of the following inventory costing methods shall be used when issuing material from a company-owned inventory:

(1) The first-in, first-out (FIFO) method,
(2) The moving average cost method,
(3) The weighted average cost method,
(4) The standard cost method, or
(5) The last-in, first-out (LIFO) method.

(c) The method of computation used for any inventory costing method selected pursuant to the provisions of this Standard shall be consistently followed.

(d) Where the excess of the ending inventory over the beginning inventory of material of the type described in § 411.40(c) is estimated to be significant in relation to the total cost included in the indirect cost pool, the cost of such unconsumed material shall be established as an asset at the end of the period by reducing the indirect cost pool by a corresponding amount.

§ 411.60 Illustrations

(a) Contractor "A" has one contract which requires two custom-ordered, high-value, airborne cameras. The contractor's established policy is to order such special items specifically identified to a contract as the need arises and to charge them directly to the contract. Another contract is received which requires three more of these cameras, which the contractor purchases at a unit cost which differs from the unit cost of the first two cameras ordered. When the purchase orders were placed, the contractor identified the specific contracts on which the cameras being purchased were to be used. Although these cameras are identical, the actual cost of each camera is charged to the contract for which it was acquired without establishing a material inventory record. This practice would not be a violation of this Standard.

(b)(1) A Government contract requires use of electronic tubes identified as "W." The contractor expects to receive other contracts requiring the use of tubes of the same type. In accordance with its written policy, the contractor establishes a material inventory record for electronic tube "W," and allocates the cost of units issued to the existing Government contract by the FIFO method. Such a practice would conform to the requirements of this Standard.

(2) The contractor is awarded several additional contracts which require an electronic tube which the contractor concludes is similar to the one described in paragraph (b)(1) of this section and which is identified as "Y." At the time a purchase order for these

tubes is written, the contractor cannot identify the specific number of tubes to be used on each contract. Consequently, the contractor establishes an inventory record for these tubes and allocates their cost to the contracts on an average cost method. Because a FIFO method is used for a similar category of material within the same business unit, the use of an average cost method for "Y" would be a violation of this Standard.

(c) A contractor complies with the Cost Accounting Standard on standard costs (Part 407 of this chapter), and he uses a standard cost method for allocating the costs of essentially all categories of material. Also, it is the contractor's established practice to charge the cost of purchased parts which are incorporated in his end products, and which are not a significant element of production cost to an indirect cost pool. Such practices conform to this Standard.

(d) A contractor has one established inventory for type "R" transformers. The contractor allocates by the LIFO method the current costs of the individual units issued to Government contracts. Such a practice would conform to the requirements of this Standard.

(e) A contractor has established inventories for various categories of material which are used on Government contracts. During the year the contractor allocates the costs of the units of the various categories of material issued to contracts by the moving average cost method. The contractor uses the LIFO method for tax and financial reporting purposes and, at year end, applies a pooled LIFO inventory adjustment for all categories of material to Government contracts. This application of pooled costs to Government contracts would be a violation of this Standard because the lump sum adjustment to all of the various categories of material is, in effect, a noncurrent repricing of the material issues.

§ 411.70 Exemptions.

None for this Standard.

§ 411.80 Effective date.

(a) The effective date of this Standard is January 1, 1976 (40 FR 32823, August 5, 1975).

(b) This Standard shall be applied to materials purchased or produced after the start of the contractor's next fiscal year beginning after receipt of a contract to which this Standard is applicable.

§ 1-3.1220-12 Composition and measurement of pension cost.

PART 412—COST ACCOUNTING STANDARDS FOR COMPOSITION AND MEASUREMENT OF PENSION COST

Sec.
412.10 General applicability.
412.20 Purpose.
412.30 Definitions.
412.40 Fundamental requirement.
412.50 Techniques for application.
412.60 Illustrations.
412.70 Exemptions.
412.80 Effective date.

AUTHORITY: 84 Stat. 796, sec. 103 (50 U.S.C. App. 2168)

SOURCE: The provisions of Part 412 appear at 40 FR 43873, September 24, 1975, Correction 40 FR 45417, October 2, 1975, unless otherwise noted.

§ 412.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

§ 412.20 Purpose.

The purpose of this Standard is to provide guidance for determining and measuring the components of pension cost. The Standard establishes the basis on which pension costs shall be assigned to cost accounting periods. The provisions of this Cost Accounting Standard should enhance uniformity and consistency in accounting for pension costs and thereby increase the probability that those costs are properly allocated to cost objectives.

§ 412.30 Definitions.

(a) The following definitions of terms which are prominent in this Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Standard and are defined in Part 400 of this chapter have the meaning ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section:

(1) *Accrued benefit cost method.* An actuarial cost method under which units of benefit are assigned to each cost accounting period and are valued as they accrue—that is, based on the services performed by each employee in the period involved. The measure of normal cost under this method for each cost accounting period is the present value of the units of benefits deemed to be credited to employees for service in that period. The measure of the actuarial liability at a plan's inception date is the present value of the units of benefit credited to employees for service prior to that date. (This method is also known as the Unit Credit cost method.)

(2) *Actuarial assumption.* A prediction of future conditions affecting pension cost; for example, mortality rate, employee turnover, compensation levels, pension fund earnings, changes in values of pension fund assets.

(3) *Actuarial cost method.* A technique which uses actuarial assumptions to measure the present value of future pension benefits and pension fund administrative expenses, and which assigns the cost of such benefits and expenses to cost accounting periods.

(4) *Actuarial gain and loss.* The effect on pension cost resulting from differences between actuarial assumptions and actual experience.

(5) *Actuarial liability.* Pension cost attributable, under the actuarial cost method in use, to years prior to the date of a particular actuarial valuation. As of such date, the actuarial liability represents the excess of the present value of the future benefits and administrative expenses over the present value of future contributions for the normal cost for all plan participants and beneficiaries. The excess of the actuarial liability over the value of the assets of a pension plan is the Unfunded Actuarial Liability.

(6) *Defined-benefit pension plan.* A pension plan in which the benefits to be paid or the basis for determining such benefits are established in advance and the contributions are intended to provide the stated benefits.

(7) *Defined-contribution pension plan.* A pension plan in which the contributions to be made are established in advance and the benefits are determined thereby.

(8) *Funded pension cost.* The portion of pension costs for a current or prior cost accounting period that has been paid to a funding agency or, under a pay-as-you-go plan, to plan participants or beneficiaries.

(9) *Funding agency.* An organization or individual which provides facilities to receive and accumulate assets to be used either for the payment of benefits under a pension plan, or for the purchase of such benefits.

(10) *Multiemployer pension plan.* A plan to which more than one employer contributes and which is maintained pursuant to one or more collective bargaining agreements between an employee organization and more than one employer.

(11) *Normal cost.* The annual cost attributable, under the actuarial cost method in use, to years subsequent to a particular valuation date.

(12) *Pay-as-you-go cost method.* A method of recognizing pension cost only when benefits are paid to retired employees or their beneficiaries.

(13) *Pension plan.* A deferred compensation plan established and maintained by one or more employers to provide systematically for the payment of benefits to plan participants after their retirement, provided that the benefits are paid for life or are payable for life at the option of the employees. Additional benefits such as permanent and total disability and death payments, and survivorship payments to beneficiaries of deceased employees may be an integral part of a pension plan.

(14) *Projected benefit cost method.* Any of the several actuarial cost methods which distribute the estimated total cost of all of the employees' prospective benefits over a period of years, usually their working careers.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Standard: None.

§ 412.40 Fundamental requirement.

(a) *Components of pension cost.* (1) For defined-benefit pension plans, the components of pension cost for a cost accounting period are (i) the normal cost of the period, (ii) a part of any unfunded actuarial liability, (iii) an interest equivalent on the unamortized portion of any unfunded actuarial liability, and (iv) an adjustment for any actuarial gains and losses.

(2) For defined-contribution pension plans, the pension cost for a cost accounting period is the net contribution required to be made for that period, after taking into account dividends and other credits, where applicable.

(b) *Measurement of pension cost.* (1) For defined-benefit pension plans, the amount of pension cost of a cost accounting period shall be determined by use of an actuarial cost method which measures separately each of the components of pension cost set forth in paragraph (a)(1) of this section, or which meets the requirements set forth in § 412.50 (b)(2).

(2) Each actuarial assumption used to measure pension cost shall be separately identified and shall represent the contractor's best estimates of anticipated experience under the plan, taking into account past experience and reasonable expectations. The validity of the assumptions used may be evaluated on an aggregate, rather than on an assumption-by-assumption, basis.

(c) *Assignment of pension cost.* The amount of pension cost computed for a cost accounting period is assignable only to that period. Except for pay-as-you-go plans, the cost assignable to a period is allocable to cost objectives of that period to the extent that liquidation of the liability for such cost can be compelled or liquidation is actually effected in that period. For pay-as-you-go plans, the entire cost assignable to a period is allocable to cost objectives of that period only if the payment of benefits earned by plan participants can be compelled. If such payment is optional with the company, the amount of assignable costs allocable to cost objectives of that period is limited to the amount of benefits actually paid to retirees or beneficiaries in that period.

§ 412.50 *Techniques for application.*

(a) *Components of pension cost.* (1) Any portion of an unfunded actuarial liability included as a separately identified part of the pension cost of a cost accounting period shall be included in equal annual installments. Each installment shall consist of an amortized portion of the unfunded actuarial liability plus an interest equivalent on the unamortized portion of such liability. The period of amortization shall be established as follows:

(i) If amortization of an unfunded actuarial liability has begun prior to the date this Standard first becomes applicable to a contractor, no change in the amortization period is required by the Standard.

(ii) If amortization of an unfunded actuarial liability has not begun prior to the date this Standard first becomes applicable to a contractor, the amortization period shall begin with the period in which the Standard becomes applicable and shall be no more than 30 years nor less than 10 years. However, if the plan was in existence as of January 1, 1974, the amortization period shall be no more than 40 years nor less than 10 years.

(iii) Each unfunded actuarial liability resulting from the institution of new pension plans or from adoption of improvements to pension plans subsequent to the date this Standard first becomes applicable to a contractor shall be amortized over no more than 30 years nor less than 10 years.

(2) Pension costs applicable to prior years that were specifically unallowable in accordance with then existing Government contractual provisions shall be separately identified and eliminated from any unfunded actuarial liability being amortized pursuant to the provision of paragraph (a)(1) of this section, or from future normal costs if the actuarial cost method in use does not separately develop an unfunded actuarial liability. Interest earned on funded unallowable pension costs, based on the valuation rate of return, need not be included by contractors as a reduction of future years' computations of pension costs made pursuant to this Standard.

(3) A contractor shall establish and consistently follow a policy for selecting specific amortization periods for unfunded actuarial liabilities, if any, that are developed under the actuarial cost method in use. Such policy may give consideration to factors such as the size and nature of unfunded actuarial liabilities.

(4) Actuarial assumptions used in calculating the amount of an unfunded actuarial liability shall be the same as those used for other components of pension cost. If any assumptions are changed during an amortization period, the resulting increase or decrease in an unfunded actuarial liability shall be separately amortized over no more than 30 years nor less than 10 years.

(5) Actuarial gains and losses shall be identified separately from unfunded actuarial liabilities that are being amortized pursuant to the provisions of this Standard. The accounting treatment to be afforded to such gains and losses shall be consistently applied for each pension plan.

(6) An excise tax assessed pursuant to a law or regulation because of inadequate or delayed funding of a pension plan is not a component of pension cost.

(7) If any portion of the pension cost computed for a cost accounting period is not funded in that period, no amount for interest on the portion not funded in that period shall be a component of pension cost of any future cost accounting period. Conversely, if a contractor prematurely funds pension costs in a current cost accounting period, the interest earned on such premature funding, based on the valuation rate of return, may be excluded from future years' computations of pension cost made pursuant to this Standard.

(8) For purposes of this Standard, defined-benefit pension plans funded exclusively by the purchase of individual or group permanent insurance or annuity contracts shall be treated as defined-contribution pension plans. However, all other defined-benefit pension plans administered wholly or in part through insurance company contracts shall be subject to the provisions of this Standard relative to defined-benefit pension plans.

(9) If a pension plan is supplemented by a separately-funded plan which provides retirement benefits to all of the participants in the basic plan, the two plans shall be considered as a single plan for purposes of this Standard. If the effect of the combined plans is to provide defined-benefits for the plan participants, the combined plan shall be treated as a defined-benefit plan for purposes of this Standard.

(10) A multiemployer pension plan established pursuant to the terms of a collective bargaining agreement shall be considered to be a defined-contribution pension plan for purposes of this Standard.

(11) A pension plan applicable to colleges and universities that is part of a State pension plan shall be considered to be a defined-contribution pension plan for purposes of this Standard.

(b) *Measurement of pension cost.* (1) The amount of pension cost assignable to cost accounting periods shall be measured by the accrued benefit cost method or by a projected benefit cost method which identifies separately normal costs, any unfunded actuarial liability, and periodic determinations of actuarial gains and losses, except as provided in paragraph (b)(2) of this section.

(2) Any other projected benefit cost method may be used, provided that:

(i) The method is used by the contractor in measuring pension costs for financial accounting purposes;

(ii) The amount of pension cost assigned to a cost accounting period computed under such method is reduced by the excess, if any, of the value of the assets of the pension fund over the actuarial liability of the plan as determined by a projected benefit cost method set forth in paragraph (b)(1) of this section;

(iii) The contractor accumulates supplementary information identifying the actuarial gains and losses (and, separately, gains or losses resulting from changed actuarial assumptions) that have occurred since the last determination of gains and losses and the extent to which such gains and losses have been amortized through subsequent pension contributions or offset by gains and losses in subsequent cost accounting periods, and

(iv) The cost of future pension benefits is spread over the remaining average working lives of the work force.

(3) Irrespective of the projected benefit cost method used, the calculation of normal cost shall be based on a percentage of payroll for plans where the pension benefit is a function of salaries and wages and on employee service for plans where the pension benefit is not a function of salaries and wages.

(4) The cost of benefits under a pay-as-you-go pension plan shall be measured in the same manner as are the costs of defined-benefit plans whose benefits are provided through a funding agency.

(5) Actuarial assumptions should reflect long-term trends so as to avoid distortions caused by short-term fluctuations.

(6) Pension cost shall be based on provisions of existing pension plans. This shall not preclude contractors from making salary projections for plans whose benefits are based on salaries and wages, or from considering improved benefits for plans which provide that such improved benefits must be made.

(7) If the evaluation of the validity of actuarial assumptions shows that, in the aggregate, the assumptions were not reasonable, the contractor shall (i) identify the major causes for the resultant actuarial gains or losses and (ii) provide information as to the basis and rationale used for retaining or revising such assumptions for use in the ensuing cost accounting period(s).

(c) *Assignment of pension cost.* (1) Amounts funded in excess of the pension cost computed for a cost accounting period pursuant to the provisions of this Standard shall be applied to pension costs of future cost accounting periods.

(2) Evidence that the liquidation of a liability for pension cost can be compelled includes (i) provisions of law such as the funding provisions of the Employee Retirement Income Security Act of 1974, except as provided in paragraph (c)(3) of this section, (ii) a contractual agreement which requires liquidation of the liability, or (iii) the existence of rights by a third party to require liquidation of the liability.

(3) Any portion of pension cost computed for a cost accounting period that is deferred to future periods pursuant to a waiver granted under provisions of the Employee Retirement Income Security Act of 1974, shall not be assigned to the current period. Rather, such costs shall be assigned to the cost accounting period(s) in which the funding takes place.

(4) A liability for pension cost for a cost accounting period (or, for pay-as-you-go plans, for payments to retirees or beneficiaries for a period) shall be considered to be liquidated in the period if funding is effected by the date established for filing a Federal income tax return (including authorized extensions). For contractors not required to file Federal income tax returns, the date shall be that established for filing Federal corporation income tax returns.

§ 412.60 *Illustrations.*

(a) *Components of pension cost.* (1) Contractor A has a defined-benefit pension plan for its employees. The contractor's policy has been to compute and fund as annual pension cost normal cost plus only interest on the unfunded actuarial liability. Pursuant to § 412.40(a)(1), the components of pension cost for a cost accounting period must now include not only the normal cost for the period and interest on the unfunded actuarial liability, but also an amortized portion of the unfunded actuarial liability. The amortization of the liability and the interest equivalent on the unamortized portion of the liability must be computed in equal annual installments.

(2) Contractor B has insured pension plans for each of two small groups of employees. One plan is funded through a group permanent insurance contract; the other plan is funded through a group deferred annuity contract. Both plans provide for defined benefits. Pursuant to § 413.50(a)(8), for purposes of this Standard the plan financed through a group permanent insurance contract shall be considered to be a defined-contribution pension plan; the net premium required to be paid for a cost accounting period (after deducting dividends and any credits) shall be the pension cost for that period. However, the group deferred annuity plan is subject to the provisions of this Standard that are applicable to defined-benefit plans.

(3) Contractor C provides pension benefits for certain hourly employees through a multiemployer defined-benefit plan. Under the collective bargaining agreement, the contractor pays six cents into the fund for each hour worked by the covered employees. Pursuant

to § 412.50(a)(10), the plan shall be considered to be a defined-contribution pension plan. The payments required to be made for a cost accounting period shall constitute the assignable pension cost for that period.

(4) Contractor D provides pension benefits for certain employees through a defined-contribution pension plan. However, the contractor has a separate fund which is used to supplement pension benefits provided for all of the participants in the basic plan in order to provide a minimum monthly retirement income to each participant. Pursuant to § 412.50(a)(9), the two plans shall be considered as a single plan for purposes of this Standard. Because the effect of the supplemental fund is to provide defined-benefits for the plan's participants, the provisions of this Standard relative to defined-benefit pension plans shall be applicable to the combined plan.

(b) *Measurement of pension cost.* (1) Contractor E has a pension plan whose costs are assigned to cost accounting periods by use of an actuarial cost method which does not separately identify actuarial gains and losses or the effect on pension cost resulting from changed actuarial assumptions. If this cost method is used to measure costs for financial accounting purposes, it may be used for purposes of this Standard, provided that the contractor develops the supplementary information set forth in § 412.50(b)(2)(iii) regarding such gains and losses and changed actuarial assumptions. In addition, the contractor must develop an actuarial liability determined by a projected benefit cost method set forth in § 412.50(b)(1). If the resultant actuarial liability is less than the value of the pension fund, the pension cost computed for the cost accounting period must be reduced by that amount (§ 412.50(b)(2)(ii)).

(2) For a number of years Contractor F has had a pay-as-you-go pension plan which provides for payments of $200 a month to employees after retirement. The contractor is currently making such payments to several retired employees and charges such payments against current income as its pension cost. For the current cost accounting period, the contractor paid benefits totaling $24,000. Contractor F's method of accounting for pension cost does not comply with the provisions of this Standard relative to pay-as-you-go plans as set forth in §§ 412.40(c) and 412.50(b)(4). The contractor should:

(i) Compute, by use of an actuarial cost method, its actuarial liability for benefits earned by plan participants. This entire liability is always unfunded for a pay-as-you-go plan.

(ii) Compute a level amount which, including an interest equivalent, would amortize the unfunded actuarial liability over a period of no less than 10 or more than 40 years.

(iii) Compute, by use of the actuarial cost method selected, a normal cost for the period. The sum of paragraphs (b)(2)(ii) and (iii) of this section represents the amount of pension cost assignable to the period. If payment of benefits earned by plan participants can be compelled, the entire amount of cost assignable to the period is allocable to cost objectives of that period. If such payments cannot be compelled, the amount of assignable cost allocable to cost objectives of that period is limited to the amount of benefits actually paid in that period ($24,000).

(3) Contractor G has two defined-benefit pension plans which provide for fixed dollar payments to hourly employees. Under one plan, the contractor's actuary believes that the contractor will be required to increase the level of benefits by specified percentages over the next several years. In calculating pension costs, the contractor may not assume future benefits greater than that currently required by the plan. With regard to the second plan, a collective bargaining agreement negotiated with the employee's labor union provided that pension benefits will increase by specified percentages over the next several years. Because the improved benefits are required to be made, the contractor can consider such increased benefits in computing pension costs for the current cost accounting period (§ 412.50(b)(6)).

(c) *Assignment of pension cost.* Contractor H has a trusteed pension plan for its salaried employees. It computes $1 million of pension cost for a cost accounting period. Pursuant to the funding provisions of the Employee Retirement Income Security Act of 1974, the company must fund at least $800,000. Because liquidation of the liability for the portion of pension cost required by law to be funded ($800,000) can be compelled, such cost is allocable to cost objectives of the period, in accordance with § 412.40(c). If Contractor H can be compelled by the trustee or the plan participants to fund the remaining $200,000, the liability therefor is also allocable to cost objectives of that period.

§ 412.70 Exemptions.

None for this Standard.

§ 412.80 Effective date.

(a) The effective date of this Standard is January 1, 1976 (40 FR 58281, December 16, 1975).

(b) This Standard shall be followed by each contractor on or after the start of his next cost accounting period beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

§ 1–3.1220–13 [Reserved].

§ 1–3.1220–14 Cost of money as an element of the cost of facilities capital.

PART 414—COST ACCOUNTING STANDARD—COST OF MONEY AS AN ELEMENT OF THE COST OF FACILITIES CAPITAL

Sec.
414.10 General applicability.
414.20 Purpose.
414.30 Definitions.
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414.50 Technique for application.
414.60 Illustrations.
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414.80 Effective date.

AUTHORITY. Sec. 719 of the Defense Production Act of 1950, as amended, Pub. L. 91–379, 50 USC App. 2168.

SOURCE: The provisions of Part 414 appear at 41 FR 22241, June 7, 1976, unless otherwise noted.

§ 414.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (4 CFR 331.30).

§ 414.20 Purpose.

The purpose of this Cost Accounting Standard is to establish criteria for the measurement and allocation of the cost of capital committed to facilities as an element of contract cost. Consistent application of these criteria will improve cost measurement by providing for allocation of cost of contractor investment in facilities capital to negotiated contracts.

§ 414.30 Definitions.

(a) The following definitions of terms which are prominent in this Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section:

(1) *Business Unit.* Any segment of an organization, or an entire business organization which is not divided into segments.

(2) *Cost of Capital Committed to Facilities.* An imputed cost determined by applying a cost of money rate to facilities capital.

(3) *Facilities Capital.* The net book value of tangible capital assets and of those intangible capital assets that are subject to amortization.

(4) *Intangible Capital Asset.* An asset that has no physical substance, has more than minimal value, and is expected to be held by an enterprise for continued use or possession beyond the current accounting period for the benefits it yields.

(5) *Tangible Capital Asset.* An asset that has physical substance, more than minimal value, and is expected to be held by an enterprise for continued use or possession beyond the current accounting period for the services it yields.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Standard: None.

§ 414.40 Fundamental requirement.

(a) A contractor's facilities capital shall be measured and allocated in accordance with the criteria set forth in this Standard. The allocated amount shall be used as a base to which a cost of money rate is applied.

(b) The cost of money rate shall be based on interest rates determined by the Secretary of the Treasury pursuant to Pub. L. 92–41 (85 Stat. 97).

(c) The cost of capital committed to facilities shall be separately computed for each contract using facilities capital cost of money factors computed for each cost accounting period.

§ 414.50 Techniques for application.

(a) The investment base used in computing the cost of money for facilities capital shall be computed from accounting data used for contract cost purposes. The form and instructions stipulated in this Standard shall be used to make the computation.

(b) The cost of money rate for any cost accounting period shall be the arithmetic mean of the interest rates specified by the Secretary of the Treasury pursuant to Pub. L. 92–41 (85 Stat 97). Where the cost of money must be determined on a prospective basis the cost of money rate shall be based on the most recent available rate published by the Secretary of the Treasury.

(c)(1) A facilities capital cost of money factor shall be determined for each indirect cost pool to which a significant amount of facilities capital has been allocated and which is used to allocate indirect costs to final cost objectives.

(2) The facilities capital cost of money factor for an indirect cost pool shall be determined in accordance with Form CASB–CMF, and its instructions which are set forth in Appendix A. One form will serve for all the indirect cost pools of a business unit.

(3) For each CAS–covered contract, the applicable cost of capital committed to facilities for a given cost accounting period is the sum of the products obtained by multiplying the amount of allocation base units (such as direct labor hours, or dollars of total cost input) identified with the contract for the

cost accounting period by the facilities capital cost of money factor for the corresponding indirect cost pool. In the case of process cost accounting systems the contracting parties may agree to substitute an appropriate statistical measure for the allocation base units identified with the contract.

§ 414.60 Illustrations.

The use of Form CASB–CMF and other computations anticipated for this Cost Accounting Standard are illustrated in Appendix B.

§ 414.70 Exemption.

(a) This Standard shall not apply to any prime contract or subcontract providing that (i) the date of award of such contract, or (ii) if the contractor has submitted cost or pricing data, the date of final agreement on price as shown on the contractor's signed certificate of current cost or pricing data, precedes the effective date of this Standard.

(b) This Standard shall not apply where compensation for the use of tangible capital assets is based on use rates or allowances such as provided by the provisions of Federal Management Circular 73–8 (Cost Principles for Educational Institutions), Federal Management Circular 74–4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments), § 15.402–1(a) of the Armed Services Procurement Regulation, or other appropriate Federal procurement regulations.

§ 414.80 Effective date.

The effective date of this Standard is October 1, 1976 (41 FR 37091, September 2, 1976).

APPENDIX A.—*Facilities capital cost of money factors computation*

	(1) Applicable cost of money rate—pct	(2) Accumulation and direct distribution of N.B.V.	(3) Allocation of undistributed, basis of allocation	(4) Total net book value, cols. 2+3	(5) Cost of money for the cost accounting period, cols. 1×4	(6) Allocation base for the period, in unit(s) of measure	(7) Facilities capital cost of money factors, cols. 5÷6
Business unit facilities capital:							
Recorded							
Leased property							
Corporate or group							
Total							
Undistributed							
Distributed							
Overhead pools:							
G. & A. expense pools:							
Total							

APPENDIX A

INSTRUCTIONS FOR FORM CASB–CMF

Purpose

The purpose of this form is to (a) accumulate total facilities capital net book values allocated to each business unit for the contractor cost accounting period and (b) convert those values to facilities capital cost of money factors applicable to each overhead or G&A expense allocation base employed within business unit.

Basis

All data pertain to the cost accounting period for which the contractor prepares overhead and G&A expense allocations. The cost of money computations should be compatible with those allocation procedures. More specifically, facilities capital values used should be the same values that are used to generate depreciation or amortization that is allowed for Federal Government contract costing purposes; land which is integral to the regular operation of the business unit shall be included.

Applicable Cost of Money Rate (Col. 1)

Enter here the rate as computed in accordance with § 414.50(b).

Accumulation and Direct Distribution of Net Book Value (Col. 2)

Recorded, Leased Property, Corporate.—The net book value of facilities capital items in this column shall represent the average balances outstanding during the cost accounting period. This applies both to items that are subject to periodic depreciation or amortization and also to such items as land that are not subject to periodic write-offs. Unless there is a major fluctuation, it will be adequate to ascertain the net book of these assets at the beginning and end of each cost accounting period, and to compute an average of those two sets of figures. "Recorded" facilities are the facilities capital items owned by the contractor, carried on the books of the business unit and used in its regular business activity. "Leased property" is the capitalized value of leases for which constructive costs of ownership are allowed in lieu of rental costs under Government procurement regulations. Corporate or group facilities are the business unit's allocable share of corporate-owned and leased facilities. The net book value of items of facilities capital which are held or controlled by the home office shall be allocated to the business unit on a basis consistent with the home office expense allocation.

Distributed and Undistributed.—All facilities capital items that are identified in the contractor's records as solely applicable to an organizational unit corresponding to a specific overhead, G&A or other indirect cost pool which is used to allocate indirect costs to final cost objectives, are listed against the applicable pools and are classified as "distributed." "Undistributed" is the remainder of the business unit's facilities capital. The sum of "distributed" and "undistributed" must also correspond to the amount shown on the "total" line.

Allocation of Distributed.—List in the narrative column all the overhead and G&A expense pools to which "distributed" facilities capital items have been allocated. Enter the corresponding amounts in (Col. 2). The sum of all the amounts shown against specific overhead and G&A expense pools must correspond to the amount shown in the "distributed" line.

Allocation of Undistributed (Col. 3)

Business unit "undistributed" facilities are allocated to overhead and the G&A expense pools on any reasonable basis that approximates the actual absorption of depreciation or amortization of such facilities. For instance, the basis of allocation of undistributed assets in each business unit between, e.g., engineering overhead pool and the manufacturing overhead pool, should be related to the manner in which the expenses generated by these assets are allocated between the two overhead pools. Detailed analysis of this allocation is not required where essentially the same results can be obtained by other means. Where the cost accounting system for purposes of Government contract costing uses more than one "charging rate" for allocating indirect costs accumulated in a single cost pool, one representative base may be substituted for the multiplicity of bases used in the allocation process. The net book value of service center facilities capital items appropriately allocated should be included in this column. The sum of the entries in Column 3 is equal to the entry in the undistributed line, Column 2.

A supporting work sheet of this allocation should be prepared if there is more than one service center or other similar "intermediate" cost objective involved in the reallocation process.

Alternative Allocation Process—As an alternative to the above allocation process all the undistributed assets for one or more service centers or similar intermediate cost objectives may be allocated to the G&A expense pool. Consequently, the cost of money for these undistributed assets will be distributed to the final cost objectives on the same basis that is used to allocate G&A expense. This procedure may be adopted for any cost accounting period only when the contracting parties agree (a) that the depreciation or amortization generated by these undistributed assets is immaterial or (b) that the results of this alternative procedure are not likely to differ materially from those which would be obtained under the "regular" allocation process described previously.

Total Net Book Value (Col. 4)

The sum of Columns 2 and 3. The total of this column should agree with the business unit's total shown in Column 2.

Cost of Money for the Cost Accounting Period (Col. 5)

Multiply the amounts in Column 4 by the percentage rate in Column 1.

Allocation Base for the Period (Col. 6)

Show here the total units of measure used to allocate overhead and G&A expense pools (e.g., direct labor dollars, machine hours, total cost input, etc.). Include service centers that make charges to final cost objectives. Each base unit-of-measure must be compatible with the bases used for applying overhead in the Federal Government contract cost computation.

The total base unit of measure used for allocation in this column refers to all work done in an organizational unit associated with the indirect cost pool and not to Government work alone.

Facilities Capital Cost of Money Factors (C l. 7)

The quotients of cost of money for the cost accounting period (Col. 5) separately divided by the corresponding overhead or C&A expense allocation bases (Col. 6). Carry each computation to five decimal places. This factor represents the cost of money applicable to facilities capital allocated to each unit of measure of the overhead or G&A expense allocation base.

APPENDIX B

EXAMPLE.—ABC CORPORATION

ABC Corporation has a home office that controls three operating divisions (Business Units A, B & C). The home office includes an administrative computer center whose costs are allocated separately to the business units. The separate allocation conforms to the requirements specified in the Cost Accounting Standard No. 403. Tables I through VI deal with home office expense allocations to business units.

The A Division is a business unit as defined by the CASB, and it uses one engineering and one manufacturing overhead pool to accumulate costs for charging overhead to final cost objectives. In addition the indirect cost allocation process also uses two "service centers" with their own indirect cost pools: occupancy and technical computer center.

The costs accumulated in the occupancy pool are allocated among manufacturing overhead, engineering overhead, and the technical computer center on the basis of floor space occupied. The costs accumulated in the technical computer center cost pool are allocated to users on the basis of a CPU hourly rate. Some of these allocations are made to engineering or manufacturing overhead while others are allocated direct to final cost objectives.

At the business unit level, all the indirect expense incurred is regarded either as an engineering or manufacturing expense. Thus the sole item that enters into the business unit G&A expense pool is the allocation received by the A Division from the home office.

Operating results for the A Division are given in Table VII. Facilities capital items for the division are given in Table IX.

The example is based on a single set of illustrative contract cost data given in Table VIII. Since two methods, the "regular" and the "alternative" method, are potentially available for computing cost of money on facilities capital items two sets of different results can be considered.

In addition, total cost input is used in the example as the allocation base for the G&A expense. Two variations of this example have been prepared to illustrate the impact of excluding or including cost of money from total cost input. Variation I, summarized in Table XIII, excludes cost of money from the cost input allocation base. Variation II, summarized in Table XVII and XVIII, includes cost of money in the cost input allocation base.

Throughout the example, where appropriate, cross references have been made to the text of the relevant parts of the Standard.

VARIATION I.—TOTAL COST INPUT ALLOCATION BASE EXCLUDES COST OF MONEY

TABLE I.—*Net book value of home office facilities capital*

	Dec. 31, 1974	Dec. 31, 1975
Administrative computer center facilities capital	$550,000	$450,000
Other home office facilities capital	420,000	380,000
Total	970,000	830,000

The assets in the above table generate allowable depreciation or amortization, as explained in Instructions for Form CASB-CMF (Basis). Thus they should be included in the asset base for cost of money computation.

TABLE II.—*Home office facilities capital annual average balances*

Administrative computer center facilities capital	$500,000
Other home office facilities capital	400,000
Total	900,000

The above averages are based on data in Table I computed in accordance with the criteria in Instructions for Form CASB-CMF (Recorded, leased property, corporate).

$970,000+$830,000=$1,800,000÷2=$900,000

TABLE III.—*Home office depreciation and amortization for 1975*

Administrative computer center facilities capital	$100,000
Other home office facilities capital	40,000
Total	140,000

TABLE IV.—*Allocation of ABC home office expenses to divisions (business units)*

	Total expense	Allocation to business units		
		A	B	C
Administrative computer center	$1,800,000	$900,000	$900,000	
Other home office	4,800,000	2,400,000	1,200,000	$1,200,000
Total	6,600,000	3,300,000	2,100,000	1,200,000

The above allocation is carried out in accordance with 4 CFR Part 403. The expense allocated to individual business units above includes depreciation and amortization as reflected in Table V.

TABLE V.—*Depreciation and amortization component of ABC home office expense*

	Total depreciation and amortization expense	Allocation to business units		
		A	B	C
Administrative computer center	$100,000	$50,000	$50,000	
Other home office	40,000	20,000	10,000	$10,000
Total	140,000	70,000	60,000	10,000

TABLE VI.—*Allocation of home office facilities capital to business units*

(a) Depreciation and amortization allocation in table V converted to percentages.

	Total depreciation and amortization expense (in percent)	Allocation to business units (in percent)		
		A	B	C
Administrative computer center	100	50	50	
Other home office	100	50	25	25

(b) Application of percentages in (a) to average net book values in Table II, in accordance with criteria in Instructions for Form CASB-CMF (Recorded, Leased Property, Corporate).

	Total net book value	Allocation to business units		
		A	B	C
Administrative computer center facilities capital	$500,000	$250,000	$250,000	
Other home office facilities capital	400,000	200,000	100,000	$100,000
Total	900,000	450,000	350,000	100,000

TABLE VII.—*"A" division 1975 operating results*

	Total cost input and G. & A.	Fixed price, CAS-covered contracts	Cost reimbursement, CAS-covered contracts	Commercial and other work
Direct material:				
Purchased parts	$2,000,000	$100,000	$100,000	$1,800,000
Subcontract items	21,530,000	11,750,000	7,205,000	2,575,000
Total	23,530,000	11,850,000	7,305,000	4,375,000
Direct labor and overhead:				
Engineering labor	2,000,000	1,500,000	500,000	
Engineering overhead (80 pct of direct engineering labor)	1,600,000	1,200,000	400,000	
Manufacturing labor	3,000,000	1,200,000	200,000	1,600,000
Manufacturing overhead (200 pct of direct management labor)	6,000,000	2,400,000	400,000	3,200,000
Other direct charges:				
Technical computer center direct charge—2,280 h at $250/h	570,000	200,000	370,000	
Total cost input (excluding cost of money)	36,700,000	18,350,000	9,175,000	9,175,000
G. & A. (8.99 pct of cost input)	3,300,000	1,650,000	825,000	825,000
Total	40,000,000	20,000,000	10,000,000	10,000,000

TABLE VIII.—*Cost data for the contract*

Purchased parts	$83,000
Subcontract items	990,000
Technical computer time 280 h at $250/h	70,000
Engineering labor	330,000
Engineering overhead at 80 pct	264,000
Manufacturing labor	1,210,000
Manufacturing overhead at 200 pct	2,420,000
Total cost input (excluding cost of money)	5,369,000
G. & A. at 8.99 pct	483,000
Total cost input and G. & A. (excluding cost of money)	5,852,000

TABLE IX.—*Division A facilities capital*

Average net book values are computed in accordance with Instructions to Form CASB-CMF. Average figures only are given, the underlying beginning and ending balances for 1975 have not been reproduced.

Name of indirect cost pool the asset is associated with—	Average net book value	Annual depreciation
Engineering overhead	$320,000	$40,000
Manufacturing overhead	4,500,000	900,000
Technical computer center	450,000	90,000
Occupancy	3,000,000	200,000
Facilities capital recorded by division A (see form CASB-CMF instructions for description of recorded)	8,270,000	1,230,000
Allocated from home office, table VI	450,000	
Total division A	8,720,000	

TABLE X.—*Allocation of undistributed facilities capital*

(a) *Occupancy Pool Assets.* Total occupancy pool expenses are assumed to be $1,000,000 of which $200,000 is depreciation per Table IX. Allocation of the $3,000,000 net book value of assets per Table IX is performed on the basis of floor space utilization.

Indirect cost pool	Occupancy expense and depreciation allocation	Percent of total floor space utilized	Asset allocation
Engineering	$200,000	20	$600,000
Manufacturing	750,000	75	2,250,000
Technical computer	50,000	5	150,000
Total	1,000,000	100	3,000,000

(b) *Technical Computer Center Assets.* Total technical computer center expenses for the year are assumed to be $770,000 including $90,000 depreciation per Table IX and $50,000 charge from the occupancy pool per (a) above. A charging rate of $250 per hour is computed assuming a total of 3,080 chargeable CPU hours per annum. The net book value of assets amounting to $600,000 [$450,000 per Table IX plus the $150,000 allocated per (a) above] is allocated on the basis of CPU hours utilized.

TABLE X.—*Allocation of undistributed facilities capital*—Continued

Overhead pool or cost objective	Hours charged	Amount charged	Percent	Asset allocation
Fixed price contracts, table VII	800	$200,000	26	$156,000
Cost reimbursement contracts, table VII	1,480	370,000	48	288,000
Engineering overhead pool	800	200,000	26	156,000
Total	3,080	770,000	100	600,000

(c) *Summary of Undistributed Facilities Capital Allocation.* Undistributed (per Table IX).

Technical computer center	$450,000
Occupancy	3,000,000
Total	3,450,000

Distribution per (a) or (b) above of balances to overhead pools that result in charges direct to final cost objectives

Overhead pool	(a)	(b)	Total
Engineering	$600,000	$156,000	$756,000
Manufacturing	2,250,000		2,250,000
Technical computer center (direct charge to contracts)		444,000	444,000
Total	2,850,000	600,000	3,450,000

TABLE XI.—*Facilities capital cost of money factors computation ("regular" method—cost of money excluded from total cost input)*

[Cost accounting period: year ended, Dec. 31, 1975]

	(1) Applicable cost of money rate 8 pct	(2) Accumulation and direct distribution of N.B.V.	(3) Allocation of undistributed, basis of allocation	(4) Total net book value, cols. 2+3	(5) Cost of money for the cost accounting period, cols. 1×4	(6) Allocation base for the period, in unit(s) of measure	(7) Facilities capital cost of money factors, cols. 5÷6
Business unit facilities capital:							
Recorded	Table IX	8,270,000					
Leased property							
Corporate or group	Table VI	450,000					
Total		8,720,000	(1)			(2)	
Undistributed		3,450,000					
Distributed		5,270,000					
Overhead pools:							
Engineering	Table IX	320,000	756,000	1,076,000	86,080	$2,000,000	.04304
Manufacturing	do	4,500,000	2,250,000	6750,000	540,000	3,000,000	.18
Technical Computer			444,000	444,000	35,520	[3] 2,280	15.57895
C. & A. expense pools: G. & A. expense	Table VI	450,000		450,000	36,000	$36,700,000	.00098
Total		5,270,000	3,450,000	8,720,000	697,600		

[1] Worksheet table X.
[2] Table VII.
[3] Hours.

TABLE XII.—*Facilities capital cost of money factors computation ("Alternative" method—cost of money excluded from total cost input)*

[Cost accounting period: Year ended Dec. 31, 1975]

	(1) Applicable cost of money rate 8 pct	(2) Accumulation and direct distribution of N.B.V.	(3) Allocation of undistributed, basis of allocation	(4) Total net book value, cols. 2+3	(5) Cost of money for the cost accounting period, cols. 1×4	(6) Allocation base for the period, in unit(s) of measure	(7) Facilities capital cost of money factors, cols. 5÷6
Business unit facilities capital:							
Recorded	Table IX	8,270,000					
Leased property							
Corporate or group	Table VI	450,000					
Total		8,720,000	(1)			(2)	
Undistributed		3,450,000					
Distributed		5,270,000					
Overhead pools:							
Engineering	Table IX	320,000		320,000	25,600	$2,000,000	.0128
Manufacturing	Do	4,500,000		4,500,000	360,000	3,000,000	.12
C. A. expense pools: G. & A. expense	Table VI	450,000	3,450,000	3,900,000	312,000	36,700,000	.00850
Total		5,270,000	3,450,000	8,720,000	697,600		

[1] All to G. & A. expense pool.
[2] Table VII.

TABLE XIII.—*Summary of cost of money computation on facilities capital (cost of money excluded from total cost input)*

Allocation base	Allocated to contract table VIII	Computation using regular facilities, capital cost of money factor, table XI	Amount	Computation using alternative facilities capital, cost of money factor, table XII	Amount
Engineering labor	$330,000	0.04304	$14,203	0.0128	$4,224
Manufacturing labor	$1,210,000	.18	217,800	.12	145,200
Technical computer time	[1] 280	15.57805	4,362		
Cost input	$5,369,000	.00098	5,261	.00850	45,636
Total cost of money on facilities capital			241,626		195,060

[1] Hours.

VARIATION II. TOTAL COST INPUT ALLOCATION BASE INCLUDES COST OF MONEY

TABLE XIV.—*Recomputation of "A" division total cost input to reflect inclusion of cost of money*

(a) Regular method:	
Total cost input per table VII	$36,700,000
Cost of money applicable to facilities capital identified with overhead pools per subtotal in col. 5, table XV	661,600
Total cost input including cost of money	37,361,600
(b) Alternative method:	
Total cost input per table VII	36,700,000
Cost of money applicable to facilities capital identified with overhead pools per subtotal in col. 5, table XVI	385,600
Total cost input including cost of money	37,085,600

TABLE XV.—*Facilities capital cost of money factors computation ("regular" method—cost of money included in total cost input)*

[Cost accounting period: year ended, Dec. 31, 1975]

	(1) Applicable cost of money rate percent	(2) Accumulation and direct distribution of N.B.V.	(3) Allocation of undistributed, basis of allocation	(4) Total net book value, cols. 2+3	(5) Cost of money for the cost accounting period, cols. 1×4	(6) Allocation base for the period, in unit(s) of measure	(7) Facilities capital cost of money factors, cols. 5÷6
Business unit facilities capital:							
Recorded	Table IX	8,270,000					
Leased property							
Corporate or group	Table VI	450,000					
Total		8,720,000	[1]			[2]	
Undistributed		3,450,000				[2]	
Distributed		5,270,000				[2]	
Overhead pools:							
Engineering	Table IX	320,000	756,000	1,076,000	86,080	$2,000,000	.04304
Manufacturing	do	4,500,000	2,250,000	6,750,000	540,000	$3,000,000	.18
Technical computer			444,000	444,000	35,520	[3] 2,280	15.57805
Subtotal: Cost of money to be included in total cost input					661,600		
C. & A. expense pools: C. & A. expense	Table VI	450,000		450,000	36,000	$37,361,600	.00096
Total		5,270,000	3,450,000	8,720,000	697,600		

[1] Worksheet table X.
[2] Tables VII and XIV.
[3] Hours.

TABLE XVI.—*Facilities capital cost of money factors computation ("alternative" method—cost of money included in total cost input)*

[Cost accounting period: Year ended, Dec. 31, 1975]

	(1) Applicable cost of money rate percent	(2) Accumulation and direct distribution of N.B.V.	(3) Allocation of undistributed, basis of allocation	(4) Total net book value, cols. 2+3	(5) Cost of money for the cost accounting period, cols. 1×4	(6) Allocation base for the period, in unit(s) of measure	(7) Facilities capital cost of money factors, cols. 5÷6
Business unit facilities capital:							
Recorded	Table IX	8,270,000					
Leased property							
Corporate or group	Table VI	450,000					
Total		8,720,000	[1]			[2]	
Undistributed		3,450,000				[2]	
Distributed		5,270,000					
Overhead pools:							
Engineering	Table IX	320,000		320,000	25,600	$2,000,000	0.0128
Manufacturing	Do	4,500,000		4,500,000	360,000	$3,000,000	.12
Subtotal: Cost of money to be included in total cost input					385,600		
C. & A. expense pools: G. & A. expense	Table VI	450,000	3,450,000	3,900,000	312,000	$37,085,600	.00841
Total		5,270,000	3,450,000	8,720,000	697,600		

[1] All to C. & A. expense pool.
[2] Tables VII and XIV.

TABLE XVII.—*Summary of cost of money computation on facilities capital (cost of money included in total cost input—regular method)*

Allocation base	Allocated to contract, table VIII	Computation using regular facilities, capital cost of money factor, table XVI	Amount
Engineering labor	$330,000	0.04304	$14,203
Manufacturing labor	$1,210,000	.18	217,800
Technical computer time	[1] 280	15.57895	4,362
Cost of money related to overheads			236,365
Cost of money above to be included in cost input	$236,365		
Cost input, table VIII	$5,369,000		
Cost input including cost of money	$5,605,365	.00096	5,381
Total cost of money on facilities capital			241,746

[1] Hours.

TABLE XVIII.—*Summary of cost of money computation on facilities capital (cost of money included in total cost input—alternative method)*

Allocation base	Allocated to contract, table VIII	Computation using alternative facilities, capital cost of money factor, table XVI	Amount
Engineering labor	$330,000	0.0128	$4,224
Manufacturing labor	1,210,000	.12	145,200
Cost of money related to overheads			149,424
Cost of money above to be included in cost input	149,424		
Cost input, table VIII	5,369,000		
Cost input including cost of money	5,518,424	.00841	46,410
Total cost of money on facilities capital			195,834

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

Effective date: This amendment is effective December 10, 1976, but may be observed earlier.

Dated: October 8, 1976.

NOTE.—It is hereby certified that the impact does not meet the inflation impact criteria for major rules or regulations.

TERRY CHAMBERS,
Acting Administrator of General Services.

[FR Doc.76-30748 Filed 10-27-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

[Circular No. 2409]

PART 2800—RIGHTS-OF-WAY

Principles and Procedures Terms and Conditions

On page 34977 of the FEDERAL REGISTER of Wednesday, August 18, 1976, a notice was published proposing to amend 43 CFR 2801.1–5. The amendment provides that State or local governments, whose power to assume liability by agreement is limited by law, shall indemnify the United States to the extent they may legally do so. Comments were requested for a thirty-day period, ending September 18, 1976. No comments, suggestions, or objections were received. The rulemaking is adopted as proposed.

43 CFR 2801.1–5(f) is therefore amended as set forth below, effective November 29, 1976.

CHRIS FARRAND,
Deputy Assistant Secretary of the Interior.

OCTOBER 20, 1976.

§ 2801.1–5 Terms and conditions.

* * * * *

(f) To pay to theUnited Statesthe

(f) To pay to the United States the full value for all damages to the lands or other property of the United States caused by him or by his employees, contractors, or employees of the contractors, and to indemnify the United States against any liability for damages to life, person or property arising from the occupancy or use of the lands under the right-of-way; except that where a right-of-way is granted hereunder to a state or other governmental agency whose power to assume liability by agreement is limited by law, such agency shall indemnify the United States as provided above to the extent that it may legally do so.

[FR Doc.76-31504 Filed 10-27-76;8:45 am]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5606]

[WY-15395]

WYOMING

Withdrawal for National Forest Historical Area; Public Land Order No. 5601; Correction

Public Land Order No. 5601 of August 11, 1976, appearing at page 35067 in the FEDERAL REGISTER of August 19, 1976, is hereby corrected to include the following described lands which were inadvertently omitted:

SIXTH PRINCIPAL MERIDIAN

T. 29 N., R. 118 W. (unsurveyed),
Sec. 25, N½N½N½;
Sec. 26, NE¼NE¼.

JACK O. HORTON,
Assistant Secretary of the Interior.

OCTOBER 20, 1976.

[FR Doc.76-31503 Filed 10-27-76;8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket OPS-30; Amdt. 192-27A]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE, MINIMUM FEDERAL SAFETY STANDARDS

Offshore Pipeline Facilities

By letter dated September 14, 1976, the American Petroleum Institute (API), acting on behalf of its members who gather gas offshore, petitioned for reconsideration of Amendment 192–27 to 49 CFR Part 192, issued by the Materials Transportation Bureau (MTB) on August 9, 1976 (41 FR 34598, August 16, 1976). Amendment 192–27 modified many of the regulations in Part 192 applicable to offshore gas pipelines, and for the first time, subjected certain offshore gas gathering lines to applicable standards for design, construction, testing, operation, and maintenance. As stated in the preamble to Amendment 192–27, with certain exceptions and extensions of time for compliance, the new and amended rules become effective for offshore gathering lines November 1, 1976.

The API petition addresses three points of concern: First, API states—

Amendment 192-27 is silent with regard to the date when operators must comply with the provisions of Subsection 192.603, "General Provisions" and Subsection 192.605, "Essentials of Operating and Maintenance Plan", in Subpart L, "Operations". The Institute presumes that the broad expansion of the scope of Part 192 promulgated in the Amendment becomes effective on November 1, 1976

except where other effective dates are announced in the preamble.

The Institute requests that DOT extend the deadline for preparing operating and maintenance plans for newly regulated facilities until November 1, 1977 at the earliest. By expanding the scope of the regulations, the Amendment brings many previously unregulated facilities under federal jurisdiction. Many of the operators of these facilities do not have operating and maintenance plans prepared in accordance with Department of Transportation specifications and must begin to develop them now. Other operators of onshore facilities now find their offshore facilities regulated and must modify their existing operating and maintenance plans to cover the very different circumstances encountered offshore. The preparation of operations and maintenance plans for offshore gathering facilities in a complex task that cannot be accomplished in the few weeks remaining before November 1, 1976.

MTB has reexamined the requirements of §§ 192.603 and 192.605 with respect to the preparation of an "operating and maintenance" plan for offshore gathering lines. Amendment 192–27 allowed operators of these lines approximately 2½ months lead time to prepare the plan. Although not mentioned in the API petition, an analogous situation exists for the "inspection and maintenance" plan required under § 192.17. In issuing Amendment 192–27, MTB presumed that a relatively short lead time would be needed for preparation of the plans primarily because of the experience which operators have had in preparing and executing the plans for gas facilities other than offshore gathering lines. However, based on the arguments presented by API, it appears that some additional lead time is warranted. API suggests that the deadline for compliance be extended to November 1, 1977, providing 14½ months lead time. This amount of time seems excessive, however, in view of the few substantive requirements in Part 192 related to preparation of the plans. Rather, as a result of discussion held with the Technical Pipeline Safety Standards Committee during the decision making process on Amendment 192–27, 6 months appears to provide sufficient time. Therefore, the effective date of §§ 192.17, 192.603(b), and 192.605 with respect to offshore gas gathering lines is hereby extended from November 1, 1976, to March 16, 1977.

Secondly, the API petition provides:

The Department of Transportation has failed to change some of the existing provisions in Part 192 to prevent the design requirements promulgated in new Subsection 192.111 from being retroactive. While the preamble to the Amendment states that this section does not become effective until August 1, 1977, the provisions of 192.619(a)(3) and 192.619(c) do not provide for the proper calculation of maximum operating pressure for newly regulated lines built before that date. These paragraphs should be amended to allow continued operation of offshore gathering lines and pipelines at the highest actual operating pressure to which they were subjected in the five years previous to August 1, 1977.

The Institute is certain that a simple editorial amendment will suffice in view of the stated intent of Department of Transportation not to make these particular provisions retroactive. The excellent safety record of the lines in question demonstrates the wisdom of avoiding the impediments to transportation which would result from the unnecessary, retroactive derating of existing lines.

In general, § 192.619(a)(3) and (c) permit jurisdictional pipelines in existence on July 1, 1970 (shortly before Part 192 was issued) to be operated at the highest actual operating pressure to which the pipelines were subjected during the 5 preceding years. Paragraph (a)(3) also permits operation at a pressure for which a segment of pipeline was qualified by test during that period. MTB believes it was an oversight not to provide a similar "grandfather" provision for gas gathering lines newly regulated by Amendment 192–27. Therefore, the editorial modifications requested by API are provided as indicated hereinafter.

Finally, the API petition provides:

Subsection 192.317(c) in the Amendment states an impossible performance requirement in saying "Pipelines, including pipe risers, on each platform located offshore or in inland navigable waters must be protected from accidental damage by vessels". It is physically impossible to protect pipe risers against strikes by all vessels. The potential impact of any large vessels is so great that no known pipe riser could withstand it.

In the preamble to this Amendment, the Department of Transportation states that there were no objections to this subsection when it was proposed.

This statement is not correct, since the Institute strongly opposed the proposed amendment at the Department of Transportation Public Hearing on November 17, 1975 and in its written comments. We suggested then that this subsection be deleted because it sets an impossible performance requirement. We wish to state this objection again and recommend the deletion of this subsection.

MTB does not concur with API that § 192.317(c) should be deleted because compliance is impossible, and accordingly this aspect of the petition is denied. By providing that pipelines on platforms be "protected from accidental damage by vessels," § 192.317(c) merely requires that some shielding against damage be provided, either by the platform structure itself or by an ordinary means such as bumpers. Since § 192.317(c) does not specify the level of protection required, the requirement is satisfied if pipelines are not left open or exposed to contact by vessels. MTB realizes, of course, that absolute protection against all possible damage by vessels would be impossible to provide on an offshore platform, but this is more than the rule is intended to require.

Since the amendments contained herein merely clarify the applicability of existing regulations, and impose no additional restrictions, notice and public procedure thereon are unnecessary and the amendments may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, 49 CFR 192.619 is amended, effective immediately, by revising paragraphs (a)(3) and (c) to read as follows:

§ 192.619 Maximum allowable operating pressure: steel or plastic pipelines.

(a) * * *

(3) The highest actual operating pressure to which the segment was subjected during the 5 years preceding July 1, 1970 (or in the case of offshore gathering lines, July 1, 1976), unless the segment was tested in accordance with paragraph (a)(2) of this section after July 1, 1965 (or in the case of offshore gathering lines, July 1, 1971), or the segment was uprated in accordance with Subpart K of this part.

* * * * *

(c) Notwithstanding the other requirements of this section, an operator may operate a segment of pipeline found to be in satisfactory condition, considering its operating and maintenance history, at the highest actual operating pressure to which the segment was subjected during the 5 years preceding July 1, 1970, or in the case of offshore gathering lines, July 1, 1976, subject to the requirements of § 192.611.

(Sec. 105, Pub. L. 93–633, 88 Stat. 2157 (49 USC 1804); 40 FR 43901, 49 CFR 1.53.)

Issued in Washington, D.C. on October 20, 1976.

JAMES T. CURTIS, Jr.,
Director, Materials Transportation Bureau.

[FR Doc.76-31472 Filed 10-27-76;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Hillside National Wildlife Refuges, Mississippi

§ 32.22 Special regulations; upland game; for individual refuge areas.

MISSISSIPPI

HILLSIDE NATIONAL WILDLIFE REFUGE

Public hunting of bobwhite quail, rabbits and squirrels is permitted. The open area, comprising the entire 15,383 acre refuge, is delineated on a map available at the refuge headquarters, Yazoo National Wildlife Refuge, Route 1, Box 286, Hollandale, Mississippi 38748; and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of upland game.

The provisions 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 February 28, 1977.

HAROLD W. BENSON,
Acting Regional Director, United States Fish and Wildlife Service.

OCTOBER 19, 1976.

[FR Doc.76-31500 Filed 10-27-76;8:45 am]

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

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

Prohibition on Encircling Marine Mammals in Course of Fishing Operations for Yellowfin Tuna

On October 15, 1976, the National Marine Fisheries Service published (41 FR 45569) notice that effective 0001 hours, October 22, 1976, U.S. tuna purse seine vessels operating under the terms of the general permit issued to the American Tunaboat Association were prohibited from encircling marine mammals.

On October 21, 1976, Judge William B. Enright, U.S. District Court, San Diego, California, issued a temporary restraining order (Civil # 76-963-E) precluding the revocation or limitation of the general permit which entitles tuna purse seine vessels to encircle porpoise during commercial fishing operations. Oral arguments are scheduled on November 1, 1976, on among other things the issue of whether a preliminary injunction should be issued.

Until such time as this litigation is resolved, the effective date of this prohibition is suspended.

Dated: October 26, 1976.

WINFRED H. MEIBOHM,
Acting Associate Director,
National Marine Fisheries Service.

[FR Doc.76-31634 Filed 10-27-76;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 16—LIMITATION ON IMPORTS OF MEAT

Subpart—Meat Import Law Regulations

MEAT PROCESSED IN FOREIGN-TRADE ZONES AND TERRITORIES OF THE UNITED STATES

Pub. L. 88-482, approved August 22, 1964, 19 U.S.C. 1202 note (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles prescribed by Section 2(a) of the Act.

Under this Act, quantitative limitations on the importation during the calendar year 1976 of meat classified under items 106.10 and 106.20 of the Tariff Schedules of the United States (TSUS) have been imposed by Presidential Proclamation 4469 (41 F.R. 44995).

The Secretary of Agriculture is authorized under section 2(e) of the Act to issue such regulations as he determines to be necessary to prevent circumvention of the purposes of the Act.

Information available to the Secretary of Agriculture shows that boned frozen meat shipped from foreign countries is being processed in Foreign-Trade Zones and in territories of the United States to change its form so that at the time of its entry into the customs territory of the United States it is no longer considered for the purposes of enforcing the import quota imposed by Presidential Proclamation 4469 as the type of meat described in TSUS item 106.10, despite the fact that it has only been shredded, chopped, or otherwise superficially processed. It is hereby determined that the entry into the customs territory of the United States of such articles processed from foreign meat in Foreign-Trade Zones and in Guam, American Samoa, the Virgin Islands or any other possession or territory of the United States is a circumvention of the purposes of the Act and the import quota imposed by Proclamation 4469.

Information available to the Secretary of Agriculture indicates that the entire quantity of 1,233 million pounds of meat which may be imported during the calendar year 1976 under the quota imposed by Presidential Proclamation 4469 will be imported directly by the supplying countries in accordance with the country allocations of such quota. Accordingly, I have determined it to be necessary to prevent circumvention of the purposes of the Act and the import quota imposed thereunder by Presidential Proclamation 4469 to issue the following regulation pursuant to the authority vested in me by section 2(e) of the Act. This regulation would deny entry into the customs territory of the United States during the remainder of the calendar year of articles so processed from foreign meat in Foreign-Trade Zones and territories of the United States.

In accordance with the foregoing determination, Part 16—Limitation on Imports of Meat, Subtitle A of Title 7 of the Code of Federal Regulations, is amended by adding a new Subpart "Meat Import Law Regulations," which reads as follows:

Subpart—Meat Import Law Regulations

Sec.
16.20 General.
16.21 Definitions.
16.22 Meat Processed in Foreign Trade Zones and Territories of the United States.

AUTHORITY: Sec. 2, Pub. L. 88-482 (19 U.S.C. 1202 note) and Presidential Proclamation 4469 (41 F.R. 44995).

Subpart—Meat Import Law Regulations

§ 16.20 General.

The regulation set forth in this subpart has been determined by the Secretary of Agriculture to be necessary to prevent circumvention of the purposes of the Act.

§ 16.21 Definitions.

(a) "Meat" means fresh, chilled, or frozen cattle meat (item 106.10 of the Tariff Schedules of the United States) and fresh chilled, or frozen meat of goats and sheep, except lambs (item 106.20 of the Tariff Schedules of the United States).

(b) "Act" means the Meat Import Law, Sec. 2 of Pub. L. 88-482 (19 U.S.C. 1202 note).

§ 16.22 Meat processed in foreign trade zones and territories of the United States.

Articles, which are produced or manufactured in Foreign Trade Zones of the United States or in Guam, American Samoa, the Virgin Islands or any other possession or territory of the United States from foreign meat which would be subject to import limitations imposed on meat by Presidential Proclamation 4469, shall be denied entry into the customs territory of the United States during the remainder of the calendar year 1976.

Since large quantities of meat are being processed in Foreign Trade Zones and territories for entry into the customs territory of the United States during the remainder of the 1976 calendar year, it is essential that the action taken herewith to prevent circumvention of the purposes of the Act and the import quota imposed by Presidential Proclamation 4469 be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice and effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest and that this regulation shall become effective as set forth below.

Effective date: This regulation shall become effective October 28, 1976, but articles subject thereto which were released under the provisions of Section 448(b) of the Tariff Act of 1930 (19 U.S.C. 1448(b)) prior to such date shall not be denied entry.

Issued at Washington, D.C., this 2d day of October 1976.

JOHN A. KNEBEL,
Acting Secretary of Agriculture.

[FR Doc.76-31541 Filed 10-26-76;8:45 am]

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

EGGS AND POULTRY

Certain Fees and Charges

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), and the Egg Products Inspection Act (84 Stat. 1620 et seq., 21 U.S.C. 1031-1056), the U.S. Department of Agriculture hereby amends the Regulations Governing the Voluntary Inspection and Grading of Egg Products (7 CFR Part 55); the Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56); the Regulations Governing the Inspection of Eggs and Egg Products (7 CFR Part 59); and the Regulations Governing the Voluntary Grading of Poultry Products and Rabbit Products

and United States Classes, Standards, and Grades with Respect Thereto (7 CFR Part 70).

STATEMENT OF CONSIDERATIONS

Costs have steadily escalated in furnishing the voluntary resident poultry, egg, and rabbit grading services, the voluntary egg products inspection service, and the voluntary nonresident services for such products. A general salary increase for Federal employees was effective in October. Also in October, per diem rates and mileage rates for Government travel were increased. The Agricultural Marketing Act, under which these programs are conducted, requires that fees charged substantially cover the costs of the programs. Therefore, fees and charges must be increased. The increases for the voluntary programs are, for the most part, between 5 and 6 percent.

The hourly rate for voluntary nonresident grading services is increased from $14.00 to $14.72 and for such services rendered on Saturdays, Sundays, or holidays the hourly rate is increased from $18.48 to $19.44. The hourly rate for laboratory analyses for other than individual tests is increased from $15.40 to $16.20 and the fees for individual tests are increased approximately 5 percent.

The costs of supervising and administering the voluntary resident poultry and egg grading programs are recovered through administrative charges based on the volume of product handled in the plant. For resident poultry grading, the volume charge is increased from $.00014 to $0.0015 per pound of poultry handled. For resident egg grading, the volume charge is increased from $.014 to $.015 per 37-dozen case of eggs handled. The minimum charge per accounting period for these programs is increased from $80.00 to $85.00 and the maximum fee per period is increased from $625.00 to $675.00.

Administrative charges for the voluntary rabbit grading and egg products inspection programs will continue to be based on 25 percent of the grader's or inspector's total salary costs. The minimum charge per accounting period for these programs is increased from $80.00 to $85.00.

The increased costs of operation also made it necessary to raise the overtime, holiday, and appeal inspection rates for the mandatory egg products inspection program. The increase in these rates is the first adjustment since the implementation of the program in 1971. The first 40 hours of an inspector's charges in the mandatory program are paid by the Government. Users of the service are charged only for work performed in overtime, on holidays, or when performing certain appeal inspections.

The changes in rates for the mandatory egg products inspection program are as follows:

The hourly rate for overtime or holiday inspection service is increased from $8.80 to $10.60. The hourly rate for certain appeal inspections is increased from $10.28 to $13.68.

The amendments are as follows:

PART 55—VOLUNTARY INSPECTION AND GRADING OF EGG PRODUCTS

1. In § 55.510, paragraphs (b) and (c) are revised to read:

§ 55.510 Fees and charges for services other than on a continuous resident basis.

* * * * *

(b) Fees for product inspection and sampling for laboratory analysis and appeals will be based on the time required to perform the services. The hourly charge shall be $14.72 and shall include the time actually required to perform the sampling and inspection, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $19.44 per hour. Information on legal holidays is available from the Supervisor.

* * * * *

2. Section 55.550 is revised to read:

§ 55.550 Laboratory analysis fees.

(a) The fees listed for the following individual laboratory analyses cover costs involved in the preparation and analysis of the product, certificate issuance, and personnel and overhead costs other than the expenses listed in § 55.530:

	Fee
Solids	$8.10
Fat	16.20
Bacteriological plate count	8.10
Bacteriological direct count	16.20
Coliforms	12.15
E. Coli (presumptive)	12.15
Yeast and mold count	8.10
Sugar	20.25
Salt	20.25
Color:	
NEPA	12.15
B-Carotene	16.20
Whipping test	8.10
Whipping test plus bleeding	12.15
Fat film test	20.25
Oxygen	8.10
Glucose:	
Quantitative	16.20
Qualitative	12.15
Palatability and odor:	
First sample	8.10
Each additional sample	4.05
Staphylococcus	24.30
Salmonella: [1]	
Step 1	16.20
Step 2	8.10
Step 3	16.20

[1] Salmonella test may be in three steps as follows: Step 1—growth through differential agars; step 2—growth and testing through triple-sugar-iron and lysine iron agars; step 3—confirmatory test through biochemicals.

(b) The fee charge for any laboratory analysis not listed in paragraph (a) of this section, or for any other applicable services rendered in the laboratory shall be based on the time required to perform such analysis or render such service. The hourly rate shall be $16.20.

3. In § 55.560, paragraph (a)(5) is amended to read:

§ 55.560 Charges for continuous inspection and grading service on a resident basis.

* * * * *

(a) * * *

(5) An administrative service charge equal to 25 percent of the grader's or inspector's total salary costs. A minimum charge of $85.00 will be made each billing period. The minimum charge also applies where an approved application is in effect and no product is handled.

* * * * *

PART 56—GRADING OF SHELL EGGS AND U.S. STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

4. In § 56.46, paragraphs (b) and (c) are revised to read:

§ 56.46 On a fee basis.

* * * * *

(b) Fees for grading services will be based on the time required to perform the services. The hourly charge shall be $14.72 and shall include the time actually required to perform the grading, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sunday, or legal holidays shall be charged for at the rate of $19.44 per hour. Information on legal holidays is available from the Supervisor.

5. In paragraph (a)(8) of § 56.52, the reference to footnote 1 is deleted, the wording in footnote 1 below the paragraph is deleted and is incorporated in the paragraph, and the paragraph is amended to read:

§ 56.52 Continuous grading performed on a resident basis.

* * * * *

(a) * * *

* * * * *

(8) An administrative service charge based upon the aggregate number of 30-dozen cases of all shell eggs handled in the plant per billing period multipied by $.015, except that the minimum charge per billing period shall be $85.00 and the maximum charge shall be $675.00. The minimum charge also applies where an approved application is in effect and no product is handled.

* * * * *

PART 59—INSPECTION OF EGGS AND EGG PRODUCTS

6. Section 59.126 is revised to read:

§ 59.126 Overtime inspection service.

When operations in an official plant require the services of inspection personnel beyond their regularly assigned tour of duty on any day, or on a day outside the established schedule, such services are considered as overtime work. The official plant shall give reasonable advance notice to the inspector of any overtime service necessary and shall pay the Service for such overtime at an hourly rate of $10.60 to cover the cost thereof.

7. In § 59.128, paragraph (a) is revised to read:

§ 59.128 Holiday inspection service.

(a) When an official plant requires inspection service on a holiday or a day designated in lieu of a holiday, such service is considered holiday work. The official plant shall, in advance of such holiday work, request the inspector in charge to furnish inspection service during such period and shall pay the Service therefor at an hourly rate of $10.60 to cover the cost thereof.

* * * * *

8. In § 59.370, paragraph (b) is revised to read:

§ 59.370 Cost of appeals.

* * * * *

(b) The costs of an appeal shall be borne by the appellant at an hourly rate of $13.68, including travel time and expenses if the appeal was frivolous, including but not being limited to the following: The appeal inspection discloses that no material error was made in the original inspection, the condition of the product has undergone a material change since the original inspection, the original lot has changed in some manner, or the Act or these regulations have not been complied with.

PART 70—VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS AND U.S. CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

9. In § 70.71, paragraphs (b) and (c) are revised to read:

§ 70.71 On a fee basis.

* * * * *

(b) Fees for grading services will be based on the time required to perform such services for class, quality, quantity (weight test), or condition, whether ready-to-cook poultry, ready-to-cook rabbits, or specified poultry food products are involved. The hourly charge shall be $14.72 and shall include the time actually required to perform the work, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $19.44 per hour. Information on legal holidays is available from the supervisor.

10. In § 70.77, the reference to footnote 1 in paragraph (a)(6)(i) is deleted, the wording in footnote 1 below paragraph (a)(6) is deleted and is incorporated in the subparagraph, and paragraphs (a) (6) and (7) as amended to read, as follows:

§ 70.77 Charges for continuous poultry or rabbit grading performed on a resident basis.

(a) * * *

(6) For poultry grading: An administrative service charge based upon the aggregate weight of the total volume of all live and ready-to-cook poultry handled in the plant per billing period computed in accordance with the following:

(i) Total pounds per billing period multiplied by $.00015, except that the minimum charge per billing period shall be $85.00 and the maximum charge shall be $675.00. The minimum charge also applies where an approved application is in effect and no product is handled.

(7) For rabbit grading: An administrative service charge equal to 25 percent of the grader's total salary costs. A minimum charge of $85.00 will be made each billing period. The minimum charge also applies where an approved application is in effect and no product is handled.

* * * * *

§ 70.80 [Amended]

11. In § 70.80, the reference to footnote 2 is redesignated as 1 and footnote 2 under the section is redesignated as 1.

Legislation requires that the fees and charges for grading and inspection services under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), shall be reasonable and shall, as nearly as possible, cover the cost of such service. It is also required under the Egg Products Inspection Act (21 U.S.C. 1031 et seq.) that the costs of inspection incurred but not provided for in the mandatory egg and egg products inspection programs be recovered.

The facts upon which the determinations are based as to the level of fees and charges necessary to cover these costs are not available to the industry, but are peculiarly within the knowledge of the Department. Therefore, public rulemaking would not result in the Department receiving additional information on this matter.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER since increased revenues are urgently needed to provide services.

Issued at Washington, D.C. on October 22, 1976, to become effective November 21, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-31471 Filed 10-27-76;8:45 am]

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

[Valencia Orange Reg. 551]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Oct. 29–Nov. 4, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.851 Valencia Orange Regulation 551.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

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

Prices f.o.b. for the week ending October 21, were $3.86 per carton on 621 cars as compared with $3.92 per carton on 619 cars during the prior week. Track and rolling supplies at 282 cars were down 56 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication

hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 26, 1976.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period October 29, 1976, through November 4, 1976, are hereby fixed as follows:

(i) District 1: 270,000 cartons;

(ii) District 2: 330,000 cartons;

(iii) District 3: Unlimited."

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

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

Dated: October 28, 1976.

DAVID A. PATTON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–31831 Filed 10–27–76;11:34 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 1980–E]

PART 1980—GUARANTEED LOAN PROGRAMS

Subpart E—Business and Industrial Loan Program; Correction

In FR Document 76–28724 appearing at page 43390 in the FEDERAL REGISTER of October 1, 1976, paragraph A in the Administrative text following § 1980.476, is corrected by adding the following revised note which was inadvertently deleted immediately after paragraph A. 2. "NOTE: The assumption should be reviewed as if it were a new loan. The Loan Note Guarantee(s) will be endorsed in the space provided on the form(s)."

(7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date. This correction is effective October 1, 1976.

Dated: October 19, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76–31470 Filed 10–27–76;8:45 am]

proposed rules

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 7]

LETTERS OF CREDIT

Proposed Standards for Issuance by National Banks

Notice is hereby given that the Comptroller of the Currency is considering an amendment to 12 CFR 7.701.6, an interpretive ruling relating to letters of credit.

The existing interpretive ruling establishes five standards for the issuance of letters of credit by national banks. The purpose of the amendment is to make clear that these standards are intended as guidelines for the safe and sound issuance of letters of credit. The standards should not be interpreted as creating a federal common law on what constitutes a valid and enforceable letter of credit.

In recent years, several cases have arisen where a national bank issuer of a letter of credit has refused to pay drafts drawn thereunder on the grounds that the document in question did not meet the Comptroller's five standards and was therefore an ultra vires guarantee. This argument, which has been made in pleadings filed in cases involving standby letters of credit, is usually predicated on certain language in the existing ruling stating that the five standards "must" be met in order to constitute a "true letter-of-credit transaction" as contrasted to a "mere guaranty".

While the Comptroller expects national banks to adhere to the standards enumerated in the ruling, it was not his intention to suggest that a letter of credit lacking one or more of the five specified characteristics would thereby be rendered unenforceable. His sole intention was to set standards for the safe and sound issuance of letters of credit, which can be complicated transactions, particularly for banks not experienced in the area. The principles governing the validity and construction of letters of credit, on the other hand, are found in Article 5 of the Uniform Commercial Code as adopted in each jurisdiction, and in the Uniform Customs and Practice for Documentary Credits where applicable. It is on the basis of these principles that the enforceability of letters of credit should be determined.

Other changes in the existing ruling include the deletion of the first enumerated standard ("the bank must receive a fee or other valid business consideration for the issuance of its undertaking") on the grounds that Uniform Commercial Code § 5–105 provides to the contrary. This standard has been replaced with a provision stating that letters of credit should be conspicuously labeled as such, a measure derived from UCC § 5–102(1)(c). Under this provision, national banks financing the shipment of goods or extending credit through their domestic offices to assure the performance of their customers' obligations in the manner described in 12 CFR 7.1160(a), are expected to label their commitments as "letters of credit." The new standard would not prevent a national bank from characterizing a national bank from characterizing its letter of credit as revocable or irrevocable in the manner prescribed in Article 1 of the Uniform Customs and Practice for Documentary Credits.

Comments on the proposed amendment will be received until November 29, 1976, and should be addressed to John E. Shockey, Acting Chief Counsel, Comptroller of the Currency, Washington, D.C. 20219. All comments received will be made available for inspection by any interested party.

The Comptroller of the Currency proposes to revise 12 CFR 7.7016 to read as follows:

§ 7.7016 Letters of credit.

A national bank may issue letters of credit permissible under the Uniform Commercial Code and the Uniform Customs and Practice for Documentary Credits to or on behalf of its customers. Letters of credit should be issued in conformity with the following: (a) Each letter of credit should conspicuously state that it is a letter of credit or be conspicuously entitled as such; (b) the bank's undertaking should contain a specified expiration date or be for a definite term; (c) the bank's undertaking should be limited in amount; (d) the bank's obligation to pay should arise only upon the presentation of a draft or other documents as specified in the letter of credit, and the bank must not be called upon to determine questions of fact or law at issue between the account party and the beneficiary; (e) the bank's customer should have an unqualified obligation to reimburse the bank for payments made under the letter of credit.

Dated: October 20, 1976.

ROBERT BLOOM,
Acting Comptroller of the Currency.

[FR Doc.76-31523 Filed 10-27-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3520]

COMPETITIVE COAL LEASING

Proposed Procedures

On August 4, 1976, the Federal Coal Leasing Amendments Act of 1975 (Act), became law. In that Act, Congress established an all competitive coal leasing system. The Act, which significantly affected the Secretary of the Interior's pre-existing coal leasing authority under the Mineral Leasing Act of 1920, as amended, has two major effects: (1) It eliminated the Secretary's power to issue coal leases noncompetitively; and (2) established a comprehensive set of procedures that instruct the Department how to issue competitive coal leases. On June 1, 1976, the Department of the Interior adopted regulations that administratively established an all competitive coal leasing system called the Energy Minerals Activity Recommendation System (EMARS). 41 F.R. 22051 (1976). The Department has now completed an intensive review of the requirements of the Act, and has concluded that EMARS, with modification, is compatible with the coal leasing system established by Congress in the Federal Coal Leasing Amendments Act of 1975. The Department, in reaching this conclusion, has carefully taken into consideration the views of those members of Congress who supported the passage of the Act, and whose views were ultimately persuasive to Congress. The purpose of this rulemaking notice is to propose changes in EMARS to make it consistent with the leasing system that Congress has now established.

Before discussing what changes must be made in the EMARS regulations, the Department would like to discuss the areas of similarity between EMARS and the new Act. Although some details have been changed, the Act and the existing EMARS regulations have the same four basic areas, and under either system:

(1) The Department must lease coal through a competitive bidding system which prohibits lease issuance unless the Department receives fair market value for the coal resources;

(2) The Department may not least coal unless the issuance of a lease is compatible with a comprehensive land-use plan prepared with public involvement;

(3) The Department must consider the effects of lease issuance on impacted communities and other affected areas; and

(4) All leases must be issued on terms that will ensure the diligent development of the

coal resources and prevent speculative holding of Federal coal leases.

The Department's coal leasing system, EMARS, and the system established by Congress share these four major attributes. The Act also prescribes or changes some details not found in EMARS including the following:

(1) Half of all leases issued each year must be offered on a deferred bidding system;
(2) A "reasonable" number of leases must be "reserved" to public bodies;
(3) Coal leases may be issued to governmental bodies on lands set aside for naval or military purposes with the approval of the Secretary of Defense;
(4) Federal surface managing agencies may veto coal development on lands they manage;
(5) No lease may be issued (or readjusted or renewed) unless the Attorney General has been given the opportunity to comment on the antitrust implications of the action;
(6) Leases which authorize surface mining must have a royalty rate of not less than 12½ percent;
(7) Leases must be mined to achieve the maximum economic recovery of the coal; and
(8) The public must be given an opportunity to comment on the fair-market value of lands to be leased.

The proposed regulations incorporate these requirements into EMARS. The Department would like to comment on the requirements of section 7 of the Act, which requires the Department to conduct an exploration program, although no proposals on that are specifically included in these proposed regulations. While there was some dispute during the consideration of the Act over the scope of this program, the sponsors of the legislation clearly express their view that the exploration requirement was not intended to delay resumption of coal leasing; instead, it essentially codifies the Geological Survey's existing exploration program, and the Department's existing practices in this area. On June 29, 1976, Senator Metcalf the Chairman, Subcommittee on Minerals, Materials and Fuels, Senate Interior Committee stated: "[T]hat at no time in the consideration of S. 391 has there been any intention by Congress to prevent new lease sales by the Secretary until all Federal lands have been evaluated." 122 Cong. Rec. E3667 (daily ed. June 29, 1976). The exploration requirements were described in a joint letter from Senator Metcalf and Congresswoman Mink to President Ford.

Section 7 of the bill essentially extends and codifies the on-going evaluation program carried out by the Geological Survey by directing the Secretary "to evaluate * * * the known recoverable coal" on Federal lands. This program does not prevent the Secretary from issuing coal leases where he believes he has adequate information about the nature and extent of the coal, nor does it require that all known coal be evaluated before any is leased.

122 Cong. Rec. E 3667 (daily ed. June 29, 1976). This interpretation of section 7 was repeated in Congressional debates on August 3 and 4. 122 Cong. Rec. H 8312, 8314 (daily ed. August 4, 1976); 122 Cong. Rec. S 13189–90 (daily ed. August 3, 1976). In accordance with the views of the principle proponents of the Act, the Department will not halt consideration of new lease sales until after a nationwide inventory of coal resources is completed. It will, however, expand the coal evaluation program and conduct adequate evaluation of the mineral resources of areas in land-use plans and of areas in a given tract in a lease to ensure reasonable return to the public treasury from all leased lands.

Similarly, the Department has concluded that land-use plans completed under the Bureau of Land Management's land-use planning system (with minor revisions) comply with the requirements of section 3 of the Act. As Congresswoman Mink and Senator Metcalf told the President, the Act's land-use requirements are "comparable" to the Department's. 122 Cong. Rec. E 3667 (daily ed. June 29, 1976). Changes in land-use plans, and new plans, will be adopted in accordance with the requirements of the Act.

Several areas of the proposed regulations require special attention.

1. *Special leasing opportunities.* Section 2 of the Federal Coal Leasing Amendments Act requires the Department to "reserve" a "reasonable" number of tracts to be offered to public bodies including Federal agencies, rural electric cooperatives or nonprofit corporations for use in implementing a definite plan to produce energy for their use or for sale to their members and customers. The existing EMARS regulations have no corresponding section for this type of sale. The proposed regulations cover these types of sales in § 3525.7. Only qualifying public bodies will be allowed to submit bids in sales designated as "special leasing opportunities". With the exception of who may bid in a "special leasing opportunity," that type of a sale will have to comply with the procedural and substantive requirements of the new regulations. Although the Department may eventually quantify the term "reasonable", it has not attempted in this rulemaking to define the term. Instead it will proceed on an ad hoc basis to identify a reasonable number of special leasing opportunities. One option that the Department may eventually adopt would be to designate an established percentage of all tracts in each year as special leasing opportunities. This option is suggested in the legislative history of the Act. Comments on this and other options are specifically requested.

2. *Consultation with the Attorney General.* The Act requires the Department, prior to issuing a lease, to consult with the Attorney General to determine whether issuance of the lease would create or maintain a situation inconsistent with the antitrust laws. The two agencies are currently discussing what information the Attorney General will need to conduct this review. It is likely that prospective bidders in the sales will have to submit information to ensure that the Attorney General's review will be meaningful. Should the two agencies decide that a prospective lessee will have to submit this type of information, the Department of the Interior will propose appropriate amendments to its regulations to explain the requirements. The information requested may include a disclosure of Federal and nonfederal coal reserves. This information may be required from all bidders prior to a lease sale.

3. *Meetings on land-use plans.* Section 3 of the Federal Coal Leasing Amendments Act requires that prior to the adoption of land-use plans required by the Act, the agency which prepared the plan shall provide an opportunity for a "public hearing" if one is requested. This requirement is reflected in § 3525.10 of the proposed regulations. The Department does not believe that the statute requires a formal hearing conducted by an Administrative Law Judge. The regulations, in accordance with BLM practice require a meeting instead of a hearing.

4. *Deferred bonus bids.* The Act requires that 50 percent of the total acreage offered for sale each year to be on a deferred bonus bid basis. This requirement is found in § 3525.8. That section adopts the deferred bonus schedule that the Department has used in past oil shale leases, and requires the full amount of the bonus to be paid in five years. The Department is considering several alternatives to this schedule, including the alternatives of a 10-year payment schedule, and a payment schedule that defers payment of most of the bonus until after the lessee begins production. The Department reserves the right to adopt either of these alternatives in the final rulemaking notice.

The EMARS regulations are currently in 43 CFR Subpart 3520. That Subpart also contains rules that govern preferance right leasing and competitive leasing of other minerals. Because leasing procedures are now considerably different for coal than for other leasable minerals, the Department has decided to remove coal leasing from 43 CFR Subpart 3520, and to place EMARS regulations in a subpart of its own, Subpart 3525. This rulemaking also includes the necessary proposed changes to Subpart 3520 to remove competitive coal leasing from that subpart. We note that the Department's recent proposed regulations on diligent development, 41 FR 45571 (1976), included certain new requirements in Subpart 3520. These will be placed in Subpart 3525 when they are published in the final form.

The issuance of these regulations is not a major federal action that has a significant effect on the environment because the issuance of the regulations neither commits the Department to take any actions that would affect the environment, nor forecloses actions that would mitigate or eliminate environmental effects of possible future actions. The Department is committed to, and will prepare, appropriate environmental impact statements for coal leasing proposals that are major federal actions that significantly affect the environment.

The Department will decide on a case-by-case or group-by-group basis whether the issuance of any coal lease is in the public interest.

Interested persons are invited to participate in the rulemaking by submitting comments, suggestions or objections to the Director, Bureau of Land Management (210), Department of the Interior, Washington, D.C. 20240 by December 13, 1976. The Department will consider comments received by that date. The Department will consider comments received after that date to the extent possible.

Under the authority granted to the Secretary of the Interior by the Mineral Leasing Act of 1920, as amended, 30 U.S.C. 189, the Department of the Interior proposes to amend 43 CFR Part 3520 to read as follows:

1. Section 3520.1–2(a) is amended to say:

§ 3520.1–2 Competitive leases.

(a) The Secretary is authorized to lease competitively those lands as set forth in Subpart 3501 of this chapter, containing valuable mineral deposits as set forth in § 500.1–1 of this chapter except that coal leasing is governed by the procedures in Subpart 3525 of this part.

* * * * *

2. Section 3521.2–1 is revised to say:

§ 3521.2–1 Application or Bureau motion.

(a) *Application*—(1) *Forms.* (i) Where filed and copies. An application for a lease must be filed in duplicate in the proper office. No specific form is required. The application should include the information set forth in paragraph (a) (1) (ii) to (v) of this section.

(ii) The applicant's name and address.

(iii) State of citizenship and qualifications.

(iv) A complete and accurate description of the lands for which the lease is desired. See § 3501.1–3 of this chapter.

(v) Evidence that the land is valuable for the mineral for which application is made, with a statement as to the character, extent and mode of occurrence of the deposit.

(2) The contemplated investment for the development and purchase of equipment of a producing mine of a stated average daily output. *Phosphate.* To the extent such information is known to the applicant, a description of the phosphate and associated or related mineral deposits in the land based upon such actual examination as can be effected without an injury to the land or deposits (such examination shall not be deemed a trespass), giving nature and extent of the deposits; an outline in general terms of the proposed method of mining and processing facilities therefor.

(3) Evidence showing in sufficient detail that:

(i) The amount of phosphate lands, Federal and non-Federal, held by him, together with the lands described in the application are necessary for his proposed development plan.

(ii) He intends to explore, mine and develop the property in good faith.

(iii) His proposed operations of the property will be in accordance with good conservation practice and this additional development is needed in order to supply an existing demand which cannot otherwise be reasonably met.

3. Section 3521.2–2 is revised to say:

§ 3521.2–2 Qualifications.

(a) Compliance with Subpart 3502 is required.

(b) Bureau motion. (1) Bureau of Land Management responsibility.

(3) Geological Survey responsibility.

(c) Leasing units—(1) Phosphate: If the authorized officer shall determine, after consultation with the Mining Supervisor of the Geological Survey that specific lands or deposits, not under an outstanding permit or application for preference right lease, which constitute an acceptable leasing unit are subject to phosphate lease, they will be offered for such lease on the terms and conditions to be specified in the notice of lease offer to the qualified person who offers the highest bonus by competitive bidding equal to the fair market value of the mineral deposit either at public auction or by sealed bids as provided in the notice of lease offer.

(2) Solid (hardrock) minerals: Any qualified person may file an application for the competitive offering of such deposits. Leasing units may not exceed, in reasonably compact form, 2,560 acres of land described in the manner required by this section. The authorized officer may prescribe a lesser area for any mineral deposit if the Geological Survey reports that such lesser area is adequate for a logical leasing unit.

(i) *Exception.*—(*a*) *Phosphate.* In a notice for a phosphate lease, the detailed statement will set forth that the terms of minimum production will not be reduced or waived at the lessee's request as provided in § 3503.3–2(b)(3), (d), (e) of this chapter, or upon a satisfactory showing that market conditions are such that the lessee cannot operate except at a loss.

(*b*) *Asphalt.* All leases will be issued through competitive bidding only in the same manner as that provided for in Subpart 3120 of this chapter.

(*c*) *Publication.* Notice of offer of lands or deposits for lease by competitive bidding will be by publication once a week, or for such other period as may be deemed available, in a newspaper of general circulation in the county in which lands are situated.

4. A new Supart, 3525 is added to say:

Subpart 3525—Energy Minerals Activity Recommendation System (EMARS)

Sec.

AUTHORITY: Mineral Leasing Act of 1920, as amended, (30 U.S.C. 189).

Subpart 3525—Energy Minerals Activity Recommendation Systems (EMARS)

§ 3525.1 Authority.

(a) *Acts.* (1) The Act of February 25, 1920, 41 Stat. 437, as amended by the Act of June 3, 1948, 62 Stat. 284, the Act of September 9, 1959, 73 Stat. 490, the Act of August 31, 1964, 78 Stat. 710, and the Act of August 4, 1976, 90 Stat. 1083, 30 U.S.C. 201(a).

(2) The Act of August 7, 1947, 61 Stat. 913, and the Act of August 4, 1976, 90 Stat. 1090, 30 U.S.C. 352.

(b) *Provision.* The Secretary may issue coal leases through competitive bidding.

§ 3525.2 Objectives.

The objectives of the Department's coal leasing process called Energy Minerals Activity Recommendation System (EMARS), include: the orderly and timely development of Federally-owned coal; appropriate uses of the resources; effective environmental protection; and a fair market return to the public for the resources sold. The program consists of three principal elements: Nominations; multiple resource planning; and environmental analysis. Nominations provide the first indication of tracts which should or should not be leased. The nominations received are then compared with resource values through the Bureau's planning process, including Management Framework Plans. From these phases, proposed tract recommendations will be made and environmental analyses will be undertaken on the proposed coal lease tracts. The integration of these three elements, i.e., nominations, multiple resource planning, and environmental analysis—each of which will be undertaken with State and public participation—will produce specific coal lease recommendations for Secretarial decision.

§ 3525.3 Qualified applicants.

Leases may be issued to qualified applicants listed in Subpart 3502 of this chapter unless:

(a) The qualified applicant, or any subsidiary, affiliate, or person controlled by or under the common control of the qualified applicant holds a lease or leases to coal deposits issued by the United States and has held the lease for 10 years and is not producing coal in commercial quantities.

(1) The 10-year period referred to in paragraph (a) of this section shall begin on August 4, 1976, or the date the lease is issued, whichever is later.

(2) For the purpose of this paragraph, production of coal in commercial quantities means production adequate to meet the requirement for continuous operation as defined in § 3500.0–5(g) of this chapter unless the Secretary has suspended the requirement of coal production.

(b) The qualified applicant holds or controls more than 46,080 acres of Federal coal leases in any one state or 100,000 acres of Federal coal leases in the entire United States.

§ 3525.4 Lands subject to leasing.

(a) The Secretary may issue coal leases on all lands owned by the United States except lands in the:

(1) National Park System;

(2) National Wildlife Refuge System;

(3) National Wilderness Preservation System;

(4) National System of Trails;

(5) Wild and Scenic Rivers System, including study rivers designated under section 5(a) of the Wild and Scenic Rivers Act;

(6) Incorporated cities, towns and villages; and

(7) Tide lands, submerged coastal lands within the Continental Shelf adjacent or littoral to any part of land within the jurisdiction of the United States.

(8) Lands acquired by the United States for the development of mineral deposits, for foreclosure or otherwise for resale, or reported as surplus pursuant to the provisions of the Surplus Property Act of 1944.

(b) (1) The Secretary may issue coal leases with the consent of the Secretary of Defense on acquired lands set apart for military or naval purposes only if the leases are issued to a governmental entity, including any corporation primarily acting as an agency or instrumentality of a state, which

(i) Produces electrical energy for sale to the public and

(ii) Is located in the State in which the leased lands are located.

(2) A government entity is located in a State if its production facilities are in that State, and the coal produced from the lease will be used in the State.

§ 3525.5 Consent to leasing: Surface managing agency.

(a) The Secretary may not issue leases for lands the surface of which is under the jurisdiction of any agency other than the Department of the Interior unless the Federal agency has consented to the issuance of the lease, but any lease shall contain terms and conditions as the head of the agency may prescribe for the use and protection of the nonmineral interests in those lands.

(b) The Secretary must accept the conditions prescribed by the Surface Managing agency, but may prescribe additional terms and conditions to protec the interests of the United States and to safeguard the public welfare.

§ 3525.6 Consultation with Governors of State in which leases are issued.

(a) *General consultation.* Prior to offering a coal lease for competitive sale, the Secretary shall consult the Governor of the State in which the land to be leased is located.

(b) *Consultation for surface mining proposals in national forest.* (1) Prior to offering a coal lease in a National Forest where the method of mining which achieves maximum economic recovery of the coal resources is surface mining, the Secretary shall submit the lease proposals to the Governor of the State in which the coal deposits are found.

(2) The Secretary may not issue a lease until at least 60-days after he notifies the Governor of the lease proposal.

(3) If the Governor fails to object to the lease proposal in 60 days, the Secretary may issue the lease. If within the sixty-day period the Governor notifies the Secretary, in writing, that he objects to the lease proposal, the Secretary may not approve the lease for six-months from the date the Governor objects to the lease.

(4) The Governor may, during this six-month period, submit a written statement of reasons why the lease should not be issued, and the Secretary shall, on the basis of this statement, reconsider the lease proposal.

§ 3525.7 Special leasing opportunities.

(a) The Secretary shall, under the procedures established under this subpart, designate and reserve a reasonable number of coal lease tracts within competitive lease sales each year as special leasing opportunities.

(b) Only public bodies, including Federal agencies, rural electric cooperatives, or non-profit corporations controlled by any of these entities which have a definite plan to produce energy for their own use or for sale to their members or customers will be eligible to bid for leases designated as special leasing opportunities: Evidence of qualification to bid for lease designated as special leasing opportunities must be filed with the Department at least 60 days prior to a sale.

(c) The Secretary may designate certain coal lease tracts as special leasing opportunities only if a public body has nominated those or other tracts within the State, and has requested, in the nomination or elsewhere, that the procedures of this section apply.

(d) Leases issued under this Section may be assigned only to another public body.

§ 3525.8 Deferred bidding policy.

At least 50 per cent of the total acreage offered each year shall be designated as "deferred bid sales." In a deferred bid sale the lessee shall pay the bonus bid in five (5) equal installments. The first installment shall be made as required by § 3525.13. The balance shall be paid in equal annual installments due and payable on the first four anniversary dates of the lease.

§ 3525.9 Consultation with Attorney General.

(a) Subsequent to a lease sale, but prior to issuing a lease, the Secretary shall notify the Attorney General of the proposed lease issuance, the proposed lessee, normally the high bidder in a sale, and other relevant information. The Secretary may not issue a lease until 30 days after he notifies the Attorney General.

(b) The Secretary shall not issue the lease to the proposed lessee if, during this 30-day period, the Attorney General notifies the Secretary that the proposed lease issuance would create or maintain a situation inconsistent with the following laws:

(1) The Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890 (15 U.S.C. 1 et seq.), as amended;

(2) The Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (15 U.S.C. et seq.), as amended;

(3) The Federal Trade Commission Act (15 U.S.C. 41 et seq.), as amended;

(4) Sections 73 and 74 of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes." approved August 27, 1894 (15 U.S.C. 8 and 9), as amended; or

(5) The Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a)."

(c) If the Attorney General notifies the Secretary that a lease should not be issued the Secretary may.

(1) Reject all other bids or may request the Attorney General in accordance with paragraph (a) of this section to consider the issuance of the proposed lease to the next qualified high bidder; or

(2) Issue the lease if, after he conducts a public hearing on the record in accordance with the Administrative Procedures Act, he determines that: that:

(i) Issuance of the lease is necessary to carry out the Purposes of the Federal Coal Leasing Amendments Act of 1975;

(ii) Issuance of the lease is consistent with the public interest; and

(iii) There are no reasonable alternatives to the issuance of the lease that are consistent with the Federal Coal Leasing Amendments Act of 1975, the antitrust laws and the public interest.

§ 3525.10 Request for information on areas of interest.

(a) *Purpose.* This section establishes a procedure by which industry, the general public, and State and local governments can inform the Department of the Interior of their views on coal leasing in particular areas. The Department will incorporate the information it receives into its internal planning processes for Federal coal leasing tract selections.

(b) *Description of process.* The Director will request information on an annual basis, or as necessary. The Request for Information on Areas of Interest will consist of two types.

(1) *Industry nominations.* Nominations from industry of tracts of land that the Department should or should not make available for coal leasing including, as appropriate, statements describing why the tracts should or should not be leased.

(2) *Areas of public concern.* Concurrently with Industry Nominations, State

and local governments and the general public are requested to submit Areas of Public Concern covering tracts of land that the Department should or should not make available for coal leasing including, as appropriate, statements describing why the tracts should or should not be leased.

(c) *Use of nominations.* Information obtained through the nominations process will be analyzed and compared with multiple resource opportunities identified in the Management Framework Planning process. Proposed coal lease tracts will then be developed on the basis of nominations and multiple resource information.

(d) *Description of nominations.* All nominations or statements of information for or opposed to leasing shall: (1) (i) Describe the lands by legal subdivisions, section, township, and range; or in the case of land covered only by protracted surveys, by section, township, and range according to an approved protraction diagram; or

(ii) Use the Bureau of Land Management's Surface/Minerals Management Quads (minerals ownership maps) to indicate nominated areas. A readily discernible line on these maps conforming to legal subdivision and section lines will be accepted as the descriptive required in paragraph (d)(1)(i) of this section. The maps are available for sale at BLM State and most District Offices.

(2) Describe reasonably compact areas, which will be assumed to include all Federal coal within the boundaries described, and may not exceed 25,000 acres.

(e) *Multiple nominations.* If a person submits two or more nominations for leasing or two or more nominations against leasing, choices shall be ranked in order of importance and shall be numbered consecutively. Nominations should be ranked on a nationwide basis.

(f) *Inspection and copying.* The procedures in 43 CFR Part 2 govern the public inspection and copying of information submitted under this section.

(g) *Notice of requests for nominations on areas of interest.* (1) Notice of each Request for Information on Areas of interest will be published in the FEDERAL REGISTER and in a newspaper(s) of general circulation in the State affected and will specify the area or areas covered by the call, the size and ranking of nominations, the period of time within which to submit nominations, and the addresses to which the nominations are to be submitted.

(2) Nominations will be accepted only for those lands that are eligible for coal leasing. Lands not subject to leasing include (i) lands listed in § 3525.4; (ii) lands withdrawn from coal leasing or otherwise not subject to the provisions of the Mineral Leasing Act; (iii) land subject to a coal lease, permit or preference right lease application; and (iv) areas designated by BLM as primitive areas.

(h) *Areas nominated in national forest system.* The authorized officer will notify the Secretary of Agriculture of all lands nominated for leasing that are in the National Forest System.

§ 3525.11 Management framework plans: Availability.

Management Framework Plans and multiple land use management plans of other Federal agencies, as appropriate, will be available for inspection at the appropriate Bureau or agency office. Upon the request of the Governor of a State affected by coal lease actions, the State Director will make available for his review the Management Framework Plans for that State, and, as appropriate, adjacent States.

§ 3525.12 Competitive leases: Procedures.

(a) *Establishment of leasing tracts.* General coal land or deposits shall be divided into suitable leasing tracts and leased competitively. The Energy Minerals Activity Recommendation System (EMARS) shall be used to identify tracts suitable for leasing through nominations and multiple-use land management planning.

(b) *Preparation of a land-use plan.* The Secretary may not issue a lease for coal deposits unless the lands containing coal deposits have been included in a comprehensive land-use plan and the sale is compatible with the plan. Each land-use plan shall assess the amount of coal deposits contained in the land and shall identify the amount of coal that is recoverable by deep mining operations and the amount that is recoverable by surface mining operations.

(1) *Agency to prepare land-use plans.* (i) The Bureau of Land Management will prepare plans for land under its jurisdiction in accordance with its procedures for the preparation of Management Framework Plans.

(ii) The Department of Agriculture and other federal agencies with jurisdiction over lands where there is interest in coal mining will prepare land-use plans for those lands.

(iii) If the Secretary finds that because of non-Federal interest in the surface, or because the coal resources are insufficient to justify the costs of a Federal comprehensive land use-plan, in an area, he may lease lands in that area if the lands containing the coal deposits have been included in either a comprehensive land-use plan prepared by the State within which the lands are located, or a land-use analysis prepared by the Secretary of the Interior.

(2) *Consultation and public meeting.* A plan will not be adequate for the purposes of this section unless the agency that prepares the plan has:

(i) Consulted appropriate State and local governments and the general public during the preparation of a plan; and

(ii) Provided an opportunity for a public meeting on a proposed plan prior to its adoption if requested by any person who may be adversely affected by the adoption of the plan.

(c) *Selection of proposed tracts.* (1) Proposed tracts will be selected by the Bureau of Land Management, and United States Geological Survey field offices, with participation from affected State governments, and other surface management agencies, if other than the Bureau of Land Management, based upon relevant information including information from the appropriate land-use plan, from nominations and from competitive coal lease applications on file.

(2) Prior to identifying proposed coal lease tracts, the Bureau of Land Management will hold a meeting to receive public comments on nominations and other resource uses identified in the management Framework Plan or other land-use plan. This requirement may be met by the public meeting on the adoption of a land-use plan.

(3) No lands may be included in a proposed tract unless: (i) the land is included in a completed land-use plan and leasing is compatible with the plan; (ii) the lands have been included in a known recoverable coal resource area (KRCRA);

(iii) the lands have been included in a nomination or have been identified by BLM as potential leasing tracts prior to the meeting held under paragraph (c)(2) of this section.

(4) The selection of proposed lease tracts will include consideration of such factors as: Depth, quality, thickness and extent of the coal resource: Water resource availability; relationship to existing communities; potential impacts on economic structure (e.g., employment, available services, etc.): Service and access corridors; aesthetic qualities such as scenic, cultural, wildlife, and vegetative values; rehabilitation potential and such other criteria as the Secretary may develop for withholding lands from leasing as unsuitable for mining.

(d) *Compliance with NEPA.* The National Environmental Policy Act will be complied with as follows: If several proposed leasing units have significant related characteristics and would sustain similar or related environmental impacts, as determined by the Secretary, they may be covered by a single regional environmental impact statement. Where leasing actions are adequately covered in a regional impact statement, no additional impact statement need be prepared. A public hearing will be held after publication of a draft regional environmental impact statement. An environmental analysis record or an impact statement, as appropriate, will be prepared for proposed leasing actions not included in a regional impact statement. The Department will provide public notice and an opportunity for a public meeting on an environmental analysis record for a coal leasing proposal that indicates that an environmental impact statement is not required.

(e) *Technical examinations.* A technical examination in accordance with the procedures in 43 CFR 3041.2 and 3041.2–1 will be completed on each unit to identify specific reclamation requirements and tracts requiring special environmental consideration and to prepare bonding requirements and stipulations to mini-

mize impacts upon the environment and other resources, land uses, or programs. Reclamation requirements will be imposed in accordance with 43 CFR 3041. The technical examination will include an evaluation of the proposed leasing unit to balance the value of the coal against the cost of mining, the cost of mitigation of environmental damage, and the significance of unmitigatable damages.

(f) *Recommendation of tentative coal lease tracts.* (1) After the BLM has completed the actions required by paragraphs (a)–(e) of this section, the State Director, after State government and surface management agency consultation, will recommend suitable tentative coal lease tracts to the Director. The Director will consolidate approved field recommendations into a proposed Coal Lease Sale Schedule for review and approval by the Secretary. If no public meeting has been held on the proposed lease tracts in the affected area prior to this time, a public meeting shall be held before the Secretary reviews the Director's recommendations.

(2) The Director's recommendation, and the Secretary's final approval, shall include a written synopsis of earlier analyses which evaluates and compares:

(i) The effects of recovering coal by deep mining, by surface mining and by any other method to determine which method or methods or sequence of methods achieves the maximum economic recovery of the coal within the proposed leasing tract, and

(ii) The effects which mining the proposed lease might have on an impacted community or area, including impacts on the environment, on agriculture and other activities, and on public services.

(g) *Notice of lease sale.* (1) Publication. Prior to the lease sale, the Authorized Officer shall publish in the FEDERAL REGISTER and in a newspaper(s) of general circulation in the county affected by the sale a notice of the proposed sale. The newspaper notice shall be published once a week for three consecutive weeks.

(2) The notice will show the time and place of sale, whether the sale will be at public auction or by sealed bids, the description of the land, and the place where a detailed statement of the terms and conditions of the lease offer and the obligations of the successful bidder to pay for publication of that notice may be obtained.

(3) It will also contain a statement that sealed bids may not be modified or withdrawn unless the modification or withdrawals are received prior to the time fixed for opening of the bids.

(4) The detailed statement will set forth the terms and conditions of the sale, including the manner in which the bids may be submitted, and statements that the successful bidder will be required, prior to the issuance of a lease, to pay his proportionate share of the total cost of publication of the notice of lease offer, and that the successful bidder's share shall be that proportion of the total advertising cost that the number of parcels of land awarded to him bears to the number of parcels for which successful high bidders are declared.

(5) The detailed statement will also contain a warning to all bidders against violation of 18 U.S.C. 1860, which prohibits unlawful combination or intimidation of bidders.

(6) The detailed statement will specify that the Government reserves the right to reject any and all bids. If the sale is by public auction, the statement of terms and conditions of the sale will also specify that sealed bids may be submitted. If any bid be rejected, the deposit will be returned.

(7) The detailed statement will also contain a request for comments on the fair market value of the tracts to be sold.

§ 3525.13 Award of leases.

(a) *Pre-sale evaluation.* Before the lease sale, the U.S. Geological Survey, considering public comments on fair market value and available geotechnical, engineering and economic data, shall make a coal resource economic evaluation of each tract to be sold and shall submit it to the authorized officer.

(b) *Notification of award.* Bids will be received only until the hour on the date specified in the notice of competitive leasing. All bids submitted after the hour will be rejected. The authorized officer will read all sealed bids. If the procedure calls for sealed bids followed by oral bids the oral bidding will begin at the level of the highest sealed bid received. After the oral bidding has ceased, the highest bid will be announced. No decision to accept or reject the high bid will be made at this time. The sale will be adjourned and the sale panel will convene to determine if the high bid adequately reflects fair market value considering, among other factors, comments on fair market value. The recommendations of the panel will be sent to the authorized officer who will make the final decision to accept a bid or reject all bids, as soon as possible after the sale date. The successful bidder will be notified in writing. The Department reserves the right to reject any and all bids but will not accept any bids which are less than the fair-market value of the tract.

(c) *Intertract competition.* The use of bidding competition between tracts (intertract bidding) is hereby authorized when and if the Bureau of Land Management and the U.S. Geological Survey determine it is needed in the public interest. The authorization to utilize intertract competition does not preclude the use of any other form of competitive bidding procedure.

§ 3525.14 Compliance with notice of competitive lease offer.

(a) *Action by successful bidder.* Four copies of the lease will be sent to the successful bidder, who will be required not later than the 15th day after his receipt thereof, or the 30th day after the date of the sale, whichever is later, to execute them, pay the balance of the bonus bid or the first payment deferred bonus bid lease, the first year's rental, and the cost of publication of the notice of the offer as specified in § 3525.12(g)(4) and file a bond as required by Subpart 3504.

(b) *Death of bidder.* If the bidder dies before the lease is issued, there must be compliance with § 3502.8 of this chapter.

Dated: October 22, 1976.

WILLIAM W. LYONS,
Deputy Under Secretary United States Department of the Interior.

[FR Doc.76-31512 Filed 10-27-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 76-119]

OAKLAND INNER HARBOR TIDAL CANAL, CALIFORNIA

Drawbridge Operation Regulations

At the request of the East Shore Home Owners Association of Alameda, California, the Coast Guard is considering revising the regulations for the High Street bridge to provide for closed periods from 7:30 a.m. to 8:30 a.m. and from 3:45 p.m. to 5:45 p.m., Monday through Friday. The draw presently opens after two hours notice during morning and evening peak vehicular traffic periods. This change is proposed because of increased vehicular traffic.

The proposal also sets out requirements for emergency and special openings of the draw.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Twelfth Coast Guard District, 630 Sansome Street, San Francisco, California 94126. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Twelfth Coast Guard District.

The Commander, Twelfth Coast Guard District, will forward any comments received before November 30, 1976, with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.712(d) to read as follows:

§ 117.712 Tributaries of San Francisco Bay and San Pablo Bay, Calif.

* * * * *

(d) *Oakland Inner Harbor Tidal Canal; Country of Olemede Highway*

bridges at Park and High Streets and Department of Army highway and railroad bridges at Fruitvale Avenue. (1) From 7:30 a.m. to 8:30 a.m., and from 3:45 p.m. to 5:45 p.m., Monday through Friday, except holidays, the draw need not open for the passage of vessels except that—

(i) The draw shall open as soon as possible for vessels in distress, and emergency vessels, including commercial vessels engaged in rescue or emergency salvage operations; and

(ii) The draw shall open after two hours notice to the Park Street bridge for vessels which must, for reasons of safety, move on a tide or slack water.

(2) At all other times, the draw shall open on signal.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4).)

The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: October 21, 1976.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.76-31506 Filed 10-27-76;8:45 am]

[33 CFR Part 117]

[CGD 76-160]

CHEBOYGAN RIVER, MICHIGAN

Proposed Drawbridge Operation Regulations

At the request of the Michigan Department of State Highways and Transportation, the Coast Guard is considering amending the regulations for the U.S. 23 drawbridge across the Cheboygan River, mile 0.92, to require that the draw only open from May 16 through September 15, from three minutes before to three minutes after the quarter hour and three-quarters hour from 7:18 a.m. to 6:12 p.m., Monday through Friday, and from 11:18 a.m. to 5:12 p.m. on Saturday. From December 15 through March 15, the draw will open after 24 hours notice. At all other times the draw shall open on signal. The draw is presently required to open on signal at all times. This change is being considered because of an increase in vehicular traffic during these periods.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Ninth Coast District.

The Commander, Ninth Coast Guard District, will forward any comments received before November 30, 1976, with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 117.696 immediately after § 117.695 to read as follows:

§ 117.696 Cheboygan River, Cheboygan, Mich., U.S. 23 bridge.

(a) The draw shall open on signal except that: (1) From May 16 through September 15, Monday through Friday, from 7:18 a.m. to 6:12 p.m., and from 11:18 a.m. to 5:12 p.m., on Saturday, the draw need open only from three minutes before to three minutes after the quarter hour and the three-quarters hour.

(2) From December 15 through March 15, the draw need open only if at least 24 hours notice is given to the City of Cheboygan Police Department.

(b) The draw shall open on signal at any time for public vessels of the United States, state or local government vessels engaged in public safety or law enforcement activities, commercial vessels, or vessels in distress. The opening signal from these vessels is four blasts of a whistle or horn, or by shouting.

(c) The opening signal from all other vessels is one long blast followed by one short blast.

(d) The acknowledging signal is:

(1) When the draw shall open promptly, and one long blast followed by one short blast.

(2) When the draw cannot open or is open and must be closed, four short blasts.

(e) The owner of or agency controlling this bridge shall keep a copy of the regulations in this section together with information stating how notice is to be given to the authorized representative of the bridge owner posted both upstream and downstream, either on the bridge or elsewhere in such manner that it can easily be read from an approaching vessel at all times.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4).)

The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: October 20, 1976.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.76-31507 Filed 10-27-76;8:45 am]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 16222]

AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation, Ltd. DH/BH/-125 Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive applicable to Hawker Siddeley Aviation, Ltd., Model DH/BH/-125 airplanes. Based on the results of fatigue tests conducted by the manufacturer, the FAA has determined that a failure of the knife edges installed in the emergency brake reducing valve of Model DH/BH/-125 airplanes could occur within a specified service life which could result in a complete loss of emergency braking capability with no advance warning to the crew. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require repetitive replacement of the knife edges of the emergency brake reducing valve or the valve itself on Hawker Siddeley Aviation, Ltd. Model DH/BH/-125 airplanes.

Interested persons are invited to participate in the making of the proposed rule by submiting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue S.W., Washington, D.C. 20591. All communications received on or before December 13, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION LTD. Applies to Model DH/BH/-125 airplanes, all series, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent possible failure of the knife edges of the emergency brake reducing valve, P/N AC.61516, and consequent complete loss of emergency braking capability without advance warning, accomplish the following:

(a) Comply with paragraph (b) or (c) of this AD as follows, and thereafter, continue to comply with paragraph (b) or (c) of this AD at intervals not to exceed 4500 landings since last compliance:

(1) For airplanes having emergency brake control valve knife edges that have accumulated less than 4300 landings, since new, on the effective date of the AD, compliance is required prior to the accumulation of 4500 landings.

(2) For airplanes having emergency brake control valve knife edges that have accumulated 4300 or more landings, since new, on the effective date of this AD, compliance is required prior to the accumulation of an additional 200 landings.

(3) For airplanes for which no records exist that indicate the number of landings the emergency brake control valve knife edges have accumulated, compliance is required prior to the accumulation of 200 landings after the effective date of this AD.

(b) Replace the emergency brake control valve knife edges with new parts in accordance with Part A of section 2 entitled "Accomplishment Instructions" of Hawker Siddeley Aviation, Ltd. Service Bulletin 32-167, dated January 27, 1976, or an FAA-approved equivalent.

(c) Replace the entire emergency brake reducing valve, P/N AC. 61516, with a valve fitted with new knife edges and install the valve in accordance with Part B of the section entitled "Accomplishment Instructions" of Hawker Siddeley Aviation, Ltd. Service Bulletin 32-167, dated January 27, 1976, or an FAA-approved equivalent.

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Washington, D.C. on October 19, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-31286 Filed 10-27-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-SW-53]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Refugio, Tex., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before November 29, 1976, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Forth Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (41 FR 440), the Refugio, Tex., transition area is altered as follows:

REFUGIO, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Tom O'Connor Oilfield Airport (latitude 28°20'04" N., longitude 97°08'58" W.); within 2 miles each side of the 335° bearing from the Vidauri RBN (latitude 28°23'51" N., longitude 97°10'40" W.), extending from the 5-mile-radius area to 8 miles northwest of the Vidauri NDB; within a 5-mile radius of Mellon Ranch Airport (latitude 28°16'50" N., longitude 97°12'30" W.), and within 3½ miles each side of the 319° bearing from the Mellon Ranch NDB (latitude 28°16'47" N., longitude 97°12'20" W.), extending from the 5-mile radius to 12 miles northwest of the Mellon Ranch NDB.

Alteration of the transition area is necessary to provide controlled airspace for a standard instrument approach procedure (NDB Rwy 15, Original) to the Mellon Ranch Airport.

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

Issued in Fort Worth, Tex., on October 18, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-31539 Filed 10-27-76;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 76-AL-11]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would alter the lateral boundaries and operating hours of Restricted Area R-2211, Blair Lakes, Alaska.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before November 29, 1976, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-320, 800 Independence Avenue, SW., Washington, D.C. 20591.

The proposed amendment would redesignate Restricted Area R-2211 as follows:

Boundaries. Beginning at Lat. 64°30'00" N., Long. 147°44'00" W.; to Lat. 64°20'00"N., Long. 147°19'00"W.; to Lat. 64°13'30"N., Long. 147°32'00"W.; to Lat. 64°22'30"N., Long. 147°58'00"W.; to point of beginning.
Time of designation. 0800 to 1800, local time, Monday through Friday and at other times as activated by NOTAM issued by the using agency at least 24 hours in advance.
Designated altitudes. Surface to 18,000 feet MSL.
Controlling agency. Federal Aviation Administration, Elelson RAPCON.
Using agency, Alaskan Air Command.

The Alaskan Air Command has completed an operational anlysis of the Blair Lakes Gunnery Range. The analysis revealed significant areas where modification of the protected airspace over the range would benefit both the Air Force and the flying public.

When the range was initially designed and protecting airspace requested from the Federal Aviation Administration, the Air Force had a requirement to practice certain types of weapons deliveries. Subsequent improvements in tactics and changes in mission have reduced airspace requirements. Furthermore, budget constraints have dictated a need to have continuous operation hours available in order to increase scheduling flexibility and maximize range use.

The overall size of the airspace restricted area would be reduced by eliminating part of the northwestern end and most of the southeastern area. In addition, the boundaries would be realigned to correspond with the axis of the target complex. The revised altitudes would extend from the surface to 18,000 feet MSL and the operating hours would be from 0800 to 1800 local time, Monday through Friday, other times by NOTAM.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1438(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 21, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-31540 Filed 10-27-76;8:45 am]

[14 CFR Part 135]

[Docket No. 16097; Notice 76-18A]

REGULATORY REVIEW PROGRAM

Conference

The purpose of this notice is to inform all interested persons that from November 8 through 12, 1976, the Federal Aviation Administration will conduct a conference at the Stouffer Denver Inn, Denver, Colorado, as part of the Federal Aviation Regulations, Part 135 Regulatory Review Program. Information relating to this Conference is contained herein and in Notice 76-18 that was published in the FEDERAL REGISTER, (41 FR 38778) September 13, 1976.

The proceedings will be conducted through three committees identified by their areas of coverage as follows:

Committee A—Subpart A through E, Part 135; Proposals 1 through 42. Committee A will handle all proposals in Subparts A through E which pertain to proposed amendments and new rules covering the present Air Taxi Regulations. Most air taxi operators should be interested in this phase. This portion is scheduled for Monday and Tuesday, November 8 and 9.

Committee B—Subpart F and G (new), Part 135; Proposals 43 through 97.

Committee B will handle new subparts F and G—Rules Governing Special ATCO Operations and Airplane Performance Operating Limitations. These subparts apply to "Commuter Air Carriers" using multiengine airplanes; operations conducted in airplanes certificated to carry ten or more passengers; operations conducted in multiengine turbine powered airplanes and operations conducted in airplanes having a maximum certificated gross takeoff weight of more than 12,500 pounds. This portion is scheduled for Wedensday, Thursday, and Friday, November 10, 11, and 12.

Committee C—Subpart H (new), Part 135; Proposals 97 through 110. Committee C will handle Subpart H which applies to maintenance requirements for operations conducted under the provisions of Subpart F & G. This portion is scheduled for Wednesday, Thursday, and Friday, November 10, 11, and 12.

By adopting this schedule, it will permit many attendees not concerned with Subparts F, G, and H to leave at the conclusion of Tuesday's sessions if desired.

Every effort has been expended to make the following Agenda both flexible and convenient. To the extent practicable, the committee sessions have been scheduled to avoid situations which require attendees to be in two places at one time. In addition, the Agenda contains a Daily Schedule of Events, which sets forth the activities scheduled for each day of the Conference and an Agenda Item Schedule for each of the working committees.

DAILY SCHEDULE OF EVENTS

Registration: Sunday November 7 through 12, 1976, from 9:00 a.m. to 5:00 p.m. in the lobby of the Stouffer Denver Inn.

Schedule: All sessions will be held in the Main Ballroom on the first floor. Small subcommittees may be established during certain sessions that will meet in other rooms. Lunch breaks are scheduled from noon until 1:30 p.m. each day.

OPENING SESSION

MONDAY, NOVEMBER 8

9:00 a.m. Call to order.
9:15 a.m. Welcome, Prologue and Conference mission.
10:15 a.m. Public response.

COMMITTEE SESSIONS

MONDAY, NOVEMBER 8

Morning

Committee A	*Agenda Item*
11:00 a.m. to 12:00 p.m.	Subpart A, part 135, proposals 1 through 6.

Afternoon

1:30 p.m. to 5:00 p.m.	Subpart A, part 135, proposals 7 through 10.
	Subpart B, part 135, proposals 11 through 19.

TUESDAY, NOVEMBER 9

Morning

8:30 a.m. to 12:00 p.m.	Subpart C, part 135, proposals 20 through 32.

Afternoon

1:30 p.m. to 5:00 p.m.	Subparts D and E, part 135, proposals 33 through 41.
	Special proposal 42 (FAR 121.9).

Committee A will meet on Tuesday evening to continue discussion if any Agenda items were not completed during the afternoon session.

WEDNESDAY, NOVEMBER 10

Morning

Committee B	*Agenda Item*
8:30 a.m. to 12:00	Subpart F (new), part 135, proposals 43 through 49.

Committee C	*Agenda Item*
8:30 a.m. to 12:00	Subpart H (new), part 135, proposals 97 through 100.

Afternoon

Committee B	*Agenda Item*
1:30 p.m. to 5:00 p.m.	Subpart F (new), part 135, proposals 50 through 57.

Committee C	*Agenda Item*
1:30 p.m. to 5:00 p.m.	Subpart H (new), part 135, proposals 101 through 103.

THURSDAY, NOVEMBER 11

Morning

Committee B	*Agenda Item*
8:30 a.m. to 12:00 Noon	Subpart F (new), part 135, proposals 58 through 68.

Committee C	*Agenda Item*
8:30 a.m. to 12:00 Noon	Subpart H (new), part 135, proposals 104 through 106.

Afternoon

Committee B	*Agenda Item*
1:30 p.m. to 5:00 p.m.	Subpart F (new), part 135, proposals 69 through 78.

Committee C	*Agenda Item*
1:30 p.m. to 5:00 p.m.	Subpart H (new), part 135, proposals 107 through 110.

Committee C can meet Thursday evening or Friday morning to continue discussion of any Agenda items not completed.

FRIDAY, NOVEMBER 12

Morning

Committee B	*Agenda Item*
8:30 a.m. to 12:00 p.m.	Subpart G (new), part 135, proposals 79 through 87.

Afternoon

Committee B	*Agenda Item*
1:30 p.m. to 5:00 p.m.	Subpart G (new), part 135, proposals 88 through 96.

To register in advance to attend the Conference, write to: Federal Aviation Administration, Flight Standards Service, Operations Review Branch, AFS-920, 800 Independence Avenue, SW., Washington, D.C. 20591. There will also be a Conference Registration Desk in the lobby of the Stouffer Denver Inn beginning on Sunday November 7 at 9:00 a.m. and during the conference dates.

Room reservations should be made by writing or calling the Stouffer Denver Inn, East 32nd and Quebec Street, Denver, Colorado 80207, telephone 303-321-3333.

There is no admission fee or any other charge required to participate in the conference. However, conferees will be required to register with the Federal Aviation Administration.

This notice is issued under the authority of section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 20, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-31568 Filed 10-27-76;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 438]

ADVERTISING, DISCLOSURE, COOLING-OFF AND REFUND REQUIREMENTS CONCERNING PROPRIETARY VOCATIONAL AND HOME STUDY SCHOOLS

Publication of Presiding Officer's Summary, Findings and Conclusions With Respect to Proposed Trade Regulation Rule

As an accommodation to all interested parties, the Commission has decided to make public at this time the Presiding Officer's Report, required by § 1.13 of the Commission's rules, consisting of his Summary, Findings and Conclusions with regard to those issues designated by the Presiding Officer and such other findings and conclusions as he sees fit. This report is being made public in advance of the completion and publication of the staff's analysis of the rulemaking record and its recommendations to the Commission.

In so doing, the Commission cautions all concerned that the Presiding Officer's Report has not yet been reviewed or adopted by the Bureau of Consumer Protection or the Commission itself and its publication should not be interpreted as reflecting the present views of the Commission or any individual member thereof. The Commission also wishes to make clear that the sixty-day period which the Rules of Practice provide for public comment on the reports by the Presiding Officer and the staff does not commence until the staff's report, required by § 1.13 (g) of the rules, is also placed on the public record. Hence, comment on the Presiding Officer's report alone would be considered premature at this time.

By direction of the Commission.

Issued: October 8, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-31457 Filed 10-27-76;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

Customs Service

[T.D. 76-304]

NORMAN G. JENSON

Cancellation With Prejudice Licenses

OCTOBER 20, 1976.

Notice is hereby given that the Commissioner of Customs on October 20, 1976, pursuant to section 641, Tariff Act of 1930, as amended (19 U.S.C. 1641), and § 111.51(b), Customs Regulations, as amended, upon the specific request of Norman G. Jensen, Palo Alto, California, canceled with prejudice individual customhouse broker's license No. 4482 issued to him on November 1, 1971, for the Customs District of San Francisco, and corporate customhouse broker's license No. 2968 issued to Norman G. Jensen, Inc., a corporation incorporated under the laws of the State of California, on December 11, 1970.

The Commissioner's decision is effective as of October 20, 1976.

VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.76-31462 Filed 10-27-76;8:45 am]

[T.D. 76-303]

POTATOES, WHITE OR IRISH

Tariff-Rate Quota for Year Beginning September 15, 1976

OCTOBER 21, 1976.

The tariff-rate quota for white or Irish potatoes, other than certified seed, pursuant to item 137.25, Tariff Schedules of the United States, for the 12-month period beginning September 15, 1976, is 45,000,000 pounds.

The estimate of the production of white or Irish potatoes, including seed potatoes, in the United States for the calendar year 1976, made by the United States Department of Agriculture as of September 1, 1976, was in excess of 21 billion pounds.

In accordance with headnote 2, part 8A, of schedule 1, Tariff Schedules of the United States, the quantity is not increased because the estimated production is greater than 21,000,000,000 pounds.

VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.76-31461 Filed 10-27-76;8:45 am]

[T.D. 76-305]

TAPERED ROLLER BEARINGS

Foreign Value

OCTOBER 14, 1976.

Pursuant to an American manufacturer's petition filed in accordance with the provisions of section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), the Customs Service has considered whether the appraised value of tapered roller bearings from Japan is too low, and has notified the petitioner of its determination.

The petitioner contended that foreign value, as described in section 402a(c) of the Tariff Act of 1930, as amended (19 U.S.C. 1402(c)), represented by the prices at which tapered roller bearings are offered by distributors in the Japanese domestic market, is the proper basis for the appraisement of tapered roller bearings from Japan. In support of this contention, the petitioner referred to a report of investgiation prepared by a Customs Representative in Japan, dated November 28, 1975, which, the petitioner asserts, estabilshes that tapered roller bearings are freely offered for sale at the distributor level to all purchasers in the domestic market.

The Customs Service agrees that the report establishes that one distributor did, in fact, freely offer for sale in the domestic market, at price list prices plus 10 percent, those tapered roller bearings found on the price list of a Japanese manufacturer, Koyo Seiko Co., Ltd., and that the report indicates that at least two other distributors may also have freely offered such merchandise. On the basis of this report, the Customs Service also agrees that foreign value existed as to those bearings and bearings similar to those bearings at the time of the investigation.

It is the understanding of the Customs Service that the predominant use of Japanese tapered roller bearings is in the manufacture of automobiles and that large numbers of these automobiles are sold and driven in Japan. It is apparent that a market for the sale of replacement bearings continues to exist in Japan. It further appears that sales of replacement bearings by distributors are being made at fixed prices available to all. Therefore, it is the opinion of the Customs Service that, in the absence of specific information to the contrary and based on the report of investigation, foreign value continues to exist with respect to the sale of those bearings found on the price list of Koyo Seiko Co., Ltd., and to the sale of bearings that are similar to those bearings.

Accordingly, with respect to such bearings entered for consumption or withdrawn from warehouse for consumption more than 30 days after the date of publication of this notice in the Customs Bulletin, appraisement will be made on the basis of foreign value or export value, whichever is higher, as provided by section 402a(a)(1) of the Tariff Act of 1930, as amended (19 U.S.C. 1402(a)(1)), until such time as additional information may be received by the Customs Service which causes Customs officers to believe that foreign value or export value does not exist.

A notice of the filing of the American Manufacturer's petition was not published in the FEDERAL REGISTER, as the petition was filed prior to the amendment to § 175.21 of the Customs Regulations (19 CFR 175.21) which requires such publication.

G. R. DICKERSON,
Acting Commissioner of Customs

[FR Doc.76-31460 Filed 10-27-76;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

COLLABORATIVE RESEARCH, INC.

Manufacture of Controlled Substances; Registration

By Notice dated August 30, 1976, and published in the FEDERAL REGISTER on September 3, 1976; (41 FR 37367), Collaborative Research, Inc., 1365 Main Street, Waltham, MA 02154, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of lysergic acid diethylamide, a basic class of controlled substance listed in schedule I.

No comments or objections having been received, and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Acting Deputy Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of lysergic acid diethylamide is granted.

Dated: October 20, 1976.

FREDERICK A. RODY, JR.,
Acting Deputy Administrator, Drug Enforcement Administration.

[FR Doc.76-31555 Filed 10-27-76;8:45 am]

FHER CORP., LTD.

Manufacture of Controlled Substances; Registration

By Notice dated August 30, 1976, and published in the FEDERAL REGISTER on September 3, 1976; (41 FR 37367), Fher Corporation Ltd. Carretera 132, KM 25.3, P.O. Box 4108, Ponce, PR 00731, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of phenmetrazine, a basic class of controlled substance listed in schedule II.

No comments or objections having been received, and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Acting Deputy Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of phenmetrazine is granted.

Dated: October 20, 1976.

FREDERICK A. RODY, Jr.,
Acting Deputy Administrator, Drug Enforcement Administration.

[FR Doc.76-31554 Filed 10-27-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DUCK STAMP CONTEST

Judging

In accordance with CFR 91.22, it is hereby announced that display and judging of the entries in the annual "Duck Stamp" contest will be held in the Main Auditorium, Department of the Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240, at 1 p.m. on Friday, Novemebr 12, 1976.

The design selected will appear on the 1977-78 Migratory Bird Hunting and Conservation Stamp.

The event is open to the public.

Dated: October 22, 1976.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

[FR Doc.76-31511 Filed 10-27-76;8:45 a.m.]

Office of Hearings and Appeals

[Docket No. M 76-383]

J. T. COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), J. T. Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine in Somerset County, Pennsylvania.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing cabs and canopies on the electrical equipment in this mine would create a safety hazard to the equipment operators.

2. Petitioner uses the continuous mining method in this mine and employs the following electrical equipment: two Lee Norse CM 28H continuous miners, two Galis 300 roof bolters, two Joy 18SC shuttle cars, two Joy 6 SC shuttle cars, and one SS 74 scoop tractor.

3. The No. 2 Mine is in the Upper Kittaning coal seam which ranges from 36 to 42 inches in height. Installation of canopies on the equipment would limit visibility severely as well as disturb the roof support system, both hazardous occurrences.

4. Petitioner feels that cabs and canopies will reduce the safety of the equipment operators due to the above circumstances.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 29, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

FRANCES A. PATTON,
Acting Director, Office of Hearings and Appeals.

OCTOBER 19, 1976.

[FR Doc.76-31444 Filed 10-27-76;8:45 am]

[Docket No. M 76X644]

LENA COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Lena Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine located in Letcher County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's equipment consists of one Galis roof bolting machine, one 14BU Joy loading machine, one Wilcox roof bolting machine, one 10 RU Joy cutting machine, and one Epling battery tractor.

3. The No. 1 Mine is in the 5–A seam which ranges from 9 feet 3 inches to 37 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. Installation of canopies on the equipment would limit the field of vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the equipment operators' vision is limited and since their position in the decks is cramped with the canopies installed, the canopy installation could be a contributing factor in any accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 29, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

OCTOBER 20, 1976.

FRANCES A. PATTON,
Acting Director,
Office of Hearings and Appeals.

[FR Doc.76–31445 Filed 10–27–76;8:45 am]

[Docket No. M 76X646]

MINK BRANCH COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Mink Branch Coal Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine located in Floyd County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of two AR–4 Elkhorn scoops, one Wilcox roof bolter and one Pauls roof bolter.

3. The No. 1 Mine is in a seam which ranges from 38 to 48 inches in height. The mine roof is supported by halfheaders and crossbars.

4. Installation of canopies on the scoops and roof bolters limits the vision of the operators of the equipment and creates a hazard to them. Petitioner and the equipment operators feel that operating this equipment in low coal with rolling top and bottom with cabs and canopies installed is more hazardous than operating without the cabs and canopies.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 29, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

FRANCES A. PATTON,
Acting Director,
Office of Hearings and Appeals.

OCTOBER 20, 1976.

[FR Doc.76–31446 Filed 10–27–76;8:45 am]

[Docket No. M 76–429]

TRIANGLE COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Triangle Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 3 Underground Mine located in Buchanan County, Hurley, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches.

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing cabs and canopies on the electrical equipment in this mine would create a safety hazard to the equipment operators.

2. Petitioner uses the conventional mining method in this mine and employs the following electrical equipment: one Epling spinner, one Royal cutting machine, one Paul Elswick roof bolter, and one Mescher tractor.

3. The No. 3 Underground Mine is in the Blair Seam which ranges from 30 to 32 inches in height. Installation of cabs and canopies on the equipment would severely limit visibility and also disturb the roof support system, both hazardous occurrences.

4. Petitioner feels that since the equipment operators' visibility would be reduced and their compartments cramped with the cabs and canopies installed, that this would be a contributing factor in any accidents which might occur.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or fur-

nish comments on or before November 29, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

FRANCES A. PATTON,
Acting Director, Office of Hearings and Appeals.

OCTOBER 19, 1976.

[FR Doc.76-31447 Filed 10-27-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A384]

MAINE

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Aroostook County, Maine, as a result of water damage to crops and land as a result of Hurricane Belle August 10 and 11, 1976. 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 Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor James B. Longley that such designation be made.

Applications for emergency loans must be received by this Department no later than December 14, 1976, for physical losses and July 13, 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 21st day of October, 1976.

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

[FR Doc.76-31469 Filed 10-27-76;8:45 am]

Forest Service

TONTO NATIONAL FOREST GRAZING ADVISORY BOARD SOUTHWESTERN REGION

Meeting

The Tonto National Forest Grazing Advisory Board will meet December 16, 1976, at 10:00 a.m. at the office of the Forest Supervisor, Tonto National Forest, located at 102 South 28th Street, Phoenix, Arizona.

The purpose of this meeting is to discuss the following agenda items:

1. Grazing fees.
2. Communications between Permittees and Forest Officers.
3. Tonto National Forest grazing policy.
4. Control of livestock numbers.
5. Predator control.
6. Coordination of special use permits with grazing.
7. Armer Mountain Allotment unauthorized grazing (if requested by the violator).
8. Current problems identified by grazing permittees.

The meeting will be open to the public. Persons who wish to attend should notify Bruce Hroneck, Supervisor, Tonto National Forest, 102 South 28th Street, Phoenix, Arizona 85034, Telephone No. 602-261-3205. Written statements may be filed with the Board before or after the meeting.

Oral statements may be made by public attenders when recognized by the chair.

Dated: October 20, 1976.

BRUCE B. HRONEK,
Forest Supervisor.

[FR Doc.76-31499 Filed 10-27-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE ON HOUSING FOR THE 1980 CENSUS

Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix I, Supp. V. 1975), notice is hereby given that the Census Advisory Committee on Housing for the 1980 Census will convene on November 18, 1976 at 9:30 a.m. The Committee will meet in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Housing for the 1980 Census was established in March 1976 to provide technical advice and guidance in planning the forthcoming decennial Census of Housing to ensure that the major statistical requirements of decision makers are provided by the 1980 Census of Housing program.

The Committee is composed of 18 members including a representative from each of nine organizations and nine members appointed by the Secretary of Commerce from a broad spectrum of industrial leaders involved in housing production, marketing, financing, management; academicians knowledgeable as to housing problems and data needs; and persons concerned with the ultilization, adequacy, and suitability of the Nation's housing stock.

The agenda for the meeting is: (1) The role of the Housing Advisory Committee; (2) election of temporary chairperson; (3) status of 1980 census planning; (4) status of housing census content planning; (5) ancillary surveys, including components of change, residential finance, and follow-on surveys; (6) quality of housing census data-results of census evaluation studies.

The meeting will be open to the public and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact Mr. Arthur F. Young, Chief, Housing Division, Bureau of the Census, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763-2863.

Dated: October 22, 1976.

ROBERT L. HAGAN,
Acting Director, Bureau of the Census.

[FR Doc.76-31474 Filed 10-27-76;8:45 am]

REGISTRATION AND VOTING STATISTICS

Survey

Notice is hereby given that the Bureau of the Census will conduct a survey to collect registration and voting statistics. This survey will be conducted under the provisions of Section 207 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973aa-5. The survey shall cover a count of citizens of voting age, race or color, and specified minority groups, and a determination of the extent to which such persons are registered to vote and have voted in the elections surveyed.

In accordance with administrative procedure, 5 U.S.C. 553, notice and hearing on this survey are unnecessary since the survey is required by law. It shall begin not earlier than November 2, 1976, and will be taken in the jurisdictions listed below.

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

Dated: October 22, 1976.

ROBERT L. HAGAN,
Acting Director, Bureau of the Census.

ALABAMA—STATEWIDE

State represented by surveys in the following counties:

Dallas	Mobile
Escambia	Montgomery
Etowah	Talladega
Jefferson	Wilcox
Limestone	

ALASKA—STATEWIDE

State represented by surveys in the following census divisions:

Aleutian Islands	Kodiak
Anchorage	Nome
Bethel	Wade Hampton
Fairbanks	Wrangell-Petersburg
Kenai-Cook Inlet	

ARIZONA—STATEWIDE

State represented by surveys in the following countries:

Gila	Maricopa

plus surveys in these counties selected for themselves:

Apache	Pima
Cochise	Pinal
Coconino	Santa Cruz
Mohave	Yuma
Navajo	

CALIFORNIA

Counties of:

Kings	Monterey
Merced	Yuba

COLORADO

El Paso County

FLORIDA

Counties of:

Collier	Hendry
Glades	Hillsborough
Hardee	Monroe

GEORGIA—STATEWIDE

State represented by surveys in the following counties:

Burke	Glynn
Carroll	Gwinnett
Chatham	Jackson
De Kalb	Laurens
Dougherty	Meriwether
Fulton	Troup

HAWAII

Honolulu County

LOUISIANA—STATEWIDE

State represented by surveys in the following parishes:

Caddo	Iberville
Calcasieu	Jefferson Davis
East Baton Rouge	Orleans
Franklin	Rapides

MAINE

Caswell Plantation (Aroostook County)
Limestone Town (Aroostook County)
Cutler Town (Washington County)
Perry Town (Washington County)

MASSACHUSETTS

Ayer Town (Middlesex County)
Shirley Town (Middlesex County)
Harvard Town (Worcester County)

MICHIGAN

Clyde Township (Allegan County)
Chippewa Township (Isabella County)
Buena Vista Township (Saginaw County)

MISSISSIPPI—STATEWIDE

State represeetned by surveys in the following counties:

Bolivar	Lowndes
Harrison	Oktibbeha
Hinds	Washington
Jones	Yazoo
Leflore	

NEW MEXICO

Counties of:

Curry	Otero
McKinley	

NEW YORK

Counties of:

Bronx	New York
Kings	

NORTH CAROLINA

Counties of:

Anson	Edgecombe
Beaufort	Franklin
Bertie	Gaston
Bladen	Gates
Camden	Granville
Caswell	Greene
Chowan	Guilford
Cleveland	Halifax
Craven	Harnett
Cumberland	Hertford
Hoke	Person
Jackson	Pitt
Lee	Robeson
Lenoir	Rockingham
Martin	Scotland
Nash	Union
Northampton	Vance
Onslow	Washington
Pasquotank	Wayne
Perquimans	Wilson

OKLAHOMA

Counties of:

Choctaw	McCurtain

SOUTH CAROLINA—STATEWIDE

State represented by surveys in the following counties:

Allendale	Lancaster
Charleston	Laurens
Chesterfield	Marlboro
Georgetown	Richland
Greenville	Williamsburg
Horry	

SOUTH DAKOTA

Counties of:

Shannon	Todd

TEXAS—STATEWIDE

State represented by surveys in the following counties:

Bell	Liberty
Bexar	Lubbock
Collin	Moore
Dallas	Potter
El Paso	Smith
Galveston	Tarrant
Harris	Val Verde
Hidalgo	Washington

UTAH

San Juan County

VIRGINIA—STATEWIDE

State represented by surveys in the following counties:

Arlington	Henry
Campbell	Page
Culpeper	Pittsylvania
Dinwiddie	Southhampton
Fairfax	York

and the independent cities of:

Alexandria	Martinsville
Danville	Newport News
Fairfax	Norfolk
Falls Church	Petersburg
Franklin	Richmond
Hampton	Virginia Beach
Lynchburg	

plus the following named county selected for itself:

Charles City County

WISCONSIN

Komensky Town (Jackson County)

[FR Doc.76-31519 Filed 10-27-76;8:45 am]

Office of the Secretary

SOUTHWEST BORDER ECONOMIC DEVELOPMENT REGION

Designation of an Economic Development Region

Pursuant to the provisions of Section 501(a) of the Public Works and Economic Development Act of 1965, as amended (Pub. L. 89-136; 42 U.S.C. 3181 (a)), having examined all pertinent data, I have determined that the following counties in the States of Arizona, California, New Mexico, and Texas meet the requirements of the Act for designation as an economic development region: Arizona: Cochise, Pima, Santa Cruz, and Yuma; California: Imperial, San Diego, and Riverside; New Mexico: Dona Ana, Grant, Hidalgo, Luna, and Otero; and Texas: Brewster, Cameron, Culberson, Dimmit, Edwards, El Paso, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Kinney, La Salle, Maverick, Pecos, Presidio, Real, Starr, Tarrel, Uvalde, Val Verde, Webb, Willacy, Zapata, and Zavala. Accordingly, in response to a request dated June 30, 1976, from the Governors of the four States, I have today designated the aforementioned counties as the Southwest Border Economic Development Region: *Provided*, That Cochise, Pima, Santa Cruz, and Yuma Counties in the State of Arizona and Hidalgo, Luna, Otero, Dona Ana, and Grant Counties in the State of New Mexico shall remain a part of the Four Corners Economic Development Region until October 1, 1979.

Dated: October 23, 1976.

ELLIOT RICHARDSON,
Secretary of Commerce.

[FR Doc.76-31803 Filed 10-27-76;10:12 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL PANEL ON ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of November 1976:

Name: National Panel on Alcohol, Drug, Abuse, and Mental Health.

Date and Time: November 15; 9:30 a.m., open meeting.

Place: Room 14-105, Parklawn Building, Rockville, Maryland. Contact Mr. Robert W. Brown, Parklawn Building, Room 13C-26, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3706.

Purpose: The National Panel on Alcohol, Drug Abuse, and Mental Health advises and makes recommendations to the Secretary concerning the activities to be carried out through the Alcohol, Drug Abuse, and Mental Health Administration. By law, the Panel is composed of three members, one each from the public members of the National Advisory Council on Alcohol Abuse and Alcoholism, National Advisory Council on Drug Abuse, and the National Advisory Mental Health Council.

Agenda: This meeting will be open to the public. Agenda items will include reports by Panel Members on the Institutes' National Advisory Councils, an evaluation of ADAMHA programs, and discussions of ADAMHA's prevention strategy, ADAMHA's proposed manpower development and training strategy, and possible joint Council projects. Agenda items are subject to change as priorities dictate. Public attendance will be limited to space available.

Substantive program information and a summary of the meeting may be obtained, upon request, from the contact person listed above.

Dated: October 21, 1976.

DAVID F. KEFAUVER,
Associate Administrator for Extramural Programs, Alcohol, Drug Abuse and Mental Health Administration.

[FR Doc.76-31467 Filed 10-27-76;8:45 am]

National Institute of Education

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Meeting

Notice is hereby given that the next meeting of the National Council on Educational Research will be held on November 5, 1976, at the National Institute of Education, 1200 19th Street, NW., Washington, D.C., in Room 823. The meeting will convene at 9:30 a.m. and adjourn at 4:00 p.m.

The National Council on Educational Research is established under section 405 (b) of the General Education Provisions Act (20 U.S.C. 1221e(b)). Its statutory duties include:

(a) Establishing general policies for, and reviewing the conduct of the Institute;

(b) Advising the Assistant Secretary for Education and the Director of the Institute on development of programs to be carried out by the Institute;

(c) Recommending to the Assistant Secretary and the Director ways to strengthen educational research, to improve the collection and dissemination of research findings, and to insure the implementation of educational renewal and reform based upon the findings of educational research.

The entire meeting will be open to the public. The tentative agenda is as follows:

9:30—Convene
9:30–10:00——Swearing in of New Council Members and Remarks
10:00–11:00—Director's Report
11:00–11:45——Report of Executive Committee: NCER Policy Notebook
11:45–12:45—Luncheon
12:45–1:30—Review and Reports Committee: NCER Review Process External Program Review
1:30–2:00—Report of Program Committee
2:00–3:00—FY 1979 Policy Guidance
3:00–4:00—NCER Committees Meet to Discuss Work to Be Done

Members of the public are invited to attend the sessions. Written statements relevant to an agenda item (or to any other item considered of interest to the Institute) may be submitted at any time and should be sent to the Chairman and Mrs. Ella L. Jones, Administrative Coordinator of the Council, at the address shown below.

In accordance with Council Policy (NCER Resolution No. 013074-8) copies of Council resolutions and minutes of Council meetings can be obtained by contacting the Administrative Coordinator. Resolutions are available shortly after the particular meeting at which adopted. Because minutes require approval by the Council at a subsequent meeting, they are usually available approximately four to six weeks after the date of the meeting to which they refer.

In order to verify the tentative agenda, or assure adequate seating arrangements, interested persons are requested to contact the Administrative Coordinator, National Council on Educational Research, whose address and telephone number are listed below:

National Council on Educational Research
National Institute of Education
Washington, D.C. 20208
Telephone: 202-254-7900

Dated: October 26, 1976.

HAROLD L. HODGKINSON,
Director,
National Institute of Education.

[FR Doc.76-31630 Filed 10-27-76;8:45 am]

ARTIFICIAL KIDNEY-CHRONIC UREMIA ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Artificial Kidney-Chronic Uremia Advisory Committee, National Institute of Arthritis, Metabolism, and Digestive Diseases, December 7, 1976. The meeting will be held in Building 31, Conference Room 9, at the National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public from 9 a.m. to 10 a.m. to discuss administrative reports. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 10 a.m. to 5 p.m. for the review, discussion and evaluation of individual contract proposals The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014 (301) 496-3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 133.849, National Institutes of Health.)

Dated October 14, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-31483 Filed 10-27-76;8:45 am]

DENTAL RESEARCH INSTITUTES AND SPECIAL PROGRAMS ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Dental Research Institutes and Special Programs Advisory Committee, National Institute of Dental Research, National Institutes of Health, on November 11-12, 1976, at the Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD. This meeting will be open to the public on November 11, 1976 from 8:30 a.m. to 9:30 a.m. for opening remarks and general discussion. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 11, 1976, from 9:30 a.m. to 5:00 p.m., and on November 12, 1976, from 8:30 a.m. to adjournment for the review, discussion, evaluation and ranking of Institutional National Research Service Awards. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Dr. Emil L. Rigg, Special Assistant for Institutes and Centers, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 507, Bethesda, Maryland 20014 (Phone 301-496-7748) will provide summaries of meetings, rosters of committee members, and substantive program information.

Dated: October 21, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-31484 Filed 10-27-76;8:45 am]

COOPERATIVE GROUP CHAIRMEN, NATIONAL CANCER INSTITUTE

Meeting

Notice is hereby given of the Cooperative Group Chairmen Meeting of the Clinical Investigations Branch, Division of Cancer Treatment, National Cancer Institute, December 14, 1976, Building 31, C Wing, Conference Room 8, Bethesda, Maryland 20014.

This meeting will be open to the public from 9 a.m. to adjournment, to discuss and review cooperative group clinical, operational, and procedural activities. Attendance by the public will be limited to space available.

For additional information, please contact: Dr. Hugh L. Davis, Jr., Special Assistant for the Clinical Investigations Branch, Division of Cancer Treatment,

National Cancer Institute, National Institutes of Health, Room 114, Blair Building, Bethesda, Maryland 20014, (301) 427–8097.

Dated: October 18, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–31481 Filed 10–27–76;8:45 am]

PERIODONTAL DISEASES ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Periodontal Diseases Advisory Committee, National Institute of Dental Research, National Institutes of Health, Bethesda, MD, on December 9–10, 1976, in Building 31.

The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on December 9 in Conference Room 6, and from 9:00 a.m. to adjournment on December 10 in Conference Room 4, to complete plans for related workshops on techniques for measuring periodontal diseases and discuss plans for developing new clinical research programs including manpower. Attendance by the public will be limited to space available.

Dr. Anthony A. Rizzo, Special Assistant to the Associate Director, Extramural Programs, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 521, Bethesda, MD 20014, (telephone 301–496–7784) will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13,841, National Institutes of Health.)

Dated: October 21, 1976.

SUZANNE L. FREMEAU,
Committee Management Office,
National Institutes of Health.

[FR Doc.76–31485 Filed 10–27–76;8:45 am]

PUBLIC ADVISORY COMMITTEE

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the National Institutes of Health announces the renewal by the Secretary, HEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, of the Recombinant DNA Molecule Program Advisory Committee. Authority for this committee will expire on June 30, 1978, unless the Secretary formally determines that continuance is in the public interest.

Dated: October 15, 1976.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc.76–31486 Filed 10–27–76;8:45 am]

SICKLE CELL DISEASE ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Sickle Cell Disease Advisory Committee, National Heart, Lung, and Blood Institute, December 16 and 17, 1976, National Institutes of Health, Building 31, Conference Room 10, C–Wing. The entire meeting will be open to the public from 8:30 a.m. to 5:00 p.m. on December 16 and 17, 1976, to discuss recommendations on the implementation and evaluation of the Sickle Cell Disease Program. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, Building 31, Room 5A03, (301) 496–4236, will provide summaries of the meeting and rosters of committee members.

Mr. Howard F. Manly, Executive Secretary, Sickle Cell Disease Advisory Committee, NHLBI, Building 31, Room 4A29, (301) 496–6931, will furnish substantive program information.

Dated: October 18, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–31482 Filed 10–27–76;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EQUALITY OF EDUCATIONAL OPPORTUNITY

Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), that the Executive Committee of the National Advisory Council on Equality of Educational Opportunity will convene at 9:00 a.m. on Friday, November 12, until 3:00 p.m. in Suite 115 of the Hyatt Regency, Poplar Avenue, Memphis, Tennessee.

The National Advisory Council on Equality of Educational Opportunity is established under section 716 of the Emergency School Aid Act (Pub. L. 92–318, Title VII, as amended by Pub. L. 93–380). The Council is established to: (1) advise the Assistant Secretary for Education with respect to the operation of the program authorized under the Emergency School Aid Act (ESAA), including the preparation of regulations and the development of criteria for the approval of applications; and (2) review the operation of the program with respect to its effectiveness in achieving its purpose as stated in the Act and with respect to the Assistant Secretary's conduct in the administration of the program.

The meeting of the Executive Committee, which is open to the public, will be for the purpose of discussing plans for the Council's Fourth Interim Report (March, 1977), and the work plan and Council organization for FY 1977. The Executive Director will also report on the Council status.

Records of all meetings are kept at NACEEO headquarters, 1325 G Street, N.W., Suite 710, Washington, D.C., and are available for public inspection.

Signed at Washington, D.C. on October 18, 1976.

LEO A. LORENZO,
Executive Director.

[FR Doc.76–31479 Filed 10–27–76;8:45 am]

Health Services Administration

QUALIFIED HEALTH MAINTENANCE ORGANIZATION

Establishment

Notice is hereby given, pursuant to 42 CFR 110.605, that in the month of September 1976 the following entity has been determined to be a qualified health maintenance organization under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e–9(d)).

Qualified Health Maintenance Organization

Name, address, service area, and date of qualification

(Operational qualified health maintenance organization: 42 CFR 110.603 (a)).

1. Westchester Community Health Plan, 145 Westchester Avenue, White Plains, New York 10601. Service area: Westchester County, New York. Date of Qualification: September 30, 1976. (Achieved pre-operational status on September 28, 1976.).

Files containing detailed information regarding this qualified health maintenance organization will be available for public inspection between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, at the Office of Quality Standards, Office of Assistant Secretary for Health, Department of Health, Education, and Welfare, Room 14A–27, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Questions about the review process or requests for information about qualified health maintenance organizations should be sent to the same office.

Date: October 20, 1976.

JOHN A. O'ROURKE,
Acting Director,
Office of Quality Standards.

[FR Doc.76–31501 Filed 10–27–76;8:45 am]

Office of the Secretary

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Statement of Organization, Functions, and Delegations of Authority

Part 11, Chapter 11, of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, entitled Office of the Assistant Secretary for Health (38 FR 18571–74, July 12, 1973, as amended most recently at 41 FR 18697, May 6, 1976) is amended to reflect the establishment of an Office of Health In-

formation and Health Promotion in the Office of the Assistant Secretary for Health for the purpose of coordinating health information, health promotion, preventive health services, and education in the use of health care within the Department of Health, Education, and Welfare (DHEW), with the private sector, and for establishing a national clearinghouse to facilitate exchange of information.

Section 11–B, Organization and Functions, is amended by inserting the following statement after the Office of Child Health Affairs (1N15):

Office of Health Information and Health Promotion (1N16). (1) Coordinates health information, health promotion, preventive health services, and education in the use of health care within the DHEW; (2) coordinates the above activities with similar activities within organizations in the private sector; (3) facilitates coordination and collaboration between components of the Department, PHS, Medicare, Medicaid, Office of Education and others, and professional organizations, citizen organizations, and public interest groups with common interests in health care; (4) promotes the internal integration of health information, health promotion, and preventive health program activities at the operational level; (5) collaborates with the Office of Policy Development and Planning in the development and implementation of the PHS forward plan and in analogous planning activities of Medicare, Medicaid, and other Department health programs as they relate to health information, health promotion, preventive health services and education in the apppropriate use of health care; (6) prepares the report to Congress on the status of health information, health promotion, preventive health services, and education in the appropriate use of health care; and (7) provides for the operation of a national clearinghouse to assist in the analysis of issues and problems in health information, promotion, and prevention activities.

Dated: October 18, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76-31487 Filed 10-27-76;8:45 am]

OFFICE OF THE ASSISTANT SECRETARY FOR PLANNING AND EVALUATION

Statement of Mission, Organization, Function and Delegation of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare is amended to delete Chapter 1G. Office of the Assistant Secretary for Planning and Evaluation (40 FR 34442, August 15, 1975 and 39 FR 1652, January 11, 1974) and substitute therefor a revised Chapter 1G that updates the organizational statement and presents the divisional structure under the several offices. The revised Statement reads as follows:

SECTION 1G.00 *Mission and Organization.* The Assistant Secretary for Planning and Evaluation serves as the principal advisor to the Secretary on economic, social and program analysis matters. He/she is responsible for the Department's master calendar planning process and forward planning activities, which encompass legislative development, policy analysis activities and research and evaluation planning. This mission is accomplished through an organization consisting of functional and programmatic units. This dual approach provides both an operational framework to direct, coordinate and evaluate departmental activities, and a research and analytic capability to perform policy analyses.

SEC. 1G.10 *Organization.* A. Office of Program Systems.

1. Division of Research and Evaluation Systems.
2. Division of Policy Analysis.
3. Division of Planning Systems.

B. Office of Planning and Evaluation/Health.

1. Division of Health Financing and Cost Analysis.
2. Division of Health Evaluation and Prevention Programs.
3. Division of Health Resources and Services.

C. Office of Planning and Evaluation/Education.

1. Division of Elementary and Secondary Education.
2. Division of Special Education Needs.
3. Division of Research, Evaluation and Statistics.
4. Division of Higher Education.
5. Division of Telecommunications Policy.

D. Office of Social Services and Human Development.

1. Division of Intergovernmental Systems.
2. Division of Program Planning and Evaluation.
3. Division of Policy Research and Analysis.

E. Office of Income Security Policy.

1. Division of Policy Planning.
2. Division of Policy Analysis.
3. Division of Policy Research.

F. Office of Special Concerns.

1. Division of Spanish Surnamed Americans.
2. Division of Black American Affairs.
3. Division of Asian American Affairs.
4. The Women's Action Program.

G. Office of Technical Support and Statistics.

1. Division of Scientific Computation.
2. Division of Simulation and Modeling.
3. Division of Statistical Methodology.
4. Division of Survey Development.

SEC. 1G.20 *Functions.* A. The Office of Program Systems is responsible for the general development, coordination, and operation of the Department's policy planning and development activities, as well as the planning and coordination of Departmental research, evaluation, and policy/program analysis activities. This Office also supervises the collection, storage, retrieval, and dissemination of information required for planning, policy analysis, and evaluation.

1. The Division of Research and Evaluation Systems is responsible for the design, development and implementation of a departmental research and evaluation plan and for management of this system. Functions include: Developing the Department's annual evaluation research, and data guidance; guiding production of the Department's research and evaluation plans; coordinating monitoring of ongoing evaluation activities, developing a prototype system for assessing and monitoring the technical quality of research and evaluation activities; developing and operating systems for collection, dissemination, and analysis of results; examining evaluation planning and management processes for the Department and developing improved measures of identifying program effectiveness and performance.

2. The Division of Policy Analysis is responsible for the conduct of policy analyses and evaluations in subjects and areas not covered by or cutting across the programmatic offices of the Assistant Secretary: Functions include: Coordinating the performance of analyses on cross cutting topics that are performed through task forces; devising departmental policies, positions, and procedures for dealing with highly technical analytic requirements, such as inflation impact and measuring income distribution effects of social programs; representing the Department externally on government-wide requirements and procedures for policy analysis; developing approaches to effectively conduct policy analysis of social programs and providing technical support to other offices on techniques of policy, systems, and cost-benefit analysis.

3. The Division of Planning Systems is responsible for developing, implementing, directing, and coordinating the Department's master calendar planning process which links evaluation, research analysis, forward planning, budgeting, legislation development and program implementation. Functions include: The development of a master calendar of milestones for each of the above functional components; directing the Department's forward planning activities, to include preparing and coordinating for the Secretary memoranda concerning projected policy issues and socio-economic forecasts; planning and coordinating the formulation of the Department's legislation in support of forward plans and budgets; directing and coordinating the Department's policy analysis process to identify issues for analysis and prepare action or decision papers for the Secretary; representing the Department externally on planning matters; and monitoring progress in the implementation of new programs through review of plans, identification of issues related to operational problems, and performing cost analysis of major programs.

B. The Office of Planning and Evaluation/Health is the principal office within the Office of the Assistant Secretary which directly interfaces with the Department's health agencies to coordinate the health related issues of the planning, policy analysis and legislative formulation process and which conducts research, analyses and evaluation activities in the health area.

1. The Division of Health Financing and Cost Analysis performs quantitative studies and evaluations of DHEW's health financing programs, i.e., Medicare and Medicaid. Functions include: Formulating and analyzing alternative legislative proposals; preparing quantitative evaluations of the efficacy of existing and potential programs in terms of such variables as their cost, effectiveness, economic impact, and effect on medical price inflation; and synthesizing technical analysis performed outside of the Government in a manner that is relevant to policy formulation. The Division is also responsible for overseeing, within the Department, the development of the Administration's policies and proposals for National Health Insurance.

2. The Division of Health Evaluation and Prevention Programs is responsible for assuring the development and execution of an effective program to assess the performance of the Department's health activities. Functions include: Identifying policy issues relevant to current program experiences; conducting or sponsoring analysis of these policy issues; supervising an operational management system to monitor more than two hundred evaluation studies; and coordinating preparation of the annual Health Evaluation Plan of the Department. The responsibilities associated with the Health Evaluation Plan include, but are not limited to: Integration of significant health issues into other programmatic studies by reviewing plans that cut across program units; coordination of evaluation activities among and between health agencies and other Departmental health programs such as Medicare and Medicaid; review of final reports to extract pertinent conclusions for use in decision making processes; and serving as the focal point for the development of the Department's Forward Plan for health programs and legislation. This Division also performs analysis of the Department's preventive health activities and programs.

3. The Division of Health Resources and Services is responsible for assessing the adequacy, appropriateness and efficiency of health resources in meeting the real demands for health care services. In addition, this Division is also responsible for performing analyses of the Department's health service programs such as Health Maintenance Organizations, Comprehensive Health Centers, and Community Mental Health Center Programs.

C. The Office of Planning and Evaluation/Education is the principal office within the Office of the Assistant Secretary which directly interfaces with the Department's education agencies to coordinate the education related issues of the planning, policy analysis, and legislative formulation process and which conducts research, analysis, and evaluation activities in the education area. The Office also includes the Division of Telecommunications Policy which is responsible for the formulation of policy pertaining to application of telecommunications to all DHEW programs.

1. The Division of Elementary and Secondary Education is responsible for the development and assessment of policy issues relating to elementary and secondary education. Specific functions include: Developing and assessing educational program proposals; assessing alternative strategies involved in school desegregation, compensatory education, impact aid, and vocational education; conduct of analysis and evaluations of alternative school finance strategies; costing out decision alternatives in terms of resource commitment, target coverage, output measures, and other relevant variables; and representing the Assistant Secretary and providing education analysis capability to departmental ad hoc task forces.

2. The Division of Special Education Needs is responsible for the development and coordination of special education policies and activities. Such policies include the problems of low income students, women, racial or ethnic minorities, and the handicapped. Functions include: Assessing alternative strategies for assisting these groups: Developing and coordinating policies in relationship to compliance requirements of civil rights legislation; developing guidelines and regulations pursuant to special educational programs; conduct of statistical or economic evaluations of educational processes; preparing reports and decision memorandum for use of senior officials of the Department; and representing the Department on matters related to special educational needs. Additionally, these responsibilities involve substantial in-house and contracted research activities on priority policy issues.

3. The Division of Research, Evaluation, and Statistics is responsible for the development and coordination of policies and activities for educational research, evaluation, and statistical programs. Functions include: Coordinating the Department's system for the evaluation of education programs; assessing alternative strategies for allocating the Department's R&D resources in education; developing guidelines and regulations education R&D and statistical programs; conduct of policy research studies and analysis; and representing the Department in areas related to education R&D and statistics.

4. The Division of Higher Education is responsible for coordination and initiation of relevant research and evaluation on higher education policies for the Department. Functions include: Analyzing legislative options and developing legislative specifications; consulting with higher education experts on current conditions, trends, plans, and proposals vis-a-vis the Federal role in higher education; monitoring the financial condition of institutions of higher education and availability of non-Federal financial resources; coordinating with the Office of Education on plans and proposals to alter educational programs and processes; collecting and analyzing relevant policy and program data resulting in recommendations concerning new Federal policy; evaluating ongoing and experimental higher education programs; and representing the Department on inter-Departmental and interagency task forces in the area of higher education.

5. The Division of Telecommunications Policy is responsible for the formulation of policies, programs and legislative initiatives for health, education, and other social service applications of telecommunications. Specific functions include: Administering the telecommunications Demonstrations Grant Program; formulating and representing the Department's positions before the Federal Communications Commission, the Office of Telecommunications Policy, Executive Office of the President, and international bodies; policy coordination with the National Aeronautics and Space Administration, the Department of Commerce, and other Federal agencies; technical, marketing, economic and social systems research and analysis of prospective telecommunications applications; liaison with industry to determine the latest state-of-the-art in satellite, cable, fibre optics, and other technologies; and liaison with user communities to assess needs and potential application.

D. The Office of Social Services and Human Development is the principal office within the Office of the Assistant Secretary which directly interfaces with the Department's agencies administering social services, human development, and disability programs and is concerned with issues relating to the planning and management of state and local government's human resource programs. It coordinates the related issues of the planning, policy analysis and legislative formulation process and which conducts research, analysis, and evaluation activities in these areas.

1. The Division of Intergovernmental Systems is responsible for all activities concerned with improving state and local government's capacity to plan and manage human resource programs Functions include: Developing and revising legislation to improve local government's capabilities to manage human service programs; internal reform and simplification of DHEW program regulations and guidelines which impede comprehensive planning and delivery; designing and implementing mechanisms to provide technical assistance; funding of selected innovative capacity-building projects; and aid in the development of state and local information systems.

2. The Division of Program Planning and Evaluation is responsible for overseeing and assisting in the development of policy making, forward planning, re-

search and development, as well as evaluation activities in SRS and HD. Functions include: policy coordination on the development of legislative, regulatory, and programmatic proposals; and performing independent evaluations and analysis of program functions and synthesizing technical studies in a manner useful to policy formulation and decision making.

3. The Division of Policy Research and Analysis is responsible for the conduct of a program of research and analysis, including support of extramural research, in the areas of social services, human development, disability and long-term care. Functions include: Direct analysis of the interrelationships of policies and programs in the areas of social services, human development, disability and long-term care with those of income maintenance, health, education, housing, transportation and manpower programs; and technical consultation to other divsions of the Office of the Secretary, agencies, and interdepartmental task forces on studies in these areas.

E. The Office of Income Security Policy is responsible for conducting the necessary program and policy analysis and research to provide information on the implications of alternative strategies to meet current and long-range objectives in income maintenance and employment related areas. Is responsible for carrying out a research and evaluation effort designed to add to the body of knowledge on income security issues and for overseeing similar agency and interdepartmental efforts, with particular attention to the Social Security Administration. Other functions include: Formulation of policy, economic and social analysis; program analyses; evaluation; and interdepartmental programs for planning and evaluation which deal with the general area of income security as it impacts on departmental responsibilities and objectives.

1. The Division of Policy Planning is responsible for identifying, in conjunction with relevant agencies, immediate planning issues related to the Department's income maintenance programs. Functions include: Describing the objectives, costs and effects of major policy alternatives; conduct of an annual review of the Department's income maintenance plans; and recommending to the Secretary appropriate departmental strategies. In addition to reviewing all policy issues under consideration for departmental action, this Division is also responsible for initiating discussion of policy concerns related to these programs.

2. The Division of Policy Analysis is responsible for performing indepth analyses of major policy issues and concerns in the general area of income security which impact upon departmental responsibilities and analyzing/developing major alternatives for Federal employment/manpower, social insurance and welfare policies.

3. The Division of Policy Research is responsible for the conduct of a reserach program designed to add to the body of knowledge regarding the desirability of various policy approaches to promote the income security of our citizens, with particular emphasis on the lower income population. This responsibility involves a substantial amount of in-house research as well as the design, award and monitoring of major extramural research contracts and grants. Functions include; coordinating with relevant SRS and SSA offices in the development of their evaluation and research plans; identifying successful practices and innovative methods as well as assuring that they are adopted into departmental programs and projects; analyzing and reviewing criteria by which program performance is measured; and developing new and improved criteria.

F. The Office of Special Concerns is responsible for conducting the necessary program and policy analysis, and research to advise the Secretary and the Assistant Secretary on the implications of alternative Departmental policies and strategies for the effective delivery of services to minorities and women. The Office initiates special policy analyses in these areas and assists or advises in the program and policy analyses conducted by the other offices within the Office of the Assistant Secretary. The Office is responsible for carrying out a research and evaluation effort designed to add to the body of knowledge on minorities' and women's issues and for overseeing similar agency and interdepartmental efforts. In addition, the Office is the principal office within the Office of the Secretary which directly interfaces with the Department's Office for Civil Rights and other Departmental agencies to coordinate the related issues of the planning, policy analysis and the legislative formulation process and which conducts research, analysis and elevation activities in the civil rights area. These responsibilities, plus special research and analysis projects assigned by the Secretary or Assistant Secretary, are accomplished through four divisions representing the interests of Spanish-surnamed Americans, Black Americans, Asian Americans and women as well as through cross divisional working teams.

1. The Division of Spanish-surnamed Americans serves as the principal advisor to the Secretary in all policy matters relating to the Hispanic community. The Division brings this perspective to the development and implementation of a basic social science research, evaluation and policy strategy program for the Office of Special Concerns designed to increase the effective impact of Departmental programs on minorities and women. Specific functions include: Design and conduct of research and evaluation studies on the needs of the Spanish-surnamed American populations and on the impact of Department policies and programs on these groups; advice and assistance in the design of research and evaluation studies conducted elsewhere within the Office of the Assistant Secretary and Department; identification of the policy issues relevant to impact on these groups; conduct of or assistance in analysis of these policy issues; preparation of reports, issue papers and decision memoranda for the Secretary; advice and assistance in policy analyses conducted elsewhere within the Department; periodic analysis of the standard performance indicators of the Department's programs, such as beneficiary data, to assess the equity of service delivery to Spanish-surnamed Americans and development of recommendations to the Assistant Secretary and Secretary indicating the need for improvement; provision of information and advice on programmatic and policy issues impacting on this population to the Department's Regional Directors, heads of principal operating components and their staff, and to other agencies of Federal and State governments; provision of advice to the Secretary on methods of building and sustaining effective communication with Spanish-surnamed American communities including the appropriate degree of their participation on the implementation and evaluation of Department programs.

Division staff also serve on cross devision teams to conduct the planning, policy, legislative, research and evaluation activities in the civil rights area, as well as other cross-cutting activities assigned to the Office by the Secretary or Assistant Secretary.

2. The Division of Black American Affairs serves as the principal advisor to the Secretary in all policy matters relating to the Black community. The Division brings this perspective to the development and implementation of a basic social science research, evaluation and policy strategy program for the Office of Special Concerns designed to increase the effective impact of departmental programs on minorities and women. Specific functions include: Design and conduct of research and evaluation studies on the needs of the Black American populations and on the impact of Department policies and programs on these groups; advice and assistance in the design of research and evaluation studies conducted elsewhere within the Office of the Assistant Secretary and Department; identification of policy issues relevent to impact on these groups; conduct of or assistance in analysis of these policy issues; preparation of reports, issue papers and decision memoranda for the Secretary; advice and assistance in policy analyses conducted elsewhere within the Department; periodic analysis of the standard performance indicators of the Department's programs, such as beneficiary data, to assess the equity of service delivery to Black Americans and development of recommendations to the Assistant Secretary and Secretary indicating the need for improvement; provision of information and advice on programmatic and policy issues impacting on this population to the Department's Regional Directors, heads of principal operating components and their staff, and to other agencies of Federal and State governments; provision of advice

to the Secretary on methods of building and sustaining effective communication with Black American communities including the appropriate degree of their participation in the implementation and evaluation of Department programs. Division staff also serve on cross division teams to conduct the planning, policy, legislative, research and evaluation activities in the civil rights area, as well as other cross-cutting activities assigned to the Office by the Secretary or Assistant Secretary.

3. The Division of Asian American Affairs serves as the principal advisor to the Secretary in all policy matters relating to the Asian community. The Division brings their perspective to the development and implementation of a basic social science research, evaluation and policy strategy program for the Office of Special Concerns designed to increase the effective impact of Departmental programs on minorities and women. Specific functions include: design and conduct of research and evaluation studies on the needs of the Asian American populations and on the impact of Department policies and programs on these groups; advice and assistance in the design of research and evaluation studies conducted elsewhere within the Office of the Assistant Secretary and Department; identification of policy issues relevant to impact on these groups; conduct of or assistance in analysis of these policy issues; preparation of reports, issue papers and decision memoranda for the Secretary; advice and assistance in policy analyses elsewhere within the Department; periodic analysis of the standard performance indicators of the Department's programs, such as beneficiary data, to assess the equity of service delivery to Asian Americans and development of recommendations to the Assistant Secretary and Secretary indicating the need for improvement; provision of information and advice on programmatic and policy issues impacting on this population to the Department's Regional Directors, heads of principal operating components and their staff, and to other agencies of Federal and State governments; provision of advice to the Secretary on methods of building and sustaining effective communication with Asian American communities including the appropriate degree of their participation in the implementation and evaluation of Department programs.

Division staff also serve on cross division teams to conduct the planning, policy, legislative, research and evaluation activities in the civil rights, as well as other cross-cutting activities assigned to the Office by the Secretary or Assistant Secretary. The Women's Action Program serves as the principal advisor to the Secretary in all policy matters relating to Women. The Division brings this perspective to the development and implementation of a basic social science research, evaluation and policy strategy program for the Office of Special Concerns designed to increase the effective impact of Departmental programs on minorities and women. Specific functions include: Design and conduct of research and evaluation studies on the needs of women and on the impact of Department policies and programs on women; advice and assistance in the design of research and evaluation studies conducted elsewhere within the Office of the Assistant Secretary and Department; identification of policy issues relevant to impact on these groups; conduct of or assistance in analysis of these policy issues; preparation of reports, issue papers and decision memoranda for the Secretary; advice and assistance in policy analyses conducted elsewhere within the Department; periodic analysis of the standard performance indicators of the Department's programs, such as beneficiary data, to assess the equity of service delivery to women and development of recommendations to the Assistant Secretary and Secretary indicating the need for improvement; provision of information and advice on programmatic and policy issues impacting on this population to the Department's Regional Directors, heads of principal operating components and their staff, and to other agencies of Federal and State governments; provision of advice to the Secretary on methods of building and sustaining effective communication with women including the appropriate degree of their participation in the implementation and evaluation of Department programs. Division staff also serve on cross division teams to conduct the planning, policy, legislative, research and evaluation activities in the civil rights area, as well as other cross-cutting activities assigned to the Office by the Secretary or Assistant Secretary.

G. The Office of Technical Support and Statistics is responsible for the provision of technical staff services and professional scientific advice in direct support of analytic work in planning and evaluation and performs advanced applied research in selected areas of statistics and econometrics. Functions include: In-house statistical computing and scientific data processing; performance of special studies and research to improve existing statistical techniques; development of new quantitatives methods for planning and evaluation; technical coordination of departmental statistical planing activities and of large-scale survey development, data collection, and analysis projects; and provision of major technical resources for systems simulation and mathematical modeling.

1. The Division of Scientific Computation provides specialized computer programming and systems analysis support to all planning and evaluation elements under the Assistant Secretary, including applications of advanced numerical analysis techniques; creation of statistical softwave packages; and performance of large-scale data analysis projects.

2. The Division of Simulation and Modeling conducts applied studies in economics and operations research as required in support of planning and evaluation activities, maintains and develops large scale computerized simulation models, and furnishes specialized technical support in modeling of socioeconomic processes and program variations.

3. The Division of Statistical Methodology performs special studies in mathematical statistics and sampling methods to determine the degree of reliability and validity attained or attainable in major data collection and analysis projects, the statistical adequacy of existing and proposed operational measures for social and economic programs, and the need for new techniques to meet new problems.

4. The Division of Survey Development plans and directs the execution of major sample surveys to acquire data for policy analysis and planning and manages a multi-year development program in planning and testing design elements for a new national survey of income and program benefits to be operated in the 1980 decade.

Dated: October 18, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76-31488 Filed 10-27-76;8:45 am]

Office of the Assistant Secretary for Health

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council

Date and Time: November 22, 1976 (10:00 a.m. to 5:00 p.m.); November 23, 1976 (9:00 a.m. to 1:00 p.m.)

Place: Auditorium (first floor), DHEW North Building, 330 Independence Avenue, S.W., Washington, D.C.

Purpose of Meeting: The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to William D. Coughlan, Staff Director, National

Professional Standards Review Council, Office of Quality Standards, Room 16A–09, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Dated: October 15, 1976.

WILLIAM B. MUNIER,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.76–31502 Filed 10–27–76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD–371; FDAA–3015–EM]

SOUTH DAKOTA

Amendment to Notice of Emergency Declaration

Notice of Emergency for the State of South Dakota, dated June 17, 1976, and amended on July 8, 1976, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of June 17, 1976, and to make emergency assistance available to these additional counties effective the date of this amended notice.

The Counties of:

Clay Union

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: October 18, 1976.

JAMES P. DOKKEN,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.76–31545 Filed 10–27–76;8:45 am]

Office of the Secretary

[Docket No. D–76–465]

DIRECTOR, OFFICE OF PROCUREMENT AND CONTRACTS, ET AL.; REGIONAL ADMINISTRATORS, ET AL.

Designations and Redelegations of Authority

The Designations and Redelegations of Authority published at 41 FR 2666, January 19, 1976, as amended at 41 FR 11067, March 16, 1976, are further amended to reflect organizational changes within the HUD Office of Procurement and Contracts and the expansion of procurement authority within HUD Regional Offices to include ordering limitations for purchases under various Government Supply Schedules, as well as extending procuring authority to Area and Insuring Offices. Accordingly, the designations and redelegations of authority are amended as follows:

1. Section B is revised to read as follows:

Section B. *Authority redelegated.* The Director, Policy, Evaluation and Administration Division; the Director, Research and Demonstrations Division; the Director, Administrative Support Division; the Director, Procurement and Grants Division; the Chief, Contract Services Branch; and the Special Assistant to the Director, Office of Procurement and Contracts; each is designated as a Contracting Officer and Purchasing Agent and is authorized to:

1. Enter into and administer all purchases and procurement contracts for property and services and make related determinations thereto under sections 302(c) (1 through 15) of the Federal Property and Administrative Services Act, as amended (41 U.S.C. 252(c) (1 through 15)), except:

a. Making related determinations under 302(c)(11) with respect to purchases and procurement contracts in excess of $25,000 and under section 302(c) (12) and (13) of the Federal Property and Administrative Services Act (41 U.S.C. 252(c) (11), (12) and (13)).

b. Entering into and administering purchases and procurement contracts and making related determinations with respect to the Property Disposition Programs.

c. Entering into and administering purchases and procurement contracts for temporary housing with respect to disaster relief activities under 42 U.S.C. 4401 and 42 U.S.C. 5121.

2. Enter into and administer Interagency Agreements with all other Federal agencies.

2. Section C is revised to read as follows:

Section C. *Authority redelegated.* Each Regional Administrator, Assistant Regional Administrator for Administration, Regional Director of Administrative Services and Regional Purchasing Agent is authorized: (1) to enter into and administer purchases for property and services for the Department which are placed under the General Services Administration Federal Supply Schedule Contracts, Schedule Contracts of the National Industries for the Blind and Schedule Contracts of the Federal Prison Industries, Inc., up to the maximum ordering limitation for each such contract, and (2) to enter into and administer purchases and procurement contracts for property and services for the Department not to exceed $10,000 on an individual basis under section 302(c)(3) of the Federal Property and Administrative Services Act, as amended (41 U.S.C. 252(c)(3)).

Each Regional Administrator and each Regional Contracting Officer (RCO) is designated as a Contracting Officer and Purchasing Agent and may, when directed to do so by the Assistant Secretary for Administration, enter into and administer specific purchases, procurement contracts, and Interagency Agreements with other Federal agencies for property and services required by the Department, and make related determinations thereto under Sections 302(c) (1 through 15) of the Federal Property and Administrative Services Act, as amended (41 U.S.C. 252(c) (1 through 15)), except the authority to make related determinations under Section 302(c) (11), (12) and (13) of the Federal Property and Administrative Services Act (41 U.S.C. 252(c) (11) and (13)).

The authority in this Section C does not apply to purchases and contracts for Property Disposition Programs.

3. The present Sections D and E are redesignated as Sections E and F.

4. A new section D is added to read as follows:

Section D. *Authority redelegated.* Each Area Office Director, Area Office Administrative Division Director, Insuring Office Director and Insuring Office Administrative Officer is designated as a Regional Purchasing Agent and is authorized: (1) To enter into and administer purchases of property and services for the Department not to exceed $500 on an individual basis under Section 302(c)(3) of the Federal Property and Administrative Services Act, as amended (41 U.S.C. 252(c)(3)), and (2) to enter into and administer purchases which are placed under the General Services Administration Federal Supply Schedule Contracts, Schedule Contracts of the National Industries for the Blind and Schedule Contracts of the Federal Prison Industries, Inc., up to the maximum ordering limitation for each such contract, except:

a. Purchases of capitalized equipment or furniture other than from General Services Administration Supply Schedule Contracts.

b. Purchases and contracts for Property Disposition Programs.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).)

Effective date: These designations and redelegations of authority shall be effective October 28, 1976.

THOMAS G. CODY,
Assistant Secretary for Administration.

[FR Doc.76–31546 Filed 10–27–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76–195]

CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMMITTEE

Renewal and Charter

This notice announces the renewal by the Secretary of Transportation of the Chemical Transportation Industry Advisory Committee under section 14 of the Federal Advisory Committee Act (5 U.S.C. App. I) and publishes the new charter of the Committee that is prepared under the requirements of section 9 of that act.

The purpose of the Chemical Transportation to the Coast Guard Marine Safety Council with respect to the regulation of the water transportation system for hazardous materials.

Renewal of the Chemical Transportation Industry Advisory Committee, as shown by the following charter, is in the public interest in connection with the duties imposed by law on the Department of Transportation under 46 USC 170 and 391a and 33 USC 1221, et seq.

CHARTER—CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMITTEE

1. *Purpose.* This Instruction promulgates the charter for the Chemical Transportation Industry Advisory Committee as required by the Federal Advisory Committee Act, Pub. L. 92–463.

2. *Cancellation.* Commandant Instruction 5420.12B is hereby cancelled.

3. *Objectives.* The objectives and mission of the Committee are to provide advice and consultation to the Marine Safety Council with respect to the water

transportation system for hazardous materials.

4. *Duration.* Continuing.

5. *Membership.* The Committee is composed of not more than 40 regular members who are recognized experts or other persons having interest in fields relating to the water transportation of hazardous materials. Alternate members may be appointed in the same manner as regular members and may serve in the absence of the regular member for whom they are an alternate. Members are appointed by the Commandant, subject to the approval of the Secretary of Transportation. Members may be reappointed. The terms of the members shall be three (3) years, and shall be staggered, with one-third of the terms expiring each year on 30 June.

6. *Committee Officers*—a. The Chairman is appointed by the Commandant. He provides opportunity for participation by each member and by public attendees, ensures adherence to the agenda, maintains order, and conducts each meeting in general accordance with Roberts' Rules of Order. He is responsible for preparation of written recommendations submitted to the Coast Guard at Committee meetings.

b. *Sponsor.* The Chairman, Marine Safety Council designates a Sponsor for the Committee from the Council membership. The Committee reports to the Sponsor.

c. *Executive Director.* The Committee has an Executive Director designated by the Sponsor to manage Committee affairs. He works with the Chairman, or in his absence, performs his duties.

d. *Executive Secretary.* The Executive Secretary, Marine Safety Council is the Executive Secretary of the Committee. He maintains Committee records required by current directives on committee management and provides such staff support as is necessary.

7. *Meetings.* The Committee meets approximately once each year, and special meetings may be called as necessary. Notice of each meeting is published in the FEDERAL REGISTER in accordance with current directives. All meetings are open to the public who are permitted to attend, appear before, or file statements with the Committee. The sponsor approves the calling of all meetings and approves all agenda. Each committee meeting must be conducted in the presence of the sponsor or his designated representative, a government employee, who has the authority and duty to adjourn the meeting whenever he deems such action to be in the public interest.

8. *Cost.* All necessary operating expenses are borne by the Committee Sponsor. It is estimated that the annual cost will be approximately $9,000 and ½ man year. All members serve voluntarily without compensation (either travel or per diem) from the Federal Government.

9. *Availability of Records.* Subject to Section 552 of Title 5, United States Code, the records, reports, minutes, agenda, or other documents made available to the Committee are available for public inspection and copying in the offices of the Executive Secretary, Marine Safety Council, Room 8117, 400 Seventh Street, S.W., Washington, D.C. 20590.

10. *Reports.* The Executive Director furnishes detailed minutes of each meeting to the sponsor. The minutes contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued or approved by the Committee. The Chairman and Executive Director certify to the accuracy of the minutes. At the end of each calendar year, the Executive Director prepares a report summarizing all activities, including any pertinent background material. This report is furnished the sponsor and filed with the Library of Congress.

11. *Subcommittees.* The Chairman is authorized to establish subcommittees with the approval of the Sponsor from among the membership of the Committee. The subcommittee shall comply with all regulations to which the parent committee is subject.

12. *Filing Date.* October 22, 1976. This charter will expire on 30 June 1978 unless sooner terminated or extended.

Dated: October 22, 1976.

H. G. LYONS,
Acting Chief, Office of Merchant Marine Safety.

[FR Doc.76-31508 Filed 10-27-76;8:45 am]

Federal Highway Administration

[FHWA Docket 76-9]

BAYONNE BRIDGE, GEORGE WASHINGTON BRIDGE, GOETHALS BRIDGE, AND OUTERBRIDGE CROSSING TOLLS

Hearing

Hearing in the above entitled matter shall commence on Wednesday, November 3, 1976, at 10 a.m. in the offices of the U.S. Customs Service, Room 770, No. 6 World Trade Center, New York, New York 10048.

Dated this 22d day of October 1976.

JOHN E. FAULK,
Administrative Law Judge.

[FR Doc.76-31657 Filed 10-27-76;8:45 am]

Federal Aviation Administration

RADIO TECHNICAL COMISSION FOR AERONAUTICS (RTCA) EXECUTIVE COMMITTEE

Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; U.S.C. App. 1) notice is hereby given of a meeting of the RTCA Executive Committee to be held November 17, 1976 at Marriott (Twin Bridges) Motel, Commonwealth IV Room, Arlington, VA commencing at 2:00 p.m. The Agenda for this meeting is as follows: (1) Role of International Associates in RTCA Activities; (2) Special Committee Activities Report; (3) RTCA Future Work Program; (4) RTCA and European Organization for Civil Aviation Electronics (EUROCAE) Cooperative Efforts; (5) Means for Improving Service to and Participation by International Associates.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on October 15, 1976.

KARL F. BIERACH,
Designated Officer.

[FR Doc.76-31535 Filed 10-27-76;8:45 am]

National Highway Traffic Safety Administration

[Docket No. IP76-7; Notice 2]

AMERICAN MOTORS CORP.

Petition for Exemption From Notice and Recall for Inconsequential Noncompliance

This notice denies the petition by American Motors Corporation (AMC) of Michigan to be exempted from the notification and recall requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for a noncompliance with 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices and Associated Equipment, on the basis that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on June 24, 1976 (41 FR 26061) and opportunity afforded for comment.

Standard No. 108 requires that a single compartment red rear combination stop and turn signal lamp emit not less than 140 candlepower as measured at the third group of seven groups of test points. AMC has discovered "that a few Hornet stop and turn signal lamps * * * installed on vehicles manufactured between January 20 and February 4, 1976", may fail to comply. A sample lamp tested by AMC as part of its own internal routine quality control program, registered 139 candlepower at the third group, one candlepower below the required minimum. AMC attributed the failure to the fact that the red plastic lens on the failed lamp was slightly darker than specification due to an incorrect bulk plastic material. It stated that the difference in candlepower could not be detected by the naked eye or by inspection of the lens, and that the noncompliance is therefore inconsequential as it relates to motor vehicle safety.

Three comments were received in response to Notice 1, from the Grote Manufacturing Company, General Motors Corporation ("GM") and Truck Safety Equipment Institute ("TSEI"). AMC also filed a supplement to its petition. All

commenters supported AMC's petition. Each commenter referenced a report of the National Bureau of Standards, "Photometric Data Variability of Automotive Lighting Components" which had concluded that measurements by different test laboratories of the same lamps will disclose results that may vary as much as 10 percent. GM argued that as a result repeat measurements of the AMC lamp might record a light output above the minimum design specifications.

Both GM and AMC in its supplement stress that the noncompliance is inconsequential on lamps in-use. GM argues that the test points in the third group represent directions of the signal light "which can only be seen by drivers who are located in the adjacent lane to the right of and several car lengths behind the signaling car". AMC argued that the performance of the noncomplying lamps is actually superior to that of other flashers allowed by Standard No. 108. Specifically, the Federal standard permits a maximum voltage drop across the flasher of 0.8 volt to accommodate the performance characteristics of electronic flashers, while the AMC flasher is "bi-metal" which has a maximum voltage drop of 0.4 volt. Thus the actual light output in use of the nonconforming AMC lamp will exceed that of a conforming lamp with an electronic flasher unit, meeting the minimum photometrics, because of the voltage drop differential. TSEI argued that the "designed to conform" specifications of Standard No. 108 were included specifically "to comprehend and overlook marginal variations in performance from the design-oriented performance levels set in the SAE Standards * * *" But it also voiced the fear that the utilization of Section 157 may "lead to successive erosion of the test values set out in Standard No. 108" by the granting over a period of time of a series of inconsequential defect petitions with respect to Standard No. 108.

The NHTSA has reviewed AMC's data and arguments in this matter as well as those of Grote, GM, and TSEI.

The first consideration is whether a noncompliance can be said to exist for which relief may be sought. In other words, does the failure of one lamp by one candlepower in a single test establish a noncompliance, obliging a manufacturer to initiate a notification and remedy campaign. Had NHTSA obtained this result in its testing it might well have concluded without further investigation that the test result was a random failure and that a noncompliance had not been established. The actual facts, however, indicate that the failure may not be limited to one lamp or to one candlepower. Since the problem involves bulk plastic material that was darker than manufacturer's specifications, it is possible that light output from all lamps with lenses made from this material will be affected, and that if there is one instance in which 139 candlepower was recorded, in all likelihood there will be others. It is clear, therefore, that in AMC's view a noncompliance exists. But AMC has provided the agency with no facts in support of its contention that the noncompliance is limited to 1 candlepower at one group of test points. If test results do vary by as much as 10 percent, there may be instances in which only 125 candlepower will be measured in the third group, and there may be previously complying test groups that now fall into noncompliance. AMC did not furnish a copy of the test results of the failed lamp, or the lamp's design specifications which would indicate if compliance of other groups of test points had been rendered marginal by the darker lens material. The agency therefore must determine not whether a failure by 1 candlepower is inconsequential but what the failure range of the lamps may be and whether that range is inconsequential. In short, more information is needed for an informed decision. AMC should provide NHTSA with the design specification for the lamp with a specification lens installed, and its complete test results of the failed lamp. It should also quantify the "few" lamps involved, since production figures indicate that as many as 3520 Hornets could be involved. Finally, AMC should provide its views as to how it can be assured that the noncompliance is no worse than the 1 candlepower indicated, and limited to only "a few" lamps.

AMC has not met its burden of convincing this agency that the noncompliance is inconsequential as it affects motor vehicle safety, and its petition is hereby denied, without prejudice to file additional data in support.

(Sec. 103, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on October 20, 1976.

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

[FR Doc.76-31376 Filed 10-27-76;8:45 am]

YOUTH HIGHWAY SAFETY ADVISORY COMMITTEE

Cancellation of Public Meeting

The November 6 and 7, 1976 meeting of the Youth Highway Safety Advisory Committee in Denver, Colorado has been cancelled. Notice of this meeting was published October 18, 1976 in the FEDERAL REGISTER.

Issued in Washington, D.C., on October 27, 1976.

WILLIAM M. MARSH,
Executive Secretary.

[FR Doc.76-31799 Filed 10-27-76;10:02 am]

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Public Meeting; Correction

As announced in the FEDERAL REGISTER on October 21, the National Highway Safety Advisory Committee will be meeting on November 8, 9, 10 and 11. Several changes in the subcommittee meeting times and room assignments have taken place. All meetings will be held at the DOT Headquarters Building, 400 7th Street, SW. Agendas for the meeting will remain the same. The following is a corrected schedule of events:

November 8—Executive Subcommittee in Room 6200 from 7:30 p.m. to 9:30 p.m.

November 9—General Session in Room 4234 from 8:30 a.m. to 12:15 p.m. Vehicle Subcommittee in Room 6200 from 1:30 p.m. to 4:30 p.m.

November 10—Adjudication and Alcohol Subcommittee in Room 4234 from 8:30 a.m. to 12:00 noon. Highway Environment Subcommittee in Room 6200 from 9:00 a.m. to 12:00 noon. Driver Subcommittee in Room 4234 from 1:00 p.m. to 4:30 p.m.

November 11—Full Committee Session in Room 2232 from 8:45 a.m. to 1:00 p.m.

Additional information may be obtained from the NHSTA Executive Secretary, Room 5215, 400 7th Street, SW., Washington, D.C., telephone area code 202, 426-2872.

Issued in Washington, D.C., on October 27, 1976.

ROBERT DOHERTY,
Assistant Executive Secretary.

[FR Doc.76-31835 Filed 10-27-76;8:45 am]

Urban Mass Transportation Administration

RESEARCH AND DEVELOPMENT PRIORITIES CONFERENCE

Meeting

The Urban Mass Transportation Administration (UMTA), together with the American Public Transit Association (APTA), will conduct a conference to obtain ideas and suggestions relative to priorities in urban mass transportation research, development, and demonstrations. The conference will further UMTA's objective of assuring that its R. & D. efforts are derivative of the real need of the transit industry and the public. The conference will be held at Stouffer's National Center Hotel, Crystal City, 2399 South Jefferson Davis Highway, Arlington, Virginia 22202, from 10:00 a.m. to 5:00 p.m. on November 30 and from 7:30 p.m. to 3:30 p.m. on December 1, 1976.

The purpose of this conference is to permit representatives of the mass transit operating industry, as well as suppliers and academic, governmental, consumer, and other interested groups, to express their views on how UMTA might shape a responsive research, development, and demonstration (R.D. & D.) agenda.

This is the second conference in what is expected to be a series of annual conferences.

At the first conference, convened on February 19 and 20, 1976, the topics discussed were R. & D. sponsored by UMTA in bus and paratransit technology, rail transit technology, new systems and automation, socio-economic research and special projects, transit management, planning methodology, service and methods demonstrations, and policy oriented issues.

At the second conference, here announced, the discussions will include the Federal role in fostering new technology and innovative transportation system management; the best means for the Federal Government to foster improved information exchange with the private sector concerning R. & D. results, ideas, and work in progress; UMTA's program and priorities in non-hardware R. & D. (policy-oriented research, service and methods demonstrations, transit management, planning methodology); and R. & D. priorities from four points of view: transit operators, city officials, state governments, and the Congress.

Because of space limitations, the conference will be limited to 250 attendees on a first come, first served basis, and will be further constrained by a limitation of one representative of each organization. Invitations have been extended to selected members of the transit industry and academic, Federal, State, and local interest groups to serve as panel members as well as to participate in the conference. Applications for registration and a copy of the agenda may be obtained from Mr. John B. Schnell, APTA, 1730 M Street, NW., Suite 911, Washington, D.C. 20036. A registration fee of $35 is required with the application (make checks payable to the American Public Transit Association). Registration will close on November 15, although applications will be accepted after that date if a registration fee of $40 accompanies the application. Written statements from interested persons will be accepted before or after the meeting, either directly or by mail. Inquiries or statements should be addressed to Mr. Schnell, APTA, at the above address.

Copies of the proceedings of the conference will be made available through the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22151.

Issued in Washington, D.C., October 22, 1976.

ROBERT E. PATRICELLI,
Urban Mass Transportation Administrator.

[FR Doc.76-31513 Filed 10-27-76;8:45 am]

CIVIL RIGHTS COMMISSION

NORTH CAROLINA ADVISORY COMMITTEE

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that a planning meeting of the North Carolina Advisory Committee (SAC) to this Commission will convene at 3:00 pm. and end at 6:00 pm. on November 19, 1976, at the Velvet Cloak Inn, 1505 Hillsborough Street, Queen Mary Room, Raleigh, North Carolina 27605.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Citizens Trust Bank Bldg., Room 362, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303.

The purpose of this meeting is planning for the migrant study and the jury selection study.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 20, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76-31542 Filed 10-27-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 634-6]

ENVIRONMENTAL HEALTH ADVISORY COMMITTEE, STUDY GROUP ON MUTAGENICITY TESTING

Meeting

Notice is hereby given that a meeting of a Study Group on Mutagenicity Testing of the Science Advisory Board's Environmental Health Advisory Committee will be held at 9:00 a.m. on November 12, 1976 in Conference Room A (Room 1112), Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

The purpose of the meeting will be to review and comment on the scientific aspects of those portions of draft EPA Guidelines for the registration of pesticides relating to mutagenicity testing with a view toward preparing a preliminary report to the Environmental Health Committee which will meet on November 22, 1976. The draft Guidelines have been prepared by the EPA Office of Pesticide Programs and have been referred to the Environmental Health Advisory Committee for review. Further information on the November 22, 1976, meeting of the Environmental Health Advisory Committee will be published shortly in the FEDERAL REGISTER.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Secretariat, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460 by c.o.b. November 8, 1976. Please ask for Miss Carol Luszcz.

The telephone number is (703) 557-7720.

THOMAS D. BATH,
Staff Director, Science Advisory Board.

OCTOBER 20, 1976.

[FR Doc.76-31441 Filed 10-27-76;8:45 am]

[FRL 634-8]

FEDERAL CONTRACTS, GRANTS AND LOANS

List of Violating Facilities

Pursuant to Section 306 of the Clean Air Act (42 U.S.C. 1857 et seq., as amended by Public Law 91-604), the Federal Water Pollution Control Act, (33 U.S.C. 1251 et seq., as amended by Public Law 92-500), and Executive Order 11738, EPA has been authorized to provide certain prohibitions and requirements concerning the administration of the Clean Air Act and Federal Water Pollution Control Act with respect to Federal contracts, grants, or loans. On April 16, 1975, regulations implementing the requirements of the statutes and the executive order were promulgated in the FEDERAL REGISTER (see 40 CFR Part 15, 40 FR 17124, April 16, 1975). Section 15.20 of the regulations provides for the establishment of a List of Violating Facilities which will reflect those facilities ineligible for use in nonexempt Federal contracts, grants or loans.

The representatives of any facility under consideration for listing are afforded the opportunity to appear at a Listing Proceeding conducted by the Director, Office of Federal Activities. Listing occurs when the Director determines there is adequate evidence of noncompliance with clean air or water standards. Federal, State, and local criminal convictions, civil adjudications, and administrative findings of noncompliance may serve as a basis for consideration of listing. However, in the case of a State or local civil adjudication or administrative finding, EPA may consider listing only at the request of the Governor.

The List of Violating Facilities is contained in two sublists. Sublist 1 includes those facilities listed on the basis of a conviction under section 113(c) of the Clean Air Act or section 309(c) of the Federal Water Pollution Control Act. Sublist 2 includes those facilities listed on the basis of any injunction, order, judgment, decree or other form of civil ruling by a Federal, State or local court issued as a result of noncompliance; or a conviction in a state or local court for noncompliance; or on the basis of noncompliance with an order under section 113(a) of the Clean Air Act or section 309(a) of the Federal Water Pollution Control Act, or have been subjected to equivalent State or local proceedings to enforce clean air or water standards.

The purpose of this Notice is to add the Mayaguez, Puerto Rico, facility of Star-Kist Caribe, Inc. to Sublist 2 of the List of Violating Facilities.

No agency in the Executive Branch of Government shall enter into, renew, or extend any nonexempt contract, subcontract, grant, subgrant, loan or subloan where a facility listed would be utilized for the purposes of any such agreement.

Pursuant to this authority, the Director, Office of Federal Activities, U.S. Environmental Protection Agency, certifies that the following facilities have been placed on the List of Violating Facilites as of October 22, 1976. The List of Violating Facilities will be revised periodically as any listings or de-listing occur.

LIST OF VIOLATING FACILITIES

SUBLIST 1

No Facilities Listed.

SUBLIST 2

Del Monte de Puerto Rico, Inc., Mayaguez, Puerto Rico; Star-Kist Caribe, Inc., Mayaguez, Puerto Rico.

Dated: October 22, 1976.

REBECCA W. HANMER,
Director,
Office of Federal Activities.

[FR Doc.76-31548 Filed 10-27-76;8:45 am]

[FRL 635-2]

NEW JERSEY

Proposed Revision of State Implementation Plan

The State of New Jersey has proposed to the Environmental Protection Agency (EPA) that its implementation plan be revised to permit the temporary use of fuel oil with a sulfur content of 1.5%, by weight, at an Owens Illinois, Inc. facility located in Bridgeton City, Cumberland County, New Jersey.

On September 15, 1976 EPA published a FEDERAL REGISTER notice (41 FR 39329) announcing its disapproval of an earlier New Jersey proposal which would have allowed the use of 2.5% sulfur fuel oil at this facility. The reasons for EPA's disapproval are fully discussed in the September 15 notice. Briefly, these reasons relate to the proposal's failure to demonstrate conclusively that air quality standards for sulfur oxides would not be contravened with the use of 2.5% sulfur fuel oil. The use of 1.5% sulfur content fuel oil at the Owens Illinois facility would lessen the risk of contravention of national ambient air quality standards for sulfur oxides to a level acceptable to EPA. Unless valid evidence to the contrary is received during the public comment period established by this notice, EPA intends to approve this current proposal.

This current implementation plan revision request was submitted by the State of New Jersey on September 7, 1976. It consists, in part, of an administrative order issued by the Commissioner of the New Jersey Department of Environmental Protection pursuant to section 7:27-9.5(a), Temporary Variances, of the New Jersey Administrative Code (N.J.A.C.). The order allows the temporary relaxation, until January 12, 1977, of New Jersey's present 1.0% sulfur-in-fuel-oil limitation applicable to this source.

This proposed revision, submitted in accordance with all applicable EPA requirements as contained in 40 CFR Part 51, raises no new issues other than those present in the State's previous proposal which was subject to a public hearing on April 19, 1976. The technical justification for this revision is that contained in New Jersey's and Owens Illinois' earlier submittals discussed in EPA's September 15, 1976 FEDERAL REGISTER notice. Seventeen similar revision proposals, treated by New Jersey at the same public hearing, have been approved by EPA on July 12, 1976 (41 FR 28491) and October 1, 1976 (41 FR 43408).

This notice is issued, as required by section 110 of the Clean Air Act, to advise the public that comments may be submitted for a period of 30 days following publication of this notice on whether the proposed revision for the Owens Illinois facility should be approved or disapproved. Only comments received during the 30-day public comment period hereby established will be considered. The Administrator's decision to approve or disapprove the proposed plan revision will be based on whether such revision meets the requirements of section 110(a)(2)(A)-(H) of the Clean Air Act and EPA regulations in 40 CFR Part 51.

Copies of the proposed plan revision and EPA preliminary analysis are available for public inspection during normal business hours at the Air Branch, EPA, Region II, 26 Federal Plaza, New York, New York 10007, and at the New Jersey Department of Environmental Protection, Bureau of Air Pollution Control, John Fitch Plaza, Trenton, New Jersey 08625. Additional copies are available for inspection at the Public Information Research Unit, 401 M Street, SW., Washington, D.C. 20460. All comments should be addressed to the Regional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007.

Dated: October 20, 1976.

G. M. HANSLER,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.76-31550 Filed 10-27-76;8:45 am]

[FRL 635-1; OPP-42033]

STATE OF NEW YORK

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136b) and 40 CFR Part 171 [39 FR 36446 (Oct. 9, 1974) and 40 FR 11698 (March 12, 1975)], the Honorable Hugh L. Carey, Governor of the State of New York, has submitted a State Plan for Certification of Pesticide Applicators to the Environmental Protection Agency (EPA).

Notice is hereby given of the intention of the Regional Administrator, EPA Region II, to approve this plan on a contingency basis pending enactment of an approvable amendment to Article 33 of the Environmental Conservation Law to delete or clarify the exemption granted to public employees from unlawful acts and pending approval of implementing regulations. Proposed regulations are set forth in the plan.

A summary of the plan follows. The entire plan, together with all attached appendices (except for sample examinations), may be examined during the normal business hours at the following locations:

50 Wolf Road, Albany, New York, 12233 (Bureau of Pesticides, Division of Quality Services, Department of Environmental Conservation, tel. 518/457-7482).

Room 907, 26 Federal Plaza, New York, New York 10007 (Pesticides Branch, Environmental Programs Division, EPA Region II, tel. 212/264-8358).

Room 401 East Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460 [Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, tel. 202/755-4854].

SUMMARY OF STATE PLAN

The New York State Department of Environmental Conservation (NYSDEC) has been designated as the State lead agency for the administration of the pesticide applicator certification program, with the Bureau of Pesticides in the Division of Quality Services responsible for the program's implementation.

Legal authority for the program is contained in Article 33 and Portions of Article 15 and 71 of the Environmental Conservation Law Relating to Pesticides and Proposed Part 325 Pesticide Applicator Regulations.

The plan indicates that the State lead agency has or will have sufficient qualified personnel and funds necessary to carry out the proposed program. The Bureau of Pesticides has a budget of $395,128 for its fiscal year 1976-1977.

The State lead agency will submit an annual report to EPA on or about the 30th of January of each year and special reports to meet specific needs.

The State estimates that 10,000 commercial applicators and 25,000 private applicators will need to be certified. Wallet size identification cards containing all necessary information will be furnished to all certified applicators, to be presented to dealers at the time of restricted use pesticide purchase.

The commercial applicator categories proposed are those which are listed in 40 CFR 171.3. An additional major category is proposed for Aerial Applicators. New subcategories proposed are as follows:

3. Ornamental and Turf Pest Control
   a. Ornamentals and shade trees including turf
   b. Turf
5. Aquatic Pest Control
   a. Aquatic vegetation control
   b. Aquatic insect control
   c. Undesirable fish control
6. Right-of-way Pest Control
   a. Highway right-of-way
   b. Railroad right-of-way
   c. Utility and pipeline rights-of-way
7. Industrial, Institutional, Structural and Health Related Pest Control
   a. Structural and rodent
   b. Fumigation
   c. Termite
   d. Lumber and wood products
   e. Construction
   f. Food processing
   g. Cooling towers
   h. Other
11. Aerial Application
   a. Pilot (basic and pilot core level only) works under the direct supervision of a certified applicator
   b. Agricultural and forestry
   c. Right-of-way
   d. Public health

The State of New York plans to conduct training programs for commercial applicators covering the Federal standards contained in 40 CFR 171. These standards are set forth in detail in the Northeast Pesticide Coordinators' Pesticide Applicator Core Training Manual to be used for core training, and in specific category/subcategory training materials now being developed. Training will be offered by the New York State Cooperative Extension Service (NYSCES) county agents and specialists, by trade and professional associations, community colleges, etc. Two written examinations are required: one covering the general or "core" material, and the other covering the specific requirements of the category or subcategory. Examinations will be given by the NYSDEC within the training module as well as separately at scheduled intervals. Information about the courses and examination times may be obtained from the NYSDEC's Bureau of Pesticides. Commercial applicators must be certified to use both general and restricted use pesticides with the exception of individuals applying antimicrobial agents except where such pesticides have been classified for restricted use by the NYSDEC or EPA.

The New York State Plan provides for private applicator categories. The categories proposed are as follows:

1. Field and forage
2. Fruit
3. Vegetable
4. Greenhouse and florist
5. Nursery, ornamentals and turf
6. Livestock and poultry

The State of New York plans to conduct training programs for private applicators covering the Federal standards contained in 40 CFR 171. These standards are set forth in detail in the Northeast Pesticide Coordinators' Pesticide Applicator Core Training Manual to be used in core training, and in NYSCES materials for categories. Training will be offered on a county basis conducted by NYSCES county agents. A two part written examination is required: the first part covering the general or "core" material, and the second part covering the specific requirements of the category. Examinations will be given within the training module as well as separately at scheduled intervals.

Those persons who wish to be certified as a private pesticide applicator who cannot read English will be offered specialized training by a NYSDEC approved training agent. Certification will be limited to the pesticide products for which the individual has demonstrated competency. Certification will further be limited to a period of time not to exceed the use season in which the special permit is issued.

Sample examinations are attached to the plan, as provided for by 40 CFR 171.7(e) (1) (i) (D) and (ii) (C). However, in view of the need to preserve the confidentiality of the examination format, the State of New York has requested that the examination not be made available for public inspection. EPA agrees with this position, and has removed sample examinations from the public inspection copies of the plan.

The State of New York certification program will require that all commercial applicators attend at least three (3) approved training courses within a five (5) year period or take a recertification examination. Private applicators will be required to attend three (3) approved training courses within a six (6) year period or take a recertification exam.

The New York State Plan also indicates that within sixty (60) days of final approval of the Government Agency Plan (GAP) by EPA, a statement concerning acceptance of GAP qualified Federal employees will be forwarded for inclusion in the New York Plan.

Reciprocal agreements may be made with any other States which have substantially the same standards. In the event of reciprocal agreements, certified applicators from other States will be certified in New York after they have officially applied, presented certification documents from the home state and paid the certification fees.

Other regulatory activities shown in the plan are State registration of all pesticide products and inspection and sampling of pesticide products. All pesticide dealers of restricted use pesticides are required to be registered by the State. Additionally, New York State has been classifying pesticides as restricted and administering a restricted use pesticides program since January 1, 1971.

Enforcement will be carried out by twelve (12) inspectors who will spot check commercial and private applicators to ensure that they comply with State and Federal laws and regulations. They will perform regular inspections and follow-up reports of suspected violations.

PUBLIC COMMENT

Interested persons are invited to submit written comments on the proposed State plan for the State of New York to the Regional Administrator, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007. The comments must be received within thirty (30) days after date of publication of this notice, and bear the identifying notation [OPP-42033]. All written comments filed pursuant to this notice will be available for public inspection at the above mentioned locations from 8:30 to 3:30 p.m. Monday through Friday.

Dated: October 13, 1976.

GERALD M. HANSLER,
Regional Administrator, U.S. Environmental Protection Agency, Region II.

[FR Doc.76-31549 Filed 10-27-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-1537]

WASTE MANAGEMENT OPERATIONS, SAVANNAH RIVER PLANT, AIKEN, SOUTH CAROLINA

Availability of Draft Environmental Statement

Notice is hereby given that a Draft Environmental Statement, ERDA-1537, Waste Management Operations, Savannah River Plant, Aiken, South Carolina, was issued pursuant to the Energy Research and Development Administration's (ERDA) implementation of the National Environmental Policy Act of 1969. The statement was prepared to assess, the environmental impact of continuing the waste management operations at the South Carolina site.

Copies of the draft statement have been distributed for review and comment to Federal and South Carolina and Georgia State and local agencies and other organizations and individuals. Copies of the draft statement are available for public inspection at the ERDA public document rooms at:

ERDA Headquarters, 20 Massachusetts Avenue, Washington, D.C.
Albuquerque Operations Office, Kirtland Air Force Base East, Albuquerque, New Mexico.
Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois.
Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho.
Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada.
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee.
Richland Operations Office, Federal Building, Richland, Washington.
San Francisco Operations Office, 1333 Broadway, Oakland, California.
Savannah River Operations Office, Savannah Plant, Aiken, South Carolina.

Comments and views concerning the draft statement are requested from other interested agencies, organizations and individuals. Single copies of the draft environmental statement will be furnished for review and comment upon request addressed to W. H. Pennington, Director, Office of NEPA Coordination, U.S. Energy Research and Development Administration, Mail Station E-201, Washington, D.C. 20545, (301) 353-4241. Comments should be sent to the same address.

In accordance with guidelines from the Council on Environmental Quality, agencies and members of the public submitting comments on the draft environmental statement should endeavor to make their comments as specific, substantive, and factual as possible without undue attention to matters of form in the impact statement. It would assist in the review of comments if the comments were organized in a manner consistent with the structure of the draft statement. Emphasis should be placed on the assessment of the environmental impacts of the waste management activities and the

acceptability of those impacts on the quality of the environment, particularly as contrasted with the impacts of reasonable alternatives. Commenting entities may recommend modifications and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environment impacts.

Comments on the draft environmental statement will be placed in the above referenced document rooms and will be considered in the preparation of the final environmental statement if received within 90 days of the date of publication of this notice.

Dated at Germantown, Maryland, this 21st day of October 1976.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator for Environment and Safety.

[FR Doc.76-31468 Filed 10-27-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1010]

CBS, INC.

Petitions for Reconsideration of Actions in Rule Making Proceedings Filed

Correction

In FR Doc. 76-30936 appearing at page 46513 in the issue for Thursday, October 21, 1976 the date appearing in the note at the bottom of the table now reading "Nov. 15, 1976" should have read "Nov. 5, 1976".

FEDERAL ENERGY ADMINISTRATION

INDUSTRIAL ENERGY CONSERVATION

Requirement for Corporations To File Information on Energy Consumption, Extension and Clarification

On August 26, 1976, the Federal Energy Administration (FEA) issued a notice requiring any corporation which consumed at least one trillion British thermal units (Btu's) of energy, exclusive of energy consumed as feedstocks, 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 the notice (41 FR 36838, September 1, 1976). In response to certain comments and queries received from the affected corporations, FEA hereby issues certain changes and clarifications in that notice.

Since several corporations advised FEA that they were unable to assemble the required data by the date requested, FEA is extending the deadline through November 8, 1976. In view of statutory constraints, FEA has no current plans to further extend this deadline.

Second, FEA wishes to clarify the definition of corporation with respect to the corporate entity which is required to file energy consumption information in accordance with the original notice. In any case in which any person defined in section 3(2)(B) of the Energy Policy and Conservation Act (any corporation, company, association, firm, partnership, society, trust, joint venture, or joint stock company) controls, is controlled by, or is under common control with such other person, the corporation which is required to file is the ultimate parent corporation. Control includes both direct and indirect control. The following is an example. Parent X controls both Subsidiary A and Subsidiary B. Parent X consumed 500 billion Btu's of reportable energy in SIC-code industry 22, and Subsidiary A and Subsidiary B respectively consumed 400 billion Btu's and 300 billion Btu's of reportable energy in SIC-code industry 22. Parent X is the corporation which is required to file energy consumption information and must file for the total amount of 1.2 trillion Btu's in SIC-code industry 22.

Most reporting to date where intercorporate control is involved has been consistent with this clarification. Any corporation whose prior submission is at a variance with this clarification, however, should immediately contact Mr. Ramon Cilimberg (202-254-9627), and shall revise its submission accordingly, within the extended time period.

Finally, FEA also wishes to clarify the meaning of the term "executive officer," as that term is used in connection with delegation by the chief executive officer of authority to sign and certify the information submitted. As used in the notice, the term means any corporate officer of the filing corporation.

In all other respects, the notice remains the same.

Issued in Washington, D.C., October 21, 1976.

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

[FR Doc.76-31442 Filed 10-22-76;9:13 am]

MARTIN OIL SERVICE, INC., ET AL.

Action Taken on Consent Order

Pursuant to 10 CFR 205.197(c), the Federal Energy Administration (FEA) hereby gives notice of final action taken on a Consent Order.

On August 30, 1976, FEA published notice of a Consent Order which was executed between Martin Oil Service, Inc., Martin Oil of Indiana, Inc., Martin Oil Company of Texas, and Martin 4-Minute Auto Salon, Inc. (collectively "Martin") and FEA. (41 FR 36541, August 30, 1976). With that notice, and in accordance with 10 CFR 205.197(c), FEA invited interested persons to comment on the Consent Order.

No comments were received with respect to the Consent Order. FEA has concluded that the Consent Order as executed between FEA and Martin is an appropriate resolution of the compliance proceedings described in the Notice published on August 30, 1976, and hereby gives notice that the Consent Order shall become effective as proposed, without modification, on October 28, 1976.

Issued in Washington, D.C., October 21, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-31455 Filed 10-22-76;10:15 am]

DOW CHEMICAL CO.

Proposed Consent Order

I. INTRODUCTION

Pursuant to 10 C.F.R. 205.197(c), the Federal Energy Administration (FEA) hereby gives notice of a Proposed Consent Order which was executed on September 28, 1976 between the Dow Chemical Company (Dow) and the FEA. In accordance with that section, the FEA will receive comments with respect to this Consent Order. Although this Consent Order has been signed and tentatively accepted by the FEA, the FEA may, based upon comments received, withdraw its acceptance, and, if appropriate, attempt to negotiate an alternative order.

II. THE CONSENT ORDER

The Bay Refining Company was at all relevant times a wholly-owned subsidiary of the Dow Chemical Company (Dow), located in Bay City, Michigan. Bay purchased crude oil from domestic and foreign sources and produced two general categories of products: (1) gasoline and various covered products for sale to third parties; and (2) petrochemical feedstocks for transfer within Dow, to be used in the production of products that are not covered products. Bay no longer exists as a separate division of Dow.

FEA determined that when computing and reporting on its Forms FEO-96 the total cost of crude oil purchased for refining each month, Bay included only the crude oil purchased and physically used for the production of covered products. The cost of crude oil purchased and physically used for the production of petrochemical feedstocks that are not covered products was not included in the computation by Bay.

FEA regulations require the inclusion of the cost of all crude oil purchased for refining, including petrochemical feedstock production. This total cost of crude oil should be allocated among all covered products pursuant to the formulae in 10 CFR 212.83. FEA alleged that Bay's procedure was contrary to 10 CFR 212.83, and had resulted in the overstatement of unrecouped increased product costs for covered products by approximately $1,200,000. This amount comprised part of Bay's "banked costs" and was not passed through in price increases by Bay.

In an effort to conclude this compliance proceeding and to resolve the issues raised by FEA, the FEA and Dow entered into a Consent Order, the significant terms of which are:

(1) Dow shall include as part of its "total cost of crude oil" its total pur-

chases of crude oil for refining, whether used in the production of petrochemical feedstocks that are not covered products or in the production of covered products;

(2) Dow will recompute Bay's monthly increased product costs in accordance with FEA's interpretation of the regulations for every month from October 1973 through the current month, and will adjust Bay's unrecouped increased product costs to reflect that recomputation;

(3) Dow will complete the computations called for in the Consent Order within 60 days of the effective date of the Consent Order, and will submit its results to FEA for audit;

(4) Since the overstatement of unrecouped increased product costs did not result in price overcharges for covered products, and in view of Dow's good faith in working with FEA to correct these errors once the correct application of 10 CFR 212.83 was known by it, FEA agrees not to institute any further remedial proceeding against Dow for acts or conduct described in the Consent Order; and

(5) The provisions of 10 CFR 205.197, including the publication of this Notice, are applicable to the Consent Order.

III. SUBMISSION OF WRITTEN COMMENTS

Interested persons are invited to comment on the Consent Order by submitting such comments in writing to: Mr. N. Allen Andersen, Regional Administrator, Region V, Federal Energy Administration, 175 West Jackson Boulevard, Room A–333, Chicago, Illinois 60604. Copies of the Consent Order may be received free of charge by written request to the above address, or by calling (312) 353–0538.

Comments should be identified on the outside of the envelope and on documents submitted with the designation "Comments on Dow Consent Order." All comments received by 4:30 p.m. CST on or before November 29, 1976, will be considered by the FEA in evaluating the Consent Order.

Any information or data which, in the opinion of the person furnishing it, is confidential must be identified as such and submitted in accordance with the procedures outlined in 10 CFR 205.9(f).

Issued in Washington, D.C., October 21, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-31496 Filed 10-22-76;2:28 pm]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Delay in Publication of Proposed Test Procedures and Delay in Prescription of Test Procedures

The Federal Energy Administration (FEA) hereby gives notice, pursuant to section 323(b) of the Energy Policy and Conservation Act (Act) (Pub. L. 94–163), that it cannot, within the statutory time period publish certain proposed test procedures and prescribe certain final test procedures.

Section 323(a)(3) of the Act requires that, not later than September 30, 1976, FEA shall publish proposed test procedures for the following types of covered products: home heating equipment, not including furnaces, and kitchen ranges and ovens. Section 323(a)(4)(B) of the Act requires that, not later than September 30, 1976, FEA shall prescribe test procedures for the following types of covered products: refrigerators and refrigerator-freezers, freezers, dishwashers, clothes dryers, water heaters, room air conditioners, and television sets. Section 323(a)(6) of the Act, however, provides that FEA may delay the publication of proposed test procedures or the prescription of test procedures for a type of covered product (or class thereof) beyond the required dates if it determines that it cannot, within the applicable time period, publish proposed test procedures or prescribe test procedures applicable to such type (or class thereof) which meet the requirements of subsection 323(b) and publishes such determination in the FEDERAL REGISTER.

FEA is today giving notice of its determination that it could not by September 30, 1976: (1) Publish proposed test procedures applicable to home heating equipment, not including furnaces, and kitchen ranges and ovens, which meet the requirements of subsection 323(b), and (2) prescribe test procedures applicable to refrigerators and refrigerator-freezers, freezers, dishwashers, clothes dryers, water heaters, room air conditioners and television sets, which meet the requirements of 323(b). FEA will publish such proposed test procedures and will prescribe such test procedures as soon as practicable, unless it determines that test procedures cannot be developed which meet the requirements of subsection 323(b) and publishes such determination in the FEDERAL REGISTER, together with the reasons therefor.

Issued in Washington, D.C., October 21, 1976.

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

[FR Doc.76-31493 Filed 10-22-76;1:57 pm]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to 46 CFR Part 542 and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/operator and vessels*
01194---	A/S Berat: *Panatlantic.*
01306---	Shaw Savill & Albion Co. Ltd.: *Cedric.*
01330---	Shell Tankers (U.K.) Ltd.: *Mangelia.*
01465---	Scottish Ship Management Ltd.: *Cape Wrath.*
01466---	Common Brothers (Management) Ltd.: *Frank D. Moores.*
01616---	Marquess Shipping Co. Ltd.: *Atlantic Marquess.*
01717---	Billners Rederiaktiebolag: *Helfrid Billner.*
01719---	Unterweser Reederei GMBH: *Eschersheim, Bornheim, Bockenheim, Griesheim, Kelkheim, Mannheim.*
01817---	The Clan Line Steamers Ltd.: *Clan Maclean, Clan Maclaren.*
01988---	Angfartygsaktiebolaget Tirfing: *Uppland.*
02194---	Compagnie Generale Transatlantique: *Maryland, Michigan.*
02242---	Dal Deutsche Afrika-Linien G.M.B.H. & Co.: *Woermann Senegal.*
02560---	Aethalia Shipping Corp.: *Aethalia.*
02727---	Societe Maritime Des Petroles BP: *Montsoreau.*
02756---	Greenville Transportation Co.: *Olympic Brook.*
02780---	Baltico Compania Naviera S.A.: *Phalcon.*
02836---	The Scinda Steam Navigation Co. Ltd.: *Jalavishnu.*
02864---	Refineria De Petroleos De Escombreras S.A. (Repesa): *Alcantara.*
02958---	Kawasaki Kisen Kaisha, Ltd.: *Fumikawa Maru, Yamatogawa Maru, Yasukawa Maru.*
02982---	The Shipping Corp. of India, Ltd.: *Rama.*
03082---	Atlantic Petroleum Carriers Inc.: *Atlantic Endeavour.*
03094---	Malaysia Marien Corp.: *Singapore Pride.*
03197---	NV Motorscheepvaartmaatschappij Golden Star: *Maya.*
03214---	Saleninvest AB: *Seven Stars.*
03314---	Gulf Oil Corp.: *Yaoona.*
03480---	Osaka Senpaku K.K.: *Montevideo Maru.*
03484---	Sanko Kisen K.K.: *Hakko Maru, Seiko Maru.*
03506---	Taiheiyo Kaiun K.K.: *Hoyo Maru.*
03516---	Toko Kaiun K.K.: *Torai Maru.*
03521---	Tokushima Kisen K.K.: *Tokusho Maru.*
03601---	Etela Suomen Laiva OY: *Vallila.*
04002---	Compagnie Des Messageries Maritimes: *Mozambique.*
04173---	Foss Launch & Tug Co.: *Foss 202, Foss 200.*
04277---	C. W. Blakeslee & Sons, Inc.: *Blakeslee 85–0412.*
04292---	Mercury Tank Cleaning Corp.: *Peter Frank.*
04803---	Brent Towing Co. Inc.: *B–924.*
05017---	Amerada Hess Corp.: *Hess Petrol, Hess Refiner.*
05072---	Zannis Compania Naviera S.A. Panama: *Hariet.*
05197---	Stravelakis Bros. Ltd. *Scorpios, Zygos, Didymi, Leon, Hydrohos, Toxotis, Tauros, Rea, Krios, Venthisikimi, Tritonas, Dias, Ira, Pluton, Antaios.*
05537---	Empresa Navegacion Mambisa: *Combate De Palma Mocha.*
05547---	Compania Pyrgos De Navegacion SA: *Fuji.*
05624---	Perusahaan Pertambangan Minyak Dan Gas Bumi Negara: *Permina Samudra XII.*
06305---	E. T. Barber Dba Neches Shell Co. Inc.: *NS–31 Chemical 801.*
06925---	Bibby Bulk Carriers Ltd.: *Worcestershire.*
07019---	Allied Shipping International Corp.: *Gemini, Actium.*
07255---	Teh Tung Steamship Co. Ltd.: *Kalimantan Trader.*

Certificate No.	Owner/operator and vessels
07326---	Universal Marines Lines Inc. S.A.: *Space King.*
07362---	Primorsk Shipping Co.: *Aion, Pamyatj Lenina, Aktubinsk, Aikhal, Anui, Petr Shirshov.*
07374---	Ocean Tramping Co. Ltd.: *Nancheng.*
07686---	Windward Shipping Co. Ltd.: *Enrus.*
07741---	Vroulikia Compania Naviera S.A. PN.: *Amelio.*
07817---	Yick Fung Shipping and Enterprises Co. Ltd.: *Adriatic Sea, Venice, Artic Ocean, Red Sea.*
07941--:	Dundee Shipping Inc.: *Stolt Puma.*
08076---	Paropys Compania Naviera S.A.: *Pelopidas.*
08239---	Midiboy Shipping Corp. Inc.: *Midiboy.*
08374---	Canyon Maritime Enterprises Inc.: *Corona Canyon.*
08530---	Prompt Shipping Corp., Ltd.: *Beaufort Career.*
08585---	Interessentskapet A/S Falkefjell & Co.: *Falkefjell.*
08626---	Standard Tank Cleaning Corp.: *Pat Kip.*
08902---	Golden Arrow Navigation Co. Ltd. Famagusta: *Golden Arrow.*
09137---	Arne Teigens Rederi A/S: *Rytterdal, Rytterfjell.*
09281---	Southwest Pacific Shipping Co.: *Galaxy.*
09654---	West Compania Naviera S.A.: *Golden Leader.*
09727---	Fukuho Kaiun Sangyo K.K.: *Shuwa Maru.*
09741---	New Spirit Line S.A.: *New Venture.*
10021---	Leitch Transport Ltd.: *Cape Breton Highlander, St. Lawrence Navigator, St. Lawrence Prospector, Canadian Transport.*
10136---	Oriental Armonia S.A.: *Bela Kosmo, Bela Rozo.*
10490---	Rederij M.S. Shipmair II: *Shipmair II.*
10574---	Midas Light Transport Inc.: *Sanko Light.*
10637---	Libra-Linhas Brasileiras De Navegacao S.A.: *Rica.*
11065---	C & M Shipping Co., S.A.: *Rio Concord.*
11140---	Olympic Shipping Lines Inc.: *Halcyon Star, Halcyon Sol.*
11260---	Intercontinental Transportation Services, Ltd.: *Golar Freeze.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-31516 Filed 10-27-76;8:45 am]

CITY OF LOS ANGELES AND MATSON TERMINALS, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 17, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

F. B. Crawford, General Manager, Port of Los Angeles, P.O. Box 151, San Pedro, California 90733.

Agreement No. T-3363, between City of Los Angeles (City) and Matson Terminals, Inc., (Matson) provides for the preferential berth assignment of Berths 206-209 and adjacent land areas at the Port of Los Angeles, as further described in the basic agreement. The terms of this agreement will commence after it has been approved by the Federal Maritime Commission, if such approval is granted, and will continue through January 31, 1986, with two five-year renewal options, Matson will use the facilities for the operation of a container terminal. As compensation, City will receive the sum of all tariff charges subject to a maximum amount through the agreement period ending January 31, 1977. Thereafter, compensation will be subject to a revenue sharing formula based on tariff charges and as further described in the agreement. Simultaneous with the effectuation of this agreement, will be the cancellation of Federal Maritime Commission Agreement No. T-2356 (preferential assignment currently in use by the parties).

By Order of the Federal Maritime Commission.

Dated: October 22, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-31518 Filed 10-27-76;8:45 am]

PUERTO RICO MARITIME SHIPPING AUTHORITY AND TRAILER MARITIME TRANSPORT, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 17, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Dennis N. Barnes, Esquire, Morgan, Lewis & Bockius, 1800 M Street, N.W., Washington, D.C. 20036.

Agreement No. DC-83, which is between the Puerto Rico Maritime Shipping Authority (PRMSA) and Trailer Marine Transport Corporation, Inc., (TMT) was originally approved by the Commission December 11, 1976, for a period of one year. Agreement No. DC-83 provides for (1) the parties' discussion of tariff rates, charges, classifications, practices and related matters to be charged or observed by each in the U.S. Atlantic Coast/Puerto Rico trade; and (2) the parties' discussion exploring the resolution of matters in litigation between the parties before the Federal Maritime Commission.

The parties to Agreement No. DC-83 have petitioned that the Commission renew the agreement beyond its expiration date. It is their opinion that, while the agreement has enabled the parties to conduct discussions that have produced positive public benefits, there is a continuing need for the inter-carrier discussions authorized under the agreement.

By the Commission.

Dated: October 22, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-31515 Filed 10-27-76;8:45 am]

PUERTO RICO PORTS AUTHORITY AND SEA-LAND SERVICE, INC.

Agreement Filed

Notice of Agreement Filed by:

Gary R. Edwards, Esquire, Ragan & Mason, The Farragut Building, 900 Seventeenth Street, N.W., Washington, D.C. 20006; and William Karas, Esquire, Galland, Kharasch, Calkins & Brown, Canal Square, 1054 Thirty-First Street, N.W., Washington, D.C. 20007.

Agreement No. T-3199-1, between the Puerto Rico Ports Authority (Port) and Sea-Land Service, Inc., (Sea-Land) modifies the parties' basic agreement providing for Sea-Land's preferential rights at and lease of land adjacent to Berth E, Puerto Nuevo, San Juan, Puerto Rico. The purpose of the modification is to grant Sea-Land an additional five-year option with respect to the facilities covered by the basic agreement. This additional option is in consideration of the settlement of certain debts owed the Port by Sea-Land. The basic agreement is the subject of Federal Maritime Commission Docket No. 76-46, Agreements Nos. T-3191, et al.

The August 24, 1976, Order of Investigation and Hearing instituting Docket No. 76-46 provides that, in the event that any modification of Agreement No. T-3199 is filed with the Commission, such modification shall be made subject to Docket No. 76-46 for approval, disapproval or modification under the standards of section 15 of the Shipping Act, 1916.

By Order of the Federal Maritime Commission.

Dated: October 22, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-31517 Filed 10-27-76;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Order No. 112]

EASTERN DISTRIBUTION CENTER, INC., WILKES-BARRE/SCRANTON INTERNATIONAL AIRPORT, AVOCA, PENNSYLVANIA

Resolution and Order Approving Application

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter hereby orders:

After consideration of the application of the Eastern Industrial Development Company of Northeastern Pennsylvania (now, by change of name, Eastern Distribution Center, Inc.), a non-profit Pennsylvania corporation, filed with the Foreign-Trade Zones Board (the Board) on April 2, 1976, requesting a grant of authority for establishing, operating and maintaining of a foreign-trade zone within the Eastern Distribution Center, located in the Township of Pittston, Luzerne County, Pennsylvania, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied and that the proposal is in the public interest, approves the application.

Since the proposal involves an industrial park type zone that envisages the construction of buildings by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to § 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

GRANT

TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE IN PITTSTON TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended, (19 U.S.C. 81a-81u) (hereinafter referred to as "the Act") the Foreign-Trade Zones Board (hereinafter referred to as "the Board") is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Eastern Industrial Development Company of Northeastern Pennsylvania (now, by change of name, Eastern Distribution Center, Inc.; hereinafter referred to as "the Grantee"), has made application (filed April 2, 1976) in due and proper form to the Board requesting the establishment, operation, and maintenance of a foreign-trade zone in Pittston Township, Luzerne County, Pennsylvania.

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 24, at the location mentioned above and more particularly described on the maps and drawings accompanying the application requesting authority for a foreign-trade zone in Pittston Township, Luzerne County, Pennsylvania, marked as Exhibits IX and X, said grants being subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations, to-wit:

Operation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operation within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the U.S. Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer, Elliot L. Richardson, at Washington, D.C., this 21st day of October 1976, pursuant to Order of the Board.

FOREIGN-TRADE ZONES BOARD,
ELLIOT L. RICHARDSON,
Chairman and Executive Officer.

ATTEST:
JOHN J. DAPONTE, Jr.,
Executive Secretary.

[FR Doc. 76-31495 Filed 10-27-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 21, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC and FMC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before November 15, 1976, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, Room 5216, 425 I Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–376–5425.

INTERSTATE COMMERCE COMMISSION

ICC requests an extension no change of Form ACC–71, Revenue Included in Account 143, Miscellaneous Revenue, from the Operation of Coal and Ore Wharves and the Volume of Traffic Handled Over Coal and Ore Wharves for the year. Form ACC–71 is used to gather information not available on other reports filed with the Commission. These data are used to eliminate the costs of coal and ore wharf operations from railroad costs. Form ACC–71 is filed by approximately 14 Class I line-haul railroads which maintain coal and ore wharves. ICC estimates burden to average 40 hours per response.

FEDERAL MARITIME COMMISSION

Request for review of the reporting requirements contained in a new part to the Commission's rules, 46 CFR 514: Significant Vessel Operating Common Carriers in the Domestic Offshore Trade: Reports of Rate Base and Income Account. The new part requires the filing of additional information by persons engaged in the operation of cargo vessels in the common carriage of persons or property in the Domestic Offshore Trades (except persons engaged in intrastate operations in Alaska and Hawaii) and required to file tariffs with the Federal Maritime Commission, who have earned gross revenue in a trade of $1,500,000 or more for their fiscal year. This information will be furnished in lieu of the reports required by 46 CFR 512 (Federal Maritime Commission General Order 11). Carriers operating in a seasonal trade, however, may elect to report only those seasonal voyages having gross revenue in the trade of $50,000 or more under Part 514 and to report the remaining voyages under Part 512. The reports will be required annually and whenever a general rate change is filed, except that if the reports have been submitted in support of a general rate change at anytime during a fiscal year period, the next due annual report otherwise required need not be submitted. However, where a general rate change is supported by an annual report as permitted by the rules, then the next due annual report must be filed in the usual manner. It is estimated that 16 reports will be filed annually, with respondent burden ranging from 1,500 man-hours to 10,000 man-hours per response.

JOHN M. LOVELADY,
Acting Assistant Director,
Regulatory Reports Review.

[FR Doc.76–31494 Filed 10–27–76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–25]

CERTAIN ABOVE GROUND SWIMMING POOLS

Prehearing Conference and Hearing

Notice is hereby given that a Prehearing Conference will be held in connection with Investigation No. 337–TA–25, Certain Above-Ground Swimming Pools, at 10:00 a.m. on November 17, 1976, in the hearing room of the Administrative Law Judge, Room 610 Bicentennial Building, 600 E Street, N.W., Washington, D.C. On or before November 12, 1976, the parties will have filed and served Prehearing Conference Statements in conformity with the Notice of Prehearing Statements issued October 15, 1976. The purpose of this Prehearing Conference is to review such statements, complete the exchange of exhibits, and resolve any other necessary matters in preparation for the hearing.

Notice is also given that the hearing in this proceeding will commence at 10:00 a.m. on November 30, 1976, in the hearing room of the Administrative Law Judge, Room 610 Bicentennial Building, 600 E Street, N.W., Washington, D.C., and will continue daily until completed.

The Secretary shall serve a copy of this Notice upon all parties of record, and shall publish this Notice in the FEDERAL REGISTER.

Issued October 22, 1976.

MYRON R. RENICK,
Presiding Officer.

[FR Doc.76–31553 Filed 10–27–76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76–93]

APPLICATIONS STEERING COMMITTEE; AD HOC ADVISORY SUBCOMMITTEE FOR EVALUATION OF APPLICATIONS EXPLORER MISSION–B/STRATOSPHERIC AEROSOL AND GAS EXPERIMENT PROPOSALS

Establishment

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 National Aeronautics and Space Administration has determined that the establishment of the Applications Steering Committee, Ad Hoc Advisory Subcommittee for Evaluation of Applications Explorer Mission-B/Stratospheric Aerosol and Gas Experiment Proposals is in the public interest and is required for the performance of duties imposed upon NASA by law. The Applications Steering Committee, under which the Subcommittee will operate, is a NASA-sponsored interagency committee, composed wholly of government employees. The Subcommittee will comprise membership from both the public and private sectors.

The intent of this Advisory Subcommittee is to assist NASA in evaluating and categorizing proposals according to their scientific merit and technological feasibility.

Dated: October 21, 1976.

JOHN M. COULTER,
Acting Assistant Administrator for DOD and Interagency Affairs.

[FR Doc.76–31454 Filed 10–27–76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ARCHITECTURE AND ENVIRONMENTAL ARTS ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a closed meeting of the Architecture and Environmental Arts Advisory Panel to the National Council on the Arts will be held on November 16, 1976, from 9:30 a.m.–5:30 p.m., and November 17, 1976, from 9:30 a.m.–2:00 p.m., in Room 1132, Columbia Plaza Building, 2401 E Street, N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76–31520 Filed 10–27–76;8:45 am]

THEATRE ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a meeting of the Theatre Advisory Panel to the National Council on the Arts will be held on November 13, 1976, from 9:30 a.m.–5:00 p.m., and November 14, 1976, from 9:30 a.m.–4:00 p.m., in Room 1425, Columbia Plaza Building, 2401 E Street, N.W., Washington, D.C.

A portion of this meeting will be open to the public on November 13 from 9:30 a.m.–2:00 p.m. on a space available basis. Accommodations are limited. The agenda for this portion of the meeting includes a briefing and discussion on Theatre Program activities.

The remaining sessions of this meeting on November 13 from 2:00 p.m.–5:00 p.m., and November 14 from 9:30 a.m.–4:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washintgon, D.C. 20506, or call (202) 634–6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76–31521 Filed 10–27–76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N–AR 76–44]

ACCIDENT REPORT; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Railroad Accident Report and Related Recommendations.—The National Transportation Safety Board on October 19 released report No. NTSB–RAR–76–10 covering the investigation of the head-on collision last February 4 of two Penn Central Transportation Company freight trains near Pettisville, Ohio. The 3 locomotive units and 21 cars of train NY–12 and the 4 locomotive units and 4 cars of train BM–7 were derailed. One locomotive unit of each train was destroyed and the derailed cars were heavily damaged. The two crewmembers in the lead locomotive of both trains were killed and one crewmember on each train was injured as a result of the collision. The estimated cost of damages was $1,165,000.

The Safety Board determined that the probable cause of the accident was the failure of the engineer to stop train NY–12 west of signal 3272E as required by signal indication, and the inability of the crew in the caboose of train NY–12 to take preventive action.

As a result of this investigation, the Safety Board, by separate letter also issued October 19, recommended that the Federal Railroad Administration (1) promulgate rules to require engine crews to communicate fixed signal aspects to conductors while trains are en route on signalized track (recommendation R–76–50); and (2) promulgate rules to require the engine crew of a train to exchange signals with engine crews of passing trains and/or wayside employees, and if passing crews do not acknowledge the signal, require the responsive engine crew or wayside employee to notify the dispatcher and/or conductor of the nonresponsive engine crew for corrective action (R–76–51). Both are Class II recommendations, for priority followup.

Also in connection with this accident, last April 28 the Board issued a Class I, urgent-followup recommendation, No. R–76–15, asking FRA to insure that switches in signal territory are so protected that related signals governing train movements will display their most restrictive aspects if the switch points do not close properly. (See 41 FR 18731, May 6, 1976.)

In addition to these recommendations, the Safety Board reiterated four recommendations made to FRA as a result of investigation of other train collisions. The earlier recommendations asked FRA to (1) in cooperation with the Association of American Railroads, develop a fail-safe device to stop a train in the event the engineer becomes incapacitated by illness, or death, or falls asleep (R–76–8, issued March 25, 1976); (2) study the environmental conditions in locomotive compartments that could distract crews from their duties or cause them to fall asleep at the controls (R–73–9, issued May 3, 1973); (3) where responsibility for safety operation of the train is assigned jointly to the engineer and the conductor, require that they be located and informed so that they can make quick, effective decisions (R–73–11, issued May 3, 1973); and (4) require an adequate backup system for mainline freight trains that will insure that a train is controlled as required by the signal system in the event the engineer fails to do so (R–76–3, issued January 25, 1976). Regulatory action was requested in each instance.

Intermodal Safety Recommendations.—Three Class II, priority-followup recommendations, seeking to better prepare firefighters and law-enforcement personnel to handle hazardous materials emergencies, were issued by Safety Board letter of October 20 addressed to the Secretary, U.S. Department of Transportation. The letter cites some ten accidents during the period 1968–1975 where transportation of hazardous materials resulted in injuries or deaths to firefighters.

As a result of its special investigation into this matter, the Safety Board now recommends that DOT (1) redesign its hazardous materials incident data reporting system to generate information about what emergency actions were taken, why they were taken, and what influence they had on the outcome of the emergency, for use in training firefighters and law-enforcement personnel to handle hazardous materials transportation emergencies (I–76–9); (2) develop a procedure to report such information regularly to Federal and State agencies with responsibilities for developing emergency training programs for law-enforcement and firefighting personnel (I–76–10); and (3) develop a procedure to use the emergency response information on dealing with emergencies to review periodically the validity of advice which DOT provides to other agencies with regard to hazardous materials transportation emergencies; also, periodically review the operational experience in meeting hazardous materials emergencies to assure that the practices recommended are appropriate (I–76–11).

Letters in Response to Safety Board Recommendations.—During the past week, responses were received from the following earlier recommendation addresses:

Federal Aviation Administration letter of October 6 responds to recommendations A–76–101 and A–76–102 which asked for amendments to Chapter 2—General Control, and Chapter 3—IFR Operations, of FAA's Air Traffic Control Handbook 7110.65 to reflect that "low altitude alerts" and "safety advisories" be issued on the basis of verbal reports from pilots as well as on the basis of radar observations. (See 41 FR 31625, July 29, 1976.) FAA concurs in the recommendations and indicates that the handbook will be revised to reflect these provisions, action to be completed by April 1, 1977.

FAA letter concerning recommendation A–76–120 is also dated October 6. (See 41 FR 35089, August 19, 1976.) In response to the recommendation, which asked for modification to aircraft master minimum equipment lists (MMEL), FAA indicates that a careful review has been made and action taken to standardize the MMEL's of those aircraft which the Safety Board identified as inconsistent with respect to the public address system. However, FAA contends that it is not persuaded that operation of a completely airworthy aircraft is unsafe because the public address system is inoperative when adequate alternate procedures are established for alerting passengers in an emergency. FAA states, "Our September 26, 1975, letter referenced by the NTSB provided guidance to our field elements for standardization and the establishment of limitations to assure an acceptable level of safety."

Specifically, with reference to A–76–120, FAA states that either the public

address or interphone system is required to be operable on each flight to maintain a link between the flight deck and cabin crewmembers. Furthermore, FAA directs the operator to have "additional procedures for alerting passengers and crewmembers on normal and emergency situations when public address and interphone systems are included in the MEL." FAA concludes, "These procedures will vary depending on the type of aircraft and must be approved by the principal operations inspector concerned. This, in our opinion, is a safe course of action for ensuring that passengers and cabin crew are alerted to prepare for an emergency landing or ditching. It provides for the accomplishment of the necessary actions without complete reliance on an electrically operated unit which may fail."

Federal Highway Administration letter of October 12 concerns recommendation H–76–19, issued following investigation of the highway accident which occurred near Eagle Pass, Texas, April 29, 1975. (See 41 FR 27135, July 1, 1976.) The recommendation asked for regulatory action requiring the criteria established in the Handbook of Highway Design for Operating Practices (E2 Culverts and Bridge Structures) to be mandatory for all modified and new designs. FHWA notes that the handbook was developed for use as a guide to illustrate the safety principles of the American Association of State Highway Transportation Officials (AASHTO) report on "Highway Design and Operational Practices related to Highway Safety." FHWA states that its directive, Federal-Aid Highway Program Manual 6–2–1–1—Interim Design Standards for Highways, designates those standards, specifications, policies, guides, and references that are acceptable for application in the geometric and structural design and traffic-control features of highways. FHWA is revising this directive to include as a regulatory item the criteria and standards established in the AASHTO report and to indicate that the safety related criteria of the directive are established as goals for developing State and local safety programs for all public highways, as required by Highway Safety Program Standard 12.

FHWA letter of October 13 responds to recommendation H–76–21, issued after investigation of the truck-train collision last November 19 at Elwood, Illinois. (See 41 FR 26078, June 24, 1976.) The recommendation asked for inclusion of procedures in the FHWA guidebook and training course for highway/railroad engineers, concerning the design and safety of grade crossings, to ensure that proposed active grade-crossing protection devices are operational when upgraded or newly constructed streets or highways are opened.

The FHWA response cites the Federal statute dealing with this subject, section 109—Standards, Title 23, "Highways," U.S. Code, which provides that plans and specifications for proposed projects on any Federal-aid system will not be approved if they fail to provide for a facility that (1) will adequately meet the existing and probable future traffic needs in a manner conducive to safety, durability, and economy of maintenance, and (2) will be designed and constructed in accordance with standards best suited to accomplish the foregoing objectives and to conform to the particular needs of each locality. FHWA's Federal-Aid Highway Program Manual 6–6–2–1, paragraph 8b(2), dated April 25, 1975, implements this section of the U.S. Code, according to the letter, and states that "where a railroad-highway grade crossing is located within the limits of or near the terminus of a Federal-aid highway project for construction of a new highway or improvement of the existing roadway, the crossing shall not be opened for unrestricted use by traffic or the project accepted by FHWA until adequate warning devices for the crossing are installed and functioning properly."

FHWA plans with respect to developing a guidebook, "Railroad-Highway Grade Crossing Handbook" and the character of the handbook are described to complete the response to recommendation H–76–21. According to FHWA, the handbook is intended to be a digest of useful information on railroad-highway grade crossing and is to be written in easy-to-understand language for use by design engineers, utility engineers, traffic engineers, and railroad engineers. Estimated completion date for the work is June 1977.

United States Coast Guard letter of October 13 concerns recommendation M–74–4 dealing with the need for anchors on unmanned barges. The recommendation was issued following investigation into the collision of the Tug CAROLYN and WEEKS BARGE No. 254 with the Chesapeake Bay Bridge and Tunnel, September 21, 1972. USCG has completed a case study of unmanned barge casualties for FY 1973, entailing a review of more than 650 casualties.

USCG states, "The effectiveness of 'braking' with a remotely controlled anchor is based upon the distance and time available to the navigator, when he makes the determination that the vessel is in extremis, to prevent or minimize the severity of an impending disaster." USCG notes that in only 2.6 percent, or 17 of all the unmanned barge casualties studied was there sufficient time and distance to prevent or reduce the severity of the casualty. "The large majority of casualties studied," USCG states, "occurred in areas of restricted channels, with highwinds and currents, and where the vessels were required to navigate in close proximity to other barges, piers, bridges and other structures. The effectiveness in dropping an anchor under these conditions would be almost negligible."

USCG does not consider the results of this study sufficient justification for the implementation of regulations in this area, according to the letter.

The accident report and the safety recommendations are available to the general public; single copies may be obtained without charge. Copies of the letters responding to recommendations may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident report may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633 88 Stat. 2169, 2172 (49 U.S.C. 1903 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

OCTOBER 22, 1976.

[FR Doc.76–31498 Filed 10–27–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–322]

LONG ISLAND LIGHTING CO. (SHOREHAM NUCLEAR POWER STATION, UNIT 1)

Order

Counsel for Intervenors has requested, for personal reasons, a postponement of the oral argument in the above-entitled matter which was scheduled for October 20, 1976. Applicant and Staff do not oppose said request. The request is granted.

Accordingly, the oral argument is rescheduled for November 10, 1976, at 1:00 p.m., at the Holiday Inn, 4089 Nesconset Highway, Centerreach, New York.

For the Atomic Safety and Licensing Board established to rule on petitions for intervention.

Dated this 19th day of October 1976 at Bethesda, Maryland.

JOHN M. FRYSIAK,
Chairman.

[FR Doc.76–31349 Filed 10–27–76;8:45 am]

[Docket Nos. 50–282 and 50–306]

NORTHERN STATES POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 17 and 11 to Facility Operating License Nos. DPR–42 and DPR–60, issued to the Northern States Power Company (the licensee), which revised the Technical Specifications for operation of Unit Nos. 1 and 2 of the Prairie Island Nuclear Generating Plant (the facilities) located in Goodhue County, Minnesota. The amendments are effective as of their date of issuance.

These amendments revised existing and added new limiting conditions for for operation, surveillance requirements and bases for the Control Room Special Ventilation and Emergency Charcoal Filter Systems to the Technical Specifications for the facilities to enhance the efficiency and reliability of the systems.

The amendments also revise several sections of the Technical Specifications to include the miscellaneous clarifications and corrections requested by the licensee.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated May 7, 1975 and supplement thereto dated May 26, 1976, (2) Amendment Nos. 17 and 11 to License Nos. DPR-42 and DPR-60, respectively, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at The Environmental Conservation Library of the Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of October, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-31352 Filed 10-27-76;8:45 am]

[Docket No. STN 50-437]

OFFSHORE POWER SYSTEMS (FLOATING NUCLEAR POWER PLANTS)

Order Resuming the Evidentiary Hearing

The public evidentiary hearing will resume at 9:30 a.m. local time, Wednesday, November 3rd at the following location:

NRC Public Hearing Room, 5th Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland 20014.

The purpose of this proceeding is to hear the evidence upon (1) Radiological Impact Upon Boaters and Swimmers (ACCCE Contention 3d), (2) Transportation of Radioactive Materials (ACCCE Contention 5, Atlantic Contention 3, Brigantine Original Contention and Walton Contention), and (3) Turbine Generator Matters (allegations made in the limited appearance statement of Mr. Effenberger during the hearing session on June 15, 1976). This session of the hearing will continue from November 3 through November 5, 1976 in order to receive evidence upon Contentions (1) and (2) supra, and, if possible from the standpoint of time and the ability of the parties to timely submit direct testimony, upon the subject matter identified in (3), supra.

(During a conference call on October 19, 1976, the Chairman notified counsel for the Applicant, Staff, ACCCE, City of Brigantine, the State of New Jersey, Atlantic County and Mr. Walton that the instant order was being issued. The NRC Staff advised that this information would be relayed to Counsel for the NRDC who was not available at the time of the conference call.)

Accordingly, Applicant's Motion (No. 3) To Establish Schedule dated October 4, 1976 and ACCCE's Cross-motion To Establish Schedule dated October 8, 1976 (as supplemented on October 15, 1976) are denied in part, and are allowed in part to the extent indicated by the instant order. (The Board is currently considering a motion to resume proceedings previously filed in another case, which, if granted, would preclude resumption of proceedings in the instant case between November 5, 1976 and January or February, 1977. During the hearing on November 3rd, the Board will notify the parties herein whether it has denied or allowed the motion to resume proceedings in the other case).

It is so ordered.

Dated at Bethesda, Maryland this 19th day of October, 1976.

For the Atomic Safety and Licensing Board.

SHELDON J. WOLFE,
Chairman.

[FR Doc.76-31350 Filed 10-27-76;8:45 am]

[Docket Nos. STN 50-556 and STN 50-557]

PUBLIC SERVICE CO. OF OKLAHOMA ET AL.

Receipt of Additional Antitrust Information; Time for Submission of Views on Antitrust Matters

In the matter of Public Service Co. of Oklahoma, Associated Electric Cooperative, Inc., and Western Farmers Electric Cooperative.

Public Service Company of Oklahoma, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, filed, on August 23, 1976, information requested by the Attorney General for Antitrust Review as required by 10 CFR 50, Appendix L. This information adds Western Farmers Electric Cooperative as a joint owner of the Black Fox Station, Units 1 and 2. The information was filed in connection with Public Service Company of Oklahoma and Associated Electric Cooperative, Inc.'s plans to construct and operate two boiling water nuclear reactors near the Town of Inola, Rogers County, Oklahoma. The original antitrust portion of the application was submitted on November 20, 1974, by Public Service Company of Oklahoma. The Notice of Receipt of the Antitrust Application was published in the FEDERAL REGISTER under Docket No. P-531-A on January 17, 1975 (40 FR 3030).

The remaining portions of the application, consisting of general and financial information and a Preliminary Safety Analysis Report accompanied by an Environmental Report were docketed on December 23, 1975 and assigned Docket Nos. STN 50-556 and STN 50-557. The docketed application contained an additional owner, Associated Electric Cooperative, Inc. Notice of Receipt of Application for Construction Permits and Operating Licenses and Availability of Applicants' Environmental Report was published in the FEDERAL REGISTER on January 23, 1976 (41 FR 3517). The Notice of Hearing was also published on January 23, 1976 (41 FR 3515).

A copy of all the above stated documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Tulsa City-County Library, 400 Civic Center, Tulsa, Oklahoma 74102.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Antitrust and Indeminity Group, Nuclear Reactor Regulation on or before December 27, 1976.

Dated at Bethesda, Maryland, this 20th day of October, 1976.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors, Branch No. 3, Division of Project Management.

[FR Doc.76-31351 Filed 10-27-76;8:45 am]

[Docket Nos. STN 50-477 and STN 50-478]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Availability of Revised Draft Environmental Statement for the Atlantic Generating Station, Unit Nos. 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Revised Draft Environmental Statement (NUREG-0058, Revision 1) related to the proposed construction of the Atlantic Generating Station, Unit Nos. 1 and 2, to be located off the southeastern coast of New Jersey about 2.8 statute miles offshore of Atlantic and Ocean Counties, has been prepared by the Commission's Office of Nuclear Reactor Regulation. The notice of intent to issue this Revised Draft Statement and the reopening of the

comment period for the Draft Environmental Statement published in April 1976 was published in the FEDERAL REGISTER on June 14, 1976 (41 FR 24007). The Revised Draft Statement incorporates entirely the original Draft Environmental Statement, the availability of which was noticed in the FEDERAL REGISTER on April 9, 1976 (41 FR 15071). Comments previously submitted on the April 1976 Draft Statement will be considered in the preparation of the Final Environmental Statement and need not be resubmitted on the Revised Draft. This Revised Draft Environmental Statement differs from the previous Draft Statement only to the extent that applicable results of the Draft Liquid Pathway Generic Study (NUREG-0140) published in September 1976, have been incorporated into Section 7 and the Summary and Conclusions of the Revised Statement.

The Revised Draft Environmental Statement is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W. Washington, D.C. and in the Stockton State College Library, Pomona, New Jersey 08240. The Revised Statement is also being made available at the Bureau of State and Regional Planning, Department of Community Affairs, 329 West State Street, Trenton, New Jersey 08625; the Atlantic County Planning Board, 25 Dolphin Avenue, Northfield, New Jersey 08225; and the Ocean County Planning Board, Court House Square, Toms River New Jersey 08753. Requests for copies of the Revised Draft Environmental Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Site Safety and Environmental Analysis.

The Applicant's Environmental Report, as supplemented, submitted by the Public Service Electric and Gas Company on behalf of itself, Atlantic City Electric Company, and Jersey Central Power and Light Company, is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on March 27, 1974 (39 FR 11329).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Revised Draft Statement for the Commission's consideration. Federal, State and specified local agencies are being provided with copies of the Revised Draft. Other interested persons may obtain this document upon request. Comments are due by December 13 1976.

Comments from Federal, State, and local officials, or other interested members of the public received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Stockton State College Library, Pomona, New Jersey 08240. Upon consideration of comments submitted with respect to the Revised Draft Environmental Statement, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Revised Draft Environmental Statement from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Rockville, Maryland this 18th day of October 1976.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

[FR Doc.76-31410 Filed 10-27-76;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.103, Revision 1, "Post-Tensioned Prestressing Systems for Concrete Reactor Vessels and Containments," identifies the post-tensioned prestressing systems that have been reviewed and approved by the NRC staff for use in concrete reactor vessels and containments. It also describes qualifications acceptable to the NRC staff for new post-tensioned systems. This guide was revised after consideration of comments from the public and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 19th day of October 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-31353 Filed 10-27-76;8:45 am]

NUCLEAR FACILITY SITES

NRC Undertakes Study of Ways to Improve Efficiency of Federal/State Review

The 93rd and 94th Congress have considered a number of bills that would amend siting procedures for nuclear facilities. In the 93rd Congress, these included H.R. 16700; S. 3179, H.R. 13484; H.R. 12823 and H.R. 11957 In the 94th Congress, these included H.R. 7002, S. 1717; H.R. 3995 and H.R. 3734. Most of these bills addressed in some manner the growing problem of duplication in licensing reviews by Federal and State agencies; some would have provided for coordinated planning and scheduling, joint hearings and avoidance of duplicate data collection. Others would have authorized NRC to enter into agreement with states whereby the State would perform the NEPA reviews under NRC guidelines. The Joint Committee on Atomic Energy (JCAE) received conflicting testimony on the proposed roles of the States during hearings on these bills. None of the foregoing bills were reported by the JCAE to the Congress for action.

On April 9, 1976, Senators Pastore and Baker introduced another siting bill, S. 3286 and on May 3, 1976, an identical measure, H.R. 13512, was introduced by Congressman Price and others. Section 102 of these bills reads as follows:

> The Nuclear Regulatory Commission, in cooperation with other Federal and State agencies, shall conduct a study of methods to improve further the procedures for Federal and State participation in the review and approval, in areas other than protection against radiation hazards and protection of the common defense and security, of sites for utilization or production facilities. The study should give particular attention to methods for coordinating and reaching environmental decisions as efficiently as possible. The Chairman of the Nuclear Regulatory Commission shall submit the results of this study together with any recommended legislation to the Congress within twelve months of the date of the enactment of this Act.

These bills were not enacted by the 94th Congress; however, the Nuclear Regulatory Commission agrees that the study is needed and has directed that it be performed by its staff. The study is being coordinated by the Office of State Programs. A document entitled, "Efficiency in Federal/State Siting Actions—Detailed Study Plan," NUREG-0128, outlines the staff's approach to the study.

The detailed study plan identifies four objectives which will be studied sequentially. Common to all objectives is the development of a consensus as to the meaning of efficiency in environmental decisionmaking.

1. The study will identify key procedural and jurisdictional activity involved in reaching environmental decisions and will relate this activity to Federal, State and private actions involving siting reviews.

2. The study will determine the extent to which coordinated activities and long range planning actions affect the efficiency of environmental decisionmaking.

3. The study will analyze the options for coordinating and reaching environmental decisions more efficiently and will suggest definitions and measurements of improved efficiency.

4. Finally, the study will, if appropriate bases can be justified, recommend legislative options for consideration by the Congress and changes in the site approval procedures of NRC, other Federal agencies and the States.

Copies of the document outlining the study plan (NUREG–0128) are available at the Commission's Public Document Room or may be obtained by writing Elizabeth McCarthy, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Comments on the plan are invited and should be addressed to Mr. Robert G. Ryan, Director, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Comments should be submitted by November 10, 1976.

The study plan calls for convening a Panel on State Regulatory Activity Involved in Need for Power drawn from State Public Utility or Public Service Commissions supplemented by outside experts to review the steps involved in granting of a certificate of public convenience and necessity and the relationship of that certificate to the NRC review process. The panel will also review the timing of this certification and the supporting data requirements with respect to the need for power and the allocation of facilities cost to determine how coordinated actions might further improve the review process among the Federal/State parties.

It is expected that the State Regulatory Activity Involved in Need for Power Panel will meet twice for two days each time, the first on November 11th and 12th, 1976, and the second during the second week in February, 1977.

The study plan also calls for the convening of a Success Factor Evaluation Panel. This panel is to provide an independent appraisal of the factors that determine efficiency in reaching environmental decisions. The panel of outside experts experienced in institutional relations and representing a wide range of views, is charged with examining the event chains as they exist and suggesting measurements of efficiency in reaching decisions. It will attempt to define efficiency as perceived by the many participants in environmental decisionmaking.

It is expected that the Success Factor Evaluation Panel will also meet twice and for two days each time, the first on November 17th and 18th, 1976, and the second during the third week in February, 1977.

The November panel meetings will be held in Room 1167, 1717 H Street, NW., Washington, D.C., and will start at 9:00 a.m.

The panel meetings are being held to obtain the opinions of, and to provide the opportunity for interaction among, invited experts; however, they will be open to public attendance, observation and submission of written statements.

Reports of the meetings will be filed in the NRC Public Document Room.

Persons who wish further information about these panel meetings, or who wish to attend or submit a written statement, should write Elizabeth McCarthy, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, or call her at (301) 492–7950, giving name, address, and phone number.

Notice will be given in the FEDERAL REGISTER at a future date of workshops to be held in mid-December and in late March in cooperation with the National Governors' Conference to receive comments and opinions regarding the study from state agencies. Notice will also be given in the FEDERAL REGISTER of the date and location of the mid-February panel meetings.

Dated at Bethesda, Md. this 22d day of October 1976.

For the Nuclear Regulatory Commission.

ROBERT G. RYAN,
Director,
Office of State Programs.

[FR Doc.76–31651 Filed 10–27–76;8:45 am]

[Docket No. 50–313]

ARKANSAS POWER AND LIGHT CO.

Consideration of Proposed Modification to Facility Spent Fuel Storage Pool

The U.S. Nuclear Regulatory Commission (the Commission) is considering the approval of a modification to the spent fuel storage pool of Arkansas Nuclear One—Unit No. 1 (the facility) operated under Facility Operating License No. DPR–51 issued to the Arkansas Power & Light Company (the licensee). The facility is a pressurized-water reactor located in Pope County, Arkansas, and is currently authorized to operate at 2568 megawatts (thermal).

The proposed modification being considered involves replacement of the existing spent fuel storage racks having a capacity for 253 fuel assemblies with new storage racks with a capacity for 590 assemblies in accordance with the licensee's application dated October 7, 1976. Approval of the proposed modification would require concurrent issuance of an amendment to the above license to revise the Technical Specifications for the facility to reflect the increased spent fuel storage capacity.

Prior to approval of the proposed modification and the license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By November 29, 1976 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the approval of the modification to the subject facility spent fuel storage pool and the concurrent issuance of the license amendment. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Horace Jewell, Esquire of House, Holms & Jewell, 1550 Tower Building, Little Rock, Arkansas 72201, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated October 7, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas 72801.

Dated at Bethesda, Maryland this 26th day of October, 1976.

For the Nuclear Regulatory Commission,

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76–31796 Filed 10–27–76;8:45 am]

OFFICE OF THE FEDERAL REGISTER

NATIONAL FIRE CODES

National Fire Protection Association Technical Committee Reports; Availability

The Office of the Federal Register is issuing this notice of availability of the National Fire Protection Association's (NFPA) technical committee reports to be considered at the May 16–20, 1977, annual meeting at the Washington Hilton Hotel in Washington, D.C. These reports recommend changes, adoption, or withdrawal of certain fire safety standards developed by the NFPA and incorporated in various Federal regulations.

Single copies of the technical committee reports are available free from:

National Fire Protection Association, Publications Department, 470 Atlantic Avenue, Boston, MA 02210.

COMMENTS ON REPORTS BY: December 3, 1976.

ADDRESSED TO: Assistant Vice President—Standards
National Fire Protection Association,
470 Atlantic Avenue, Boston MA 02210.

Various Federal agencies use the NFPA standards as the basis for Federal regulations. Often, these regulations incorporate the NFPA standards by reference. (Incorporation by reference is authorized by 5 U.S.C. 552(a) and 1 CFR Part 51.) The NFPA standards collectively form the National Fire Codes.

BACKGROUND

Each new NFPA standard is developed by an NFPA technical committee. The technical committee presents the new standard in a technical committee report. The report recommends either tentative or official adoption of the standard by NFPA. The NFPA takes action on the technical committee report at either the fall meeting in November or the annual meeting in May.

If the NFPA tentatively adopts a standard, the NFPA makes the standard available for public review and comment and possible changes. After public review, the technical committee issues another technical committee report recommending further action.

If the NFPA officially adopts a standard, it becomes part of the National Fire Codes.

Tentative and official standards may be amended, revised, or withdrawn by the NFPA. Technical committee reports recommending amendments, revisions, or withdrawals of tentative or official standards are also presented for action at the NFPA meetings.

At each NFPA meeting, members may act to adopt or reject the technical committee reports presented. Any person who is a NFPA member of record thirty (30) days before the meeting may participate.

REPORTS FOR THE 1977 MEETING

The technical committee reports covering the standards listed in the table below will be presented at the May 16–20, 1977, meeting.

1977 annual meeting: Technical committee reports

NFPA standard No.	NFPA standard title	Recommended action
6	Organization of industrial fire loss prevention	W
7	Management control of fire emergencies	W
8	Management responsibility for effects of fire on operations.	W
12	Carbon dioxide extinguishing systems	O–P
12A	Halogenated fire extinguishing agent systems—Halon 1301.	O–P
12B	Halogenated fire extinguishing agent systems—Halon 1211.	O–P
15	Water spray fixed systems for fire protection	O–P
24	Outside protection	O–P
56E	Hypobaric facilities	O–P
70B	Electrical equipment maintenance	O–P
71	Central station signaling systems	O–P
72A	Local protective signaling systems	O–P
72D	Proprietary protective signaling systems	O–P
78	Lighting protection code	O–C
79	Electrical standard for metalworking machine tools.	O–P
80	Fire doors and windows	O–P
307	Operation of marine terminals	O–C
501A	Mobile home installations (pt. 8 only)	O–P
501B	Mobile homes (chap. 5 only)	O–P
501C	Recreational vehicles (chap. 4 only)	O–P
501D	Recreational vehicle parks (chap. 6 only)	O–P
1031	Professional qualifications for fire inspector, fire investigator, and fire prevention education officer.	N–O
1141	Guide for fire prevention measures in planned building groups.	N–O
1501	Standard for fire department safety officer	N–O

TYPES OF ACTION

Proposed action on official documents:
- O–P Partial amendments.
- O–C Complete revision.
- O–T Tentative revision.

Proposed action on tentative documents:
- T–P Partial amendments.
- T–C Complete revision.
- T–O Official adoption.

Proposed action on new documents.
- N–T Tentative adoption.
- N–O Official adoption.

Other proposed action:
- R Reconfirmation.
- W Withdrawal.

COMMENTS ON REPORTS

Commenters on these technical committee reports may use the forms provided for comments in the reports. Each person submitting a comment should include his name and address, identify the notice and give reasons for any recommendation.

The NFPA will compile all written comments and the technical committees' responses to those comments. This compilation will form the technical committee documentation and will be available by March 28, 1977. A copy of the technical committees' responses to those comments. This commenter. Copies of the technical committee reports and technical committee documentation will also be available for review at the Office of the Federal Register, 1100 L Street, NW., Washington, D.C.

Dated: October 22, 1976.

FRED J. EMERY,
Director of the Federal Register.

[FR Doc.76–29297 Filed 10–27–76;8:45 am]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION ADVISORY BOARD

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463; 5 U.S.C. App 1) notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation to be held at the Host International Hotel, Detroit, Michigan, November 12, 1976, at 1:30 p.m. The agenda for this meeting is as follows: (1) Opening remarks of the Administrator; (2) Approval of minutes of previous meeting; (3) Administrator's report; (4) Program Review and (5) Closing remarks.

Attendance is open to the interested public but limited to the space available. With the approval of the Administrator members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, Robert D. Kraft, Deputy General Counsel, 800 Independence Avenue, S.W., Washington, D.C. 20591, telephone 202/426-3574. Any member of the public may present a written statement to the Committee at any time.

D. W. OBERLIN,
Administrator.

[FR Doc.76-31534 Filed 10-27-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12913; File No. SR-OCC-76-8]

OPTIONS CLEARING CORP.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 8, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change clarifies OCC's stated policy on acceptance of Exchange transactions to indicate that OCC may elect to accept an opening purchase transaction, notwithstanding non-payment of the premium and the unavailability of sufficient funds of the defaulting Clearing Member to cover the premium, if an exercise notice has been assigned to the other party to the transaction under Rule 803(c). OCC would reserve a lien on any long positions resulting from the acceptance of such transactions. In addition, the proposed rule change would clarify certain provisions of OCC Rules 803(c) and 611.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed amendment to Rule 803(c) is to clarify the meaning of that provision, without effecting any change in substance.

The purpose of the proposed amendment to OCC's stated policy on acceptance of Exchange transactions is to clarify the application of that policy to cases where the premium for an opening purchase transaction is not paid, but an exercise notice has been assigned pursuant to Rule 803(c) to the other party to the transaction. Under ordinary circumstances, OCC's policy is to reject opening purchase transactions where the premium is not paid unless OCC's President determines that OCC controls sufficient liquid assets of the defaulting Clearing Member to cover the premium (after all of the Clearing Member's other obligations have been provided for). However, the rejection of an opening purchase transaction would lead to anomalous results if an exercise notice had been assigned to the other party to the transaction under Rule 803(c). The proposed rule change clarifies OCC's policy to indicate that in those circumstances, OCC may elect to accept the opening purchase transaction, notwithstanding the unavailability of sufficient liquid assets of the Clearing Member to cover the premium.

The proposed amendment to Article VI, Section 8 of the By-Laws makes it clear that if an opening purchase transaction is accepted under the circumstances described in the preceding sentence, OCC will retain a lien on the resulting long position. The proposed amendment to Rule 611 makes the language of that Rule consistent with Article VI, Section 8 of the By-Laws, as amended, and clarifies certain provisions of that Rule without effecting any change in substance.

The proposed rule change contributes to the prompt and accurate clearance and settlement of securities transactions by clarifying certain existing Rules and policies of OCC.

Comments were not and are not intended to be solicited with respect to the proposed rule change.

OCC does not believe that the proposed rule change imposes any burden on competition.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 21, 1976.

TEXT OF PROPOSED RULE CHANGE[1]

Rule 803. Exercise notices accepted by the Corporation shall be assigned in accordance with the Corporation's procedures of random selection to Clearing Members with open short positions in the series of options involved provided that the Corporation may:

(a) [No change.]

(b) [No change.]

(c) assign [a] *an exercise* notice to a Clearing Member in respect of an opening writing transaction made by such Clearing Member on the day [of such assignment] *on which the exercise notice was accepted by the Corporation.*

As used herein an exercise notice in respect of 25 or more option contracts of the same series shall be deemed to be of block size and that portion of an open short position that resulted from one Exchange transaction in respect of 25 or more option contracts of the same series shall be deemed to be of block size.

Subject to the provisions of the By-Laws, exercise notices accepted by the Corporation shall be assigned at or before 7:00 a.m. Chicago Time (8:00 a.m. Eastern Time) on the following business day. Assignments shall be dated and effective as of such following business day. A Clearing Member to which an exercise notice is assigned shall be notified thereof, and the Clearing Member submitting such exercise notice shall (subject to the provisions of Rule 913) be notified of the identity of the Assigned Clearing Member, through deposit of Delivery Advices in their respective locked boxes as soon as practicable after such notice is assigned by the Corporation.

PROPOSED AMENDMENT TO STATED POLICY ON ACCEPTANCE OF EXCHANGE TRANSACTIONS FOR WHICH PREMIUMS ARE NOT PAID

Be it resolved by the Board of Directors of [Chicago Board] *The* Options [Exchange] Clearing Corporation pursuant to Section 8 of Article VI of the By-Laws of the Clearing Corporation that, in the event the Clearing Corporation shall not have received payment from a Clearing Member prior to the commencement time on *any* [of a] business day of all premiums due to the Clearing Corporation on such business day from such Clearing Member in an account, then all unaccepted opening purchase transactions of such Clearing Member in such account shall be rejected and all unaccepted closing purchase transactions shall be accepted; provided, however, that the President may, on behalf of the Clearing Corporation, elect to reject one or more unaccepted closing purchase transactions in the event that the Clearing Corporation has not previously received in cash, or the equivalent thereof, sufficient margin with respect to short positions closed by such transactions, and, provided further, that the President may, on behalf of the Clearing Corporation, elect to accept [one or more] *any* unaccepted opening purchase transaction[s] in such account if (*i*) he should determine that the Clearing Fund deposit of such Clearing Member plus any other funds of such Clearing Member that may be in the possession or at the disposal of the Clearing Corporation are sufficient (taking into account the restrictions of said Section 8 of Article

[1] Brackets indicate deletions and italics indicate new material.

VI and all other matured and potential obligations of such Clearing Member) for the payment of the premiums on such transaction[s], *or (ii) the other party to such transaction was engaging in an opening writing transaction, and the Clearing Corporation has assigned an exercise notice in respect of such transaction pursuant to Rule 803(c).*

PROPOSE AMENDMENT TO ARTICLE VI, SECTION 8 OF BY-LAWS

Section 8. The acceptance of every Exchange transaction and the issuance of every option contract (other than an option contract [expiring in January 1976 or thereafter] for which the commencement time is the close of trading on the business day immediately prior to the expiration date) by the Corporation as provided in Sections 5 and 6 of this Article VI shall be subject to the condition that the Corporation shall have received payment prior to the commencement time of all premiums due to the Corporation from the Purchasing Clearing Member in the account in which the Exchange transaction is effected. In the event the Corporation fails to receive such payment by the commencement time, the Corporation may (either by a general rule or resolution adopted by the Board of Directors or by action of the officers of the Corporation with respect to specific transactions) reject all unaccepted opening and closing purchase transactions in such account; provided, however, that the Corporation shall have the right to apply any funds available in a Clearing Member's firm *lien or non-lien* account, or to liquidate the *unsegregated long* positions in such firm *lien or non-lien* account and apply the proceeds thereof, to the payment of the premiums due in any other account of such Clearing Member. In the event any transaction is rejected as herein provided, the Corporation shall promptly notify, either orally or in writing, the Purchasing Clearing Member and all Writing Clearing Members involved, and such Writing Clearing Members shall have the remedies provided in the Exchange Rules of the Exchange on which the Exchange transaction was effected. In the event the Corporation shall in its discretion accept any Exchange transaction in an account for which full payment of the permiums has not been made, the Corporation may apply any funds of the Clearing Member that are in the possession or at the disposal of the Corporation to the payment of such premiums; provided, however, that the Corporation shall not apply funds in a customers' account for the payment of premiums on transactions in any account other than the customers' account, and provided, further, that the Corporation shall not apply any funds in a Market-Maker's account or specialist's account (if the Market-Maker or specialist is a customer) or in a combined Market-Makers' or specialists' account for the payment of premiums on transactions in any account other than that Market-Maker's, specialist's or combined Market-Makers' or specialists' account. *If the Corporation accepts an opening purchase transaction in an account for which full payment of the premiums has not been made, and the funds of the Clearing Member (if any) applied by the Corporation to the payment thereof are insufficient to pay such premiums in full, the long position resulting from the acceptance of such transaction by the Corporation shall be deemed to be an unsegregated long position and the Corporation shall have the right to close out or to exercise such long position and to apply the proceeds in accordance with Chapter XI of the Rules.*

Rule 611. *Subject to the provisions of Article IV, Section 8 of the By-Laws,* [A]all long positions in customers' *accounts* and firm non-lien accounts shall be deemed to be segregated long positions unless the Corporation receives contrary instructions from a Clearing Member in accordance with the following provisions of this Rule 611. All segregated long positions shall be held by the Corporation free of any charge, lien or claim of any kind in favor of the Corporation or any person claiming through it, until such positions shall be closed or exercised in accordance with the By-Laws and Rules or until the Clearing Member shall file with the Corporation written instructions, in such form as the Corporation may from time to time prescribe, directing that such positions be released from segregation.

At or before 1:00 p.m. Central Time (2:00 p.m. Eastern Time) on each business day, a Clearing Member may file with the Corporation written instructions, in such form as the Corporation may from time to time prescribe, designating any segregated long position in such Clearing Member's customers' account or firm non-lien account which the Clearing Member desires the Corporation to release from segregation. The Clearing Member's Daily Position Report and Daily Margin Report for the following business day, and each business day thereafter while such instructions remain in effect, shall reflect such instructions. [and] *The* Corporation shall have a lien on *each* [all] unsegregated long position[s] *carried in a customer's account as security for the obligations of the Clearing Member to the Corporation in respect of all Exchange transactions effected through such account, short positions maintained in such account, and exercise notices assigned to such account, and on each unsegregated long position carried in a firm non-lien account as security for all of the Clearing Member's obligations to the Corporation. The Corporation's lien on each such long position shall continue* until (a) the Corporation receives written instructions, in such form as the Corporation may from time to time prescribe, directing that such long position[s] [again] be segregated and held free of lien, and (b) the Clearing Member duly pays to the Corporation, in accordance with these Rules, all amounts payable by such Clearing Member on the business day following the Corporation's receipt of such instructions.

No Clearing Member shall instruct the Corporation to release from segregation, or permit to remain unsegregated, any long position carried in a customers' account or firm non-lien account for any customer or non-customer unless the Clearing Member is simultaneously carrying in such account for such customer or non-customer a short position for an equal number of option contracts of the same class of options and the margin required to be deposited by such customer or non-customer in respect of such short position has been reduced as a result of the carrying of such long position. The filing by a Clearing Member of an instruction to release a long position from segregation shall constitute a representation by the Clearing Member to the Corporation that such instruction is authorized, is in accordance with the foregoing and is in compliance with all applicable laws and regulations. If an account includes segregated and unsegregated long positions in the same series of options, and the aggregate long position in such series is reduced by the filing of an exercise notice or the execution of a closing writing transaction in such account, such reduction shall be applied by the Corporation first against the unsegregated long position in such account, and only the excess, if any, of the number of option contracts exercised or closed out over the number of contracts included in such unsegregated long position shall be applied against the segregated long position in such account. If the Clearing Member desires that such reduction be applied in a different manner, the Clearing Member shall so instruct the Corporation by filing an appropriate release instruction with the Corporation not later than 1:00 P.M. Central Time (2:00 p.m. Eastern Time) on the business day on which such application is first reflected in a Daily Position Report.

[FR Doc.76-31456 Filed 10-27-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

DIVERSIFIED INDUSTRIES, INC.

Suspension of Trading

OCTOBER 15, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Diversified Industries, Inc., being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from October 18, 1976, through October 27, 1976.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-31526 Filed 10-27-76;8:45 am]

[File No. 812-4030]

FIRST INCOME SHARES, INC. AND FIRST INVESTORS FUND FOR INCOME, INC.

Filing of Application of Act for an Order Exempting Proposed Transactions From Provisions and Order Permitting Participation in Proposed Transactions

OCTOBER 21, 1976.

Notice is hereby give that First Income Shares, Inc. ("New Fund") and First Investors Fund for Income, Inc. ("Old Fund") (collectively, "Applicants"), 120 Wall Street, New York, New York 10005, both open-end, diversified, management investment companies registered under the Investment Company Act of 1940 ("Act"), filed an application on September 20, 1976, and an amendment thereto on October 1, 1976, for an order of the Commission pursuant to sections 6(c) and 17(b) of the Act, exempting the proposed transactions described below from the provisions of sections 17(a) and 22(d) of the Act and Rule 22c-1 thereunder, and, pursuant to section 17(d) of the Act and Rule 17d-1 thereunder, for an order permitting Applicants to participate in the proposed transactions. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, Old Fund was incorporated in Maryland on August 20, 1970, and offers its shares continuously through First Investors Man-

agement Company, Inc. ("Management") and First Investors Corporation ("First Investors") as co-underwriters. More than 95 percent of Old Fund's shares are sold by salesmen employed by First Investors. Both First Investors and Management are wholly-owned subsidiaries of First Investors Consolidated Corporation, of which Messrs. Glenn O. Head and David D. Grayson, each of whom is a Vice President and Director of Old Fund and New Fund, each owns 35.5 percent of the voting stock. Management serves as investment adviser to Old Fund, and Management and First Investors also serve as co-underwriters, and Management serves as investment adviser, to First Investors Fund, Inc., First Investors Fund for Growth, Inc., First Investors Discovery Fund, Inc., and First Investors Trend Fund, Inc. The officers and directors of Old Fund, with one exception, are also officers and directors of these other funds.

Old Fund and New Fund have identical boards of directors, each consisting of nine members. In addition to Messrs. Head and Grayson, Applicants state that Joseph M. O'Brien, President and director of First Investors, and John T. Sullivan, director of First Investors, are "interested persons" of the Applicants as defined in section 2(a)(19) of the Act.

The Applicants state that Old Fund's primary investment objective is to earn a high level of current income, and that, on June 30, 1976, Old Fund's net assets were approximately $155,000,000.

According to Applicants, New Fund was incorporated in Maryland as Chestnut Monthly Income Fund, Inc. on January 19, 1976, was registered under the Act on February 20, 1976, but has not yet commenced operations. Applicants state that New Fund's investment objectives, policy, restrictions, officers, auditors, legal counsel and custodian are identical to those of Old Fund, and that all of the outstanding shares of New Fund presently are held by First Investors, which purchased 9,107 shares without sales charge at $10.98 per share for an aggregate of $100,000, in connection with New Fund's organization.

As more fully set forth in the application and summarized below, Applicants generally propose to effect an underwritten offering of Old Fund shares through a series of transactions involving an underwritten offering of New Fund shares, followed by the purchase by Old Fund of all the assets of New Fund in exchange for shares of Old Fund, and the distribution in liquidation of such Old Fund shares to shareholders of New Fund and the subsequent dissolution of New Fund.

According to the application, New Fund proposes to offer 2,500,000 shares of its common stock to the public at its net asset value of $10.98 per share plus an underwriting discount through underwriters for whom Drexel Burnham & Co., Inc. ("Drexel") will act as representative, and the underwriting discounts on shares sold pursuant to that offering will be equal, as a percentage of the net amount invested, to the sales charge applicable to Old Fund shares. For purchases of less than $10,000.00, such underwriting discount will be $1.02 per share.

Applicants state that persons purchasing New Fund shares pursuant to this underwritten offering will not be required to make payment for such shares until the closing date of the exchange of New Fund's assets for shares of Old Fund, as set forth below ("Closing Date"), and that such Closing Date will be approximately two weeks, but not more than four weeks, after the effective date of New Fund's Registration Statement under the Securities Act of 1933 ("Effective Date"). Applicants further state that there will be no continuous offering of New Fund shares following the Closing Date.

As a further step in the proposed transactions, Applicants propose to enter into a Stock Purchase Agreement ("Agreement") pursuant to which all of the assets of New Fund (consisting of the $100,000 in cash paid by First Investors for the shares it holds and the cash realized by New Fund in the underwriting) will be transferred to Old Fund on the Closing Date in exchange for shares of the stock of Old Fund having the same aggregate net asset value, calculated as described below. According to the application, the Agreement will be approved by First Investors, as sole shareholder of New Fund, prior to the Closing Date, but will not be submitted to Old Fund shareholders for approval.

Applicants states that, as of September 14, 1976, Old Fund had $13,154,498 ($.6487 per share) of unrealized capital gain, and realized capital gains of $10,319,379 ($.5089 per share). The Agreement provides that, on a date prior to the Closing Date (the "Record Date"), Old Fund will declare dividends sufficient to distribute all of its taxable net investment income and all of its realized capital gains accumulated to the Record Date, in each case to the stockholders of record of Old Fund as of the date immediately preceding the Closing Date. Applicants state that Old Fund shareholders who have elected to reinvest income dividends and capital gains distributions in additional shares of Old Fund (who presently hold about 60 percent of Old Fund's shares) will receive such shares at the net asset value (exdividend) in effect on the Record Date, without any sales charge.

Applicants state that the Fund's relative net asset values will be determined as of the close of business on the Closing Date, after giving effect to net investment income and net realized capital gains distributions of Old Fund, if any, and that no adjustment will be made for any tax implications relating to unrealized capital gains or losses.

According to Applicants, New Fund will distribute to its shareholders on a pro-rata basis the shares of Old Fund received pursuant to the Agreement, and will thereupon be dissolved.

Applicants state that Drexel, in the course of its customary market making activities, effects substantial securities transactions with and on behalf of Old Fund. According to the application, it is anticipated that Old Fund may continue to effect securities transactions with Drexel (acting either as broker or principal) to a substantial extent up to the Effective Date and subsequent to the Closing Date; but that Old Fund will not effect securities transactions with Drexel during the period from the Effective Date until the Closing Date. Furthermore, Applicants state that other members of the underwriting syndicate may continue their market making and dealer activities with Old Fund during the period between the Effective Date and the Closing Date, as well as before and after such periods, and that, after the Closing Date, Drexel as well as other members of the underwriting syndicate may distribute Old Fund shares as dealers, through First Investors and Management.

Applicants state that all expenses of the underwritten offering of New Fund shares and of the transactions pursuant to the Agreement, including the dissolution of New Fund, will be borne by Management, except that the underwriters will bear their own normal expenses, such as the costs of retaining their counsel and of underwriting the offering of New Fund shares.

Applicants contend that the proposed transactions have been structured in the manner described in order to effect an underwriting of Old Fund shares in an orderly manner to avoid disruption of the operations of Old Fund. Applicants state that there is no agreement in effect to suspend sales of Old Fund shares during the underwriting of New Fund shares, and that, therefore, First Investors salesmen, who may have dealings with a different group of customers than those to whom the underwriters have access, would be able to continue to offer Old Fund shares for sale during the pendency of the New Fund offering. In addition, Applicants state that the proposed transactions would permit the sale of New Fund shares at a definite price rather than at a price which would change daily as the Old Fund's net asset value changed. Finally, the Applicants state that the proposed transaction will be fully disclosed in the New Fund prospectus to be employed in connection with the underwriting, and that the Old Fund's prospectus will be stickered or amended to disclose the existence and terms of their proposal.

Section 2(a)(3) of the Act, in part, defines an "affiliated person" of another person as "* * * (A) any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person; (B) any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person; (C) any person directly or indirectly controlling, controlled by, or under common control with, such other person; * * * (E) if such other person is an investment

company, any investment adviser thereof or any member of an advisory board thereof * * *."

Applicants state that they might be deemed to be under common control and therefore "affiliated persons" of each other, since they have identical boards of directors.

Section 17(a) of the Act provides, in part, that it shall be unlawful for any affiliated person or promoter of, or principal underwriter for, a registered investment company, or any affiliated person of such a person, promoter, or principal underwriter, acting as principal:

(1) knowingly to sell any security or other property to such registered company * * * unless such sale involves solely (A) securities of which the buyer is the issuer, [or] (B) securities of which the seller is the issuer and which are part of a general offering to the holders of a class of its securities * * *;

(2) knowingly to purchase from such registered company * * * any security or other property (except securities of which the seller is the issuer) * * *.

Thus, the sale by Old Fund of its shares to New Fund at net asset value rather than at net asset value plus a sales charge might be deemed to be prohibited by section 17(a)(1).

Section 17(b) of the Act provides that the Commission, upon application, may exempt from the provisions of section 17(a) a proposed transaction if evidence establishes that the terms of such transaction, including the consideration to be paid or received, are fair and reasonable and do not involve any overreaching on the part of any party concerned, and that the transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Although Applicants do not concede that the provisions of section 17(a) of the Act apply to the proposed transaction, they assert that the proposed transaction has been structured to prevent overreaching on the part of any person concerned and to assure that its terms are fair and reasonable and consistent with the policies of Old Fund and of New Fund and with the general purposes of the Act, and state that the board of directors of each Applicant has considered such terms and determined that this assertion is correct. Furthermore, Applicants state that, on the Closing Date, New Fund will acquire Old Fund shares at their net asset value as of the close of business and that, since the underwriting discounts applicable to New Fund shares are identical, as a percentage of the net amount invested, to the sales load on Old Fund shares, investors in New Fund will acquire Old Fund shares on the Closing Date at the same price at which direct investors in Old Fund would acquire such shares on that date.

Section 17(d) of the Act provides, in part, that it shall be unlawful for any affiliated person of, or principal underwriter for, a registered investment company, or any affiliated person of such a person or principal underwriter, acting as principal, to effect any transaction in which such registered company is a joint or a joint and several participant with such person, principal underwriter, or affiliated person, in contravention of rules promulgated by the Commission pursuant to that Section.

Rule 17d–1 generally provides, in part, that a transaction within its scope may not be effected unless an order of the Commission permitting such transaction is issued prior to implementation, or submission to shareholders for approval, thereof, and that, in passing upon an application for such an order, the Commission will consider whether the participation of such registered company in such joint enterprise on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

It appears from the application that First Investors is principal underwriter for Old Fund, and controls (and is therefore an affiliate of) New Fund, that Management is adviser to (and therefore an affiliate of) Old Fund, and that, by reason of First Investors Consolidated Corporation's ownership of all of the voting stock of Mangement and First Investors, and First Investors' ownership of all of New Fund's outstanding shares, Management is under common control with (and is therefore an affiliate of) New Fund. Therefore, the proposed transactions may constitute a "joint enterprise", within the meaning of section 17(d) of the Act, in which First Investors and Mangement participate with two registered investment companies, Old Fund and New Fund.

While not conceding that the provisions of section 17(d) of the Act apply to the proposed transactions, Applicants assert that the terms of the proposed transaction and the operation of Applicants prior and subsequent thereto are not intended to result in any participation therein on a basis different from or less advantageous than that of any other participant, and that the board of directors of each of the Applicants has reviewed the transaction and each board has determined that no party will participate in the transactions described herein on a basis different from or less advantageous than that of any other participant. Applicants also submit that the participation of Old Fund and New Fund therein is consistent with the provisions, policies and purposes of the Act. Accordingly, to the extent that the interrelationships described herein might cause any of the proposed activities by any of Old Fund, New Fund, Management, or First Investors to come within the provisions of section 17(d) of the Act, Applicants request, pursuant to Rule 17d–1 under the Act, an order of the Commission permitting their participation in the proposed transactions.

Section 22(d) of the Act provides, in part, that no registered investment company shall sell redeemable securities of which it is the issuer except at a current public offering price described in the prospectus. Since purchasers of New Fund shares pursuant to the proposed offering will exchange those shares at the Closing Date for shares of Old Fund on the basis of the Funds' then relative net asset values, such sales of New Fund shares may involve indirectly, a purchase of Old Fund shares at other than Old Fund's current offering price. Applicants state that both the Old Fund and New Fund prospectuses will set forth fully the basis upon which shares are being sold, and that the underwriting discounts payable upon purchase of New Fund shares were designed to be identical to those payable upon direct investment in Old Fund shares in order to comply with the provisions of section 22(d).

Rule 22c–1 under the Act provides, in part, that no registered investment company shall sell, redeem, or repurchase any redeemable security of which it is the issuer except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Since sales of New Fund shares would be at a price unrelated to the then net asset value of the Old Fund, such sales might be deemed to violate Rule 22c–1.

Applicants request that, to the extent that the proposed transactions may not be in compliance with section 22(d) of the Act and with Rule 22c–1 thereunder, the Commission issue an order of exemption therefrom pursuant to section 6(c) of the Act to the extent necessary to permit the transactions described in the application to be consummated.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security or transaction from any provision or provisions of the Act or any rule 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 with the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 12, 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 upon Applicants at the address set forth above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a

hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-31490 Filed 10-27-76;8:45 am]

[Rel. 34-12914; File No. SR-NASD-76-10]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Self-Regulatory Organizations Proposed Rule Change

Pursuant to section 19(B)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, section 16 (June 4, 1975) notice is hereby given on September 28, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

A. STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The following is the full text of the proposed amendment to Section 4 of Schedule G under Article XVIII of the By-Laws of the National Association of Securities Dealers, Inc.:

SECTION 4—FEES AND CHARGES

(a) NASDAQ Level III Terminal: (1) Charges for regular NASDAQ Level III services are contained in Part IV of Schedule D under Article XVI of the By-Laws.

(2) The charge for modifying a NASDAQ Level III terminal for transaction reporting capability shall be $25.

(3) The charge for each transaction reported via a modified NASDAQ Level III terminal shall be $.20 per transaction for transactions reported prior to January 1, 1976, and $.10 per transaction for transactions reported subsequent to January 1, 1976.

(b) NASDAQ Transaction Reporting Terminal: (1) A NASDAQ Transaction Reporting terminal can be utilized for transactions reporting but does not have the capability of performing any of the NASDAQ bid/ask functions.

(2) The charge for the first Transaction Reporting terminal shall be $300 per month. The charge for each additional Transaction Reporting terminal shall be $250 per month.

(3) The charge for each transaction reported via a Transaction Reporting terminal shall be $.20 per transaction for the first 300 transactions per day and $.35 per transaction for each transaction in excess of 300 transactions per day for transactions reported prior to January 1, 1976. For transactions reported subsequent to January 1, 1976 the charge for each transaction reported shall be $.10 per transaction.

(4) Installation, removal and relocation charges for control units and Transaction Reporting terminals are the same as those for NASDAQ Level III service contained in Part IV of Schedule D under Article XVI of the By-Laws.

(c) The charge for any transaction reported through the NASDAQ supervisory office in New York City via Telex, TWX, or telephone or other accepted method of communication shall be $.20 per transaction for transactions reported prior to January 1, 1976 and $.10 per transaction for transactions reported subsequent to January 1, 1976.

(d) There shall be no charge for transactions reported in writing in conformance with the previous provisions of this Schedule.

B. STATEMENT OF BASIS AND PURPOSE

The amendments to Section 4 of Schedule G under Article XVIII of the By-Laws of the NASD provide that the charge for members reporting transactions in eligible securities through the NASDAQ System be reduced for $.20 per transaction to $.20 per transaction for transactions reported prior to January 1, 1976 and $.10 per transaction for transactions reported subsequent to January 1, 1976.

Under the provisions of Rule 17a-15 adopted by the Commission under Section 17 of the Securities Exchange Act of 1934 the NASD filed with the Securities and Exchange Commission a written plan meeting specified standards concerning the collection and dissemination by the NASD of information relating to over-the-counter transactions executed by its members in securities registered or admitted to unlisted trading privileges on an exchange. Article XVIII of the NASD By-Laws and Schedule G thereunder contain the rules and procedures necessary to carry out the NASD's responsibilities and duties under Rule 17a-15. Article XVIII also gives the Board of Governors authority to impose reasonable and equitable fees and charges in connection with the collection and dissemination of last sale information. Article XVIII and Sections 1, 2 and 3 of Schedule G were approved by the Commission on May 12, 1976.

Article XVIII of the By-Laws gives the Board of Governors the power to adopt, alter, amend, supplement or modify the provisions of Schedule G and provides that Schedule G as adopted, altered, amended, supplemented or modified shall become effective as the Board of Governors shall prescribe unless disapproved by the Commission. Comments of the membership were not solicited or received.

It is felt that there is no burden on competition imposed by the proposed rule change.

* * * * *

On or before December 2, 1976, or within such longer period (i) as the Commission may designate up to ninety (90) days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 29, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

OCTOBER 21, 1976.

[FR Doc.76-31527 Filed 10-27-76;8:45 am]

NATIONAL MARKET ADVISORY BOARD

Meeting

This is to give notice pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the National Market Advisory Board will conduct open meetings on November 15 and 16, 1976 in Room 776, 500 North Capitol Street, Washington, D.C. Initial notice of this meeting was published in the FEDERAL REGISTER on October 1, 1976.

The Board will also conduct open meetings on December 13 and 14, 1976 at the same location and on January 17 and 18, 1977 at a location to be determined later. The summarized agenda for these meetings will be published in the FEDERAL REGISTER at a later date.

The summarized agenda for the November meeting is as follows:

1. Discussion of the Board's report to the Securities and Exchange Commission regarding the establishment of a composite limit order book;
2. Discussion of the Board's report to the Congress pursuant to section 11A(d)(3)(B) of the Securities Exchange Act of 1934;
3. Discussion of off-board principal transactions in listed securities by exchange members;
4. Discussion of the submission of the Institutional Advisory Committee on Trading to the New York Stock Exchange; and
5. Discussion of such other matters as may properly be brought before the Board.

Further information may be obtained by writing Martin L. Budd, Executive Director, National Market Advisory

Board Staff, Securities and Exchange Commission, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 21, 1976.

[FR Doc.76-31489 Filed 10-27-76;8:45 am]

[812-4010]

STANDARD SHARES, INC.

Filing of Application of Act for an Order Exempting Certain Transactions From Provisions

OCTOBER 21, 1976.

Notice is hereby given that Standard Shares, Inc. ("Applicant"), 230 Park Avenue, New York, New York 10017, a closed-end, non-diversified management company, registered under the Investment Company Act of 1940 ("Act"), filed an application on August 16, 1976, pursuant to sections 6(c) and 17(b) of the Act for an order permitting Applicant to convert a note issued by Brand Insulations, Inc. ("Brand"), an affiliate of Applicant, into preferred stock of Brand. 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 asserts that Brand, engaged primarily in the mechanical insulation contracting business, has approximately 800 common stockholders, including Applicant which holds approximately 75 percent of the outstanding Brand voting shares. If Applicant were to exercise certain conversion rights, it states it would hold approximately 90 percent of Brand's outstanding common shares and 91 percent of its outstanding voting shares. Three of Brand's directors (a majority) are designees of Applicant, and two such directors also are directors of Applicant. By reason of such ownership of Brand voting securities, Applicant states it may be deemed an affiliated person of Brand as defined in section 2(a)(3) of the Act to include as an affiliated person of another person any person owning 5 percent or more of the outstanding voting securities of such other person and any person controlling such other person.

Applicant states that it also holds several notes issued by Brand aggregating $5,270,000, including one note in the principal amount of $3,035,000 ("Note"), which is convertible into Brand's Series E Preferred Shares ("Series E Shares") at the rate of one Series E Share for each $100,000 of unpaid principal and interest. Applicant states that its total investment in Brand represents less than 2 percent of Applicant's assets. Applicant desires to convert up to $2,000,000 of the $3,035,000 face amount of the Note at any time and from time to time as it considers necessary to eliminate Brand's negative net worth. Applicant asserts that Brand has experienced difficulty in obtaining desirable new contracts because of the reluctance of prime contractors, builders and bonding companies to deal with a company having a negative net book value; conversion of the Note would give Brand a positive net book value, which Applicant expects would enable Brand to obtain business not otherwise available to it; and Applicant, together with all other shareholders of Brand, would participate in the profits, if any, which may accrue from any such new business.

Applicant alleges it would not be disadvantaged by relinquishing a portion of its secured debts in exchange for preferred shares, because all of Brand's debts to Applicant are secured by Brand's assets, which have an estimated liquidating value not in excess of $1,500,000; so that any excess over $1,500,000 in Brand notes held by Applicant may be viewed in effect, as unsecured indebtedness.

Applicant asserts that any such conversion may be deemed to constitute a sale of the Series E Shares by Brand to Applicant, in violation of section 17(a) of the Act, which, in pertinent part, prohibits an affiliated person of a registered investment company, acting as principal, from selling any security to such registered company. Consequently, Applicant seeks an exemption from section 17(a) pursuant to section 17(b) of the Act, which directs the Commission upon application to exempt a proposed transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

However, because Applicant wishes to be able to make the requested conversion from time to time in such amounts as it considers necessary to facilitate the stated purposes, it requests that the Commission's order be issued also under section 6(c) of the Act which provides, in pertinent part, that the Commission may exempt any class of transactions from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that the proposed conversion, from time to time to a maximum of $2,000,000, would be fair and reasonable to it and to the other shareholders of Brand and would be consistent with Applicant's policies with respect to securities investments and with the general purposes of the Act, that it would not involve overreaching on the part of any person concerned, and that it would be 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 November 15, 1976 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-31491 Filed 10-27-76;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on November 23, 1976 at 9:00 AM, the St. Petersburg Regional Office Station Committee on Educational Allowances shall at the Federal Building, 144 First Avenue, So., Room 610, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Southern College, Inc., Orlando, Florida, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: October 20, 1976.

WILLIAM R. BLACKWELL,
Director, VA Regional Office.

[FR Doc.76-31449 Filed 10-27-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 178]

ASSIGNMENT OF HEARINGS

OCTOBER 22, 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 136786 (Sub-No. 93), Robco Transportation, Inc., now assigned November 12, 1976, at Dallas, Tex. is canceled and application dismissed.

MC 11207 (Sub-No. 369), Deaton, Inc., now assigned November 15, 1976, at Birmingham, Ala., is canceled and application dismissed.

MC 123744 (Sub 22), Butler Trucking Co., now being assigned December 16, 1976 (2 days) at Buffalo, New York in a hearing room to be later designated.

MC 113666 (Sub No. 103), Freeport Transports, Inc. now being assigned December 16, 1976 (2 days) at Buffalo, New York in a hearing room to be later designated.

MC 130378, B.W.C. Transportation Agency, Inc. now being assigned December 13, 1976 (3 days) at Buffalo, New York in a hearing room to be later designated.

MC 128555 (Sub 10), Meat Dispatch, Inc. now being assigned December 8, 1976 (3 days) at Buffalo, New York in a hearing room to be later designated.

MC-F 12598, Cooper-Jarrett, Inc.—Purchase—Tri-City Express, Inc. and MC 35334 (Sub 78), Cooper-Jarrett, Inc. now being assigned November 15, 1976 (1 week) at Frankfort, Kentucky and will be held at Capitol Plaza, G-2, Ground Level.

MC-F-11327, National Freight, Inc.—Control—Cross Transportation, Inc., MC 2860 (Sub-No. 144), National Freight, Inc. and MC-F-12190, National Freight, Inc.—Purchase—Northeastern Trucking Company, now being assigned for Continued hearing on October 21, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 114533 (Sub 341) Bankers Dispatch Corporation now being assigned March 28, 1977 (10 days) at Kansas City, Missouri for continued prehearing co f.rence in a hearing room to be later designated.

MC 140511 Sub 2, Autolog Corporation; now being assigned December 13, 1976 (1 Week), at New York, N.Y., in a hearing room to be later designated.

MC-F 12739, Wilson Freight Company—Purchase (Portion)—Red Star Express Lines of Auburn, Inc., dba Red Star Express Lines, MC 13123 (Sub Nos., 82 and 85) Wilson Freight Company now assigned December 6, 1976 at Cincinnati, Ohio and will be held in Room 3026, Federal Office Building, 550 Main Street.

MC 126899 (Sub 96), Usher Transport, Inc. now assigned November 30, 1976 at Louisville, Kentucky and will be held in Room 1052A, Federal Building, 600 Federal Place.

MC 118959 (Sub 134), Jerry Lipps, Inc. now assigned December 2, 1976 at Louisville, Kentucky and will be held in Room 1052A, Federal Building, 600 Federal Place.

MC 141832, K.I.T. Motor Express, Inc. now assigned December 1, 1976 at Louisville, Kentucky and will be held in Room 1052A, Federal Building, 600 Federal Place.

MC 43867 (Sub-No. 28), A. Leander McAlister Trucking Co., and MC 105984 (Sub-No. 16), John B. Barbour Trucking Company, now assigned November 2, 1976, at Dallas, Tex. will be held in the Tax Court, Room 330, U.S. Post Office and Courthouse, Bryan & Ervay Streets instead of Room 5A15-17, Federal Building, 1100 Commerce Street.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-31529 Filed 10-27-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 22, 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 on or before November 12, 1976.

FSA No. 43258—*Sand from Mill Creek, Oklahoma.* Filed by Southwestern Freight Bureau, Agent, (No. B-635), for interested rail carriers. Rates on sand, in carloads, as described in the application, from Mill Creek, Oklahoma, to Star City, West Virginia. Grounds for relief—Rate relationship. Tariff—Supplement 99 to Southwestern Freight Bureau, Agent, tariff 162-Y, I.C.C. No. 5103. Rates are published to become effective on December 1, 1976.

By the Commission

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-31531 Filed 10-27-76;8:45 am]

IRREGULAR-ROUTE COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

OCTOBER 22, 1976.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before November 8, 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 letter-notices by number.

No. MC 40215 (Sub-No. E5) (Correction), filed May 17, 1974, published in the FEDERAL REGISTER of September 1, 1976, and partially republished, as corrected, this issue. 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 Michigan, Wisconsin, to those points in Texas on and east of a line beginning at the Texas-Oklahoma State line, and extending along U.S. Highway 36 to junction Texas Highway 16 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 281, thence along U.S. Highway 281 to the United States-Mexico Boundary line. The purpose of this filing is to eliminate the gateway of Concordia, and Liberal, Kans.

NOTE.—The purpose of this republication is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 41406 (Sub-No. E97) (Correction), filed November 13, 1975, published in the FEDERAL REGISTER issue of July 21, 1976, and republished, as corrected, this issue. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Portsmouth, Ohio, to points in Illinois except those east of a line beginning at Illinois Highway 37 to junction Illinois Highway 146, thence along Illinois Highway 146 to U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 141, thence along Illinois Highway 141 to the Ohio River. The purpose of this filing is to eliminate the gateway of Middletown, Ohio.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 61825 (Sub-No. E626), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts and furniture materials* (except household goods as defined at the Commission, commodities in bulk, and commodities requiring special equipment), from points in Texas on and south of a line beginning on the New Mexico-Texas State line and extending along U.S. Highway 180 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Interstate Highway 20, thence along Interstate Highway 20 to junc-

tion Texas Highway 36, thence along Texas Highway 36 to junction Texas Highway 22, thence along Texas Highway 22 to junction Texas Highway 219, thence along Texas Highway 219 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 164, thence along Texas Highway 164 to junction Interstate Highway 45, thence along Interstate Highway 45 to junction Texas Highway 7, thence along Texas Highway 7 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line, to points in Pennsylvania and New York on and east of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 119 to junction Pennsylvania Highway 31, thence along Pennsylvania Highway 31 to junction Pennsylvania Highway 982, thence along Pennsylvania Highway 982 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Pennsylvania Highway 255, thence along Pennsylvania Highway 255 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction Pennsylvania Highway 155, thence along Pennsylvania Highway 155 to junction Pennsylvania Highway 607, thence along Pennsylvania Highway 607 to junction Pennsylvania Highway 872.

Thence along Pennsylvania Highway 872 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction Pennsylvania Highway 49, thence along Pennsylvania Highway 49 to junction Pennsylvania Highway 449, thence along Pennsylvania Highway 449 to the Pennsylvania-New York State line and extending along New York Highway 19 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 21, thence along New York Highway 21 to Lake Ontario, and west and north of a line beginning on the Maryland-Pennsylvania State line and extending along U.S. Highway 11 to junction Pennsylvania Highway 34, thence along Pennsylvania Highway 34 to junction Pennsylvania Highway 274, thence along Pennsylvania Highway 274 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction Pennsylvania Highway 225, thence along Pennsylvania Highway 225 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 487, thence along Pennsylvania Highway 487 to junction Pennsylvania Highway 118, thence along Pennsylvania Highway 118 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction Pennsylvania Highway 167, thence along Pennsylvania Highway 167 to the Pennsylvania-New York State line and extending along unnumbered highway to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 29, thence along New York Highway 29 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 9–L, thence along New York Highway 9–L to junction New York Highway 149, thence along New York Highway 149 to junction U.S. Highway 4, thence along U.S. Highway 4 to the New York-Vermont State line and extending along the New York-Vermont State line to the United States-Canadian International Boundary line. The purpose of this filing is to eliminate the gateway of Smyth County, Va., Lynchburg, Va., and Martinsville, Va.

No. MC 61825 (Sub-No. E627), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts and furniture materials* (except household goods as defined at the Commission, commodities in bulk, and commodities requiring special equipment), from points in Colorado on and west of a line beginning on the New Mexico-Colorado State line and extending along Interstate Highway 25 to junction Colorado Highway 69, thence along Colorado Highway 69 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado Highway 82, thence along Colorado Highway 82 to junction U.S. Highway 6(24), thence along U.S. Highway 6(24) to junction Colorado Highway 13(789), thence along Colorado Highway 13(789) to the Colorado-Wyoming State line, to points in Pennsylvania and New York on, east and south of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 11 to junction Pennsylvania Highway 34, thence along Pennsylvania Highway 34 to junction Pennsylvania Highway 274, thence along Pennsylvania Highway 274 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction Pennsylvania Highway 225, thence along Pennsylvania Highway 225 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 487, thence along Pennsylvania Highway 487 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 92, thence along Pennsylvania Highway 92 to the Pennsylvania-New York State line and extending along New York Highway 79 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 10, thence along New York Highway 10 to junction New York Highway 23, thence along New York Highway 23 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 2, thence along New York Highway 2 to the New York-Massachusetts State line, and to points in Delaware and New Jersey. The purpose of this filing is to eliminate the gateway of Smyth County, Va., Lynchburg, Va., and Martinsville, Va.

No. MC 61825 (Sub-No. E628), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts and furniture materials* (except household goods, as defined at the Commission, commodities in bulk, and commodities requiring special equipment), from points in New Mexico, on, south and west of a line beginning on the Texas-New Mexico State line and extending along U.S. Highway 380 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction New Mexico Highway 14, thence along New Mexico Highway 14 to junction U.S. Highway 66, thence along U.S. Highway 66 to the New Mexico-Arizona State line, to points in Pennsylvania and New York on, east and south of a line beginning on the Maryland-Pennsylvania State line and extending along U.S. Highway 219 to junction Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line and extending along U.S. Highway 15 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 13, thence along New York Highway 13 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Saint Lawrence River and extending along the Saint Lawrence River to the United States-Canadian International Boundary line, and north and west of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 522 to junction Pennsylvania Highway 35, thence along Pennsylvania Highway 35 to junction U.S. Highway 11.

Thence along U.S. Highway 11 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction Pennsylvania Highway 167, thence along Pennsylvania Highway 167 to the Pennsylvania-New York State line and extending along unnumbered Highway to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 320, thence

along New York Highway 320 to junction New York Highway 80, thence along New York Highway 80 to junction New York Highway 20, thence along New York Highway 20 to junction New York Highway 10, thence along New York Highway 10 to junction New York Highway 8, thence along New York Highway 8 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 9–N, thence along New York Highway 9–N to the New York-Vermont State line and extending along the New York-Vermont State line to the United States-Canadian International Boundary line. The purpose of this filing is to eliminate the gateways of Smyth County, Va., Lynchburg, Va., and Martinsville, Va.

No. MC 61825 (Sub-No. E629), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts and furniture materials* (except household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in New Mexico to points in New York and Pennsylvania on, east and south of a line beginning on the Maryland-Pennsylvania State line and extending along U.S. Highway 522 to junction Pennsylvania Highway 35, thence along Pennsylvania Highway 35 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction Pennsylvania Highway 167, thence along Pennsylvania Highway 167 to the Pennsylvania-New York State line and extending along unnumbered highway to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 320, thence along New York Highway 320 to junction New York Highway 80, thence along New York Highway 80 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 10, thence along New York Highway 10 to junction New York Highway 8, thence along New York Highway 8 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 9N, thence along New York Highway 9N to the New York-Vermont State line; and to points in Delaware and New Jersey. The purpose of this filing is to eliminate the gateway of Smyth County, Va., Lynchburg, Va., and Martinsville, Va.

No. MC 61825 (Sub-No. E630), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts and furniture materials* (except household goods as defined at the Commission, commodities in bulk, and commodities requiring special equipment), from points in Arizona, to points in New Jersey and Delaware, and points in Pennsylvania and New York on the east of a line beginning on the Maryland-Pennsylvania State line and extending along U.S. Highway 219 to junction Pennsylvania Highway 403, thence along Pennsylvania Highway 403 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 junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 646, thence along Pennsylvania Highway 646 to the Pennsylvania-New York State line and extending along the Pennsylvania-New York State line to junction New York Highway 19, thence along New York Highway 19 to junction New York Highway 417, thence along New York Highway 417 to junction New York Highway 21, thence along New York Highway 21 to the Lake Ontario. The purpose of this filing is to eliminate the gateway of Smyth County, Va., Lynchburg, Va., and Martinsville, Va.

No. MC 61825 (Sub-No. E631), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts and furniture materials* (except household goods as defined at the Commission, commodities in bulk, and commodities requiring special equipment), from points in Utah to points in Pennsylvania and New York on, east and south of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 11 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction U.S. Highway 209, thence along U.S. Highway 209 to the Pennsylvania-New York State line and extending along U.S. Highway 209 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 23, thence along New York Highway 23 to junction Taconic St. Parkway, thence along Taconic St. Parkway to junction Interstate Highway 90, thence along Interstate Highway 90 to the New York-Massachusetts State line, and to points in Delaware and New Jersey. The purpose of this filing is to eliminate the gateway of Smyth County, Va. and Lynchburg, Va. and Martinsville, Va.

No. MC 64808 (Sub-No. E50) (Partial Correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of April 24, 1975, and republished, as corrected, this issue. Applicant: W. S. THOMASTRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (3) between points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-Maryland State line and extending over U.S. Highway 219 to the Pennsylvania-New York State line, thence along the New York-Pennsylvania State line to junction Pennsylvania Highway 89, thence over Pennsylvania Highway 89 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction U.S. Highway 119, thence over U.S. Highway 119 to the Pennsylvania-West Virginia State line, and thence along the Pennsylvania-West Virginia and Pennsylvania-Maryland State lines to the point of beginning, on the one hand, and, on the other, points in that part of West Virginia on and south of a line beginning at the West Virginia-Ohio State line and extending over West Virginia Highway 20 to junction U.S. Highway 119, thence over U.S. Highway 119 to junction U.S. Highway 33, and thence over U.S. Highway 33 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

NOTE.—The purpose of this partial corrrection is to state the correct territorial description.

No. MC 95540 (Sub-No. E719), filed May 20, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *The commodities classified as* (a) *meats, meat products, and meat by-products* in the Appendix to the report in *Modification of Permits—Packing House Products*, 48 M.C.C. 628, from Detroit, Mich., to those points in Louisiana on and southeast of a line beginning at the Gulf of Mexico and extending along unnumbered Louisiana Highway to junction U.S. Highway 167 (excluding Abbeville) thence along U.S. Highway 167 to junction Louisiana Highway 94, thence along Louisiana Highway 94 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 61 (excluding Baton Rouge), thence along U.S. Highway 61 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Louisiana Highway 41, thence along Louisiana Highway 41 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Louisiana-Mississippi State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 95540 (Sub-No. E748), filed October 4, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from the plantsite and

storage facilities of Chef-Pierre, Inc., located at or near Traverse City, Mich., to points in Colorado on and south of a line beginning along U.S. Highway 50 to junction Colorado Highway 90, thence along Colorado Highway 90 to the Colorado-Utah State line. The purpose of this filing is to eliminate the gateway of Dyersburg, Tenn.

No. MC 95540 (Sub-No. E863), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood), from points in West Virginia, to points in Florida. The purpose of this filing is to eliminate the gateway of points in North Carolina.

No. MC 95540 (Sub-No. E864), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Mesa, Arizona, to points in Connecticut. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 102616 (Sub-No. E126), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from the terminal/plantsite of Texas Eastern Transmission Corp. near Princeton, Ind., to points in Virginia on and north of U.S. Highway 60. The purpose of this filing is to eliminate the gateway of points in Ohio on and north of U.S. Highway 40.

No. MC 102616 (Sub-No. E127), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from the terminal of LaGloria Oil & Gas Co. near Seymour, Ind., to points in Virginia on and north of U.S. Highway 60. The purpose of this filing is to eliminate the gateway of points in Ohio on and north of U.S. Highway 40.

No. MC 102616 (Sub-No. E209), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Illinois, Kansas, Michigan, Kanawha County, W. Va., and points in Tennessee west of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of South Charleston, or Institute, W. Va.

No. MC 102616 (Sub-No. E210), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Iowa, Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateway of South Charleston, or Institute, W. Va. and Chicago, Ill.

No. MC 102616 (Sub-No. E212), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey, to points in California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and points in North Dakota, South Dakota and Wyoming which are west of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, W. Va. and Ludington, Mich.

No. MC 102616 (Sub-No. E213), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Virginia on and east of U.S. Highway 220 which are south of U.S. Highway 50 (except Alexandria and points within 20 miles thereof). The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-No. E219), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Bayonne, N.J. and points within 15 miles thereof, to points in Illinois on and north of U.S. Highway 24 and points in Indiana (except points bounded by a line beginning at the Michigan-Indiana State line and extending along Indiana Highway 13 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 105, thence along Indiana Highway 105 to junction Indiana Highway 124, thence along Indiana Highway 124 to the Indiana-Ohio State line, to the Indiana-Michigan State line, to the point of beginning). The purpose of this filing is to eliminate the gateway of Baltimore, Md., Allegheny or Beaver counties, Pa. and Toledo, Ohio.

No. MC 102616 (Sub-No. E220), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Bayonne, N.J. and points within 15 miles thereof to points in Ohio on and east of Ohio Highway 13 which are on and north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Baltimore, Md. and Midland, Freedom, Delmont or Neville Island, Pa.

No. MC 102616 (Sub-No. E221), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Bayonne, N.J. and points within 15 miles thereof to points in Ohio on and east of Ohio Highway 13 which are on and north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Baltimore, Md. and Kobuta, Pa. or points within 5 miles thereof.

No. MC 102616 (Sub-No. E222), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Bayonne, N.J. and points within 15 miles thereof to points in Virginia on and south of U.S. Highway 50 which are within 20 miles of Alexandria, Va. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-No. E224) filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petro-chemicals*, as defined by the Commission, in bulk, in tank vehicles, from points in New Jersey to points in Michigan. The purpose of this filing is to eliminate the gateway of points in the Philadelphia, Pa. commercial zone which are in Delaware, and the plantsites of Allied Chemical Co. near Moundsville, W. Va.

No. MC 102616 (Sub-No. E225), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as defined by the Commission, in

bulk, in tank vehicles, from points in New Jersey to points in Virginia east of the Chesapeake Bay. The purpose of this filing is to eliminate the gateway of Wilmington, Del. and Salisbury, Cambridge, or Easton, Md.

No. MC 102616 (Sub-No. E226), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's Representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, from points in New Jersey, to Alexandria, Va. and points in Virginia on and south of U.S. Highway 50 which are within 20 miles of Alexandria. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-No. E227), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, from Bayonne, N.J. and points within 15 miles thereof, to points in Ohio on and north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-No. E228), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, from Bayonne, N.J. and points within 15 miles thereof, to points in Arkansas, Kansas, Louisiana, and points in Colorado on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Baltimore, Md., the plantsites of Allied Chemical Co. near Moundsville, W. Va. and Marshall, Ill. or points within 5 miles thereof.

No. MC 102616 (Sub-No. E233), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products* (except chemicals), in bulk, in tank vehicles, from points in New Jersey to points in North Carolina. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-No. E238), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Bayonne, N.J. and points within 15 miles thereof, to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateways of Baltimore, Md., Akron, Ohio and Chicago, Ill.

No. MC 102616 (Sub-No. E240), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Bayonne, Tremley Point, Sewaren, Perth Amboy and Paulsboro, N.J. and points within 5 miles of each, to Nitro, W.Va. The purpose of this filing is to eliminate the gateway of Floreffe, Pa.

No. MC 102616 (Sub-No. E241), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd. Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Bayonne, N.J. and points within 15 miles thereof, to points in North Carolina. The purpose of this filing is to eliminate the gateway of Baltimore, Md. and points in York County, Va. on and north of U.S. Highway 60.

No. MC 102616 (Sub-No. E242), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Bayonne, N.J. and points within 15 miles thereof, to points in Alabama, Illinois, Indiana, Ohio, Tennessee and Wisconsin. The purpose of this filing is to eliminate the gateway of Baltimore, Md. and Congo, W. Va.

No. MC 102616 (Sub-No. E243), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Bayonne, N.J. and points within 15 miles thereof, to points in Arkansas, Iowa, Kansas, Louisiana, Nebraska, Oklahoma, Texas (except Harris County) and points in Colorado and New Mexico which are on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Baltimore, Md., Congo, W. Va. and Marshall, Ill. or points within 5 miles thereof.

No. MC 102616 (Sub-No. E244), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Bayonne, Tremley Point, Sewaren, Perth Amboy and Paulsboro, N.J. and points within 5 miles of each, to points in Alabama, Illinois, Indiana, Kentucky, Michigan, Ohio, Wisconsin, and points in Tennessee west of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of Congo, W. Va.

No. MC 102616 (Sub-No. E245), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Bayonne, Tremley Point, Sewaren, Perth Amboy and Paulsboro, N.J. and points within 5 miles of each to points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Texas (except Harris County), and points in Colorado, North Dakota, South Dakota, New Mexico and Wyoming which are on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Congo, W. Va., and Marshall, Ill. or points within 5 miles thereof.

No. MC 102616 (Sub-No. E246), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Bayonne, Tremley Point, Sewaren, Perth Amboy and Paulsboro, N.J. and points within 5 miles of each, to points in Boone, Fayette, Greenbriar, McDowell, Raleigh and Summers Counties, W. Va. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC 102616 (Sub-No. E247), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Bayonne, Tremley Point, Sewaren, Perth Amboy and Paulsboro, N.J. and points within 5 miles of each, to points in Kanawha County, W. Va. The purpose of this filing is to eliminate the gateway of Freedom, Pa.

No. MC 102616 (Sub-No. E248), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's repre-

sentative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, from points in New Jersey to points in North Carolina. The purpose of this filing is to eliminate the gateway of Baltimore, Md. and York County, Va.

No. MC 102817 (Sub-No. E14), filed May 12, 1974. Applicant: PERKINS FURNITURE TRANSPORT, INC., 5034 Lafayette Rd., Indianapolis, Ind. 46254. Applicant's representative: Robert W. Loser, II, 320 North Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated store and office fixtures*, as described in Appendix III to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in the Lower Peninsula of Michigan, to points in Kansas. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC 102817. (Sub-No. E23), filed May 12, 1974. Applicant: PERKINS FURNITURE TRANSPORT, INC., 5034 Lafayette Rd., Indianapolis, Ind. 46254. Applicant's representative: Robert W. Loser II, 320 North Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated store and office fixtures*, as described in the Appendix III to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Missouri, to points in New York, New Jersey, Delaware, Maryland, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC 102817 (Sub-No. E24), filed May 12, 1974. Applicant: PERKINS FURNITURE TRANSPORT, INC., 5034 Lafayette Rd., Indianapolis, Ind. 46254. Applicant's representative: Robert W. Loser II, 320 North Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated store and office fixtures*, as described in Appendix III to the report in *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209, from points in Missouri on and north of U.S. Highway 66, to points in Virginia. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC 102817 (Sub-No. E30), filed May 12, 1974. Applicant: PERKINS FURNITURE TRANSPORT, INC., 5034 Lafayette Rd., Indianapolis, Ind. 46254. Applicant's representative: Robert W. Loser II, 320 North Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated store and office fixtures*, as described in Appendix III to the report in *Descriptions in Motor Carrier Certificates*, 61 M.M.C. 209, from points in West Virginia, points in Ohio on and south of Interstate Highway 70 and points in Pennsylvania on and south of U.S. Highway 22, to points in Iowa and Wisconsin. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC 102817 (Sub-No. E41), filed May 12, 1974. Applicant: PERKINS FURNITURE TRANSPORT, INC., 5034 Lafayette Rd., Indianapolis, Ind. 46254. Applicant's representative: Robert W. Loser II, 320 North Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated store and office fixtures*, as described in Appendix III to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Tennessee on and east of Tennessee Highway 13, to points in North Dakota, South Dakota, Minnesota, and Wisconsin. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC 102817 (Sub-No. E42), filed May 12, 1974. Applicant: PERKINS FURNITURE TRANSPORT, INC., 5034 Lafayette Rd., Indianapolis, Ind. 46254. Applicant's representative: Robert W. Loser II, 320 North Meridian St., Indianapolis, Ind. 46204 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated store and office fixtures*, as described in Appendix III to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Tennessee on and west of Interstate Highway 65, to points in New York and New Jersey. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-31533 Filed 10-27-76;8:45 am]

[Notice No. 142]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 22, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 36556 (Sub-No. 35TA), filed October 15, 1976. Applicant: BLACKMON TRUCKING, INC., P.O. Box 186, Somers, Wis. 53171. Applicant're representative: Fred Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds, ice melting compounds, vermiculite products other than crude* (except in bulk, in tank vehicles), from Union Grove, Wis., to points in Illinois. Applicant intends to interline at Chicago, Crystal Lake, or Terra Cotta, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Koos, Inc., 4500 13th Court, Kenosha, Wis. 53140. Send protests to: Gail Daughtery, Transportation Assistant, Interstate Commerce Commission Bureau of Operations, U.S. Federal Bldg., & Courthouse, 517 East Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 107295 (Sub-No. 832TA), filed October 15, 1976. Applicant: PRE-FAB TRANSIT CO., 100 S. Main St., Farmer City, Ill. 61842. Applicant's representative: Richard D. Vollmer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from North Tonawanda, N.Y., to points in Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Frederick E. Jones, Sales Manager, Fred Jones Lumber Company, North Tonawanda, N.Y. 14120. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 107295 (Sub-No. 833TA), filed October 15, 1976. Applicant: PRE-FAB TRANSIT CO., 100 S. Main St., Farmer City, Ill. 61842. Applicant's representative: Richard D. Vollmer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating cement* (except in bulk), from Kalamazoo, Mich., to points in the United States (except Alaska and

Hawaii), for 180 days. Supporting shipper: James A. Kenworthy, Traffic Manager, Keene Corp., Insulation Division, Route 1, Box 14, Vienna, W. Va. 26105. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 118142 (Sub-No. 138TA), filed October 14, 1976. Applicant: M. BRUNGER & CO., INC., 6250 N. Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fluro-chloro hydrocarbons and new containers*, between Wichita, Kans., on the one hand, and on the other, points in the Continental United States (except Alaska and Hawaii), restricted to such transportation services to be performed under a contract with Racon, Inc., for 180 days. Supporting shipper: Racon, Incorporated, 6040 S. Ridge Road, Box 198, Wichita, Kans. 67201. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101 Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 118263 (Sub-No. 64TA) (Correction), filed September 27, published in the FEDERAL REGISTER issue of October 12, 1976, and republished as corrected this issue. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, Ind. 47130. Applicant's representative: William P. Whitney, Jr., 703–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from the facilities of the Pillsbury Co., at or near Seelyville, Ind., to all states east of the Mississppi River and points in Minnesota, Iowa, Missouri, Arkansas and Louisiana, to the west of the Mississippi River; (2) *Materials and supplies* used in the manufacture, distribution and sale of the commodities named in (1) above (except commodities in bulk), from the destination points named in (1) above, to the plantsite of the Pillsbury Company, at or near Seelyville, Ind., for 180 days. Supporting shipper: The Pillsbury Company, 7350 Commerce Lane, Fridley, Minn. 55432. Send protests to: Fran Sterling, Interstate Commerce Commission, Federal Bldg., and U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204. The purpose of this republication is to correct the territorial description in this proceeding.

No. MC 118831 (Sub-No. 141TA), filed October 14, 1976. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 7007, High Point, N.C. 27264. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules or pellets*, in bulk, from the plantsite of Celanese Plastics, at Greer, S.C., to Seymour, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Celanese Corporation, 1211 Ave. of the Americas, New York City, N.Y. 10036. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 118831 (Sub-No. 142TA), filed October 14, 1976. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 7007, High Point, N.C. 27264. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk from the plantsite of Jetco Chemicals, Inc., at or near Corsicana, Tex., to points in Arkansas, Florida, Georgia, New Jersey, New York, North Carolina, Pennsylvania and South Carolina, for 180 days. Supporting shipper: Chemax, Incorporated, P.O. Box 5912, Greenville, S.C. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 123048 (Sub-No. 346TA), filed October 14, 1976. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st St., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Carl S. Pope (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plantsite of Louisiana-Pacific Corporation, at or near Clayton, Ala., to points in Illinois, Indiana and Wisconsin, for 180 days. Supporting shipper: Louisiana-Pacific Corporation, 1300 S.W. 5th Ave., Portland, Oreg. 97201. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, U.S. Federal Bldg., & Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 123233 (Sub-No. 60TA), filed October 15, 1976. Applicant: PROVOST CARTAGE INC., 7887 Grenache St., Ville d'Anjou, Quebec, Canada H1J 1C4. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, hydrated or quick*, in bulk, in tank vehicles, from Adams, Mass., to Ports of Entry on the International Boundary Line between the United States and Canada located in New York, restricted to the transportation of traffic having an immediate subsequent movement in foreign commerce destined to points in the Province of Ontario, Canada, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pfizer Company Ltd., 17300 Transcanada Highway, Kirkland, Quebec, Canada H94 4V2. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 125420 (Sub-No. 24TA), filed October 13, 1976. Applicant: MERCURY TANKLINES LIMITED, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Applicant's representative: Ray F. Koby, P.O. Box 2567, Great Falls, Mont. 59403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol, alcoholic beverages, liquors, and spirits*, in bulk, in tank vehicles, (1) from Ports of Entry on the Canada-United States boundary line at or near Detroit, Marine City and Port Huron, Mich., and Buffalo, N.Y., to Chicago, Ill., and Stanley, Ky., restricted to traffic originating at Berthierville, Quebec; (2) from Ports of Entry on the Canada-United States Boundary line at or near Alexandria Bay and Ogdensbury, N.Y., to Colonial Heights, Va., restricted to traffic originating at Berthierville, Quebec; and (3) from Owensboro, Ky., to ports of entry on the Canada-United States Boundary line at or near Detroit, Marine City and Port Huron, Mich., and Buffalo, N.Y., restricted to traffic destined to Berthierville, Quebec, under a continuing contract with Melchers Distilleries Limited, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pierre Lebrun, Vice-President Finance, Melchers Distilleries Limited, 56 Fundy Place, Bonaventure, Montreal, Quebec, Canada H5A 1E1. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 125634 (Sub-No. 5TA), filed October 13, 1976. Applicant: TOLEDO PIPE TRANSPORT, INC., 22237 Yates Ave., Sauk Village, Ill. 60411. Applicant's representative: Joseph P. Spencer (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe*, from the plantsite of Superior Products, at Taylor, Mich., to points in Oregon, and Ohio, under a continuing contract with Toledo Concrete Pipe Company, for 180 days. Supporting shipper: Toledo Concrete Pipe Company, L. J. Loughlin, Treasurer, P.O. Box 336, Sylvania, Ohio 43560. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 126276 (Sub-No. 159TA), filed October 13, 1976. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite of Metro Containers, an operation of Kraftco Corporation, located at Dolton, Ill., to Cleveland, Ohio, under a continuing contract with Metro Containers, Operation of Kraftco Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting ship-

pers: Metro Containers, Operation of Kraftco Corporation, Ken Kieffer, Chicago Traffic Manager, 1099 Wall St., West, Lyndhurst, N.J. 07071. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 126305 (Sub-No. 80TA), filed October 13, 1976. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Rt. 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard, plywood and/or lumber*, in straight or mixed truckloads, from the plantsite of MacMillan Bloedel, Inc., at or near Pine Hill (Wilcox County), Ala., to points in Kansas, Oklahoma and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: MacMillan Bloedel, Inc., 1250 Brown-Marx Bldg., Birmingham, Ala. 24203. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 126473 (Sub-No. 26TA), filed October 14, 1976. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, Iowa 52580. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepackaged meats, frozen foods, fish, poultry, dairy products, soap powders, and exempt fruits and vegetables* when moving in the same vehicle with regulated or none-exempt commodities, *and freezers and freezer-refrigerators*, moving in mixed loads with the above commodities, from the plantsite and facilities used by Rich Plan Corporation, at Ottumwa, Iowa, to Decatur, Montgomery and Tuscaloosa, Ala.; Pensacola, Pompano Beach and Sanford, Fla.; Augusta and Macon, Ga.; Forest Park and Rockford, Ill.; Indianapolis and Marion, Ind.; Baton Rouge, De Ridder and New Orleans, La.; Fraser, Grandville, and Niles, Mich.; Vicksburg, Miss.; Concord and Pittsfield, N.H.; Pennsauken, N.J.; Perry, Poughkeepsie, Utica and Vestal, N.Y.; Charlotte, N.C.; Garfield Heights and Lakemore, Ohio; Columbia, S.C.; Nashville, Tenn.; Houston and Temple, Tex.; Richmond, Va.; and Green Bay, Merrill and Oshkosh, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rich Plan Corporation, S. Iowa Ave., Ottumwa, Iowa 52501. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 128122 (Sub-No. 8TA), filed October 14, 1976. Applicant: STATE TRANSPORT CO., P.O. Box 1022, Corvallis, Oreg. 97330. Applicant's representative: Nick I. Goyak, 1 S.W. Columbia, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from the plantsite of Rodgers Structural Steel, at Corvallis, Oreg., to points in Washington, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rodgers Structural Steel, 580 N.E. Elliott Circle, Corvallis, Oreg. 97330. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S.W. Yamhill St., Portland, Oreg. 97204.

No. MC 134201 (Sub-No. 4TA), filed October 6, 1976. Applicant: JAMES V. PALMER, doing business as JIM PALMER TRUCKING, Highway 10 West, Route 2, Missoula, Mont. 59801. Applicant's representative: Jerome Anderson, 100 Transwestern Bldg., 404 N. 31st St., Billings, Mont. 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing and roofing materials and supplies*, from the plantsite of Certainteed Products Corporation, at Shakopee, Minn.; and (2) *Roofing, roofing materials and supplies, and asbestos board*, from the plantsite of Johns-Manville Corp., at Waukegan, Ill., service in (1) and (2) above to be rendered to points in Montana (except those in Dawson, Wibaux, Prairie, Custer, Powder River, Carter and Fallon Counties), Mont., said service to be rendered under a continuing contract with Lumber Yard Supply Co., of Great Falls, Mont., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Virl Wright, General Manager, Lumber Yard Supply Co., 13th St., North and River Drive, Great Falls, Mont. 59401. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 134238 (Sub-No. 12TA), filed October 13, 1976. Applicant: GENE'S INC., 10115 Brookville Salem Road, Clayton, Ohio 45315. Applicant's representative: Paul F. Berry, 8 E. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream products, sherbet, frozen dietary products, water ices and water ice products*, in containers, in refrigerated vehicles, from the storage facilities of The Kroger Co., at or near Springdale, Ohio, to the storage and distribution facilities of Three Rivers Ice Cream Services, Inc., in Butler County, Pa., under a continuing contract with The Kroger Co., of Cincinnati, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Henry B. deHamel, Manager, Distribution Systems, The Kroger Co., 1014 Vine St., Cincinnati, Ohio 45201. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 136818 (Sub-No. 13TA), filed October 13, 1976. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 W. Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, Suite 312, 4040 E. McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel reinforcing bars*, sixty feet in length, from Carson, Calif., to Salt Lake County, Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Soule Steel Company, 6200 Wilmington Ave., Los Angeles, Calif. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 138345 (Sub-No. 4TA) filed October 13, 1976. Applicant: BASIL B. GORDON, doing business as VALLEY SPREADER COMPANY, 260 N. 9th St., P.O. Box 673, Brawley, Calif. 92227. Applicant's representative: Carl H. Fritze, 1545 Wilshire Blvd., Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bulk, from Brea, San Diego and points in Imperial County, Calif., to points in Arizona, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Brawley Chemical, 4720 Highway 111, Brawley, Calif. 92227. Send protests to: Mary A. Francy, Interstate Commerce Commission, Bureau of Operations, Room 1321, Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 142331 (Sub-No. 1TA), filed October 14, 1976. Applicant: APOLLO TRANSPORTS, INC., P.O. Box 912, Austin, Tex. 78767. Applicant's representative: William D. Lynch, 1003 W. 6th St., Austin, Tex. 78703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips and sawdust*, in bulk, from points in Panola, Jasper, Hardin, Trinity, Walker, Newton, San Augustine, Nacogdoches, Angelina, Polk, Liberty, Jefferson, Orange Sabine, Montgomery, Tyler, Shelby and San Jacinto Counties, Tex., to storage facilities of Louisiana-Pacific Corp., West Lake, Calcasieu Parish, La., for 180 days. Supporting shipper: Louisiana-Pacific Trucking Company, P.O. Drawer AB, New Waverly, Tex. 77358. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Room B-400, Federal Bldg., 727 E. Durango, San Antonio, Tex. 78206.

No. MC 142358 (Sub-No. 2TA), filed October 8, 1976. Applicant: J. J. GILLAN TRUCKING COMPANY, INC., 1028 Sinnock Ave., P.O. Box 297, Moberly, Mo. 65270. Applicant's representative: Thomas P. Rose, Jefferson Bldg., P.O. Box 205, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from Howard County, Mo., to Coatesville, Des Moines, Iowa City, Keokuk and West Des Moines, Iowa, under a continuing contract with Universal Coal and Energy Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Universal Coal and Energy Company, Inc., 1102 E. Broadway, Columbia, Mo. 65201. Send protests to: Vernon V. Goble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 142471 (Sub-No. 1TA), filed October 6, 1976. Applicant: SNOOZIE SHAVINGS, INC., 1033 Chetco Ave., P.O. Box 643, Brookings, Oreg. 97415. Applicant's representative: Frank E. Larwood, 8050 S.E. 13th Ave., Portland, Oreg. 97202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust, and shavings*, in bulk, between points in Coos, Curry, and Josephine Counties, Oreg., on the one hand, and, points in Humboldt and Del Norte Counties, Calif., on the other, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: U.S. Plywood Division, Champion International, P.O. Box 1155, Coos Bay, Oreg. 97420. Westbrook Wood Products, Inc., P.O. Drawer C, Smith River, Calif. 95567. Rough & Ready Lumber Co., P.O. Box 326, Cave Junction, Oreg. 97523. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S. W. Yamhill St., Portland, Oreg. 97204.

No. MC 141500 (Sub-No. 2TA), filed October 15, 1976. Applicant: SUPERIOR TRUCKING CO., INC., P.O. Box 35, Kewaskum, Wis. 53040. Applicant's representative: Richard Alexander, 710 N. Plankinton Ave., Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump trailers, from Portage, Wis., to Winona, Minn., under a continuing contract with C. Reiss Coal Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: C. Reiss Coal Company, Sheboygan, Wis. 53081. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 142547 (Sub-No. 1TA), filed October 14, 1976. Applicant: GORDON & LETA MAE FOWLER, doing business as G & L FOWLER, Rt. 1, Box 687, Willamina, Oreg. 97396. Applicant's representative: Gordon Fowler, (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood pellets*, in bulk (in hopper bottom trailers), from the plantsite of Woodex, Inc., near Brownsville, Oreg., to Tacoma and Seattle, Wash., under a continuing contract with Woodex, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Woodex, Inc., Route 1, Box 33, Brownsville, Oreg. 97327. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 555 S. W. Yamhill St., Portland, Oreg. 97204.

No. MC 142550TA, filed October 14, 1976. Applicant: BERT E. JESSUP TRANSPORTATION, INC., 3387 Wrightwood Drive, Studio City, Calif. 91604. Applicant's representative: Bert E. Jessup (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, (except in bulk), *and supplies* used in the packaging thereof, from Glendale, City of Commerce, and Anaheim, Calif., to Phoenix and Tucson, Ariz., under a continuing contract with Foremost-McKesson, Inc., for 180 days. Supporting shippers: Foremost-McKesson, Inc., One Post St., San Francisco, Calif. Send protests to: Mary A. Francy, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 142551TA, filed October 12, 1976. Applicant: JO/KEL, INC., 159 S. Seventh Ave., P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: William J. Monheim, 15942 Whittier Blvd., P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by automotive parts, accessory, supply, and equipment businesses, between Carson and Compton, Calif., and points in their commercial zones, on the one hand, and, on the other, Akron, Ohio; Atlanta, Ga.; Bellmawr, N.J.; Bentonville, Ark.; Boston, Mass.; Chicago, Ill.; Cleveland, Ohio; Columbus, Ohio; Dallas, Tex.; Denver, Colo.; Detroit, Mich.; East Hanover, N.J.; Ft. Wayne, Ind.; Ft. Worth, Tex.; Framingham, Mass.; Houston, Tex.; Indianapolis, Ind.; Jackson, Miss.; Kansas City, Kans.; Landover, Md.; Lincoln, R.I.; Memphis, Tenn.; Miami, Okla.; Minneapolis, Minn.; New York, N.Y.; Oklahoma City, Okla.; Omaha, Nebr.; Philadelphia, Pa.; Pittsburgh, Pa.; Roanoke, Va.; St. Louis, Mo.; Secaucus, N.J.; Tulsa, Okla., and Worcester, Mass., and points in their respective commercial zones. Restriction: The operations authorized are to be restricted against the transportation of commodities in bulk or those which by reason of size or weight require the use of special equipment, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hollywood Accessories division of Orion Industries, Inc., 19914 S. Via Baron St., Compton, Calif. 90220. Send protests to: Mary A. Francy, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

PASSENGER APPLICATIONS

No. MC 141743 (Sub-No. 2TA), filed October 13, 1976. Applicant: MARK IV CHARTER LINES, INC., 24500 S. Vermont Ave., P.O. Box 697, Harbor City, Calif. 90710. Applicant's representative: James H. Lyons, 523 W. Sixth St., Suite 1216, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, originating at points in the Cities of Carson, Compton, Long Beach, Los Angeles, and Seal Beach, Calif., to points in Clark County, Nev., for 180 days. Supporting shippers: There are approximately 13 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Mary A. Francy, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 142552TA, filed October 15, 1976. Applicant: EAST BAY BUS SERVICES, INC., 1325 Amherst St., P.O. Box 395, Brunswick, Ga. 31520. Applicant's representative: Ronald W. Young, P.O. Box 901, Brunswick, Ga. 31520. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Georgia and Jacksonville International Airport, Jacksonville, Duval County, Fla., under a continuing contract with Federal Law Enforcement Training Center, for 180 days. Supporting shipper: Federal Law Enforcement Training Center, Bldg. 94, Glynco, Ga. 31520. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-31532 Filed 10-27-76;8:45 am]

[No. MC-C-9298]

PETITION FOR DECLARATORY ORDER REGARDING INTERPRETATION OF AUTHORITY

(Notice of filing of petition for a Commission determination whether a grant of radial authority authorizes the transportation into the base point of freight in a trailer shipment, delivery of this ship-

ment to shipper or its agent at the base point for break down and reconsolidation, and subsequent transportation of reconsolidated shipments from the base point to a different destination point in the radial territory.)

Petitioner: Signal Delivery Service, Inc., 201 East Ogden Avenue, Hinsdale, Ill. 60521. Petitioner's representatives: John Andrew Kundtz, Thompson, Hine and Flory, National City Bank Building, Cleveland, Ohio 44114. Wayne S. Bishop, Edward F. Schiff, Maryanne S. Kane, Akin, Gump, Strauss, Hauer & Feld, 1100 Madison Office Building, 1155 Fifteenth Street, NW., Washington, D.C. 20005.

By petition filed September 20, 1976, petitioner requests that the Commission determine if motor contract carrier authority held by petitioner authorizes the transportation of consolidated shipments from the base point to the radial territory when the said shipments include a lot or lots of freight having a prior movement from the radial territory to the base point in a separate trailer shipment.

Petitioner holds permit No. MC 108393 (Sub-No. 33) which authorizes the transportation of such merchandise as is dealt in by retail department stores and mail order houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, between Philadelphia, and King of Prussia, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, under a continuing contract or contracts with Sears, Roebuck and Co. Pursuant to the above authority petitioner asserts that the movements in question are not through movements and therefore, do not constitute unlawful cross-hauls. It states that the trailer shipments are separate and distinct shipments, moving under separate bills of lading, and that the movement into the base point is delivered to shipper or its agent and petitioner's movement of that shipment is completed there.

Sears, Roebuck and Co. states that the transportation movements being performed by petitioner were originally performed in private carriage operations. It states that it is a large shipper of small orders and in order to have an economical and efficient marketing distribution pattern it is necessary to use the services of a central terminal where shipments are received from suppliers, reconsolidated into new shipments, and subsequently transported to its retail establishments in the radial territory and to other areas. Four basic patterns are employed whereby merchandise moves from a supply source to the ultimate consumer. These are: (1) source to retail store, (2) source to distribution center, then to retail store, catalog Sales Office, or catalog Sales Merchant, (3) source to Terminal Freight Cooperative Association, then to retail store, and (4) source to Terminal Freight Cooperative Association, then to Retail Distribution Centers, and then to retail store. The Terminal Freight Cooperative Association (TFCA) is a nonprofit shippers association of which Sears, Roebuck and Co. is a member. Terminal Freight Handling Company (TFHC), a wholly owned subsidiary of Sears, Roebuck and Co., is a management company retained by TFCA to perform certain functions including receiving and reconsolidation of merchandise for subsequent movements.

Petitioner has been notified by the Commission's Bureau of Enforcement of the Bureau's intention to file civil forfeiture claims based on 18 alleged unlawful cross-haul movements.

Petitioner asserts that the present case is distinguished from those previously decided by the Commission which define unlawful cross-hauls (*Akers Motor Lines, Inc.* v. *Malone Freight Lines, Inc.*, 53 M.C.C. 353 (1951); *Gay's Express, Inc.* v. *Haigis and Nichols*, 43 M.C.C. 277 (1944); and *Jack Cole Co., Inc., Common Carrier Application*, 32 M.C.C. 199 (1942)) as it does not move shipments through its base point facility. Instead, it delivers the shipments to its shipper at its shipper's facilities at the base point, completely relinquishing control thereof. After break down, and reconsolidation the outgoing shipments assertedly take on the identity of entirely separate and distinct, newly formed shipments. Additionally, its charges embrace movements of shipments, not movements of lots of freight, and such billing movements always begin or end at the base point.

Petitioner relies primarily on *Holmes Contract Carrier Application*, 8 M.C.C. 391 (1938), to show that an agency relationship, separate from the contract of carriage, can constitute intervention and dispel a notion of through movement; and *Barton-Robinson Convoy Co., Inc., Extension, Moffett, Okla.*, 19 M.C.C. 629 (1939), to show that the application of shipper intervention applies in this proceeding. It also states it is not interchanging and distinguishes *G. & M. Motor Transfer Co., Inc., Common Carrier Application*, 43 M.C.C. 497 (1944), stating that the shipments herein either begin or end at one of the authorized base points.

Petitioner urges that the Commission issue a declaratory order finding (1) that petitioner does not effect a through movement of shipments between points in its radial territory through a base point, (2) that the above-described movements are of separate and distinct shipments, and (3) the operations are and have been within the rights evidenced by Permit No. MC 108393 (Sub-No. 33).

Petitioner and other interested persons are requested to submit detailed responses to the below posed questions.

a. What is its definition of "shipment" and how does that definition conform to the previously defined Commission interpretation?

b. Who is the consignee of the shipment transported to the TFCA terminal at Philadelphia?

c. Who controls the traffic moving out of the TFCA terminal?

d. If the Commission were to issue a declaratory order finding the above-described movement to be beyond the scope of the present grant of authority, what suggestions does petitioner have as to the authority it would require to perform the operations deemed necessary by Sears, Roebuck and Co.?

No oral hearing is contemplated at this time. Any interested party (including petitioner) desiring to participate in this proceeding may file an original and 7 copies of its written representations, views, or arguments in support, or against, the relief sought in the petition on or before December 13, 1976. A copy of each such representation should be served on petitioner's representatives. Written materials or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76 31530 Filed 10-27-76;8:45 am]