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federal register

TUESDAY, OCTOBER 26, 1976

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Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, 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.

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Rules Going Into Effect Today

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List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 1073..... Pub. Law 94–523
To extend the provisions of title XII of the Merchant Marine Act, 1936, relating to war risk insurance, for an additional three years, ending September 7, 1978
(Oct. 17, 1976; 90 Stat. 2474)

H.R. 1142..... Pub. Law 94–528
To amend the Internal Revenue Code of 1954 to provide for a distribution deduction for certain cemetery perpetual care funds, to modify the effective dates of certain provision of the Tax Reform Act of 1976, and for other purposes
(Oct. 17, 1976; 90 Stat. 2483)

H.R. 1244..... Pub. Law 94–524
"Presidential Protection Assistance Act of 1976"
(Oct. 17, 1976; 90 Stat. 2475)

H.R. 1607..... Pub. Law 94–525
To amend title 18 and title 39 of the United States Code to make parallel the exemption from lottery prohibitions granted to newspapers and to radio and television
(Oct. 17, 1976; 90 Stat. 2478)

H.R. 3605..... Pub. Law 94–529
To amend section 5051 of the Internal Revenue Code of 1954 (relating to the Federal excise tax on beer)
(Oct. 17, 1976; 90 Stat. 2485)

H.R. 10101..... Pub. Law 94–530
To amend the Internal Revenue Code of 1954 to exempt certain aircraft museums from Federal fuel taxes and the Federal tax on the use of civil aircraft, and for other purposes
(Oct. 17, 1976; 90 Stat. 2487)

H.R. 10826..... Pub. Law 94–526
To amend the Act establishing a code of laws for the District of Columbia to prohibit the unauthorized use of a motor vehicle obtained under a written rental or other agreement
(Oct. 17, 1976; 90 Stat. 2479)

H.R. 11337..... Pub. Law 94–521
To amend title 13, United States Code, to provide for a mid-decade census of population, and for other purposes
(Oct. 17, 1976; 90 Stat. 2459)

H.R. 13218..... Pub. Law 94–536
To permit the steamship United States to be used as a floating hotel, and for other purposes
(Oct. 17, 1976; 90 Stat. 2497)

H.R. 13326..... Pub. Law 94–535
To extend until November 1, 1983, the existing exemption of the steamboat Delta Queen from certain vessel laws
(Oct. 17, 1976; 90 Stat. 2496)

H.R. 13585 ..... Pub. Law 94–531
To amend the Federal Boat Safety Act of 1971
(Oct. 17, 1976; 90 Stat. 2489)

H.R. 13615..... Pub. Law 94–522
To amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, and for other purposes
(Oct. 17, 1976; 90 Stat. 2467)

H.R. 14451 ..... Pub. Law 94–519
To amend the Federal Property and Administrative Services Act of 1949 to permit the donation of Federal surplus personal property to the States and local organizations for public purposes, and for other purposes
(Oct. 17, 1976; 90 Stat. 2451)

H.R. 15276..... Pub. Law 94–533
To amend the District of Columbia Police and Firemen's Salary Act of 1958 to provide for the same cost-of-living adjustments in the basic compensation of officers and members of the United States Park Police force as are given to Federal employees under the General Schedule and to require submittal of a report on the feasibility and desirability of codifying the laws relating to the United States Park Police force
(Oct. 17, 1976; 90 Stat. 2493)

H.R. 15445..... Pub. Law 94–532
Whale Conservation and Protection Study Act
(Oct. 17, 1976; 90 Stat. 2491)

H.R. 15813..... Pub. Law 94–534
To amend the Act of June 3, 1976, relating to the Commission on Security and Cooperation in Europe
(Oct. 17, 1976; 90 Stat. 2495)

S. 400 ..... Pub. Law 94–518
To authorize the study of certain areas by the Secretaries of Agriculture and the Interior
(Oct. 17, 1976; 90 Stat. 2447)

S. 2112..... Pub. Law 94–527
To amend the National Trails System Act (82 Stat. 919), and for other purposes
(Oct. 17, 1976; 90 Stat. 2481)

S. 2923..... Pub. Law 94–520
To amend title 28 of the United States Code to provide that full-time United States magistrates shall receive the same compensation as full-time referees in bankruptcy and to adjust the salary of of part-time magistrates
(Oct. 17, 1976; 90 Stat. 2458)

H.R. 5682..... Pub. Law 94–548
To extend the boundary of the Tinicum National Environmental Center, and for other purposes
(Oct. 18, 1976; 90 Stat. 2528)

H.R. 8002..... Pub. Law 94–544
To designate certain lands in the Point Reyes National Seashore, California, as wilderness, amending the Act of September 13, 1962 (76 Stat. 538), as amended (16 U.S.C. 459c–6a), and for other purposes
(Oct. 18, 1976; 90 Stat. 2515)

H.R. 11455..... Pub. Law 94–549
To amend the Act establishing the Indiana Dunes National Lakeshore to provide for the expansion of the lakeshore, and for other purposes
(Oct. 18, 1976; 90 Stat. 2529)

H.R. 11891 ..... Pub. Law 94–545
To authorize the establishment of the Congaree Swamp National Monument in the State of South Carolina, and for other purposes
(Oct. 18, 1976; 90 Stat. 2517)

H.R. 12939..... Pub. Law 94–546
To amend certain laws affecting personnel of the Coast Guard, and for other purposes
(Oct. 18, 1976; 90 Stat. 2519)

H.R. 12961..... Pub. Law 94–552
To amend the Social Security Act to repeal the requirement that a State's plan for medical assistance under title XIX of such Act include a provision giving consent of the State to certain suits brought with respect to payment for inpatient hospital services
(Oct. 18, 1976; 90 Stat. 2540)

H.R. 14041..... Pub. Law 94–547
To amend the Railroad Retirement Act of 1974 with respect to the computation of annuity amounts in certain cases, and for other purposes
(Oct. 18, 1976; 90 Stat. 2523)

H.R. 15531..... Pub. Law 94–550
To permit the use of unsworn declaration under penalty of perjury as evidence in Federal proceedings
(Oct. 18, 1976; 90 Stat. 2534)

H.J. Res. 1107..... Pub. Law 94–551
To provide for the printing and distribution of the Precedents of the Houses of Representatives compiled and prepared by Lewis Deschler
(Oct. 18, 1976; 90 Stat. 2537)

S. 865..... Pub. Law 94–541
To amend the Public Buildings Act of 1959 in order to preserve buildings of historical or architectural significance through their use for Federal public building purposes, and to amend the Act of August 12, 1968, relating to the accessibility of certain buildings to the physically handicapped
(Oct. 18, 1976; 90 Stat. 2505)

S. 1659..... Pub. Law 94–540
To provide for the disposition of funds appropriated to pay a judgment in favor of the Grand River Band of Ottawa Indians in Indian Claims Commission docket numbered 40–K, and for other purposes
(Oct. 18, 1976; 90 Stat. 2503)

S. 2398..... Pub. Law 94–539
To authorize the establishment of the Eugene O'Neill National Historic Site, and for other purposes
(Oct. 18, 1976; 90 Stat. 2501)

S. 2533..... Pub. Law 94–538
To provide that the lake formed by the lock and dam referred to as the "Jones Bluff lock and dam" on the Alabama River, Alabama, shall hereafter be known as the R. E. "Bob" Woodruff Lake
(Oct. 18, 1976; 90 Stat. 2500)

S. 3063..... Pub. Law 94–543
Designating Ozark Lock and Dam on the Arkansas River as the "Ozark-Jeta Taylor Lock and Dam"
(Oct. 18, 1976; 90 Stat. 2514)

S. 3557..... Pub. Law 94–537
To authorize the obligation and expenditure of funds to implement for fiscal year 1977 the provisions of the Treaty of Friendship and Cooperation between the United States and Spain, signed at Madrid on January 24, 1976, and for other purposes
(Oct. 18, 1976; 90 Stat. 2498)

S. 3621..... Pub. Law 94–542
To amend the International Claims Settlement Act of 1949 to provide for the determination of the validity and amounts of claims of nationals of the United States against the German Democratic Republic
(Oct. 18, 1976; 90 Stat. 2509)

S. 12..... Pub. Law 94–554
Judicial Survivors' Annuities Reform Act
(Oct. 19, 1976; 90 Stat. 2603)

S. 22..... Pub. Law 94–553
For the general revision of the Copyright Law, title 17 of the United States Code, and for other purposes
(Oct. 19, 1976; 90 Stat. 2541)

S. 64..... Pub. Law 94–556
To provide for the recognition of the States of Alaska and Hawaii at the Lincoln National Memorial, and for other purposes
(Oct. 19, 1976; 90 Stat. 2632)

S. 1026..... Pub. Law 94–557
To designate certain lands as wilderness
(Oct. 19, 1976; 90 Stat. 2633)

S. 2278..... Pub. Law 94–559
The Civil Rights Attorney's Fees Awards Act of 1976
(Oct. 19, 1976; 90 Stat. 2641)

S. 3131..... Pub. Law 94–555
Rail Transportation Improvement Act
(Oct. 19, 1976; 90 Stat. 2613)

S. 3894..... Pub. Law 94–558
To amend the Federal Water Pollution Control Act, as amended
(Oct. 19, 1976; 90 Stat. 2639)

presidential documents

Title 3—The President

Executive Order 11942 • October 22, 1976

Exemption of Ashton C. Barrett From Mandatory Retirement

Ashton C. Barrett, a member of the Federal Maritime Commission, will become subject to mandatory retirement because of age and service as of October 31, 1976, under the provisions of Section 8335 of Title 5 of the United States Code, unless exempted by Executive order.

In my judgment, the public interest requires that Ashton C. Barrett be exempted from such mandatory retirement.

NOW, THEREFORE, by virtue of the authority vested in me by subsection (c) of Section 8335 of Title 5 of the United States Code, I hereby exempt Ashton C. Barrett from mandatory retirement until October 31, 1977.

Gerald R. Ford

THE WHITE HOUSE,
October 22, 1976.

[FR Doc.76–31466 Filed 10–22–76;11:28 am]

rules and regulations

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

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

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Release of Areas Quarantined

This amendment releases a portion of Fresno County in California and a portion of Graham County in Arizona from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded areas, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded areas. No area in Arizona remains under quarantine.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

1. In § 73.1a, in paragraph (d) relating to the State of California, paragraph (8) relating to Fresno County is deleted.

2. In § 73.1a, paragraph (c) relating to the State of Arizona is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 1941.)

Effective date: The foregoing amendment shall become effective October 19, 1976.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of October, 1976.

NOTE: The Animal and Plant Health Inspection Service 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.

E. A. SCHILF,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.76–31337 Filed 10–22–76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15264; Amdt. No. 37–41]

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

Airborne Interim Standard Microwave Landing System Converter Equipment

The purpose of this amendment to Part 37 of the Federal Aviation Regulations is to add a new Technical Standard Order (TSO) for airborne interim standard microwave landing system (ISMLS) converter equipment (TSO–C93) that prescribes the standards that must be met in order for a manufacturer to identify equipment with the applicable TSO designation.

On December 22, 1972, the Federal Aviation Administration published in the FEDERAL REGISTER (37 FR 28311) an invitation for comments on a policy statement concerning the development of a non-federal low approach landing system. That system, described as an interim standard microwave landing system (ISMLS), was selected by the FAA for "* * * use at locations where a VHF/UHF ILS will not perform in an effective manner, or where the needs for low approach service would be better served by the use of the ISMLS." In determining the suitability for an ISMLS at any given location, the invitation for comments stated that "* * * full consideration will be given to the nature of the operational requirement and to the economics of the situation including the cost of airborne avionics equipment." Furthermore, the invitation for comments announced that the selection of the ISMLS would be based upon a standard performance specification, and requested current and potential ISMLS users to comment on the operational, technical, and economic aspects of such a system.

As a result of the invitation for comments, and a subsequent notice of policy decision (38 FR 14784), wherein the comments were discussed, the FAA proceeded with the development of a performance specification and subsequently issued a request for proposals. That request led to several proposals which the FAA evaluated through flight tests. As a result of the evaluation, the FAA published on August 30, 1974, the selection of the system manufactured by Tull Aviation Corporation, 4 Kaysal Court, Armonk, New York 10504 (Tull), as the interim standard microwave landing system (see 39 FR 31681). That system includes both ground and airborne equipment.

In selecting the ISMLS proposed by Tull, the FAA has concluded an agreement whereby Tull has agreed to grant royalty-free licenses in their technical data for the manufacture, sale, and use of the Tull system only within the United States, its territories and possessions, the District of Columbia, Puerto Rico, and the Canal Zone. Licensees of the technical data only will be required to indemnify purchasers and users of equipment manufactured by the licensee from this data against liability from patent infringement arising from the manufacture or sale of the ISMLS. The data will be available to licensees from Tull for the cost of reproduction and handling. Tull has further agreed with the FAA to grant, on reasonable terms, nonexclusive licenses for the manufacture, use and sale of the ISMLS equipment claimed to be covered by patents, within the United States, its territories and possessions, the District of Columbia, Puerto Rico, and the Canal Zone.

NOTE.—Copies of these agreements are contained in Docket No. 14120 and are available to interested persons upon request to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, SW., Washington, D.C. 20591.

Converter equipment that are the subject of this amendment are covered by these agreements.

The FAA takes no position on the scope, coverage, or validity of the patents claimed by Tull for its system, nor on any patents that may result from any pending applications.

This amendment is based on a notice of proposed rulemaking (Notice 75–41) published in the FEDERAL REGISTER on January 5, 1976 (41 FR 776). Six commentators responded to Notice 75–41, three of whom were in favor of the intent of the proposed rule. The more significant of the comments received are discussed below. Based upon the comments and upon further consideration by the FAA, a number of changes have been made to the proposed rule.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matter presented. Except as modified by the following discussion, the reasons for this amendment are set forth in Notice 75–41.

One commentator objected to the proposal and stated that TSOs are usually issued for equipment commonly used by air carriers and that, except for rare circumstances, air carriers will not use ISMLS equipment. The commentator also stated that there existed an apparent intent to apply the proposed requirement to all operators although there existed no proposal to amend Part 91 to include such a requirement. Another commentator, while agreeing with the proposed TSO, objected to any requirement that equipment to be used in Part 91 operations be TSO-approved. The standards set forth in the TSO being adopted are mandatory only for equipment manufacturers who wish to obtain TSO authorizations covering airborne ISMLS converter equipment and are not directed to persons who install or use the equipment. Furthermore, while TSOs often cover equipment used by air carriers, TSOs are also issued, where necessary, for equipment that may be used by other operators, as is the case with airborne ISMLS converter equipment.

A number of commentators expressed concern with respect to the proper operation of VHF/UHF ILS receiving equipment after the installation of airborne ISMLS converter equipment meeting the proposed TSO standards. One of these commentators recommended that the proposed TSO be revised to cover the combined VHF/UHF ILS–ISMLS system. Another commentator suggested that the proposed TSO or TSO–C34c or TSO–C36c, contained in §§ 37.160 and 37.161, that specify TSO standards for ILS receiving equipment, be revised to cover the modifications necessary for the installation of the airborne ISMLS converter equipment.

The FAA recognizes that modification of VHF/UHF ILS receiving equipment may be necessary to ensure proper operation of the combined VHF/UHF ILS–ISMLS system. The FAA believes that the installation approval associated with the incorporation of airborne ISMLS equipment will ensure proper system functioning. In this connection, the FAA is considering the issuance of advisory material with information related to the installation of airborne ISMLS converter equipment. However, the FAA, at this time, does not believe it necessary or appropriate to promulgate specific technical standards relating to the installation of the airborne ISMLS equipment or relating to the overall VHF/UHF ILS–ISMLS airborne system.

Section 37.203(d)(3), as proposed, would have required the manufacturer to submit test reports. However, as one commentator pointed out, the proposal did not specify the particular test reports to be submitted. Proposed § 37.203(d)(3) has been revised to make it clear that the only test reports to be submitted are those related to the tests conducted to show complance with the TSO standards.

One commentator questioned the use of the Radio Technical Commission for Aeronautics (RTCA) Document No. DO–138 as an environmental standard under the TSO since it has been superseded by RTCA Document No. DO–160. The FAA does not agree. While DO–160 is the most current RTCA environmental standard, the FAA has determined that the conditions specified in either DO–138 or DO–160 provide an adequate environmental standard for this TSO. In this connection, proposed § 37.203(d)(4) has been revised to require the manufacturer to indicate the paragraphs of DO–160 used to determine compliance with paragraph 4.0 of the FAA standard specified at the end of § 37.203 in order to facilitate administration of the provision.

The notice proposed to require that the equipment manufacturer provide certain data with each TSOed article manufactured. It was recommended by one commentator that the provision be revised to require that only one set of such data be provided to each customer. The FAA agrees, and proposed § 37.203(e) has been revised accordingly.

Based on a comment that indicated that it was unclear whether a manufacturer would be required to test to show compliance with each of the TSO performance standards, an introductory sentence is being added to paragraph 3.0 and 4.0 of the proposed FAA standard to clearly indicate that equipment must be tested to show compliance with each of the standards specified in those paragraphs.

With respect to signal level for performance, a commentator stated that performance requirements should be stated in such a way as to indicate maximum cable losses permitted. Based on this comment a note has been added to paragraph 3.1 of the proposed FAA standard indicating the maximum cable losses considered in developing the standard; however, since the cables in question are not a part of the TSOed equipment, a maximum cable loss standard has not been adopted.

One commentator recommended that paragraphs 3.1, and 3.2 of the proposed FAA standard be revised to require compliance over the assigned ISMLS frequency band. However, the FAA believes that compliance with these requirements need only be shown over the frequency range for which the equipment has been designed and the standard has been revised to make this clear. Compliance, as recommended by the commentator, over the entire assigned ISMLS frequency band would impose an undue burden on the manufacturer.

The same commentator also recommended that the ISMLS frequency plan be specified in the standard and that a showing of frequency stability of the converter over the entire range of channels should be required under paragraph 3.4 of the proposed FAA standard. Since the frequency plan is not a performance standard its inclusion in the TSO would not be appropriate. In addition, since there exists no need for converter equipment to be operable over the entire ISMLS frequency band, there exists no need for the equipment to meet the requirements of paragraph 3.4 of the FAA standard over that range. Proposed paragraph 3.4 has been revised to clearly indicate that only design frequencies need be considered in showing compliance with the provision.

At the time Notice 75–41 was developed, it was believed the maximum ISMLS signal for the localizer could be as high as −43 dbm and the maximum ISMLS signal for the glide slope could be as high as −27 dbm. The requirements of paragraphs 3.2, 3.3, and 3.5 of the proposed FAA standard were, in part, based on this belief. Subsequent review of the ISMLS signal strengths has revealed that threshold signals from the localizer will not exceed −54 dbm and threshold signals from the glide slope will not exceed −43 dbm. Paragraphs 3.2, 3.3, and 3.5 of the proposed FAA standard have been revised accordingly.

It was suggested by a commentator that the response limits in the table in proposed paragraph 3.3 of the FAA standard be better defined. The FAA agrees, and the heading in the right hand column of the table has been revised to indicate that the response limits specified are relative to center response. The same commentator recommended that the lower frequency limit in the table be increased from 0 to 100 MHz and that the response limit for the lower frequency band response limit from −100 to −60 db and an increase in the lower frequency limit from 0 to 0.09 MHz, would make the proposal consistent with the present VHF/UHF–ILS TSOs, TSO–C34c and –C36c. The proposed rule has been revised accordingly. However, the FAA believes that an increase in the lower frequency limit above 0.09 MHz, as suggested by the commentator, would be excessive.

Two commentators recommended a change to the table of paragraph 3.3 of the proposed FAA standard to make it clear that a 35 db attenuation of the operating band is not required. The FAA agrees, and the table has been revised to specifically exclude the input frequency operating band from consideration with respect to the 35 db attenuation standard.

The FAA does not agree with comments received that recommended that a maximum permitted signal distortion be specified and that limits on course accuracy effects of distortion be established. The FAA believes that the provisions of paragraph 3.5 of the proposed FAA standard are sufficient to define distortion limits, and that the maximum effects on course accuracy of signal distortion cannot be measured directly on the converter.

It was recommended by a commentator that a broader horizontal antenna coverage provision than contained in paragraph 3.6(b) of the proposed FAA standard was needed to permit normal ILS intercepts during crosswinds. A value of ±90 degrees was suggested. Based on further review, in light of this comment, the proposal has been revised to provide for horizontal coverage of ±60 degrees in lieu of the value of ±37.5 degrees proposed. Any increase in horizontal antenna coverage in excess of ±60 degrees

would necessitate a reevaluation of the entire ISMLS and is not needed. As pointed out in another comment, the change to ±60 degrees necessitates changes to the proposed standard relating to permissible variations in field strength of the radiated signal for test purposes also specified in paragraph 3.6 (b), and those changes have been incorporated into the adopted standard.

One commentator stated that the proposed antenna polarization requirements of the proposed FAA standard should be considerably less if it is to apply to an installed antenna. Since the TSO standard covers only uninstalled antennas, the provision has been adopted as proposed. The FAA also does not agree with the commentator's suggestion that the standard be revised to avoid confusion with respect to the direction of horizontal polarization. The proposal is clear in this regard.

The need for the proposed antenna voltage standing wave ratio (VSWR) standard of paragraph 3.8 of the proposed FAA standard was questioned by a commentator since it could lead to increased equipment complexity and cost. The FAA does not agree. The performance of the system is dependent upon the equipment sensitivity, gain, and losses, the latter of which varies with VSWR. Any relaxation of the VSWR for the antenna over that proposed would require corresponding changes to the other standards and would be more likely to increase the equipment complexity and costs. It was also stated by the commentator that if the system is sensitive to VSWR, the system is too sensitive for reliable operations. All systems using antennas will be sensitive to VSWR conditions. However, a system meeting the proposed standards will not be overly sensitive. This same commentator also stated that it should be made clear whether or not the receiver to antenna transmission lines are covered in the VSWR standards. The FAA believes that aside from the need to provide a proper connection between the antenna and the equipment receiving the signal, transmission lines will not affect VSWR measurements. Consequently, there is no need for the requested clarification.

Another commentator questioned the value of the voltage standing wave ratio (VSWR) on the transmission line connecting the converter input and the signal source as specified in paragraph 3.9 of the proposed FAA standard. The commentator stated that the value of 1.7:1 could be increased to 2.2:1 with no adverse effect on system operation with a resultant decrease in equipment cost. The FAA agrees and paragraph 3.9 has been revised accordingly. In addition, the reference to receiver in the heading of this paragraph has been corrected to refer to converter input. Another change has been made to make the requirement of paragraph 3.9 applicable over the frequency range for which the equipment is designed rather than over the entire frequency band from 5000 MHz to 5250 MHz. Coverage of the entire frequency band is unnecessary.

One commentator stated that the antenna and transmission line characteristics of paragraphs 3.6 through 3.9 of the proposed FAA standard are ambiguous and should be either clarified or eliminated. The FAA does not agree. The paragraphs referenced by the commentator clearly concern antenna and converter impedances and not transmission line characteristics, and the FAA finds no ambiguity.

The same commentator stated that a specific antenna design was considered in the development of the TSO and that the antenna may be difficult or costly to install. The TSO being adopted contains minimum performance standards specifying antenna gain and coverage. While it is possible that some antennas may not meet these performance standards, any antenna meeting the standards would be acceptable. The FAA is aware of no data to indicate that complying antennas will be difficult or costly to install.

When subjected to the temperature variation tests under paragraph 4.5 of the FAA standard, it was proposed to permit a deterioration in the converter noise figure from 20 to 26 db. A commentator asserted that there was no need to permit a deterioration in the noise figure under this environmental condition, but that some deterioration in converter output stability should be allowed. Since the ISMLS equipment will perform satisfactorily with a less severe sensitivity requirement during the temperature variation test, the proposed requirement has not been changed in this regard. However, the recommendation to permit a deviation from the stability requirements during the temperature variation tests, will eliminate an unnecessary design restriction, and, therefore, proposed paragraph 4.5 has been revised to permit a frequency drift from ± 5 kHz to ± 7.5 kHz.

Two commentators stated that the degree of degradation in performance allowed under the low voltage condition of paragraph 4.7(a) of the proposed FAA standard should be defined. The FAA agrees, and a change has been made to specify limits for sensitivity and gain losses during the tests.

Paragraph 4.7(b)(2) of the proposed FAA standard has been revised to make it clear that paragraph 2.3 of the standard applies to the equipment after the test specified in paragraph 4.7(b)(1).

One commentator recommended that the proposed converter output signal strength requirement of paragraph 3.2 of the FAA standard be lower than specified in the notice to ensure that VHF/UHF ILS receivers will not be overloaded in service. The same commentator also suggested that an ILS switching requirement be added to the FAA standard. While the FAA believes the changes recommended by the commentator may be desirable, they can not be incorporated as a part of the new TSO within the scope of Notice 75–41. The FAA will consider the institution of additional rule making in this regard in the future.

This amendment is made under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Part 37 of the Federal Aviation Regulations is amended by adding a new § 37.203 to read as follows; effective November 26, 1976:

§ 37.203 Airborne interim standard microwave landing system converter equipment—TSO–C93.

(a) *Applicability.* This technical standard order prescribes the minimum performance standards that airborne interim standard microwave landing system converter equipment must meet in order to be identified with the applicable TSO marking. Equipment that is to be so identified must meet the requirements of the "Federal Aviation Administration Standard, Airborne Interim Standard Microwave Landing System Converter Equipment" set forth at the end of this section.

(b) *Environmental standards.* Radio Technical Commission for Aeronautics (RTCA) Document No. DO–138, titled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments", dated June 27, 1968, including Change Number 2, dated October 29, 1969, or RTCA Document No. DO–160, dated February 28, 1975, having the same title, must be used to determine the environmental conditions over which the equipment has been designed to operate.

(c) *Markings.* In addition to the markings specified in § 37.7(d), the equipment must be marked as follows:

(1) The environmental categories over which it has been designed to operate, as set forth in Appendix B of RTCA Document DO–138 or Appendix A of RTCA Document DO–160 must be permanently and legibly marked on the equipment. Where an environmental test procedure is not applicable and the test is not conducted, an "X" must be placed in the space assigned for that category.

(2) Each separate component of the equipment must be permanently and legibly marked with at least the name of the manufacturer, model or part number, the TSO number, and the environmental categories over which it has been tested. Where an environmental test procedure described in DO–138 or DO–160 is not applicable to that component and the test is not conducted, an "X" must be placed in the space assigned for that environmental category.

(d) *Data requirements.* In accordance with § 37.5, the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division (or in the case of the Western Region, the Chief, Aircraft Engineering Division), Federal Aviation Administration, in the region in which the manufacturer is located, one copy of the following technical data, except that additional copies must be furnished upon request:

(1) Manufacturer's operating instructions and equipment limitations.

(2) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Any limitations, restrictions, or other conditions pertinent to the installation must be included.

(3) Manufacturer's test reports of the tests conducted to show compliance with the requirements of this TSO.

(4) Equipment data sheets specifying, within the prescribed range of environmental conditions, the actual performance of equipment of that type with respect to each performance factor prescribed in the standard. If RTCA Document No. DO–160 is used under paragraph (b) of this section, the data sheets must identify the paragraph of DO–160 used to show compliance with each of the requirements of paragraphs 4.1 through 4.10 of the standard set forth at the end of this section.

(5) A drawing list enumerating all the drawings and processes that are necessary to define the article design.

(e) *Data to be furnished with each manufactured unit.* A copy of the instructions specified in paragraphs (d)(1) and (d)(2) of this section must be furnished to each person receiving for use one or more articles manufactured under this TSO.

(f) *Availability of Documents.* RTCA Document Nos. DO–138, including Change Number 2, and DO–160 are incorporated herein in accordance with 5 U.S.C. 552(a)(1) and § 37.23 of the Federal Aviation Regulations and are available for inspection as indicated in § 37.23. Additionally, RTCA Document Nos. DO–138 and DO–160 may be examined at any FAA Regional Office of the Chief, Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division). RTCA Document Nos. DO–138 and DO–160 may also be obtained from the RTCA Secretariat, Suite 655, 1717 H Street, NW., Washington, D.C. 20006, at a cost of $16.00 per copy for DO–138 and $20.00 per copy for DO–160.

FEDERAL AVIATION ADMINISTRATION STANDARD

AIRBORNE INTERIM STANDARD MICROWAVE LANDING SYSTEM CONVERTER EQUIPMENT

1.0 PURPOSE. This standard contains minimum performance and test requirements for Airborne Interim Standard Microwave Landing System Converter Equipment (Converter equipment).

2.0 GENERAL STANDARDS.

2.1 *Operation of Controls.* The operation of controls intended for use during flight must not, in any possible combination or sequence, result in a condition whose presence or continuation would be detrimental to the proper functioning of the equipment.

2.2 *Accessibility of Controls.* Controls not intended for in-flight adjustment must be located so as not to be readily accessible to flight personnel.

2.3 *Effects of Tests.* Except as expressly provided in this standard, the design of the equipment must be such that subsequent to the application of the specified tests, no condition may exist which would be detrimental to the proper functioning of the equipment.

3.0 MINIMUM PERFORMANCE STANDARDS UNDER STANDARD CONDITIONS. The equipment must be tested to show compliance with the following minimum performance requirements under standard conditions.

3.1 *Sensitivity.* The noise figure of the equipment must not be more than 20 db over the frequency range for which the equipment is designed.

NOTE: Maximum cable attenuations of 3db between the antenna and converter and 3db between the converter and ILS receivers were considered in developing this provision.

3.2 *Conversion Gain.* Input signals of not more than −54 dbm for localizer and −43 dbm for glide slope must produce outputs of at least −23 dbm for localizer and −17 dbm for glide slope. This standard must be met over the frequency range for which the equipment is designed.

3.3 *Spurious Response.* Spurious responses in the outputs must not exceed the values in the following table when input signals of −54 dbm for localizer and −43 dbm for glide slope are applied throughout the frequency bands specified.

Frequency Band (megahertz)	Response Limit Relative to Center Response (db)
0.09–4599.99	−60
4600–4899.99	−45
4900–4998.99	−30
4999–5249.99 *	−35
5250–5298.99	−40
5299–10,000	−60

* Exclusive of assigned input frequency band.

3.4 *Stability.* The frequency of the output must be within ±5 kHz of the assigned VHF localizer/UHF glide slope frequencies when assigned microwave frequencies are applied throughout the frequency range for which the equipment is designed.

3.5 *Intermodulation.* When equal level two-tone test signals within the bands 5,000 MHz to 5,030 MHz for localizer and 5,220 MHz to 5,250 MHz for glide slope are applied at input signal levels of −54 dbm for localizer and −43 dbm for glide slope, intermodulation products must be down at least 30 db from the desired output signals.

3.6 *Antenna Efficiency.*—(a) Over the frequency band from 5,000 MHz to 5,250 MHz, the desired component of the radiated signal in the forward direction must be at least +8.5 db when compared to an isotropic source.

(b) At any frequency from 5,000 MHz to 5,250 MHz, the desired component of the radiated signal must not be less than 0 db when compared to an isotropic source at any point in the principal horizontal plane from 60 degrees left to 60 degrees right of directly forward of the antenna nor less than 5.5 db above an isotropic source at any point in the principal elevation plan from 17.5 degrees below to 17.5 degrees above directly forward of the antenna.

3.7 *Antenna Polarization.* Over the frequency range from 5,000 MHz to 5,250 MHz, the reception of signals with horizontal (H plane) polarization from the forward direction with respect to the antenna must be at least 20 db below the reception of signals with the vertical (E plane) polarization from the same direction.

3.8 *Voltage Standing Wave Ratio (Antenna).* The voltage standing wave ratio on the transmission line connecting the antenna and a signal source may not exceed a value of 1.7:1 over the frequency range from 5,000 MHz to 5,250 MHz.

3.9 *Voltage Standing Wave Ratio (Converter Input).* The voltage standing wave ratio on the transmission line connecting the receiver and a signal source may not exceed a value of 1.7:1 over the frequency range for which the equipment is designed.

4.0 MINIMUM PERFORMANCE REQUIREMENTS UNDER ENVIRONMENTAL CONDITIONS. The equipment must be tested to show compliance with the following minimum performance requirements under environmental conditions. Unless otherwise specified in this standard, the measurement procedures applicable to a determination of the performance of the equipment under the environmental conditions specified are those set forth in either RTCA Document DO–138 titled "Environmental Conditions and Test Procedures for Electronic/Electrical Equipment and Instruments" dated June 27, 1968, including Change Number 2, dated October 29, 1969, or RTCA Document No. 160 dated February 28, 1975, having the same title. Performance testing may be done following a series of environmental exposures. However, the order of tests must be in accordance with paragraph 3.2 of Document Nos. DO–138 or DO–160.

4.1 *Temperature—Altitude.*—(a) *Low Temperature.*—(1) When the equipment is subjected to this environment, the requirements of paragraphs 3.1, 3.2, and 3.4 of this standard must be met. All mechanical devices must perform their intended functions.

(2) After subjection to this environment, the requirements of paragraph 3.8 of this standard must be met.

(b) *High Temperature.*—(1) When operated at the High Short-Time Operating Temperature, the equipment must operate both electrically and mechanically.

(2) When the equipment is exposed to the High Operating Temperature, the requirements of paragraphs 3.1, 3.2, and 3.4 of this standard must be met.

(3) After the equipment is subjected to the environments specified in subparagraphs (1) and (2) of this paragraph, the requirements of paragraph 3.8 of this standard must be met.

(c) *Altitude.*—(1) When the equipment is subjected to this environment, the requirements of paragraphs 3.1, 3.2, and 3.4 of this standard must be met.

(2) After subjection to this environment, the requirements of paragraph 3.8 of this standard must be met.

4.2 *Humidity.*—After subjection to the humidity environment and—

(a) Within 15 minutes after the time primary power is applied, the noise figure may not be more than 26 db; and

(b) Within 4 hours from the time primary power is applied, the requirements of paragraphs 3.1, 3.2, and 3.4 of this standard must be met.

4.3 *Shock.*—(a) Following the application of the operational shocks, the requirements of paragraphs 3.1, 3.2, and 3.4 of this standard must be met.

(b) The equipment must remain in its mounting, and no part of the equipment or its mounting may become detached and free of the shock test table or the equipment under test during or following the application of the crash safety shocks. Paragraph 2.3 of this standard does not apply to the crash safety shock environment.

4.4 *Vibration.*—(a) When the equipment is subjected to this environment the requirements of paragraph 3.2 of this standard must be met.

(b) After subjection to this environment, the requirements of paragraphs 3.1, 3.2, 3.4, and 3.8 of this standard must be met.

4.5 *Temperature Variation.* When subjected to this environment—

(a) The noise figure may not be more than 26 db;

(b) The requirements of paragraph 3.2 of this standard must be met; and

(c) The stability requirement of paragraph 3.4 of this standard must be met within ±2.5 kHz (7.5 kHz total).

4.6 *Electrical Input Variation.* When subjected to this environment, the requirements of paragraphs 3.1, 3.2, and 3.4 of this standard must be met.

4.7 *Low Voltage.*—(a) *AC and DC Equipment.* When the primary power voltages of DC operated equipment is 80 percent of the design voltages, and when that of AC operated equipment is 87½ percent of the design voltages, the equipment must operate both mechanically and electrically, the requirements of paragraph 3.1 of this standard must be met within 3 db, and the signal output requirements of paragraph 3.2 of this standard must be met within 3 db.

(b) *DC Equipment.*—(1) DC operated equipment must meet the requirements of paragraphs 3.1, 3.2, and 3.4 of this standard within 2 minutes after the primary power voltages are returned to the design voltages after operating at 50 percent of the design voltages for at least 10 minutes.

(2) The reduction of the primary power voltages of DC operated equipment from 50 percent of design voltages to zero volts may not produce fire or smoke. Paragraph 2.3 of this standard does not apply after the exposure to zero volts.

4.8 *Conducted Voltage Transients.*—(a) *DC Equipment.*—(1) *Intermittent Transients.* Following the application of the intermittent transients, the requirements of paragraphs 3.1, 3.2, and 3.4 of this standard must met.

(2) *Repetitive Transients.* While the repetitive transients are being applied, the requirements of paragraph 3.1 of this standard must be met.

(b) *AC Equipment.* While the transients are being applied, the requirements of paragraph 3.1 of this standard must be met.

4.9 *Radio-Frequency Susceptibility.* When subjected to this environment, the requirements of paragraph 3.1 of this standard must be met.

4.10 *Emission of Spurious Radio Frequency Energy.* The levels of conducted and radiated spurious radio frequency energy emitted by the equipment may not exceed those levels specified in Appendix A to RTCA Document No. DO–138 or paragraph 21 of Document No. DO–160.

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 18, 1976.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.76–31195 Filed 10–22–76;8:45 am]

[Docket No. 76–GL–19; Amdt. 39–2751]

PART 39—AIRWORTHINESS DIRECTIVES

Applies to All Aircraft Equipped With Rupert Models 50, N50, 80, and S–2194 Safety Belts

AD 61–8–2 issued May 16, 1961 requires inspection of Rupert Model 50, N50, 80, and S–2194 safety belts for proper buckle dimension. After issuing AD 61–8–2 new buckle hardware was added which should not be subject to the requirements of this AD. Therefore, the AD is being amended to exclude safety belts containing revised hardware.

Since this amendment is relieving in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697), Article 39.13 of Part 39 of the Federal Aviation Regulations, AD 61–8–2 is amended by adding the following to the applicability paragraph:

, except those that contain Cam Clasps marked Cummings & Sander, Division of American Safety Equipment Corporation, P/N M 4090.

This amendment becomes effective October 26, 1976.

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

Issued in Des Plaines, Ill., on October 13, 1976.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.76–30989 Filed 10–22–76;8:45 am]

[Airspace Docket No. 76–RM–20]

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

Alteration of Transition Area

On August 26, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 36036) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the transition area at St. George, Utah.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted with the following editorial change. The correct location of the St. George VOR should read: latitude 37°05'17" N., longitude 113°35'30" W.

Effective date. This amendment shall be effective 0901. G.m.t., December 30, 1976.

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

Issued in Aurora, Colo., on October 15, 1976.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.181 (41 FR 440) the description of the St. George, Ut. transition area is amended to read:

ST. GEORGE, UT.

That airspace extending upward from 700 feet above the surface within 9.5 miles northeast and 6 miles southwest of the St. George, Ut. VOR (latitude 37°05'17" N., longitude 113°35'30" W.) 131 radial extending from 7 miles northwest to 18.5 miles southeast; and within 5 miles each side of the St. George VOR 183 radial extending from the VOR to 15.5 miles south; that airspace extending upward from 1200 feet above the surface within an arc of a 23 mile radius of the St. George VOR extending clockwise from the 058 radial to the 239 radial; and within 10 miles east and 6.5 miles west of the St. George VOR 183 radial extending from the 23 mile arc to 37.5 miles south of the VOR.

[FR Doc.76–30990 Filed 10–22–76;8:45 am]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Extension and Designation of Jet Routes

Correction

In FR Doc. 76–29853, appearing in the issue for Tuesday, October 12, 1976, at page 44688, in the third column, the first jet route, the Jet route number which now reads "J–39", should read "J–36".

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C–2836]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

E. & J. Gallo Winery

Subpart—Controlling, unfairly, seller-suppliers: § 13.530 Controlling, unfairly, seller-suppliers. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–45 Maintain records; 13.533–65 Renegotiation and/or amendment of contracts. Subpart—Cutting off access to customers or market: § 13.535 Contracts restricting customers' handling of competing products; § 13.560 Interfering with distributive outlets; § 13.580 Organizing and controlling seller-suppliers. Subpart—Cutting off supplies or service; § 13.610 Cutting off supplies or service; § 13.655 Threatening disciplinary action or otherwise. Subpart—Enforcing dealings or payments wrongfully: § 13.1045 Enforcing dealings or payments wrongfully. Subpart—Maintaining resale prices: § 13.1140 Cutting off supplies; § 13.1155 Price schedules and announcements; § 13.1160 Refusal to sell. Subpart—Subsidizing business: § 13.2260 Subsidizing business.

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

In the matter of E. & J. Gallo Winery, a corporation

Consent order requiring a Modesto, Calif., winery, among other things to cease, for a ten-year period, establishing and maintaining exclusionary marketing policies and enforcing them through coercion of wholesalers. The order diminishes respondent's involvement in the operations of its wholesalers by limiting its ability to obtain financial information from its wholesalers and prohibits respondent from becoming involved in the

financial obligations of such wholesalers. Further, respondent is prohibited from imposing certain conditions which could operate to the exclusion of competing wineries.

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

ORDER

I. It is ordered that respondent, its subsidiaries, divisions, affiliates, successors, assigns, officers, directors, agents, representatives or employees, directly or indirectly on behalf of respondent or through any corporate or other device acting on behalf of respondent in connection with the distribution, offering for sale or sale of its wines within any or all of the fifty (50) states of the United States of America and the District of Columbia, for a period of ten (10) years from the date of issuance of this order shall cease and desist from:

1. Requiring the submission of financial statements from any wholesaler, except for credit or management services purposes; or conditioning the granting or extension of credit to any wholesaler on such wholesaler's submitting of financial statements which disclose the operating results and financial position specifically attributable to any segment of such wholesaler's business. *Provided however*, Respondent may require financial statements from an applicant not then purchasing wine from respondent, who desires to become a wholesaler of respondent's wines.

2. Guaranteeing all (or any part) of any loan for any wholesaler, assuming all (or any part) of the capital expenses of any wholesaler, or assuming all (or any part) of the operating costs of doing business of any wholesaler.

3. Prohibiting any wholesaler from, or punishing such wholesaler for: (1) selling respondent's wines in any area in which such wholesaler is permitted to operate by state license, or (2) dealing in wines produced by other companies.

4. Requiring any wholesaler to distribute any of respondent's wines in order to obtain any other wine produced or imported by respondent.

5. Entering into distribution agreements or other contracts with its wholesalers with a provision(s) for crediting or charging the wholesaler with respect to respondent's wines in such wholesaler's warehouse or in transit to such wholesaler to reflect any new price(s) charged by respondent. Respondent agrees to offer to all its wholesalers operating pursuant to a contract having such a provision(s) on the date of issuance of this order an amended contract without such a provision(s) and request that it be accepted.

II. It is further ordered that:

1. For a period of ten (10) years from the date of issuance of this order, respondent shall maintain a separate file in Modesto, California, that will be available to employees of the Federal Trade Commission for inspection and copying upon ten (10) days written notice. The file shall contain the following and the enumerated items will be retained in the file during the period covered by this order.

(a) A written description of the facts surrounding each instance in which respondent did not comply with any of the provisions in this order because of a conflict with federal or state laws and/or regulations as well as copies of any applicable documentation.

(b) A written description of the facts surrounding each instance in which respondent, as permitted by Order Provision I, reviewed a wholesaler's financial data in order to provide management services. A copy of such wholesaler's request for services must be attached as well as copies of any documents prepared by respondent in performing the services.

(c) A list containing an itemized listing of the financial statements respondent received from wholesalers and the name and address of each such wholesaler. Respondent shall retain copies of such financial statements during the period covered by this order.

(d) A list of all terminated wholesalers. In addition to the name and address of each wholesaler, the list shall include a written description of the reason(s) for termination. Respondent shall retain copies of any relevant documents relating to terminated wholesalers during the period covered by this order.

(e) A list of all new wholesalers, including each wholesaler's name and address.

2. If no other provision of this order or state or federal law is violated thereby, respondent: (1) may appoint one or more additional duly licensed wholesaler(s) to distribute one or more of its wines in any geographical area in which another wholesaler is then distributing respondent's wines; (2) shall not be required to sell any of its wines to a wholesaler who is purchasing other wines from respondent; or (3) may terminate any wholesaler for cause or in accordance with the terms and conditions of the agreement of distributorship between respondent and that wholesaler.

3. Within fifty (50) days after service upon it of this order, respondent shall distribute a copy of such order to each of its existing wholesalers. All wholesalers appointed by respondent within ten (10) years after the date of this order are to be furnished copies of this order. If this order is modified, all then existing wholesalers are to receive copies of the modification.

4. For a period of ten (10) years respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or the creation or dissolution of subsidiaries, if such change may affect compliance obligations arising out of this order.

5. Within sixty (60) days after service upon it of this order, respondent shall file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order, including a list of all wholesalers to whom it has sent a copy of this order, and shall file such other reports as may, from time to time, be required in order to assure compliance with the terms and conditions of this order.

The Decision and Order was issued by the Commission August 26, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-31231 Filed 10-22-76;8:45 am]

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

[Docket C-2835]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Levitz Furniture Corporation

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; 13.15–235 Producer status of dealer or seller; 13.15–235(m) Manufacturer; 13.15–260 Retailer as wholesaler, jobber, factory distributor; § 13.30 Composition of goods; § 13.70 Fictitious or misleading guarantees; § 13.125 Limited offers or supply; § 13.135 Nature of product or service; § 13.155 Prices; 13.155–15 Comparative; 13.155–35 Discount savings; 13.155–40 Exaggerated as regular and customary; 13.155–60 List or catalog as regular selling; 13.155–70 Percentage savings; 13.155–100 Usual as reduced, special, etc.; § 13.160 Promotional sales plans; § 13.175 Quality of product or service; § 13.185 Refunds, repairs, and replacements; § 13.205 Scientific or other relevant facts; § 13.235 Source or origin; 13.235–60 Place; 13.235–60(a) Domestic products as imported; § 13.240 Special or limited offers. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosure; 13.533–45 Maintain records; 13.533–45(k) Records, in general; 13.533–75 Warranties. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051–20 Adequate. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections; § 13.1550 Retailer as wholesaler, jobber, or factory distributor. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 Composition; § 13.1647 Guarantees; § 13.1725 Refunds; § 13.1740 Scientific or other relevant facts; § 13.1745 Source or origin; 13.1745–70 Place; 13.1745–70(a) Domestic products as imported; § 13.1747 Special or limited offers; § 13.1760 Terms and conditions. Subpart—Misrepresenting oneself and goods—Prices: § 13.1785 Comparative; § 13.1805 Exaggerated as regular and customary; § 13.1825 Usual as reduced or to be in-

creased. Subpart—Misrepresenting oneself and goods—Services: § 13.1835 Cost. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 Composition; § 13.1855 Identity; § 13.1882 Prices; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal; § 13.1980 Guarantee, in general; § 13.2030 Repair or replacement guarantee; § 13.2063 Scientific or other relevant facts. Subpart—Using misleading name—Goods: § 13.2280 Composition; § 13.2315 Nature; § 13.2345 Source or origin; 13.2345–65 Place; 13.2345–65(a) Domestic product as imported.

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

In the matter of Levitz Furniture Corporation, a corporation

Consent order requiring a Miami, Fla., furniture retailer, among other things to cease misrepresenting and/or failing to disclose pertinent information regarding prices, sales, limited offers, warranties, construction, composition and use of its products; failing to make timely repairs, adjustments, and refunds; and failing to maintain appropriate records. Additionally, respondent must provide its advertising agencies with copies of the FTC's news release concerning this order for a one-year period.

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

ORDER

It is ordered that respondent, Levitz Furniture Corporation, a corporation, its successors and assigns, and its officers, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale and distribution of household furniture, or of any other products or services, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

(1) Using the words "sale", "reductions", or other words of similar import or meaning, in conjunction with the offering of multiproducts in advertisements where all of the items are not reduced from respondent's former price, unless the words "sale", "reductions", or other words of similar import or meaning are clearly and conspicuously qualified by a statement which indicates that all items offered are not reduced, and unless the items that are not reduced are clearly and conspicuously set off and identified.

(2) Representing, directly or by implication, orally or in writing, that respondent has reduced its prices on all or part of its merchandise, unless the price of such merchandise being offered for sale constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which such merchandise was sold or offered for sale to the public on a regular basis by respondent for a reasonably substantial period of time in the recent, regular course of its business, and unless the dollar or percentage amount of each reduction is clearly and conspicuously disclosed on tags or labels affixed to such merchandise.

(3) Representing, directly or by implication, orally or in writing, that a reduced sale price is applicable to certain goods, unless such representation is true and unless, for all advertised goods:

(a) said goods have not been advertised at the same or substantially the same price during the thirty (30) days preceding the first day of such sale, or

(b) respondent clearly and conspicuously discloses in said advertisements (in immediate conjunction with any specifically advertised goods) and on tags or labels affixed to said goods that the advertised sale price is a repeat sale price.

(4) Representing, directly or by implication, orally or in writing, that respondent has lowered prices as a result of some unusual circumstances, unless said representation is true.

(5) Representing, directly or by implication, orally or in writing, that, to take advantage of an offer, customers must act within a limited period of time, unless said representation is true.

(6) Failing to maintain and produce for inspection or copying, on demand by the Federal Trade Commission or its representatives, for a period of two (2) years, adequate records which disclose the facts upon which any savings claims, sales claims and other similar representations as set out in Paragraphs One through Five of this order are based. This record keeping requirement shall cease to be in effect five (5) years after the effective date of the order.

(7) Representing, directly or by implication, orally or in writing, that any of respondent's products or merchandise are warranted or guaranteed unless the nature, extent and duration of the warranty or guarantee, the identity of the warrantor or guarantor, and the manner in which the warrantor or guarantor will perform thereunder, are clearly and conspicuously disclosed in immediate conjunction therewith, and unless respondent has the bona fide intention to promptly and fully perform all of its obligations and requirements represented under the terms of each such warranty or guarantee.

(8) Using the words "direct to the public," or any other words of similar import and meaning, in any advertisements or any other material soliciting orders, or on signs in or affixed to any of respondent's places of business open to the public, or representing, directly or by implication, orally or in writing, that respondent is a manufacturer or wholesaler.

(9) Representing, directly or by implication, orally or in writing, that respondent's merchandise is offered for sale at a specified price, unless said price is a bona fide selling price of respondent.

(10) Representing, directly or by implication, orally or in writing, that by purchasing any merchandise or services of respondent, customers are afforded savings amounting to the difference between respondent's stated price and the price of others in respondent's trade areas or a manufacturer's suggested list price, unless, at the time of such representation, respondent has a reasonable basis for making such comparison.

Such reasonable basis shall consist of a determination of prices in respondent's trade area.

In making such determination, respondent must ascertain that:

(a) A substantial quantity of the compared product or service is being offered for sale or sold in the trade area at or above the represented price; and

(b) The compared product or service is the same and is offered with the same services, unless respondent's representations clearly and conspicuously disclose the differences in the product and in the services offered.

(11) Making any comparison, directly or by implication, orally or in writing, between a price at which a product or service is offered for sale and some other higher reference price, unless both the product or service and the nature of the reference price are clearly and conspicuously disclosed in immediate conjunction therewith.

(12) Using the terms "Walnut", "Pecan", "Maple" or any other wood name, or any other terms of similar import or meaning, to describe furniture not having all exposed surfaces constructed of solid wood of the type named; *Provided, however*, That wood names may be nondeceptively used to describe the type of wood used in wood veneer surfaces of furniture if clear and conspicuous disclosure is made in immediate conjunction with the wood name that the wood name refers to the veneer composition; *And provided*, That, when the described furniture also has exposed surfaces of solids or veneers of wood other than the type named, an additional clear and conspicuous disclosure is made in immediate conjunction with the wood name (a) of the composition of the other exposed veneered and solid parts or, in the alternative, (b) of the exact locations of the wood name veneers.

(13) Using the terms "Walnut Finish", "Pecan Finish", "finished in rich oak" or any other wood name, or any other terms of similar import or meaning to describe furniture not having all exposed surfaces constructed of solid wood of the type named; Provided, however, that wood names may be nondeceptively used to describe the grain design, color of a stain finish or other type of simulated finish which has been applied to a surface composed of something other than solid wood of the type named if clear and conspicuous disclosure is made in immediate conjunction therewith that the wood name used is descriptive of the grain design, color or other simulated finish.

(14) Using the term "foam" or any other terms of similar import or meaning to describe furniture stuffing or mattresses, or parts thereof, not composed of latex foam rubber; *Provided, however,*

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

That the word "foam" may be nondeceptively used to describe furniture stuffing or mattresses, or parts thereof, composed of foam of a composition other than latex rubber if clear and conspicuous disclosure is made in immediate conjunction therewith of the kind of foam used.

(15) Using the terms "Spanish", "Italian" and "French", or other terms indicative of foreign origin, as descriptive of furniture manufactured in the United States unless in immediate conjunction therewith it is clearly and conspicuously disclosed that such terms apply to the style of the furniture and not the country or region of its origin; *Provided, however,* That nothing in this paragraph shall prohibit respondent from using the terms "French Provincial", "Italian Provincial" and similar terms which have acquired a secondary meaning descriptive of the style of furniture and considered to be nondeceptive by the Commission's Guides for the Household Furniture Industry.

(16) Advertising, displaying, offering for sale, selling, or placing in the hands of others for display or sales purposes any furniture having the appearance of being made of solid wood, but containing exposed surfaces of veneered construction, without clear and conspicuous disclosure of such veneered construction in all advertising wherein said furniture has the appearance of being made of solid wood, and on such furniture or on tags or labels attached thereto.

(17) Advertising, displaying, offering for sale, selling, or placing in the hands of others for display or sales purposes any furniture having the appearance of being made of wood, but containing exposed surfaces composed in whole or in part of plastic, or other materials not possessing a natural wood growth structure, without clear and conspicuous disclosure that such exposed surfaces are made of plastic, or other materials simulating wood, or in the alternative, without clear and conspicuous disclosure that such exposed surfaces are not wood; such disclosures to be made (a) in all advertising wherein said furniture has the appearance of being made of wood, and (b) on such furniture or on a tag or label attached thereto.

(18) Misrepresenting, in any manner, or by any means, directly or indirectly, the kind or nature of the wood or other materials used in the manufacture of furniture or any part thereof.

(19) Failing to inform all customers at the time of sale that if furniture is delivered in a defective, damaged or incomplete condition, and the customer so notifies respondent within three business days of the receipt thereof, and respondent does not, within five business days thereafter, remedy such defect, damage or condition, the customer has the right to obtain a refund of all monies by permitting respondent to reclaim such merchandise in the condition in which it was delivered. Written notice of this right will be clearly and conspicuously furnished on the front of each customer's sales receipt. *Provided, however,* That this paragraph shall not apply to merchandise sold "as is" if those words conspicuously appear on the sales receipt.

(20) Failing to refund promptly all monies paid by customers entitled to such refund under the provisions of Paragraph Nineteen hereof.

(21) Failing to maintain and produce for inspection and copying, on demand by the Federal Trade Commission or its representatives, for a period of two (2) years, adequate records to disclose the facts pertaining to the receipt, handling and disposition of each communication from a customer, oral and written, requesting contract cancellation, refund, replacement or repair, pursuant to Paragraphs Nineteen and Twenty hereof. This recordkeeping requirement shall cease to be in effect five (5) years after the effective date of the order.

(22) Failing to, if for any reason respondent refuses to cancel a contract, repair or replace an item, or refund monies when requested by a customer pursuant to Paragraphs Nineteen and Twenty hereof, specify in writing with particularity the reason(s) for denial of the request and place copies of the written reason(s) for denial of the request in a separate file set up for this purpose along with copies of all documents related to the transaction in question, including correspondence to and from the customer and notes relating to phone conversations with the customer. This file will be maintained and produced for inspection and copying upon demand by the Federal Trade Commission or its representatives for a period of two (2) years. This recordkeeping requirement shall cease to be in effect five (5) years after the effective date of the order.

(23) Failing, in connection with the offering for sale or sale of used merchandise, to clearly and conspicuously disclose the fact that such merchandise has been previously used:

(a) In all advertising, sales and promotional literature;

(b) On the used merchandise, with sufficent permanency as likely to remain thereon until sale to the ultimate consumer; and

(c) On customer sales receipts utilized for the sale of such used merchandise.

(24) Misrepresenting, in any manner, the nature, extent or degree of use of any merchandise offered for sale by respondent.

(25) Failing to maintain and produce for inspection and copying, on demand by the Federal Trade Commission or its representatives, for a period of two (2) years, adequate records which will show:

(a) All communications to or from respondent concerning the processing, offering for sale and sale of used furniture; and

(b) All records prepared in the processing of, offering for sale and sale of used merchandise.

This record keeping requirement shall cease to be in effect five (5) years after the effective date of this order.

It is further ordered, That respondent shall maintain, for at least a one (1) year period following the effective date of this order, copies of all advertisements, including newspaper, radio and television advertisements, direct mail and instore solicitation literature, and any other such promotional material utilized for the purpose of obtaining leads for the sale of household furniture or utilized in the advertising, promotion or sale of household furniture and other merchandise.

It is further ordered, That respondent, for a period of one (1) year from the effective date of this order, shall provide each advertising agency utilized by respondent, in connection with the sale of household furniture and other merchandise, with a copy of the Commission's News Release setting forth the terms of this order.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the offering for sale, sale of any product or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

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

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

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

Commissioner Clanton not participating; Commissioner Dole not participating by reason of absence.

The Decision and Order was issued by the Commission August 30, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-31232 Filed 10-22-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 33-5738, Release No. IC-9426]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Procedures for Filing and Processing Registration Statements and Post-Effective Amendments Filed by Registered Investment Companies

Correction

In FR Doc. 76-26833 appearing in the FEDERAL REGISTER of Tuesday, September 14, 1976 on page 39013, the following corrections should be made:

1. In the first column, the third full paragraph entitled "Check Lists", the fifth line should read, "Act Release No. 4955 are intended to as—".

2. In the 3rd column, the fourth paragraph, the 7th line, "filming" should read "filing".

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 76N-0360]

PART 17—BAKERY PRODUCTS

Enriched Raisin Bread; Standard of Identity

The Food and Drug Administration is establishing a standard of identity for enriched raisin bread to permit: (1) Enrichment of raisin bread, (2) production and introduction into interstate commerce of raisin bread in compliance with the mandatory enrichment requirements of certain states, and (3) optional use of enriched flour in raisin bread. Except for any provisions that may be stayed by the filing of proper objections, compliance with this final regulation may begin on December 27, 1976. All enriched raisin bread initially introduced into interstate commerce on or after January 1, 1978, shall comply; objections by November 26, 1976.

A proposal to establish a standard of identity for enriched raisin bread under § 17.60 (21 CFR 17.60) was published in the FEDERAL REGISTER of February 12, 1976 (41 FR 6269). Interested persons were given 60 days to comment on the proposal.

Seven comments were received in response to the proposal. Six comments favored establishment of the standard as proposed; one comment opposed establishment of the standard on the ground that additional controls are not needed and can only cause an increase in the cost of the product and an increase in taxes to pay for supervision and controls.

In response to the comment opposing establishment of the standard, the Commissioner of Food and Drugs points out that, since some states require that all flour used within those states be enriched, a Federal standard for enriched raisin bread would permit bakers in those states to produce such food for interstate commerce. Inasmuch as identity standards are presently in effect for both enriched bread and raisin bread, there is no reason to believe that extension of the regulations to embrace enriched raisin bread would raise the cost of the product or cause an increase in taxes. Because of these reasons and also because a demand for enriched raisin bread exists, the Commissioner is promulgating the standard of identity for enriched raisin bread under § 17.60 as proposed.

By order published in the FEDERAL REGISTER of October 15, 1976 (41 FR 45540), certain portions of §§ 17.10 and 17.20 were stayed because of objections and requests for hearings. Accordingly, any requirements provided for in § 17.60 by cross reference to the stayed provisions of § 17.10 or § 17.20, either directly or through § 17.40, will not be effective while the involved issues remain unresolved. Specifically, the following provisions that are cross-referenced either directly or indirectly by § 17.60 are stayed pending resolution of the issues:

1. Section 17.10(c)(5)(i) as it pertains to egg bread, egg rolls, and egg buns.

2. Section 17.10(c)(5)(ii): Pending resolution of the issue, § 17.1(a)(1)(ii) of the superseded standard applies.

3. Section 17.10(c)(16) as it pertains to spices, spice oil, and spice extract that impart a color simulating that of egg to a standardized bakery product not represented on the label as containing egg or egg product and not purporting to contain egg or egg product.

4. Section 17.10(c)(17) beginning with "except that which may be present in butter if the intensity of the butter color does not exceed 'medium high' (MH) when viewed under diffused light (7400 Kelvin) against the Munsell Butter Color Comparator. The MH designation corresponds to the Munsell renotation of 3.8Y 7.9/7.6." Pending resolution of the issue, coloring may not be added as such or as part of another ingredient.

5. Sections 17.10(e), 17.20(b), and 17.40(b) as they pertain to the use of the word "egg" in the name of the food.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 (e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1)) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 17 is amended by adding a new § 17.60 to read as follows:

§ 17.60 Enriched raisin bread, enriched raisin rolls, enriched raisin buns; identity; label statement of ingredients.

(a) Each of the foods enriched raisin bread, enriched raisin rolls, and enriched raisin buns conforms to the definition and standard of identity and is subject to the requirements for label statement of ingredients prescribed for raisin bread, raisin rolls, and raisin buns by § 17.40, except that the specifications in § 17.20 (a) (1) through (7) shall apply.

(b) The name of the food is "enriched raisin bread," "enriched raisin rolls," or "enriched raisin buns," as applicable. When the food contains not less than 2.56 percent by weight of whole egg solids, the name of the food may be "enriched raisin and egg bread," "enriched raisin and egg rolls," or "enriched raisin and egg buns," as applicable, accompanied by the statement "Contains _____ medium-sized egg(s) per pound" in the manner prescribed by § 102.1(c)(3) of this chapter, the blank to be filled in with the number which represents the whole egg content of the food expressed to the nearest one-fifth egg but not greater than the amount actually present. For purposes of this regulation, whole egg solids are the edible contents of eggs calculated on a moisture-free basis and exclusive of any nonegg solids which may be present in standardized and other commercial egg products. One medium-sized egg is equivalent to 0.41 ounce of whole egg solids. The term "milk" may be included in the name of the food if the food complies with the requirements for milk and/or other dairy products in § 17.30.

NOTE. Since the provisions of § 17.60 relating to the use of the word "egg" in the name of the food are predicated on stayed provisions of §§ 17.10, 17.20, and 17.40, none of paragraph (b) of § 17.60, except the first and last sentences, will be effective while the issues remain unresolved.

After the issues have been resolved, the Commissioner will publish a notice in the FEDERAL REGISTER as to the effect of the decisions on this standard.

Any person who will be adversely affected by the foregoing regulation may at any time on or before November 26, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Five copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin Decem-

ber 27, 1976, and all products initially introduced into interstate commerce on or after January 1, 1978, shall fully comply. Notice of the filing of objections or lack thereof will be published in the FEDERAL REGISTER.

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371 (e))).

Dated: October 19, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-31201 Filed 10-22-76;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 431—CERTIFICATION OF ANTIBIOTIC DRUGS

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Provisions for an Additional Ophthalmic Drug Dispenser

The Food and Drug Administration is providing for use of a spray-pump dispenser to administer an ophthalmic solution, effective October 26, 1976.

In the current antibiotic regulations, droppers are the only kind of dispenser referred to in the discussion of items packaged in combination with sterile antibiotic drugs.

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to providing for the certification of an antibiotic ophthalmic solution packaged in combination with a spray-pump dispenser. He concludes that the data supplied by the manufacturer concerning the combination package are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for its certification. Accordingly, he is replacing the present references to "droppers" in the regulations with the more general term "dispensers."

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to him (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), the Commissioner is amending Chapter I of Title 21 of the Code of Federal Regulations as follows:

1. Part 431 is amended in § 431.1 by amending paragraph (c)(8)(iv) by revising the last sentence therein and by revising paragraph (c)(11) to read as follows:

§ 431.1 Requests for certification, check tests and assays, and working standards; information and samples required.

* * * * *

(c) * * *

(8) * * *

(iv) * * * In the case of sterile drugs packaged in combination with sterile dispensers, the sample shall be collected by taking 20 dispensers from each sterilizer load, and each dispenser shall be taken from a different part of such sterilizer load.

* * * * *

(11) If such batch or any part thereof is to be packaged with a sterile diluent or sterile dispenser, such request shall also be accompanied by a statement that such diluent or dispenser is sterile and conforms to the requirements prescribed therefor by specific regulations.

2. Part 436 is amended as follows:

a. In § 436.1, by revising paragraph (b) to read as follows:

§ 436.1 Sterility requirements of items packaged with sterile antibiotic drugs.

* * * * *

(b) *Dispensers packaged in combination with sterile antibiotic drugs.* If a sterile antibiotic drug is packaged in combination with a dispenser, such dispenser shall be sterile when tested by the method prescribed in § 436.20(e)(1).

b. In § 436.20, by revising paragraph (e)(1)(i)(c) to read as follows:

§ 436.20 Sterility test methods and procedures.

* * * * *

(e) * * *

(1) * * *

(i) * * *

(c) *Sterile dispensers packaged in combination with a sterile drug.* Prepare 20 clean, empty containers of approximately the same size as those in which the sterile antibiotic drug is packaged. To each container add diluting fluid A in a volume approximately the same as that of the sterile drug when it is prepared for dispensing. Cap the containers, sterilize by autoclaving at 121° C for 20 minutes, and then allow to cool to room temperature. Aseptically open each dispenser package and remove each dispenser in turn. Use each aseptically to remove 1 milliliter of the fluid from a separate sterile container prepared as described above. Aseptically transfer the fluid to a 500-milliliter Erlenmeyer flask containing approximately 200 milliliters of diluting fluid A. Stopper the flask and proceed as directed in paragraph (e)(1)(ii) of this section.

* * * * *

As the conditions prerequisite to providing for certification of this drug have been complied with and as the matter is noncontroversial in nature, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).)

Effective date: These amendments are effective October 26, 1976.

Dated: October 19, 1976.

MARY MCENIRY,
Assistant Director for Regulatory Affairs.

[FR Doc.76-31202 Filed 10-22-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2134]

PART 1916—HOUSING AND URBAN DEVELOPMENT

Notice of Changes Made in Determinations of El Reno, Oklahoma, Base Flood Elevations

On June 25, 1976, at 41 FR 26414, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of El Reno.

The Federal Insurance Administration, after consultation with the Chief Executive Office of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in El Reno. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 405377A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mr. Gene Watts, City Manager, City of El Reno, Post Office Drawer 700, El Reno, Oklahoma 73036.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the El Reno Flood Insurance Rate Map make it administratively infeasible to publish in

this notice all of the base flood elevation changes contained on the El Reno map.

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

Issued: September 29, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-31216 Filed 10-22-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20489]

PART 31—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

ERRATA (40 FR 52725)

Released: October 19, 1976.

In the Matter of Amendment of Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, and Part 33, Uniform System of Accounts for Class C Telephone Companies, of the Commission's Rules to provide for deferral accounting for income tax differentials occasioned by the use of Depreciation based on Class Lives and Asset Depreciation Ranges for Income Tax Purposes and to provide for below-the-line accounting in certain instances for investment credits made available by the Revenue Act of 1971.

1. In the Appendix of the Report and Order, FCC 75-1217, released November 6, 1975, and published in the FEDERAL REGISTER on November 12, 1975, 40 FR 52725 section 31.01-3 of Part 31 is revised so that present references in paragraphs (k), (x), (y) and (ee) to paragraphs (x), (d), (j) and (t), respectively, are changed to (y), (e), (k), and (u).

2. In § 31.02-80 of Part 31, the reference in paragraph (c) to § 31.01-3(k) is changed to 31.01-3(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-31224 Filed 10-22-76;8:45 am]

[FCC 76-898; Docket No. 20815]

PART 89—PUBLIC SAFETY RADIO SERVICES

PART 91—INDUSTRIAL RADIO SERVICES

PART 93—LAND TRANSPORTATION RADIO SERVICES

Report and Order; Correction

Released: October 19, 1976.

In the Matter of Amendment of Parts 89, 91, and 93 of the Commission's Rules to expand the secondary fixed use of base/mobile frequencies in the 450–470 MHz band.

Paragraph 13 of the Commission's Report and Order (FCC 76-898) in Docket 20815 adopted September 28, 1976, published at 41 FR 44180, October 7, 1976, is corrected as follows:

A sentence officially terminating the Docket is added as follows:

13. Accordingly, *it is ordered*, That Parts 89, 91, and 93 of the Commission's Rules and Regulations are amended effective October 29, 1976, as set forth in the attached Appendix B. *It is further ordered*, That this proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-31225 Filed 10-22-76;8:45 am]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 217—RAILROAD OPERATING RULES AND PRACTICES

Civil Penalties

The Federal Railroad Administration (FRA) is adding a new Appendix A to Part 217 to reflect a policy determination made by FRA in carrying out the duties and responsibilities contained in section 209 of the Federal Railroad Safety Act (45 U.S.C. 438) and delegated to the Federal Railroad Administrator by the Secretary of Transportation (49 CFR 1.49 (n)). Section 209(b) provides, in pertinent part, "(t)he Secretary (Administrator) shall * * * make applicable to any railroad safety rule, regulation, order or standard issued under this title a civil penalty for violation thereof * * * in such amount, not less than $250 nor more than $2,500, as he deems reasonable." Each day a violation continues is a separate offense pursuant to the provisions of section 209(c) (45 U.S.C. 438 (c)).

Section 217.5 (49 CFR 217.5) provides that a violation of any requirement of Part 217 is subject to a civil penalty of at least $250 but not more than $2,500. The addition of Appendix A is based upon a consideration by FRA of the seriousness of noncompliance by a railroad with one or more of the requirements of the particular sections established by Part 217.

The basic penalty which will be a assessed for failure to comply with the requirements of Part 217 ranges from $500 to $1,500 depending upon the section for which a violation is submitted. Additionally, each rule or part of a rule is subject to a penalty of between $750 and $2,500 for an intentional violation. For the purposes of this section, an intentional violation is defined as a violation caused by the knowing and willful failure of the carrier, its officers or agents to comply with the provisions of this Part. The Administrator also specifically reserves the authority to assess the maximum penalty of $2,500 for a violation of any section or subsection of Part 217.

As provided in section 209 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438), the FRA will attempt to settle these claims administratively, using procedures similar to those established under the Federal Claims Collection Act (31 U.S.C. 951–953), before transmitting the case to the Attorney General. H.R. Rep. No. 1194, 91st Cong., 2d Sess. (1970). In no case, however, will a claim be compromised for less than $250, with again each day the violation continues constituting a separate offense, pursuant to the provisions of 45 U.S.C. 438.

As indicated above, the addition of Appendix A is a statement of policy by the FRA. Therefore, in accordance with the provisions of section 553 of the Administrative Procedure Act (5 U.S.C. 553), notice and public procedures are not required and this amendment may be made effective in less than 30 days after publication.

In 49 CFR, Chapter II, Part 217 is amended by adding a new Appendix A to the Part as follows:

APPENDIX A.—*Schedule of civil penalties*

Section	Violation	Intentional violation [1]
217.7 Filing of operating rules:		
(a)	$750	$1,000
(b)	500	750
217.9 Program of operational tests and inspections; recordkeeping:		
(a)	1,500	2,500
(b) and (c)	500	750
(d)	500	1,000
217.11 Program of instruction on operating rules:		
(a)	1,000	2,000
(b)	750	1,000
(c)	500	750
217.13 Annual report:		
(a) and (c)	500	750
(b)	1,000	2,500

[1] For the purposes of this schedule, an intentional violation is the knowing and willful failure of a carrier, its officers or agents to comply with the provisions of this part. The Administrator reserves the authority to assess the maximum penalty of $2,500 for a violation of any section or subsection contained in pt. 217.

(Sec. 209, 84 Stat. 975 (45 U.S.C. 438); § 1.49(n), Regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).)

In consideration of the foregoing, effective immediately Part 217 of Title 49 of the Code of Federal Regulations is amended as set forth above.

Issued in Washington, D.C., on October 15, 1976.

ASAPH H. HALL,
Administrator.

[FR Doc.76-31210 Filed 10-22-76;8:45 am]

PART 218—RAILROAD OPERATING RULES

Civil Penalties

The Federal Railroad Administration (FRA) is adding a new Appendix A to Part 218 to reflect a policy determination made by FRA in carrying out the duties and responsibilities contained in section 209 of the Federal Railroad Safety Act (45 U.S.C. 438) and delegated to the Federal Railroad Administrator by the Secretary of Transportation (49 CFR 1.49(n)). Section 209(b) provides, in pertinent part, "(t)he Secretary (Administrator) shall * * * make applicable to any railroad safety rule, regulation, order or standard issued under this title a civil penalty for violation thereof * * * in such amount, not less than $250 nor more than $2,500, as he deems reasonable." Each day a violation continues is a separate offense pursuant to the provisions of Section 209(c) (45 U.S.C. 438(c)).

Section 218.9 (49 CFR 218.9) provides that a violation of any requirement of Part 218 is subject to a civil penalty of at least $250 but not more than $2,500. The addition of Appendix A is based upon a consideration by FRA of the seriousness of noncompliance by a railroad with one or more of the requirements of the particular sections established by Part 218.

The basic penalty which will be assessed for failure to comply with the requirements of Part 218 ranges from $500 to $750 depending upon the section for which a violation is submitted. Additionally, each rule or part of a rule is subject to a penalty of between $1,000 and $2,000 for an intentional violation. For the purposes of this section, an intentional violation is defined as a violation caused by the knowing and willful failure of the carrier, its officers or agents to comply with the provisions of this Part. The Administrator also specifically reserves the authority to assess the maximum penalty of $2,500 for a violation of any section or subsection of Part 218.

As provided in section 209 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438), the FRA will attempt to settle these claims administratively, using procedures similar to those established under the Federal Claims Collection Act (31 U.S.C. 951–953), before transmitting the case to the Attorney General. H.R. Rep. No. 1194, 91st Cong., 2d Sess. (1970). In no case, however, will a claim be compromised for less than $250, with again each day the violation continues constituting a separate offense, pursuant to the provisions of 45 U.S.C. 438.

As indicated above, the addition of Appendix A is a statement of policy by the FRA. Therefore, in accordance with the provisions of section 553 of the Administrative Procedure Act (5 U.S.C. 553), notice and public procedures are not required and this amendment may be made effective in less than 30 days after publication.

In 49 CFR, Chapter II, Part 218 is amended by adding a new Appendix A to the Part as follows:

APPENDIX A.—*Schedule of civil penalties*

Section	Violation subpt. B	Intentional violation [1]
218.23 Blue signal display	$750	$2,000
218.25 Workmen on a track other than a hump-yard track	750	2,000
218.27 Workmen on hump-yard track	750	2,000
218.29 Remotely controlled switches:		
(a) and (b)	750	2,000
(c)	500	1,000

[1] For the purposes of this schedule, an intentional violation is the knowing and willful failure of a carrier, its officers or agents to comply with the provisions of this part. The Administrator reserves the authority to assess the maximum penalty of $2,500 for a violation of any section or subsection contained in pt. 218.

(Sec. 209, 84 Stat. 975 (45 U.S.C. 438); § 1.49(n), Regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).)

In consideration of the foregoing, effective immediately Part 217 of Title 49 of the Code of Federal Regulations is amended as set forth above.

Issued in Washington, D.C., on October 15, 1976.

ASAPH H. HALL,
Administrator.

[FR Doc.76–31209 Filed 10–22–76;8:45 am]

Title 50—Wildlife and Fisheries

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

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds; Amendment

In FR Doc. 76–27463 appearing at page 43170 in the FEDERAL REGISTER of September 30, 1976, the Canada goose harvest quota for the Lac Qui Parle Zone of southwestern Minnesota is set at 5,000 birds. Due to extreme fire hazard and emergency fire closure action by State regulations, the duck and goose hunting seasons in the northern part of Minnesota, defined as the Counties of Traverse, Stevens, Pope, Todd, Morrison, Benton, Sherburne, Isanti, and Chisago, and all counties north thereof, did not open on October 2, 1976, as allowed. As of noon, October 19, 1976, the State emergency closure was still in effect. As a consequence, no geese have been legally taken in many northern Minnesota areas where substantial harvests would normally occur by this time. Justification exists for increasing the Lac Qui Parle quota according to the estimated number of geese which otherwise would have been taken in the area of Minnesota closed to hunting.

Therefore, Footnote 2 of the Mississippi Flyway regulations appearing on page 43170 is changed by substituting "8,000 birds" for the "5,000 birds" previously stated as the Canada goose quota for the Lac Qui Parle area. The remainder of the footnote remains unchanged.

It has been concluded that the quota change for Canada geese in the Lac Qui Parle Zone will not result in a diminution of the abundance of Canada geese to any greater extent than that contemplated for the original hunting seasons, daily bag limits, and quota set under the regulations for Minnesota.

Pursuant to 2 D. M. 013.2.4A, it is the conclusion of the U.S. Fish and Wildlife Service that the issuance of a proposed rulemaking of this amendment is clearly impractical and contrary to the public interest. Therefore, no opportunity for public comment shall be provided.

Because of the time limitations involved, specifically the imminent achievement of the 5,000 bird quota and the desirability of continuing the season without interruption until the 8,000 bird quota is achieved, the U.S. Fish and Wildlife Service has concluded that "good cause" exists within the meaning of § 553(d)(3) of the Administrative Procedure Act to expedite the implementation of this rulemaking. Therefore, this rulemaking will become effective immediately upon publication.

Dated: October 20, 1976.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

[FR Doc.76–31238 Filed 10–22–76;8:45 am]

PART 20—MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds; Correction

In FR Doc. 76–27463 appearing at page 43163 in the FEDERAL REGISTER of September 30, 1976, the following correction is made in order to bring the geographical description into agreement with the final frameworks relevant to the State of Missouri:

In § 20.105(e) on page 43170 under the entry for "Missouri: Geese," the designation "east of Interstate Highway 55" should be corrected to read "east of U.S. Highway 67."

Also, in the same document, there is need to more clearly specify that the Florida duck in the Atlantic Flyway is also assigned 70 points. In § 20.105(g) under the 70 points column for the Atlantic Flyway, "(or Florida)" is added after "mottled" so that the list of species reads "Female mallard, black duck, mottled (or Florida) duck, wood duck, redhead (except in closed areas), hooded merganser."

Dated: October 20, 1976.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

[FR Doc.76–31239 Filed 10–22–76;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER I—MILITARY PERSONNEL

PART 889—DESERTION AND UNAUTHORIZED ABSENTEEISM

Part 889, Subchapter I of Chapter VII of Title 32, Code of Federal Regulations, is amended to expand the statements of responsibility for action at all echelons (§ 889.10); and to add a new listing of CBPO action (§ 889.13).

1. Section 889.10 is amended as follows:

§ 889.10 Responsibilities.

* * * * *

(a) *HQ USAF responsibilities.* (1) HQ USAF, Directorate of Personnel Plans (HQ USAF/DPX) as the focal point for personnel policy is responsible for initiating and fostering those policies that will minimize the occurrence of unauthorized absence and desertion.

(2) HQ USAF, Chief of Security Police (HQ USAF/SP) is the focal point for apprehension of absentees and deserters. HQ USAF/SP:

(i) Maintains direct liaison with law enforcement agencies;

(ii) Develops and disseminates policies and procedures for apprehension of absentees; and

(iii) Establishes guidelines and monitors use of escorts in moving members returned to military control.

(3) The Inspector General of the Air Force, Office of Special Investigations (AFOIS/IVG):

(i) Makes entries in the NCIC; and

(ii) When requested by commanders, makes inquiries into the circumstances of unauthorized absences involving security considerations.

(4) Air Force Military Personnel Center, Directorate of Personnel Program Actions (AFMPC/DPMAKE):

(i) Coordinates and disseminates procedures for management of unauthorized absences;

(ii) Monitors disposition of absentees returned to military control and provides necessary guidance in unusual cases;

(iii) Is the Air Force Deserter Information Point; and

(iv) Maintains statistical data concerning unauthorized absences.

(b) Base Commanders and higher echelon commanders. Commanders at all echelons will insure that continuing emphasis is placed on the Air Force position regarding unauthorized absenteeism and desertion. Development of management practices and programs to deter and minimize absenteeism and desertion is necessary. Major commands will insure that CBPOs and units comply with this part.

2. Section 889.13 is revised to read as follows:

§ 889.13 Actions required when a member is absent.

Step	Time following absence	Responsibilities			
		Immediate supervisor will—	Unit commander will—	Servicing security police will—	Servicing CBPO will [1]—
	A	B	C	D	E
1	Immediately	Notify unit commander of member's absence; make inquiries among associates and other subordinates as to whereabouts and habits of absent member; and attempt to contact the member at his or her local residence.	Interview all personnel who may have information relative to member's absence; use all available resources in an attempt to locate and return member to military control; accomplish special processing when necessary as required by paragraph 14; and notify security police and request assistance.[2] [3]	Assist unit commander in attempting to locate member and return to military control.	
2	24 hr	Recheck member's residence, associates, and other sources for possible contact with absent member.	Prepare AF Form 2098 reflecting member's duty status from time and date of absence and forward to servicing CBPO; GSU will take action IAW AFM 30-130, vol II; and continue maximum efforts to locate and return members, using own resources.[4]	Followup on any new leads developed by commander or supervisor.	Process AF Form 2098 from unit commander, input duty status code 40, annotate AF Form 1226, and forward duty status documentation to the servicing AFO.
3	Within 72 hr	Assist the commander in preparing the inquiry.	Prepare the inquiry and forward copies to the security police and CBPO for dissemination.	Followup on any new leads developed by the commander's inquiry.	Provide next of kin information to unit commander.
4	On 10th d		Notify security police and CBPO of member's continued absence; assist CBPO in determining the distrubition of DD Form 553; and prepare and forward letter to next of kin (see note to par. 12b(2)(b)).	Assist CBPO and commander in determining proper distribution of DD Form 553.	Prepare and distribute DD Form 553 according to par. 12 and attach copies of the unit commander's inquiry to the DD Form 553 sent to AFMPC/DPMAKE and the MAJCOM of assignment.
5	On 15th d			Contact security police, Armed Forces police detachments or civil authorities, as applicable, in the local area of addresses shown on DD Form 553, items 31, 32, 34, and 37, and ask assistance in locating and apprehending member; and assist CBPO in documenting authority to apprehend absent member.	
6	On 31st d		Notify security police and CBPO of member's continued absense; (see par. 12e); and retrieve dependent ID cards as required by AFR 30-20 and AFR 168-9, par. 3-4c.	Notify all agencies contacted on 15th d to confirm deserter status; and report actions taken to CBPO.	Contact unit commander to verify continued absense, initiate AF Form 2098 changing member's status to desertion, dispatch message confirming status (attachment 3), consolidate field record group and file separately from active records, and annotate AF Form 1226.
7	On 60th d		See par. 12e	Review case file, contact police agencies near member's home of record, recheck any local leads; and forward final notice of actions taken to unit commander and CBPO.	
8	On 180th d		Notify security police of status change; and IAW par. 12e indicate that these actions have been accomplished.		Initiate AF Form 2098 to drop member from unit rolls, input PTI 904/code 490, dispose of field record group according to AFR 35-44.

[1] AFM 30-130, vol. 1, contains additional instructions for CBPO's.

[2] For TDY personnel, notify member's unit of assignment and servicing CBPO of the absence.

[3] A member will not be reported to the servicing security police until it is clear that the member is absent from the unit, as opposed to a member simply failing to repair or being late for duty. Immediate notification of security police is required in cases where the absence is the result of failure on the part of the member to report in from PCS or TDY, only where there is reason to believe that the member is in the local area.

[4] The commander of a base where a member is transferred PCS without PCA for separation has authority to publish AF Forms 2098 reporting the unauthorized absence.

(10 U.S.C. 8012.)

SOURCE: AFR 35-73, May 3, 1976.

By order of the Secretary of the Air Force.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.76-31139 Filed 10-22-76;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 230—NONFOOD ASSISTANCE PROGRAM

Appendix—Initial Apportionment of Nonfood Assistance Funds Pursuant to Child Nutrition Act of 1966, for Fiscal Year 1977

Pursuant to section 5 of the Child Nutrition Act of 1966, as amended, Pub. L. 89-642, 80 Stat. 887, $28,000,000 nonfood assistance funds contained in the Fiscal Year 1977 Appropriation Act, are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Connecticut	434,434	434,434	
Maine	155,879	135,655	20,224
Massachusetts	770,335	770,335	
New Hampshire	122,653	122,653	
Rhode Island	92,202	92,202	
Vermont	67,804	67,804	
Subtotal	1,643,307	1,623,083	20,224
Delaware	74,340	74,340	
District of Columbia	81,462	81,462	
Maryland	437,132	437,132	
New Jersey	1,507,382	1,507,382	
New York	1,906,476	1,906,476	
Pennsylvania	1,693,999	1,693,999	
Puerto Rico	427,121	427,121	
Virginia	566,045	523,010	43,035
Virgin Islands	19,808	19,808	
West Virginia	204,005	204,005	
Subtotal	6,917,770	6,874,735	43,035
Alabama	480,244	437,030	43,214
Florida	1,024,103	1,024,103	
Georgia	680,313	680,313	
Kentucky	441,276	441,276	
Mississippi	360,803	360,803	
North Carolina	731,207	731,207	
South Carolina	384,981	366,769	18,212
Tennessee	458,676	447,671	11,005
Subtotal	4,561,603	4,489,172	72,431
Illinois	1,720,111	1,720,111	
Indiana	662,479	662,479	
Iowa	375,372	375,372	
Kansas	274,721	274,721	
Michigan	1,222,809	1,222,809	
Minnesota	527,551	527,551	
Missouri	523,824	523,824	
Nebraska	214,352	179,054	35,298
Ohio	1,217,512	948,977	268,535
Wisconsin	626,486	626,486	
Subtotal	7,365,217	7,061,384	303,833
Arkansas	253,688	241,949	11,739
Colorado	284,055	241,873	42,182
Louisiana	669,220	669,220	
Montana	120,509	110,795	9,714
New Mexico	147,787	147,787	
North Dakota	83,838	74,714	9,124
Oklahoma	273,442	273,442	
South Dakota	92,202	92,202	
Texas	1,279,875	1,163,766	116,109
Utah	160,373	160,373	
Wyoming	50,820	50,820	
Subtotal	3,415,809	3,226,941	188,868
Alaska	34,997	34,997	
American Samoa	6,281	6,281	
Arizona	273,703	273,703	
California	2,797,819	2,797,819	
Guam	15,935	15,935	
Hawaii	133,374	107,599	25,775
Idaho	97,796	97,796	
Nevada	57,736	57,736	
Oregon	246,034	246,034	
Trust Territory	32,172	32,172	
Washington	400,447	298,757	101,690
Subtotal	4,096,294	3,968,829	127,465
Total	28,000,000	27,244,144	755,856

Pursuant to Sections 5(b) and 5(e) of the Child Nutrition Act of 1966, as amended, Pub. L. 89-642, 80 Stat. 887, $28,000,900 nonfood assistance funds contained in the Agriculture Appropriation Act for Fiscal Year 1977 are apportioned among the States as follows:

Section 5(b)

State	Total apportionment	State agency	Withheld for private schools
Connecticut	175,606	175,606	
Maine	99,670	94,877	4,793
Massachusetts	527,345	527,345	
New Hampshire	60,933	60,933	
Rhode Island	59,166	59,166	
Vermont	44,671	44,671	
Subtotal	967,391	962,598	4,793
Delaware	57,605	57,605	
District of Columbia	49,619	49,619	
Maryland	286,674	286,674	
New Jersey	416,379	416,379	
New York	1,183,816	1,183,816	
Pennsylvania	917,202	917,202	
Puerto Rico	341,847	341,847	
Virginia	528,819	523,010	5,809
Virgin Islands	16,200	16,200	
West Virginia	176,321	176,321	
Subtotal	3,974,482	3,968,673	5,809
Alabama	444,500	436,853	7,656
Florida	718,209	718,209	
Georgia	678,642	678,642	
Kentucky	425,552	425,552	
Mississippi	325,564	325,564	
North Carolina	679,639	679,639	
South Carolina	370,391	366,769	3,622
Tennessee	450,857	445,608	5,249
Subtotal	4,093,363	4,076,836	16,527
Illinois	765,979	765,979	
Indiana	508,190	508,190	
Iowa	342,526	342,526	
Kansas	231,248	231,248	
Michigan	541,593	541,593	
Minnesota	436,164	436,164	
Missouri	450,784	450,784	
Nebraska	143,226	129,887	13,339
Ohio	849,727	799,227	50,500
Wisconsin	373,831	373,831	
Subtotal	4,643,268	4,579,429	63,839
Arkansas	244,885	241,023	3,862
Colorado	202,728	197,291	5,437
Louisiana	560,706	560,706	
Montana	65,240	63,396	1,844
New Mexico	132,324	132,324	
North Dakota	69,605	63,460	6,145
Oklahoma	269,343	269,343	
South Dakota	78,049	78,049	
Texas	1,158,276	1,137,309	20,967
Utah	152,533	152,533	
Wyoming	31,795	31,795	
Subtotal	2,965,484	2,927,229	38,255
Alaska	24,046	24,046	
American Samoa	6,017	6,017	
Arizona	176,752	176,752	
California	1,132,161	1,132,161	
Guam	14,303	14,303	
Hawaii	113,709	107,599	6,110
Idaho	72,955	72,955	
Nevada	34,981	34,981	
Oregon	178,999	178,999	
Trust Territory	22,963	22,963	
Washington	245,793	242,531	3,262
Subtotal	2,022,679	2,013,307	9,372
TOTAL	18,666,667	18,528,072	138,595

Section 5(e)

State	Total apportionment	State agency	Withheld for private schools
Connecticut	258,828	258,828	
Maine	56,209	40,778	15,431
Massachusetts	242,990	242,990	
New Hampshire	61,720	61,720	
Rhode Island	33,036	33,036	
Vermont	23,133	23,133	
Subtotal	675,916	660,485	15,431
Delaware	16,735	16,735	
District of Columbia	31,843	31,843	
Maryland	150,458	150,458	
New Jersey	1,091,003	1,091,003	
New York	722,660	722,660	
Pennsylvania	776,797	776,797	
Puerto Rico	85,274	85,274	
Virginia	37,226		37,226
Virgin Islands	3,608	3,608	
West Virginia	27,684	27,684	
Subtotal	2,943,288	2,906,062	37,226
Alabama	35,735	177	35,558
Florida	305,894	305,894	
Georgia	1,671	1,671	
Kentucky	15,724	15,724	
Mississippi	35,239	35,239	
North Carolina	51,568	51,568	
South Carolina	14,590		14,590
Tennessee	7,819	2,063	5,756
Subtotal	468,240	412,336	55,904
Illinois	954,132	954,132	
Indiana	154,289	154,289	
Iowa	32,846	32,846	
Kansas	43,473	43,473	
Michigan	681,216	681,216	
Minnesota	91,387	91,387	
Missouri	73,040	73,040	
Nebraska	71,126	49,167	21,959
Ohio	367,785	149,750	218,035
Wisconsin	252,655	252,655	
Subtotal	2,721,949	2,481,955	239,994
Arkansas	8,803	926	7,877
Colorado	81,327	44,582	36,745
Louisiana	108,514	108,514	
Montana	55,269	47,399	7,870
New Mexico	15,463	15,463	
North Dakota	14,233	11,254	2,979
Oklahoma	4,099	4,099	
South Dakota	14,153	14,153	
Texas	121,599	26,457	95,142
Utah	7,840	7,840	
Wyoming	19,025	19,025	
Subtotal	450,325	299,712	150,613
Alaska	10,951	10,951	
American Samoa	264	264	
Arizona	96,951	96,951	
California	1,665,658	1,665,658	
Guam	1,632	1,632	
Hawaii	19,665		19,665
Idaho	24,841	24,841	
Nevada	22,755	22,755	
Oregon	67,035	67,035	
Trust Territory	9,209	9,209	
Washington	154,654	56,226	98,428
Subtotal	2,073,615	1,955,522	118,093
Total	9,333,333	8,716,072	617,261

Data on schools without the facilities to prepare or receive hot meals will not be available until later in fiscal year 1977 for inclusion in the formula as mandated by P.L. 94–105.

(Secs. 2, 5, 6 and 9 through 16, 80 Stat. 885–890; 42 U.S.C. 1771, 1774, 1775, 1778–1785.)

Dated: October 17, 1976.

P. ROYAL SHIPP,
Acting Administrator.

[FR Doc.76–31211 Filed 10–26–76;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1976 Crop Barley Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1976 Crop Barley Loan and Purchase Program

Correction

The document on page 43160 appearing in the FEDERAL REGISTER of Thursday, September 30, 1976 should be corrected as follows:

§ 1421.75 Loan and purchase rates.

(a) * * *

MINNESOTA

*	*	*	*	*
Hubbard ------ .98				
*	*	*	*	*

[CCC Grain Price Support Regs., 1976 Crop Oats Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1976 Crop Oats Loan and Purchase Program

Correction

In FR Doc. 76–24790 appearing in the FEDERAL REGISTER of August 24, 1976 on page 35698, the county entries for Wisconsin on page 357000 should be corrected by deleting "Douglas".

The table should read:

WISCONSIN

*	*	*	*	*
Douglas ------ .59		Dunn ---------- .60		
*	*	*	*	*

[CCC Grain Price Support Regs. 1976 Crop. Wheat Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1976 Crop Wheat Loan and Purchase Program

Correction

In FR Doc. 76–24792 appearing in the FEDERAL REGISTER of Tuesday, August 24, 1976 on page 35702, § 1421.488(a), should be corrected.

On page 35703, the table should be corrected as follows:

*	*	*	*	*

County	*Rate per bushel*
ARIZONA	
All counties --	$1.49
ARKANSAS	
All counties--	$1.53

*	*	*	*	*

Title 27—Alcohol, Tobacco Products and Firearms

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

[T.D. ATF-35; Re: Notice No. 299]

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

State-By-State Conversion To Metric Sizes

ATF published a notice of proposed rulemaking in the FEDERAL REGISTER on August 23, 1976 (41 FR 35531). The notice proposed that § 5.47a(d) of Part 5 be amended by requiring the conversion to metric standards of fill on a State-By-State basis. ATF will adopt the regulation as proposed and it will be effective on the date of publication in the FEDERAL REGISTER.

BACKGROUND

Industry members may begin bottling distilled spirits in metric sizes beginning October 1, 1976. To implement the conversion to metric sizes, ATF adopted a "completeness of conversion" provision which requires that the optional conversion to metric sizes during the transition period (October 1, 1976, through December 31, 1979) will be on a permit, brand and size basis.

ATF decided to add a State-by-State aspect to the "completeness of conversion" provision because several State laws and regulations are now in effect which will prevent the sale of some metric-size distilled spirits bottles. Without a State-by-State provision, industry members who wished to convert to metric sizes would face some difficulties.

Wisconsin State law, for example, prevents the sale of distilled spirits in bottle sizes greater than 32 ounces. Since a liter is equivalent to 33.814 fluid ounces, a proprietor who converted to the liter size on October 1, 1976, could not sell that metric size in Wisconsin. Under the current provisions of § 5.47a(d), the same proprietor, once he converted to liters, could no longer bottle quarts of the same brand. The results of this would be that the proprietor would lose an entire market area by converting to the metric standard of fill.

ATF also pointed out in the notice document, that a multiplant company could use one of its plants to supply liters of brand X, for example, to those states allowing metric sizes. It could then use another of its plants to supply quarts of brand X to those states not permitting metric sizes. A single-plant company could not do this and would be at a competitive disadvantage. These were the reasons why ATF proposed a State-by-State conversion to metric sizes.

WRITTEN COMMENTS

ATF received several comments in response to the notice. These comments favored the proposed State-by-State conversion to metric sizes. One comment mentioned the problems a single-plant company would have without a State-by-State conversion aspect. Another industry member pointed out the problems it would face in trying to abide by both Federal and State requirements while converting to metric sizes.

Since ATF has received no information contrary to the proposed change, the State-by-State conversion will be added to § 5.47a(d).

Because it is desirable to issue this Treasury decision to coincide as closely as possible with the effective date of the new metric standards of fill and because this change is liberalizing in nature and will give bottlers more flexibility in converting to metric standards of fill, it is found that it is unnecessary to issue this Treasury decision subject to the effective date limitation of 5 U.S.C. 553(d). Accordingly, this Treasury decision shall become effective on the date of its publication in the FEDERAL REGISTER.

This Treasury decision is issued under the authority contained in 27 U.S.C. 205 (49 Stat. 961, as amended).

In view of the foregoing, 27 CFR Part 5 is amended as follows:

Section 5.47a is amended to read as follows:

§ 5.47a Metric standards of fill.

* * * * *

(d) *Completeness of Conversion.* Whenever a permittee or foreign bottler commences bottling a given product in a standard liquor bottle corresponding to a metric standard of fill prescribed by paragraph (a) of this section for distribution to a particular State, he may not thereafter bottle that product in any standard liquor bottle corresponding to a standard of fill prescribed by § 5.47 for distribution to that State. He may, however, continue to use a corresponding standard of fill prescribed by § 5.47 for that product in a bottle of unusual design which has been approved under the provisions of § 5.48. For the purposes of this paragraph, (1) product shall mean a given class and type of distilled spirits bearing a given brand name (e.g., ABC bourbon, ABC gin, XYZ bourbon, and XYZ gin would be four distinct products), and (2) * * *

* * * * *

This Treasury decision shall become effective on October 26, 1976.

Signed: October 14, 1976.

REX D. DAVIS,
Director.

Approved: October 21, 1976.

JOHNNY THOMAS,
Under Secretary of the Treasury.

[FR Doc.76-31402 Filed 10-22-76;8:45 am]

[T.D. ATF-34; Re: Notice No. 302]

IMPLEMENTATION OF METRIC STANDARDS OF FILL FOR DISTILLED SPIRITS

Miscellaneous Amendments

On August 30, 1976, the Bureau of Alcohol, Tobacco and Firearms published a notice of proposed rulemaking in the FEDERAL REGISTER (41 FR 36499). The notice proposed regulatory changes to implement the new metric standards of fill for distilled spirits. The notice also established a 30-day comment period, during which time interested parties were invited to submit written comments on the proposal.

SUMMARY OF PROPOSALS

Since metric standards of fill became optional on October 1, 1976, ATF found it necessary to revise many recordkeeping and procedural regulations to take into account the new metric sizes. ATF proposed changes in the following areas:

(1) *Recordkeeping.* The recordkeeping changes proposed will, generally speaking, continue to call for amounts in proof gallons where current regulations now call for these amounts and, again generally speaking, will give proprietors the option of recording either wine gallon or liter amounts where current regulations now call for wine gallons. ATF pointed out that proof gallons would be retained because the IRC assesses taxes on a proof gallon basis.

(2) *Conversion factor.* ATF proposed that 0.264172 be used whenever a permittee converted (at his option or where required) from liters to wine gallons. Also, the resulting wine gallon amount would be rounded to the nearest hundredth.

(3) *Strip stamps.* ATF proposed that small size strip stamps be affixed to the 50 ml standard and, during the phase-in period, to all U.S. sizes less than ½-pint.

(4) *Strip stamp records and reports.* ATF proposed amendments in strip stamp recordkeeping requirements. Beginning on October 1, 1976, proprietors would record separately the usage of strip stamps on all bottle sizes. The only exception would be for sizes in U.S. measure that are less than ½-pint. Regulations relating to strip stamp reports would not be amended since the new strip stamp report forms would contain the appropriate, revised instructions.

(5) *Case markings.* ATF proposed that cases of distilled spirits bottled in metric standards of fill, be marked with the total liter contents of the case instead of proof gallons. ATF also proposed an optional "replacement" statement on cases, whereby proprietors could indicate what corresponding U.S. size a particular metric size replaces.

(6) *Other proposals.* ATF also made proposals for the following regulatory changes:

(a) Definition of a liter;

(b) The addition of parenthetical references to metric equivalents of U.S. measurements where appropriate. For example, "20 wine gallons (75.7 liters)";

(c) Changing the use of the ½-pint standard in determining the applicability of certain requirements to the use of the 200 ml standard. For example, statements such as "less than ½-pint capacity" have been changed to "less than 200 ml capacity";

(d) Elimination of the 4-ounce, intrastate size;

(e) Wine metrication changes in Part 201, concerning case markings and recordkeeping;

(f) Proprietor's equipment. Amending § 201.246 to reflect the adoption of metric standards of fill and the possibility that

new equipment may be needed in order to determine metric volumes;

(g) Amending the requirement that bottlers provide the assigned officer with a statement of the equivalent U.S. units (when net contents and proof are in the units of measurement of the foreign country to which the spirits are being exported) by having this statement show the equivalent units as would be required on bottles for domestic consumption. This would then include liters and milliliters;

(h) Updating references and obsolete terms;

(i) and changing the volume limit on samples to reflect the change to metric standards of fill.

WRITTEN COMMENTS

Only two comments were received on our proposal. Of these comments, none were opposed to any of the proposals made in the notice.

It was suggested that ATF consider changing or amending various records and reports forms to reflect metrication. We will, of course, be doing this, but regulations contained in this Treasury decision would not be affected by such changes.

It was also suggested that "instant recognition symbols" be allowed to be placed on metric cases on an optional basis to allow proprietors and their employees to easily differentiate between metric and non-metric cases. This would be in addition to, or in place of, the optional "replacement" statement the Bureau had proposed.

Section 201.530 currently authorizes additional marks being placed on the Government side of cases. ATF feels a regulatory change is not needed to handle situations where a bottler may desire to place some form of commercial mark on the Government side of cases filled according to the new metric standards of fill.

USE OF STRIP STAMPS

In the preamble of the notice of proposed rulemaking, ATF indicated that new small strip stamps were being printed. The notice stated that the new small strip stamps would be required to be used after September 30, 1976. ATF has concluded, however, that it is not practical to go ahead with this requirement. Not only does ATF have a sizeable investment in the old versions still in inventory at the distilled spirits plants, but there is a chance industry members may initially experience delays in receiving supplies of the new stamps. For these reasons, ATF will allow proprietors to use either the old or new versions of the small strip stamps (on 50 ml bottles and on U.S. size bottles of less than ½-pint) between October 1, 1976 and September 30, 1977. After September 30, 1977, only the new version will be allowed.

Because it is desirable to issue this Treasury decision to coincide as closely as possible with the effective date of the new metric standards of fill, in order to provide proprietors with necessary instructions for such things as recordkeeping, case marks, etc., it is found that it is unnecessary to issue this Treasury decision subject to the effective date limitation of 5 U.S.C. 553(d). Accordingly, this Treasury decision shall become effective on the date of its publication in the FEDERAL REGISTER.

The regulations listed below are issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917).

Effective date: October 26, 1976.

Signed: October 14, 1976.

REX D. DAVIS,
Director.

Approved: October 21, 1976.

JOHNNY THOMAS,
Under Secretary of the Treasury.

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUORS

Paragraph 1. Paragraphs (a) and (b) of § 170.60 are revised to read as follows:

§ 170.60 Record of inventories.

* * * * *

(a) As to containers (including uncased bottles), the kind, size, and serial number where applicable, of each container, and the kind, and quantity either in proof gallons or in liters and degree of proof, of spirits contained therein;

(b) As to cases of bottled spirits, the kind of spirits therein, the number and size of bottles per case, either the proof gallons per case or the liters per case and degree of proof, and the number of such cases; and

* * * * *

§ 170.61 [Amended]

Paragraph 2. Paragraph (b) of § 170.61 is amended by inserting the phrase "or liters" between the words "gallons" and "per".

Paragraph 3. A new Section, § 170.64, is added to read as follows:

§ 170.64 Conversion between metric and U.S. units.

Whenever it is necessary to convert liters to wine gallons on any required record or report, the quantity in liters shall be multiplied by 0.264172 to determine the equivalent quantity in wine gallons. The resulting wine gallon figure is to be rounded to the nearest one-hundredth.

PART 173—RETURNS OF SUBSTANCES, ARTICLES OR CONTAINERS

§§ 173.31, 173.41, 173.42, and 173.43 [Amended]

Paragraph 4. Sections 173.31, 173.41, 173.42, and 173.43 are amended by substituting the phrase "200 ml" for the phrase "½-pint" wherever the latter term appears in those sections.

PART 194—LIQUOR DEALERS

Paragraph 5. Section 194.11 is amended by adding, in alphabetical order, a definition of "liter" to read as follows:

§ 194.11 Meaning of terms.

* * * * *

Liter. A metric unit of capacity equal to 1,000 cubic centimeters of alcoholic beverage, and equivalent to 33.814 fluid ounces. A liter is divided into 1,000 milliliters. Milliliter or milliliters may be abbreviated as "ml".

* * * * *

Paragraph 6. Sections 194.28 and 194.188 are amended (a) by inserting the phrase "(75.7 liters)" immediately after the phrase "20 wine gallons" wherever the latter term appears and (b) by revising the statutory citations at the end of each section. As amended, §§ 194.28 and 194.188 read as follows:

§ 194.28 Sales of 20 wine gallons (75.7 liters) or more.

Any person who sells or offers for sale distilled spirits, wines, or beer, in quantities of 20 wine gallons (75.7 liters) or more, to the same person at the same time, shall be presumed and held to be a wholesale dealer in liquors or a wholesale dealer in beer, as the case may be, unless such person shows by satisfactory evidence that such sale, or offer for sale, was made to a person other than a dealer.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1413 (26 U.S.C. 5691).)

§ 194.188 Persons making casual sales.

* * * * *

(a) Administrators, executors, receivers, and other fiduciaries who receive distilled spirits, wines, or beer in their fiduciary capacities and sell such liquors in one parcel, or at a public auction in parcels of not less than 20 wine gallons (75.7 liters);

(b) Creditors who receive distilled spirits, wines, or beer as security for, or in payment of, debts and sell such liquors in one parcel, or at public auction in parcels of not less than 20 wine gallons (75.7 liters);

(c) Public officers or court officials who levy on distilled spirits, wines, or beer under order or process of any court or magistrate and sell such liquors in one parcel, or at public auction in parcels of not less than 20 wine gallons (75.7 liters); or

* * * * *

(Sec. 201, Pub. L. 85-859, 72 Stat. 1340 (26 U.S.C. 5113).)

Paragraph 7. Section 194.221 is amended (a) by inserting the phrase "or liters" between the words "wine gallons" and "if" and (b) by revising the statutory citation at the end of the section. As amended, § 194.221 reads as follows:

§ 194.221 General requirements as to distilled spirits.

Except as provided in §§ 194.223 and 194.224, every wholesale dealer in liquors shall, daily, prepare records of the physical receipt and disposition, as prescribed in §§ 194.225 and 194.226, respectively, of distilled spirits by him, and shall, daily, prepare a recapitulation record, as prescribed in § 194.230, showing the total wine gallons or liters if in bottles, or proof gallons if in packages, of distilled

spirits received and disposed of during the day.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1342, 1395 (26 U.S.C. 5114, 5555).)

Paragraph 8. A new section, § 194.232, is added to read as follows:

§ 194.232 Conversion between metric and U.S. units.

Whenever it is necessary to convert liters to wine gallons on any required record or report, the quantity in liters shall be multiplied by 0.264172 to determine the equivalent quantity in wine gallons. The resulting wine gallon figure is to be rounded to the nearest one-hundredth.

Paragraph 9. Section 194.236 is amended (a) by inserting the phrase "(37.85 liters)" at the end of the first sentence and (b) by revising the statutory citation at the end of the section. As amended, § 194.236 reads as follows:

§ 194.236 Entry of miscellaneous items.

Wholesale dealers in liquors may report on Form 52B as one item the total quantity of different kinds of distilled spirits made up from broken cases disposed of to the same person on the same day, provided such total quantity is not in excess of 10 gallons (37.85 liters). The entry of such items shall be stated as "Miscellaneous" or "Misc." and shall show the date, the name and address of the person to whom sold, and the quantity.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1342 (26 U.S.C. 5114).)

Paragraph 10. Section 194.239 is amended (a) by inserting in paragraph (b) the phrase "(75.7 liters)" immediately after the phrase "20 wine gallons" wherever the latter term appears and (b) by revising the statutory citation at the end of the section. As amended, § 194.239 reads as follows:

§ 194.239 Requirements for retail dealers.

* * * * *

(b) *Records of sales of 20 wine gallons (75.7 liters) or more.* Every retail dealer who makes sales of distilled spirits, of wines, or of beer in quantities of 20 wine gallons (75.7 liters) or more to the same person at the same time shall prepare and keep a record of each such sale, which shall show (1) the date of sale, (2) the name and address of the purchaser, (3) the kind and quantity of each kind of liquors sold, and (4) the serial numbers of all full cases of distilled spirits included in the sale. Each entry on such record shall be supported by a corresponding delivery receipt (which may be executed on a copy of the sales slip) signed by the purchaser or his agent.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1345, 1348, 1395, 1413 (26 U.S.C. 5124, 5146, 5555, 5691).)

Paragraph 11. Section 194.251 is amended (a) by inserting the phrase "(3.785 liters)" between the words "gallon" and "or" and (b) by revising the statutory citation at the end of the section. As amended, § 194.251 reads as follows:

§ 194.251 Strip stamps required on all bottles.

Except as provided in §§ 194.264, 194.271, and 194.272, all distilled spirits in the possession of wholesale or retail dealers in liquors shall be in bottles or similar containers of a capacity of 1 gallon (3.785 liters) or less which shall bear the prescribed strip stamps evidencing bottling in compliance with internal revenue law. The strip stamps shall be affixed in such manner as to be broken when the containers are opened.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1358 (26 U.S.C. 5205).)

PART 201—DISTILLED SPIRITS PLANTS

Paragraph 12. Section 201.11 is amended by adding, in alphabetical order, a definition of "liter" to read as follows:

§ 201.11 Meaning of terms.

* * * * *

Liter. A metric unit of capacity equal to 1,000 cubic centimeters of alcoholic beverage, and equivalent to 33.814 fluid ounces. A liter is divided into 1,000 milliliters. Milliliter of milliliters may be abbrevated as "ml".

* * * * *

Paragraph 13. Section 201.246 is amended (a) by revising the last sentence and (b) by revising the statutory citation at the end of the section. As amended, § 201.246 reads as follows:

§ 201.246 Measuring devices and proofing instruments.

* * * The proprietor shall provide, for his own use, accurate hydrometers, thermometers, and other necessary equipment for determining proof or volume in either the U.S. or metric units of measure as may be required.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1358 (26 U.S.C. 5204).)

Paragraph 14. Sections 201.331 and 201.467 are amended (a) by revising the third sentence in the final paragraph of both sections and (b) by revising the statutory citations at the end of those sections. As amended, §§ 201.331 and 201.467 read as follows:

§ 201.331 Labeling of spirits bottled for export.

* * * * *

(e) The plant number where bottled, unless the markings on the bottle indicate such number.

The bottler may place on the label any additional information, including his name or trade name, that he may desire if it is not inconsistent with the required information. The label information may be stated in the language of the country to which the spirits are to be exported provided the assigned officer is furnished an English translation of the information. The net contents and proof may be stated in the units of measurement of the foreign country provided the assigned officer is furnished a statement of the equivalent units as they would be required to be expressed if bottled for domestic consumption. The Director may waive the requirement of showing any of the information required by this section, other than the kind of spirits, upon a showing that the country to which the spirits are to be exported prohibits the showing of such information.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1360, 1366, 1374 (26 U.S.C. 5206, 5233, 5301).)

§ 201.467 Labels for export spirits.

* * * * *

(d) The name (or, if desired, the trade name) of the bottler.

The bottler may place on the label any additional information that he may desire if it is not inconsistent with the required information. The label information may be stated in the language of the country to which the spirits are to be exported provided the assigned officer is furnished an English translation of the information. The net contents and proof may be stated in the units of measurement of the foreign country provided the assigned officer is furnished a statement of the equivalent units as they would be required to be expressed if bottled for domestic consumption. The Director may waive the requirement of showing any of the information required by this section, other than the kind of spirits, upon a showing that the country to which the spirits are to be exported prohibits the showing of such information.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1356, 1374 (26 U.S.C. 5201, 5301).)

Paragraph 15. Sections 201.502 and 201.503 are amended (a) by inserting the phrase "(3.785 liters)" immediately after the phrase "1 gallon" wherever the latter term appears in both sections and (b) by revising the statutory citations at the end of those sections. As amended, §§ 201.502 and 201.503 read as follows:

§ 201.502 Containers of 1 gallon (3.785 liters) or less.

The provisions of Subpart K of this part govern the containers to be used in bottling spirits in bond before determination of tax for export under section 5233, I.R.C., and bottling alcohol on bonded premises under section 5235, I.R.C. The provisions of Subpart Na of this part govern the containers to be used in bottling spirits in bond for export in accordance with the conditions and requirements of section 5233, I.R.C., but after determination of tax. The provisions of Subpart Pa of this part govern the containers to be used in bottling spirits in bond for domestic use under, or in accordance with, section 5233, I.R.C. The provisions of Subpart N of this part govern the bottling of spirits, other than spirits bottled in bond, and wines on bottling premises. Denatured spirits may be filled on bonded premises into metal or glass containers of a capacity of 1 gallon (3.785 liters) or less. Liquor bottles shall not be used for bottling denatured spirits. Spirits in bottles of a capacity of 1 gallon (3.785 liters) or less, except anhy-

drous spirits and spirits to be withdrawn from bond free of tax, are deemed to be for nonindustrial use.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1315, 1360, 1374 (26 U.S.C. 5002, 5206, 5301).)

§ 201.503 Cases.

Spirits, denatured spirits, or wines which have been filled in containers of 1 gallon (3.785 liters) or less, in accordance with the provisions of § 201.502, shall be placed in cases so constructed as to afford reasonable protection against breakage or theft.* * *

(Sec. 201, Pub. L. 85–859, 72 Stat. 1360 (26 U.S.C. 5206).)

Paragraph 16. Section 201.526 is amended (a) by revising paragraph (b) of that section and (b) by revising the statutory citation at the end of the section. As amended, § 201.526 reads as follows:

§ 201.526 Packages filled at bottling premises.

* * * * *

(b) *Wine.* Packages of wine filled at bottling premises shall be marked with the following information:

(1) Tare, percent alcohol by volume, and wine gallons or, for containers filled according to metric measure, liters. In the case of rectified wine, proof gallons will be shown;

(2) Serial number;

(3) Kind of wine;

(4) Date of filling;

(5) If a rectified product, number of the approved formula under which rectified and the plant number of the rectifier, if other than the packaging proprietor;

(6) Name (or trade name) of proprietor; and

(7) Plant number.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1360, 1381 (26 U.S.C. 5206, 5368).)

Paragraph 17. Sections 201.527 and 201.528 are revised to read as follows:

§ 201.527 Marks on cases of bottled-in-bond spirits.

(a) * * *

(4) Liters (if bottled according to the standards of fill prescribed by § 5.47a of this chapter);

(5) Proof gallons (if bottled according to the standards of fill prescribed by § 5.47 of this chapter);

(6) Plant number of bottler;

(7) Proof (if bottled in bond for export);

(8) Date filled.

Cases withdrawn for export, transfer to customs bonded warehouses or customs manufacturing bonded warehouses, transfer to foreign-trade zones, or for use as supplies on certain vessels and aircraft, shall bear the additional marks required by Part 252 of this chapter. Cases withdrawn tax-free shall be marked to show the number of the permit of the tax-free user and the purpose of the withdrawal as provided in § 201.524(c).

(b) *Other marks.* In addition to the required marks, the proprietor may include on the Government side of bottled-in-bond cases other marks as follows:

(1) The real name and/or trade name of the producer of the spirits;

(2) For cases containing bottles filled according to metric measure, the term "Replaces" followed by an appropriate designation of the bottle size replaced (i.e. "Replaces Fifth", "Replaces Quart", etc.);

(3) Other material required by Federal, State, or local law and regulations.

The marks authorized by this paragraph shall not interfere with or detract from the mandatory marks prescribed in paragraph (a) of this section. No other marks may be placed on the Government side except as authorized by the Director as provided in § 201.530.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1360, 1366 (26 U.S.C. 5206, 5233); Sec. 3(a), Pub. L. 91–659, 84 Stat. 1965 (26 U.S.C. 5066).)

§ 201.528 Marks on cases filled on bottling premises.

(a) *Mandatory marks.* The following information shall be plainly marked on the Government side of each case of wine or spirits filled on bottling premises, except cases of spirits bottled in bond under the provisions of Subpart Na of this part:

(1) Serial number;

(2) Kind of wine, or kind of spirits;

(3) Plant number where bottled;

(4) Date filled;

(5) Proof (for spirits);

(6) Percent of alcohol by volume (for wines);

(7) Proof gallons for:

(i) Spirits bottled according to the standards of fill prescribed by § 5.47 of this chapter or exempt from such standards under the provisions of § 5.48(b) of this chapter; and

(ii) Rectified wines bottled according to the standards of fill prescribed by § 4.72 of this chapter;

(8) Wine gallons (for unrectified wine bottled according to the standards of fill prescribed by § 4.72 of this chapter;

(9) Liters for:

(i) Rectified or unrectified wines bottled according to the metric standards of fill prescribed by § 4.73 of this chapter; and

(ii) Spirits bottled according to the metric standards of fill prescribed by § 5.47a of this chapter.

Cases removed for export, transfer to customs bonded warehouses or cuscustoms manufacturing bonded warehouses, transfer to foreign trade zones, or for use as supplies on certain vessels and aircraft, shall bear the additional marks required by Part 252 of this chapter.

(b) * * *

(5) For cases containing bottles filled according to metric measure, the term "Replaces" followed by an appropriate designation of the bottle size replaced (i.e., "Replaces Fifth", "Replaces Quart", etc.);

(6) Other material required by Federal or State law and regulations.

The marks authorized by this paragraph shall not interfere with or detract from the mandatory marks prescribed in paragraph (a) of this section. No other marks may be placed on the Government side except as authorized by the Director as provided in § 201.530.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1360, 1381 (26 U.S.C. 5206, 5363); Sec. 3(a), Pub. L. 91–659, 84 Stat. 1965 (26 U.S.C. 5066).)

§ 201.540a [Amended]

Paragraph 18. Section 201.540a is amended by substituting the phrase "200 ml" for the phrase "½-pint" wherever the latter term appears.

Paragraph 19. Section 201.540b is amended (a) by substituting the phrase "200 ml" for the phrase "½-pint" in the first sentence and (b) by inserting the phrase "through December 31, 1979," between the words "used" and "for" in the second sentence. As amended, § 201.540b reads as follows:

§ 201.540b Bottles authorized.

Liquor bottles shall conform to the applicable standards of fill provided in Subpart E of 27 CFR Part 5, including those for liquor bottles of less than 200 ml capacity. The use of any bottle size other than as authorized in Subpart E of 27 CFR Part 5 is prohibited for the packaging of distilled spirits for domestic purposes, except that 4-ounce liquor bottles may be used through December 31, 1979, for packaging any distilled spirits, other than spirits bottled in bond after determination of tax, on bottling premises for sale in intrastate commerce only. Bottles bearing the indicia required under Part 173 of this chapter may be used, but need not be used, in bottling spirits for export.

§§ 201.540f and 201.540i [Amended]

Paragraph 20. Sections 201.540f and 201.540i are amended by substituting the phrase "200 ml" for the phrase "½-pint" wherever the latter term appears in those sections.

Paragraph 21. Section 201.542 is amended (a) by substituting the phrase "200 ml" for the phrase "one-half pint" wherever the latter term appears and (b) by revising the statutory citation at the end of the section. As amended, § 201.542 reads as follows:

§ 201.542 Strip stamp format.

All prescribed strip stamps, with the exception of the white alcohol stamp, shall be issued in (a) a standard size, serially numbered, for bottles or containers of 200 ml capacity or more, and in (b) a small size for bottles or containers of less than 200 ml capacity. The white alcohol stamp shall be issued in a standard size only, serially numbered.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1358 (26 U.S.C. 5205).)

Paragraph 22. A new section, § 201.611a, is added to read as follows:

§ 201.611a Conversion between metric and U.S. units.

Whenever it is necessary to convert liters to wine gallons on any required record or report, the quantity in liters shall be multiplied by 0.264172 to determine

the equivalent quantity in wine gallons. The resulting wine gallon figure is to be rounded to the nearest one-hundredth.

Paragraph 23. Section 201.618 is amended (a) by revising paragraphs (a) and (d) and (b) by revising the statutory citation at the end of the section. As amended, § 201.618 reads as follows:

§ 201.618 Details of daily records.

The daily records required by this part shall conform to the following requirements:

(a) Spirits shall be recorded by kind and by quantity in proof gallons, or tax gallons if required by instructions on transaction forms, except that removals of bottled products from bottling premises shall be either in wine gallons or liters.

* * * * *

(d) Wines shall be recorded by kind, by percent of alcohol by volume, and by quantity in wine gallons. For wines bottled or packaged according to metric measure, the quantity may be recorded either in liters or in wine gallons. Wines received for and used in rectification shall be recorded by quantity in proof gallons.

* * * * *

(Sec. 201, Pub. L. 85-859, 72 Stat. 1361 (26 U.S.C. 5207).)

Paragraph 24. Section 201.624 is amended (a) by revising the last sentence; (b) by adding a new sentence at the end of the section; and (c) by revising the statutory citation at the end of the section. As amended, § 201.624 reads as follows:

§ 201.624 Daily strip stamp record.

* * * The record shall also show, by size of bottle, the number of bottles to which each kind of strip stamps (green, blue, red, and white) were affixed. The record shall be in sufficient detail to enable proprietors to prepare the required quarterly strip stamp report.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1358, 1361 (26 U.S.C. 5205, 5207).)

Paragraph 25. Section 201.625 is amended (a) by revising paragraph (a) (3) and (b) by revising the statutory citation at the end of the section. As amended, § 201.625 reads as follows:

§ 201.625 Daily record of wholesale liquor dealer and taxpaid storeroom operations.

* * * * *

(a) * * *

(3) The actual quantity of distilled spirits involved (proof gallons if in packages, wine gallons or liters if in bottles).

* * * * *

(Sec. 201, Pub. L. 85-859, 72 Stat. 1343, 1361 (26 U.S.C. 5114, 5207).)

Paragraph 26. Section 201.626 is amended (a) by inserting the phrase "or liters" immediately after the phrase "wine gallons" and (b) by revising the statutory citation at the end of the section. As amended, § 201.626 reads as follows:

§ 201.626 Sample record for bonded premises.

Proprietors shall maintain daily records of samples taken by them from bonded premises to show (a) the date taken, (b) the kind of spirits (formula number in the case of denatured spirits), (c) the quantity in wine gallons or liters, (d) the container from which taken, (e) the place from which taken, (f) the purpose for which taken, (g) the name and address of the consignee when samples are sent out, and (h) whether such samples are tax-free or tax-determined and if tax-determined, the proof and tax gallons.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1361 (26 U.S.C. 5207).)

PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

Paragraph 27. Section 250.38 is amended (a) by inserting the phrase "(3.785 liters)" between the words "gallon" and "shall" and (b) by revising the statutory citation at the end of the section. As amended, § 250.38 reads as follows:

§ 250.38 Containers of distilled spirits.

Containers of distilled spirits brought into the United States from Puerto Rico, having a capacity of not more than 1 gallon (3.785 liters), shall conform to the requirements of Subpart P of this part.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1374 (26 U.S.C. 5301).)

Paragraph 28. Section 250.40 is amended by adding a sentence at the end of the section to read as follows:

§ 250.40 Marking containers of distilled spirits.

* * * Cases containing bottles filled according to the standards of fill prescribed by § 5.47a of this chapter shall, in lieu of the wine gallon and proof gallon contents, be marked with the liter contents of the case and the proof of the spirits therein.

§ 250.99 [Amended]

Paragraph 29. Paragraph (c) of § 250.99 is amended by inserting the phrase "(3.785 liters)" immediately after the phrase "1 gallon" in the last sentence of that paragraph.

Paragraph 30. Section 250.135 is amended (a) by inserting the phrase "(3.785 liters)" immediately after the phrase "1 gallon" whever the latter term appears and; (b) by revising the second sentence and (c) by revising the statutory citation at the end of the section. As amended, § 250.135 reads as follows:

§ 250.135 Containers of distilled spirits to bear red strip stamps.

Immediate containers of 1 gallon (3.785 liters) or less of distilled spirits, upon which all Federal internal revenue taxes have been paid or deferred in Puerto Rico under the provisions of this part, shall have red strip stamps affixed thereto in accordance with the provisions of this subpart, prior to shipment to the United States. Except as provided in § 250.185, containers having a capacity of 1 gallon (3.785 liters) or less, containing distilled spirits which have not been taxpaid in Puerto Rico, may not have a red strip stamp affixed.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1358 (26 U.S.C. 5205).)

Paragraph 31. Section 250.137 is amended (a) by substituting the phrase "200 ml" for the phrase "½-pint" wherever the latter term appears and (b) by revising the statutory citation. As amended, § 250.137 reads as follows:

§ 250.137 Size of red strip stamps.

Red strip stamps shall be issued in a standard size, serially numbered, for bottles or containers of 200 ml capacity or more, and in a small size for bottles or containers of less than 200 ml capacity.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1358 (26 U.S.C. 5205).)

Paragraph 32. Section 250.143 is amended (a) by deleting the phrase "(less than one-half pint)" from the second sentence of paragraph (b) and (b) by revising the statutory citation at the end of the section. As amended, § 250.143 reads as follows:

§ 250.143 Procurement and custody of red strip stamps.

* * * * *

(b) *Alternative method.* When the Chief, Puerto Rican Operations, determines that the interest of the government will be best served thereby, the stamps may be shipped directly to the insular revenue agent at the plant from the Bureau of Engraving and Printing. In such case, orders for standard size red strip stamps shall be in multiples of 100,000 stamps, and orders for small size shall be in multiples of 50 stamps (one sheet). * * *

(Sec. 201, Pub. L. 85-859, 72 Stat. 1358 (26 U.S.C. 5205).)

Paragraph 33. Section 250.146 is amended (a) by revising the second and third sentences and (b) by revising the statutory citation at the end of the section. As amended, § 250.146 reads as follows:

§ 250.146 Record and report of red strip stamps.

Revenue agents having custody of red strip stamps shall maintain for each day a transaction in red strip stamps occurs a daily record of such stamps by size (small or standard), showing the number received, used, lost, mutilated, destroyed or otherwise disposed of, and on hand at the beginning and at the end of the day. The record shall also show the number and size of bottles to which the stamps were affixed. No form is prescribed for the daily records but such records shall be in sufficient detail and retained to support the quarterly report. * * *

(Sec. 201, Pub. L. 85-859, 72 Stat. 1358 (26 U.S.C. 5205).)

Paragraph 34. Section 250.185 is amended (a) by inserting the phrase

"(3.785 liters)" immediately after the phrase "1 gallon" in the last sentence of the section and (b) by revising the statutory citation. As amended, § 250.185 reads as follows:

§ 250.185 Stamps.

* * * Where taxpaid distilled spirits intended for shipment to the United States are in containers of more than 1 gallon (3.785 liters), distilled spirits stamps shall be procured and affixed, and the containers released, as provided in §§ 250.88 through 250.91.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1358 (26 U.S.C. 5205))

Paragraph 35. Section 250.203 is amended (a) by inserting the phrase "(3.785 liters)" immediately after the phrase "1 gallon" wherever the latter term appears and (b) by revising the statutory citation. As amended, § 250.203 reads as follows:

§ 250.203 Containers of 1 gallon (3.785 liters) or less.

Containers of distilled spirits brought into the United States from the Virgin Islands, having a capacity of not more than 1 gallon (3.785 liters), shall conform to the requirements of Subpart P of this part.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1374 (26 U.S.C. 5301))

§ 250.203a [Amended]

Paragraph 36. Section 250.203a is amended by inserting the phrase "(3.785 liters)" immediately after the phrase "1 gallon" wherever the latter term appears in § 250.203a.

Paragraph 37. Section 250.205 is amended by revising paragraph (c)(1) to read as follows:

§ 250.205 Certificate.

* * * * *

(c) The quantity thereof as follows:

(1) If distilled spirits—

(i) The wine and proof gallons, or

(ii) The liters and degree of proof for cases containing bottles filled according to the standards of fill prescribed by § 5.47a of this chapter.

* * * * *

Paragraph 38. Section 250.206 is amended by adding a sentence at the end of the section to read as follows:

§ 250.206 Marking packages and cases.

* * * Cases containing bottles filled according to the standards of fill prescribed by § 5.47a of this chapter shall, in lieu of the wine and proof gallon contents, be marked with the liter contents of the cases and the proof of the spirits therein.

Paragraph 39. Section 250.232 is amendde (a) by substituting the phrase "200 ml" for the phrase "½-pint" wherever the latter term appears and (b) by revising the statutory citation. As amended, § 250.232 reads as follows:

§ 250.232 Size of red strip stamps.

Red strip stamps shall be issued in a standard size, serially numbered, for bottles or containers of 200 ml capacity or more, and in a small size for bottles or containers of less than 200 ml capacity.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1358 (26 U.S.C. 5205))

Paragraph 40. Section 250.270 is amended (a) by revising the fourth sentence and (b) by revising the statutory citation at the end of the section. As amended, § 250.270 reads as follows:

§ 250.270 Daily record of strip stamps.

For each day during which a transaction in red strip stamps occurs, the importer shall maintain a daily record accounting for all strip stamps procured by him and by his agents. The record shall show by size (small or standard) the number received, used, lost, mutilated, destroyed or otherwise disposed of, and outstanding at the beginning and end of the day. Stamps shown in the record as received shall be supported by the related Form 428, which shall be identified by date and serial number. The record shall also show the number and size of bottles to which the stamps were affixed and shall be in sufficient detail to enable the importer to prepare the required quarterly strip stamp report. * * *

(Sec. 201, Pub. L. 85-859, 72 Stat. 1358 (26 U.S.C. 5205))

§ 250.311 [Amended]

Paragraph 41. Section 250.311 is amended by substituting the phrase "200 ml" for the phrase "½-pint" wherever the latter term appears.

Paragraph 42. Section 250.312 is revised (a) by inserting the phrase "(3.785 liters)" between the words "gallon" and "or" in the first sentence; (b) by substituting the phrase "200 ml" for the phrase "½-pint" wherever the latter term appears; and (c) by revising the references to Part 5. As amended, § 250.312 reads as follows:

§ 250.312 Standards of fill.

Distilled spirits brought into the United States from Puerto Rico or the Virgin Islands in containers of 1 gallon (3.785 liters) or less for sale shall be in liquor bottles, including liquor bottles of less than 200 ml capacity, which conform to the applicable standards of fill provided in §§ 5.47 or 5.47a of this chapter. Empty liquor bottles, including liquor bottles of less than 200 ml capacity, which conform to the provisions of Subpart E of Part 5 or § 201.540b of this chapter, may be brought into the United States for packaging distilled spirits as provided in Part 201 of this chapter.

Paragraph 43. The first sentence of § 250.316 is amended (a) by substituting the term "Bureau of Alcohol, Tobacco and Firearms" for the obsolete term "Alcohol, Tobacco and Firearms Division" and (b) by substituting the phrase "200 ml" for the phrase "½-pint". As amended, § 250.316 reads as follows:

§ 250.316 Bottles not constituting approved containers.

The Director, Bureau of Alcohol, Tobacco and Firearms, is authorized to disapprove any bottle, including a bottle of less than 200 ml capacity, for use as a liquor bottle which he determines to be deceptive. * * *

PART 251—IMPORTATION OF DISTILLED SPIRITS, WINES AND BEER

§ 251.58 [Amended]

Paragraph 44. Section 251.58 is amended by inserting the phrase "(3.785 liters)" immediately after the phrase "1 gallon" in the heading of the section.

Paragraph 45. Section 251.63 is amended (a) by substituting the phrase "200 ml" for the phrase "½-pint" wherever the latter term appears and (b) by revising the statutory citation. As amended, § 251.63 reads as follows:

§ 251.63 Size of red strip stamps.

Red strip stamps shall be issued in a standard size, serially numbered, for bottles or containers of 200 ml capacity or more, and in a small size for bottles or containers of less than 200 ml capacity.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1358 (26 U.S.C. 5205).)

§ 251.75 [Amended]

Paragraph 46. Section 251.75 is amended by substituting the phrase "1.75 liters" for the phrase "40 ounces" in the first sentence.

Paragraph 47. Section 251.120 is amended (a) by inserting the phrase "(3.785 liters)" immediately after the phrase "1 gallon"; (b) by substituting the word "through" for the word "to" in the last sentence and (c) by revising the statutory citation at the end of the section. As amended, § 251.120 reads as follows:

§ 251.120 Persons authorized to receive distilled spirits imported in bulk.

Distilled spirits imported in bulk (i.e., in containers having a capacity in excess of 1 gallon (3.785 liters)) may be entered into a class 8 customs bonded warehouse for bottling, or may be withdrawn from customs custody only if entered for exportation or if withdrawn by a person to whom it is lawful to sell or otherwise dispose of distilled spirits in bulk pursuant to the Federal Alcohol Administration Act (49 Stat. 985, as amended; 27 U.S.C. 206) and Regulation 3 (27 CFR Part 3). The importation and disposition of distilled spirits imported in bulk shall be reported as prescribed by §§ 251.133 through 251.134.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1342, 1361, 1374, 1395 (26 U.S.C. 5114, 5207, 5301, 5555).)

Paragraph 48. Section 251.130 is amended (a) by revising the fourth sentence and (b) by revising the statutory citation at the end of the section. As amended, § 251.130 reads as follows:

§ 251.130 Daily record of strip stamps.

For each day during which a transaction in red strip stamps occurs, the importer shall maintain a daily record accounting for all strip stamps procured by him and by his agents. The record shall show by size (small or standard) the number received, used, lost, mutilated, destroyed or otherwise disposed

of, and outstanding at the beginning and end of the day. Stamps shown in the record as received shall be supported by the related Form 428, which shall be identified by date and serial number. The record shall also show the number and size of bottles to which the stamps were affixed and shall be in sufficient detail to enable the importer to prepare the required quarterly strip stamp report. * * *

(Sec. 201, Pub. L. 85-859, 72 Stat. 1358 (26 U.S.C. 5205).)

§ 251.201 [Amended]

Paragraph 49. Section 251.201 is amended by substituting the phrase "200 ml" for the phrase "½-pint" wherever the latter term appears.

Paragraph 50. Section 251.202 is amended (a) by inserting the phrase "(3.785 liters)" immediately after the phrase "1 gallon"; (b) by substituting the phrase "200 ml" for the phrase "½-pint" wherever the latter term appears; and (c) by revising the references to Part 5. As amended, § 251.202 reads as follows:

§ 251.202 Standards of fill.

Distilled spirits imported into the United States in containers of 1 gallon (3.785 liters) or less for sale shall be imported only in liquor bottles, including liquor bottles of less than 200 ml capacity, which conform to the applicable standards of fill provided in §§ 5.47 or 5.47a of this chapter. Empty liquor bottles, including liquor bottles of less than 200 ml capacity, which conform to the provisions of Subpart E of Part 5 or § 201.540b of this chapter, may be imported for packaging distilled spirits in the United States as provided in Part 201 of this chapter.

Paragraph 51. Section 251.206 is amended (a) by substituting the term "Bureau of Alcohol, Tobacco and Firearms" for the obsolete term "Alcohol, Tobacco and Firearms Division" and (b) by substituting the phrase "200 ml" for the phrase "½-pint". As amended, § 251.206 reads as follows:

§ 251.206 Bottles not constituting approved containers.

The Director, Bureau of Alcohol, Tobacco and Firearms, is authorized to disapprove any bottle, including a bottle of less than 200 ml capacity, for use as a liquor bottle which he determines to be deceptive. * * *

PART 252—EXPORTATION OF LIQUORS

Paragraph 52. Section 252.11 is amended (a) by revising the definitions of "Assistant regional commissioner" and "Director, Alcohol, Tobacco and Firearms Division"; and (b) by adding, in alphabetical order, definitions of "Director", "Liter", and "Regional director". As amended, § 252.11 reads as follows:

§ 252.11 Meaning of terms.

* * * * *

Assistant regional commissioner. A regional director as defined in this section.

* * * * *

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, Washington, D.C.

Director, Alcohol, Tobacco and Firearms Division. The Director as defined in this section.

* * * * *

Liter. A metric unit of capacity equal to 1,000 cubic centimeters of alcoholic beverage, and equivalent to 33.814 fluid ounces. A liter is divided into 1,000 milliliters. Milliliter or milliliters may be abbreviated as "ml".

* * * * *

Regional director. A regional director who is responsible to, and functions under the direction and supervision of, the Director.

* * * * *

Paragraph 53. Section 252.201 is amended (a) by inserting the phrase "(75.7 liters)" immediately after the phrase "20 wine gallons" and (b) by revising the statutory citation. As amended, § 252.201 reads as follows:

§ 252.201 General.

On the exportation, or deposit in a foreign-trade zone for exportation or for storage pending exportation, of distilled spirits in casks or packages filled in internal revenue bond and containing not less than 20 wine gallons (75.7 liters) each, on which all taxes have been paid or determined, drawback of the internal revenue tax paid or determined may be allowed, subject to compliance with the provisions of this subpart.

(Sec. 3, 48 Stat. 999, as amended (19 U.S.C. 81c); Sec. 201, Pub. L. 85-859, 72 Stat. 1327 (26 U.S.C. 5009).)

Paragraph 54. Section 252.250 is amended (a) by substituting the term "regional director" for the obsolete term "assistant regional commissioner" in the first sentence of the section; (b) by inserting, in paragraph (a)(5), the phrase "or liters" immediately after the word "gallons"; and (c) by revising the statutory citation at the end of the section. As amended, § 252.250 reads as follows:

§ 252.250 Bills of lading required.

A copy of the export bill of lading covering transportation from the port of export to the foreign destination, or a copy of the through bill of lading to the foreign destination, if so shipped, covering the acceptance of the shipment by a carrier for such transportation, shall be obtained and filed by the claimant or exporter with the regional director.* * *

(a) * * *

(5) The total quantity in wine gallons or liters.

* * * * *

(Sec. 201, Pub. L. 85-859, 72 Stat. 1334, 1335, 1336, as amended, 1362, 1380, (26 U.S.C. 5053, 5055, 5062, 5214, 5362); Sec. 3(a), Pub. L. 91-659, 84 Stat. 1965 (26 U.S.C. 5066).)

[FR Doc.76-31401 Filed 10-22-76;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 316—TEMPORARY AND INDEFINITE EMPLOYMENT

Clarifying and Updating Regulations

The Civil Service Commission is amending Part 316 of 5 CFR as follows:

(1) To delete obsolete references to indefinite employment, the titles of Part 316, Subpart H, and § 316.801 are amended and Subpart E is revoked in its entirety.

(2) Section 316.302(c)(3) is added to permit term appointments to be made noncompetitively to persons eligible for noncompetitive career and career-conditional appointments under certain authorities.

(3) Section 316.402(b) is amended in its entirety as set out below.

§ 316.302 Selection of term employees.

* * * * *

(c) * * *

* * * * *

(3) A person eligible for career or career-conditional appointment under §§ 315.601, 315.605, or 315.606 of this chapter.

* * * * *

§ 316.402 Authorities for temporary appointments.

* * * * *

(b) *Noncompetitive temporary limited appointments.* An agency may give a temporary limited appointment, without regard to the existence of an appropriate register, to:

(1) A person with eligibility for reinstatement;

(2) A person eligible for career or career-conditional appointment under §§ 315.601, 315.605, or 316.606 of this chapter;

(3) A former temporary employee of the agency who was originally appointed from a register, subject to the conditions published in the Federal Personnel Manual; or

(4) A veteran or disabled veteran as defined in section 2108 (1) and (2) of title 5, United States Code, who:

(i) Served on active duty in the armed forces of the United States during the Vietnam era;

(ii) Completed not more than 14 years of education;

(iii) Is appointed within the period ending 1 year after either the veteran's separation from the armed forces or release from hospitalization or treatment immediately following separation from the armed forces, except that in the case of appointments made prior to June 31, 1978, the 1-year period of eligibility is extended by the length of time a veteran is continuously enrolled in a program of education (as defined in 38 U.S.C. 1652)

on more than half of the full-time basis (defined in 38 U.S.C. 1788), including customary periods of vacation and permissible absences, plus a minimum of 6 additional months after the veteran ceases to be so enrolled; and

(iv) is qualified to perform the duties of the position. An appointment under this subparagraph may be made only to a position at GS–5 or below, or the equivalent in another pay system. A veteran or disabled veteran who is an applicant for a position at GS–3 and below under this subparagraph is considered to be qualified to perform the duties of the position on the basis of his or her total military experience.

(76A Stat. 18; C.Z.C. 149(c)(2); E.O. 9830; 3 CFR 1043–1948 Comp., p. 606; E.O. 11103; 3 CFR, 1959–1963 Comp., p. 762) (33 FR 12423, Sept. 4, 1968, as amended at 36 FR 3882, Mar. 2, 1971; 37 FR 4256, Mar. 2, 1971; 37 FR 4256, Mar. 1, 1972; Pub. L. 93–508).

Subpart E—(Revoked)

Subpart H—Separation of Temporary and Term Employees

§ 316.801 Displacement of temporary and term employees.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218, unless otherwise noted.)

Effective date: October 26, 1976.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76–31367 Filed 10–22–76;8:45 am]

PART 771—AGENCY GRIEVANCE SYSTEM

Grievance Coverage; Correction

EDITORIAL NOTE: The heading of this Part 771 was changed at 41 FR 22550, June 4, 1976.

In the FEDERAL REGISTER of September 9, 1974, F.R. 74–20808, beginning on page 32537 the Revision of the Appeals System was published. In this revision a portion of § 771.108(a) was inadvertently omitted, it should read as follows:

§ 771.108 Grievance coverage.

(a) Except as provided in paragraphs (b) and (c) of this section, this subpart applies to any matter of concern or dissatisfaction to an employee which is subject to the control of agency management or any matter in which an employee alleges that coercion, reprisal, or retaliation has been practiced against him or her.

* * * * *

(5 U.S.C. 3301, 3302.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76–31193 Filed 10–22–76;8:45 am]

proposed rules

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

DEPARTMENT OF DEFENSE

Office of the Secretary

[32 CFR Part 251]

DOD AMMUNITION AND EXPLOSIVES SAFETY STANDARDS

Proposed Quantity-Distance Standards for Underground Storage

The proposed standards are authorized by Department of Defense Directive 5154.4, "The Department of Defense Explosives Safety Board," dated October 23, 1971 (36 FR 22777, November 30, 1971). Pursuant to the authority vested in the Secretary of Defense in accordance with Title 10, United States Code, section 172, this Directive established the Department of Defense Explosives Safety Board (DDESB), subject to the direction, authority and control of the Secretary of Defense.

Notice is hereby given that the Chairman, Department of Defense Explosives Safety Board proposes to establish Quantity-Distance Standards for Underground Storage as an addition to DoD 5154.4S, "DoD Ammunition and Explosives Safety Standards," dated March 1976. (DoD 5154.4S is available from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402).

Inquiries may be addressed to, and data, views, and arguments concerning the proposed standards may be submitted to, the Chairman, Department of Defense Explosives Safety Board, Department of Defense, Washington, D.C. 20314. All material received on or before 30 November 1976, will be considered. All comments in response to these standards will be available for public inspection during normal business hours at the foregoing address.

The basic Part 251 and an amendment were published in the FEDERAL REGISTER at 41 FR 10686, May 20, 1976 (FR Doc. 76-14845), and 41 FR 36506, August 30, 1976 (FR Doc.76-25292).

The proposed standards will be contained in new §§ 251.9 251.10, 251.11, and 251.12 to this part, and should be added to the section outline as follows:

Sec.
251.9 Scope.
251.10 Storage limitations.
251.11 Protection provided.
251.12 Quantity-distance determinations.

AUTHORITY: Title 10, United States Code, section 172.

§ 251.9 Scope.

(a) This section details quantity-distance standards for the storage of all types of ammunition and explosives in natural caverns or in excavated chambers below the natural ground surface.

(b) The provisions of this section do not apply to storage in earth-covered magazines built above grade; standards for which apepar in "DoD Ammunition & Explosives Safety Standards" DoD 5154.4S.

§ 251.10 Storage limitations.

Ammunition and explosives of different kinds may be mixed in underground storage only to the extent permitted by the compatibility rules stated in DoD 5154.4S. In addition, ammunition containing incendiary or smoke-producing fillers, flammable liquids or gels, or toxic agents, when stored underground, must be in single-chamber sites.

§ 251.11 Protection provided.

(a) *Chamber spacing.* (1) Minimum separation distances between chambers will provide a high degree of protection against propagation of explosions by the mechanism of spalling of rock and subsequent impact on the contents of the chamber adjacent to one in which the initial explosion occurs. This ensures that the effects on structures and persons exposed at large distances will be limited to those from the contents of one chamber. If such minimum separation is not provided, the explosive quantities involved must be added together for purposes of determining effects at distant exposures.

(2) If it is desired to limit the damage to stocks of ammunition in adjacent chambers by rock spall, separations larger than required to prevent explosion communication should be used. The recommended distances for this purpose depend upon rock type as well as explosive quantity.

(b) *Exterior distances.* Separation distances from stored ammunition and explosives to inhabited buildings and public traffic routes are intended to limit property damage and injury to persons caused by ground shock, air blast, or debris. The distances depend upon depth of overburden, type of soil or rock, and stored explosive quantity per unit chamber volume (loading density). The required inhabited building distance for a given quantity and storage condition is that corresponding to the dominant (farthest-reaching) effect. It is therefore the largest of the distances determined to be necessary for protection against the individual effects considered in turn. The required public traffic route distance will generally be sixty percent of the inhabited building distance so obtained.

§ 251.12 Quantity-distance determinations.

(a) *Explosive quantity*—(1) *Determination of distance.* Distances will be determined on the basis of the total quantity of explosives, propellants, pyrotechnics, and incendiary materials in the individual chambers, unless the total quantity is subdivided so as to prevent immediate communication of an incident from one subdivision to another.

(2) *Types of storage sites*—(i) *Cavern storage site.* A natural cavern or former mining excavation adapted for the storage of ammunition and explosives.

(ii) *Chamber storage site.* An excavated chamber or a series of excavated chambers especially suited to the storage of ammunition and explosives. A cavern may be subdivided or otherwise structurally modified for use as a chamber storage site.

(iii) *Connected-chamber storage site.* A chamber storage site consisting of two or more chambers connected by ducts or passageways. Such chambers may be at the ends of branch tunnels off a main passageway.

(iv) *Single-chamber storage site.* An excavated chamber with its own access to the natural ground surface, not connected to any other storage chamber.

(3) *Evaluation of explosive yield.* All of the propellants and explosive materials in ammunition of Hazard Divisions 1.1 or 1.3 (see Chapter 5, DoD 5154.4S) subject to involvement in a single incident will be assumed to contribute to the explosion yield as would an equal weight of TNT. Any significant differences in energy release per unit mass of the compositions involved from that of TNT must be taken into account. A connected chamber storage site or cavern storage site containing Hazard Division 1.1 or 1.3 (see Chapter 5, DoD 5154.4S), or both, will be treated as a single-chamber site, unless explosion communication is prevented by adequate subdivision or chamber separation.

(b) *Distance measurement.* (1) The chamber interval is the shortest distance between the natural walls of two adjacent chambers. The interval between chambers formed by subdivision of a cavern is the thickness of competent barrier constructed between them.

(2) The thickness of overburden or earth cover over a chamber is the shortest distance from the natural chamber ceiling to the natural ground surface.

(3) Distances to inhabited buildings and public traffic routes will be measured as follows:

(i) A distance determined by blast or debris issuing from a tunnel entrance at the ground surface will be measured from the tunnel entrance to the nearest wall or point of the location to be protected, using the exended centerline of the main passageway as a reference line for directional effects.

(ii) A distance determined by ground shock will be measured as the length of the straight line joining the nearest natural wall of a chamber containing ammunition to the nearest wall or point of the location to be protected.

(iii) A distance determined by blast from an uncontained explosion, or by surface ejecta, will be measured from the point on the natural ground surface nearest the natural chamber ceiling to the nearest wall or point of the location to be protected.

(c) *Chamber interval.* (1) The separation distance D_{cp} between chambers required to ensure prevention of explosion communication by impact of spalled rock will be calculated from $D_{cp}=1.5W^{1/3}$ where D_{cp} is in feet and W is the net weight in pounds of all the propellants and explosives in ammunition of Hazard Divisions 1.1 or 1.3 in one chamber, adjusted for any significant differences in energy release from that of TNT as required by § 251.12(a) above. The chamber separation distance will not, however, be less than 15 feet. Chamber entrances at the ground surface, or entrances to branch tunnels off the same side of a main passageway, must be separated by a distance not less than the chamber interval as determined above. Entrances to branch tunnels off opposite sides of a main passageway must be separated by at least twice the width of the main passageway.

(2) The chamber separation D_{cp} required to prevent damage to stored ammunition will be calculated from the following formulas:

a. $D_{cd}=3.5W^{1/3}$ (sandstone),
b. $D_{cd}=4.3W^{1/3}$ (limestone),
c. $D_{cd}=5.0W^{1/3}$ (granite),

where D_{cd} is in feet and W is in pounds of propellants and explosives in ammunition of Hazard Divisions 1.1 and 1.3 (see Chapter 5, DoD 5154.4S).

(3) The separation distances D_{cp} to ensure prevention of explosion communication and D_{cd} to prevent damage to stored ammunition have been computed and are listed in Table B–1.

(4) Chambers separated by at least the distances required in § 251.12(c)(1) above may be used to the limit of their physical capacity to store ammunition of Hazard Divisions 1.2 and 1.4 (see Chapter 5, DoD 5154.4S) except for specific Hazard Division 1.2 items having special stacking and new restrictions (see paragraph 5–4B of DoD 5154.4S). If stored in the same chamber with ammunition of Hazard Divisions 1.1 or 1.3 (see Chapter 5, DoD 5154.4S), however, the propellant and explosive content of ammunition of Hazard Divisions 1.2 and 1.4 (see Chapter 5, DoD 5154.4S), must be added to that of the other divisions to obtain the net explosive quantity for distance determinations.

(d) *Inhabited building distance.* The inhabited building distance will be taken as the largest of the distances required for protection against ground shock, air blast, or debris, determined by computations carried out as described in the following paragraphs. For the convenience of the user, each of the functions to be evaluated is tabulated; straight-line interpolation is permitted in all tables.

(1) For protection of residential buildings against significant structural damage by ground shock, the maximum particle velocity induced in the ground at the building site must not exceed the following values:

2.4 inches per second in sand, gravel, or moist clay (sound speed 3000 to 5000 feet per second),

4.5 inches per second in soft rock (sound speed 6000 to 10,000 feet per second), and

9.0 inches per second in hard rock (sound speed 15,000 to 20,000 feet per second).

Unless data specific to the site being evaluated are available regarding ground shock attenuation in the earth materials between the potential explosion source and the exposed site, the required inhabited building distance D_{ig} will be calculated from the appropriate one of the following expressions:

a. $D_{ig}=2.1f_gW^{4/9}$ (sand, gravel),
b. $D_{ig}=11.1f_gW^{4/9}$ (soft rock), or
c. $D_{ig}=12.5f_gW^{4/9}$ (hard rock),

where D_{ig} is in feet and W is the explosive quantity in pounds determined in accordance with § 251.12(a). The dimensionless multiplier f_g is a decoupling factor, given as a function of loading density by the formula $f_g=(4/15)w^{0.3}$ where w is the explosive quantity W in pounds divided by the chamber volume in cubic feet.

Values of D_{ig}/f_g are listed in Table B–2. To obtain an inhabited building distance D_{ig}, a numerical value read from the appropriate column of Table B–2 must be multiplied by the value of f_g read from Table B–7, Column 2.

(2) Distances required for protection of inhabited areas against the effects of air blast and surface debris depend on the depth of overburden, or earth cover, over the storage chamber. The minimum depth C_c required to ensure containment of an explosion (except for venting of gases through tunnels), and to ensure that no significant disruption of surface material occurs, will be calculated from $C_c=3.5W^{1/3}$ where W is the explosive quantity in pounds. For depths of overburden less than this, the effects of both air blast and the projection of debris must be considered. In particular, if the actual cover depth C is less than C_v, given by $C_v=0.5W^{1/3}$ blast at large distances may not be suppressed appreciably below that from an explosion on the surface. In that case, inhabited building and public traffic route distances for aboveground storage, specified elsewhere in this publication, must be utilized, including any applicable minimum distances required for protection against fragments from ammunition of Hazard Divisions 1.1, 1.2, or 1.3 (see Chapter 5, DoD 5154.4S). Values of C_v and C_c are listed in Table B–3.

(3) If the depth of overburden C equals or exceeds C_v calculated from the formula above, the effects of blast issuing from entrances at the ground surface must be considered. In general, these effects will be functions of direction relative to the axis of the passageway where it emerges at the ground surface. In the absence of data and analysis on far-field blast propagation specific to the site being evaluated, five sectors will be defined as shown in Figure B–1. In each sector the distance required for protection of inhabited areas against blast will be taken as proportional to the cube root of a reduced net explosive quantity W_r, defined by $W_r=W/nk$ where $n=1$ or 2, and $k=1$ or 3, as follows:

$n=1$, if the storage site has not more than one entrance at the ground surface;

$n=2$, if the site has two or more entrances, and if the blast waves issuing from those entrances are not expected to mutually reinforce owing to their proximity;

$k=3$, if the ammunition is stored in a chamber on a branch passageway of cross-sectional area not more than half that of the main passageway to which it is connected, and of length not less than one-third the chamber interval D_{cp} calculated in § 251.12(c)(1) above; $k=1$, otherwise.

(4) Whether mutual reinforcement of blast issuing from two or more entrances occurs will be determined by carrying out the subsequent analysis on the tentative assumption that $n=1$. If none of the sectors from one entrance overlaps any of those from another, the interaction may be ignored and the distances determined by repeating the analysis with $n=2$.

(5) With the foregoing definitions, the distances D_{i1}, D_{i2}, * * * D_{i5} required for protection of inhabited areas against blast in the sectors defined in Figure B–1 will be calculated as follows:

$D_{i1}=19W_r^{1/3}$, in the sector between 180 and 120 degrees
$D_{i2}=33W_r^{1/3}$, in the sector between 120 and 90 degrees
$D_{i3}=50W_r^{1/3}$, in the sector between 90 and 60 degrees
$D_{i4}=68W_r^{1/3}$, in the sector between 60 and 30 degrees
$D_{i5}=76W_r^{1/3}$, in the sector between 30 and 0 degrees

where 0 is the horizontal angle measured from the centerline of the main passageway extended outward from the entrance, and where W_r is the net explosive weight in pounds reduced by the factors m and k which depend upon the geometry of the storage site as specified above. Values of D_{i5}, which stands for the distances D_{i1}, D_{i2}, * * * D_{i5} computed from the formulas above, are listed in Table B–4.

(6) If the depth of overburden C is less than C_c calculated from the first of the formulas given in § 251.12(d)(2), the effects of debris projected from the ground surface above the explosion site must be evaluated. The distance D_{id} required for the protection of inhabited areas against such debris will be calculated from $D_{id}=f_df_cW^{0.41}$ where W is the explosive quantity in pounds, f_c is a function of the scaled depth of overburden $C/W^{1/3}$, and f_d is a function of the chamber loading density w. The function of earth cover, f_c, depends on the type of rock in the vicinity of the storage chamber. It is given graphically in Figure B–2 for hard rock (e.g., granite, limestone) and for soft rock (e.g., sandstone). The factor f_d is given by the formula $f_d=(3/5)w^{0.15}$ where the loading

density w is expressed in pounds of explosive per cubic foot of chamber volume.

(7) Values of D_{id}/f_d are listed in Table B–5 for hard rock and in Table B–6 for soft rock, for values of scaled overburden thickness $C/W^{1/3}$ given at the heads of the columns. These values of scaled cover correspond to the circled points on the curves in Figure B–2, and are such that straight-line interpolation between columns of the tables is a satisfactory procedure for intermediate values of scaled cover.

(8) To obtain a distance D_{id}, the scaled depth of overburden $C/W^{1/3}$ must be calculated, where C is the depth of overburden in feet measured as the shortest distance from the natural chamber ceiling to the natural ground surface above, and W is the explosive quantity in pounds. The appropriate column in either Table B–5 or B–6 can be entered based upon the numerical value determined for the scaled depth of overburden ($C/W^{1/3}$) or by using interpolation between columns. The value obtained from Table B–5 or B–6 must be multiplied by the value of f_d read from Table B–7, column 2 in order to obtain the distance D_{id} required for protection of inhabited areas against debris damage.

(9) The distance D_{id} determined by the foregoing procedure will be applied in all directions from the point on the natural ground surface nearest to the chamber, except that in the sector 15 degrees to either side of the centerline of the main passageway, the distance will not be less than 2,000 feet measured from the entrance.

(10) The distance to any public right-of-way will be taken as sixty per cent of the inhabited building distance determined above.

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Director, Correspondence and Directives OASD (Comptroller).

OCTOBER 18, 1976.

TABLE B–1.—*Chamber separation*

Weight, pounds		D_{ep}, feet	$3.5W^{1/3}$	D_{ed}, feet	$5.0W^{1/3}$
Over	Not over	$1.5W^{1/3}$		$4.3W^{1/3}$	
0	1,000	15.0	35	43	50
1,000	1,200	16.0	37	46	54
1,200	1,400	17.0	39	48	56
1,400	1,600	17.5	41	50	58
1,600	1,800	18.0	43	52	60
1,800	2,000	19.0	44	54	62
2,000	2,500	20.5	48	58	68
2,500	3,000	21.5	50	62	72
3,000	3,500	23.0	54	66	76
3,500	4,000	24.0	56	68	80
4,000	4,500	25.0	58	70	82
4,500	5,000	26.0	60	74	86
5,000	6,000	27.0	64	78	90
6,000	7,000	29.0	66	82	96
7,000	8,000	30.0	70	86	100
8,000	9,000	31.0	72	90	105
9,000	10,000	32.0	76	92	110
10,000	12,000	34.0	80	98	115
12,000	14,000	36.0	84	105	120
14,000	16,000	38.0	88	110	125
16,000	18,000	39.0	92	115	130
18,000	20,000	41.0	96	115	135
20,000	25,000	44.0	100	125	145
25,000	30,000	47.0	110	135	155
30,000	35,000	49.0	115	140	165
35,000	40,000	52.0	120	145	170
40,000	45,000	54.0	125	155	180
45,000	50,000	56.0	130	160	185
50,000	60,000	58.0	135	170	195
60,000	70,000	62.0	145	175	205
70,000	80,000	64.0	150	185	215
80,000	90,000	68.0	155	195	225
90,000	100,000	70.0	160	200	230
100,000	120,000	74.0	175	210	245
120,000	140,000	78.0	180	225	260
140,000	160,000	82.0	190	235	270
160,000	180,000	84.0	200	245	280
180,000	200,000	88.0	205	250	290
200,000	250,000	94.0	220	270	310
250,000	300,000	100.0	235	290	330
300,000	350,000	105.0	245	300	350
350,000	400,000	110.0	260	320	370
400,000	450,000	115.0	270	330	380
450,000	500,000	120.0	280	340	400
500,000	600,000	125.0	300	360	420
600,000	700,000	135.0	310	380	440
700,000	800,000	140.0	320	400	460
800,000	900,000	145.0	340	420	480

TABLE B–2.—*Distances to protect against ground shock*

Weight, pounds			D_{is}/f_s	
Over	Not over	$2.1W^{4/9}$	$11.1W^{4/9}$	$12.5W^{4/9}$
0	1,000	45	240	270
1,000	1,200	49	260	290
1,200	1,400	52	280	310
1,400	1,600	56	290	330
1,600	1,800	58	310	350
1,800	2,000	62	330	370
2,000	2,500	68	360	400
2,500	3,000	74	390	440
3,000	3,500	78	420	470
3,500	4,000	84	440	500
4,000	4,500	88	470	520
4,500	5,000	92	490	560
5,000	6,000	100	540	600
6,000	7,000	105	560	640
7,000	8,000	115	600	680
8,000	9,000	120	640	720
9,000	10,000	125	660	740
10,000	12,000	135	720	820
12,000	14,000	145	780	880
14,000	16,000	155	820	920
16,000	18,000	165	860	980
18,000	20,000	170	900	1,000
20,000	25,000	190	1,000	1,150
25,000	30,000	205	1,100	1,200
30,000	35,000	220	1,150	1,300
35,000	40,000	235	1,250	1,400
40,000	45,000	245	1,300	1,450
45,000	50,000	260	1,350	1,550
50,000	60,000	280	1,500	1,650

TABLE B–2.—*Distances to protect against ground shock*

Weight, pounds			D_{is}/f_s	
Over	Not over	$2.1W^{4/9}$	$11.1W^{4/9}$	$12.5W^{4/9}$
60,000	70,000	300	1,600	1,800
70,000	80,000	320	1,700	1,900
80,000	90,000	330	1,750	2,000
90,000	100,000	350	1,850	2,100
100,000	120,000	380	2,000	2,250
120,000	140,000	410	2,150	2,400
140,000	160,000	430	2,300	2,600
160,000	180,000	450	2,400	2,700
180,000	200,000	480	2,500	2,800
200,000	250,000	520	2,800	3,100
250,000	300,000	580	3,000	3,400
300,000	350,000	620	3,200	3,600
350,000	400,000	640	3,400	3,900
400,000	450,000	680	3,600	4,100
450,000	500,000	720	3,800	4,300
500,000	600,000	780	4,100	4,600
600,000	700,000	840	4,400	5,000
700,000	800,000	880	4,700	5,200
800,000	900,000	940	4,900	5,600

TABLE B–3—.*Depth of overburden*

Weight, pounds		C_v, feet	C_s, feet
Over	Not over	$6.5W^{1/3}$	$3.5W^{1/3}$
0	1,000	5.0	35
1,000	1,200	5.4	37
1,200	1,400	5.6	39
1,400	1,600	5.8	41
1,600	1,800	6.0	43
1,800	2,000	6.2	44
2,000	2,500	6.8	48
2,500	3,000	7.2	50
3,000	3,500	7.6	54
3,500	4,000	8.0	56
4,000	4,500	8.2	58
4,500	5,000	8.6	60
5,000	6,000	9.0	64
6,000	7,000	9.6	66
7,000	8,000	10.0	70
8,000	9,000	10.5	72
9,000	10,000	11.0	76
10,000	12,000	11.5	80
12,000	14,000	12.0	84
14,000	16,000	12.5	88
16,000	18,000	13.0	92
18,000	20,000	13.5	96
20,000	25,000	14.5	100
25,000	30,000	15.5	110
30,000	35,000	16.5	115
35,000	40,000	17.0	120
40,000	45,000	18.0	125
45,000	50,000	18.5	130
50,000	60,000	19.5	135
60,000	70,000	20.5	145
70,000	80,000	21.5	150
80,000	90,000	22.5	155
90,000	100,000	23.0	160
100,000	120,000	24.5	175
120,000	140,000	26.0	180
140,000	160,000	27.0	190
160,000	180,000	28.0	200
180,000	200,000	29.0	205
200,000	250,000	31.0	220
250,000	300,000	33.0	235
300,000	350,000	35.0	245
350,000	400,000	37.0	260
400,000	450,000	38.0	270
450,000	500,000	40.0	280
500,000	600,000	42.0	300
600,000	700,000	44.0	310
700,000	800,000	46.0	320
800,000	900,000	48.0	340

TABLE B–4.—*Distances to protect against air blast*

W_r=W/nk, pounds		D_{ib}, feet				
Over	Not over	120–180 $19W_r^{1/3}$	90–120 $33W_r^{1/3}$	60–90 $50W_r^{1/3}$	30–60 $68W_r^{1/3}$	0–30 deg $76W_r^{1/3}$
0	1,000	190	330	500	680	760
1,000	1,200	200	350	540	720	800
1,200	1,400	215	370	560	760	860
1,400	1,600	220	390	580	800	880
1,600	1,800	230	400	600	820	920
1,800	2,000	240	420	620	860	960
2,000	2,500	260	450	680	920	1,050
2,500	3,000	270	480	720	980	1,100
3,000	3,500	290	500	760	1,050	1,150
3,500	4,000	300	520	800	1,100	1,200
4,000	4,500	310	540	820	1,100	1,250
4,500	5,000	320	560	860	1,150	1,300
5,000	6,000	350	600	900	1,250	1,400
6,000	7,000	360	640	960	1,300	1,450
7,000	8,000	380	660	1,000	1,350	1,500
8,000	9,000	400	680	1,050	1,400	1,600
9,000	10,000	410	720	1,100	1,450	1,650
10,000	12,000	430	760	1,150	1,550	1,750
12,000	14,000	460	800	1,200	1,650	1,850
14,000	16,000	480	840	1,250	1,700	1,900
16,000	18,000	500	860	1,300	1,800	2,000
18,000	20,000	520	900	1,350	1,850	2,050
20,000	25,000	560	960	1,450	2,000	2,200
25,000	30,000	600	1,050	1,550	2,100	2,350
30,000	35,000	620	1,100	1,650	2,200	2,500
35,000	40,000	640	1,150	1,700	2,350	2,600
40,000	45,000	680	1,150	1,800	2,400	2,700
45,000	50,000	700	1,200	1,850	2,500	2,800
50,000	60,000	740	1,300	1,950	2,700	3,000
60,000	70,000	780	1,350	2,050	3,800	3,100
70,000	80,000	820	1,400	2,150	2,900	3,300
80,000	90,000	860	1,500	2,250	3,000	3,400
90,000	100,000	880	1,550	2,300	3,200	3,500
100,000	120,000	940	1,650	2,450	3,400	3,700
120,000	140,000	980	1,700	2,600	3,500	3,900
140,000	160,000	1,050	1,800	2,700	3,700	4,100
160,000	180,000	1,050	1,850	2,800	3,800	4,300
180,000	200,000	1,100	1,950	2,900	4,000	4,400
200,000	250,000	1,200	2,100	3,100	4,300	4,800
250,000	300,000	1,250	2,200	3,300	4,600	5,000
300,000	350,000	1,350	2,350	3,500	4,800	5,400
350,000	400,000	1,400	2,450	3,700	5,000	5,600
400,000	450,000	1,450	2,500	3,800	5,200	5,800
450,000	500,000	1,500	2,600	4,000	5,400	6,000
500,000	600,000	1,600	2,800	4,200	5,800	6,400
600,000	700,000	1,700	2,900	4,400	6,000	6,800
700,000	800,000	1,750	3,100	4,600	6,400	7,000
800,000	900,000	1,850	3,200	4,800	6,600	7,400

TABLE B–5.—*Distances to protect Against hard rock debris*

Weight, pounds		D_{id}/f_d, feet (hard rock), for $C/W^{1/3}$=							
Over	Not over	0.30	0.50	0.70	0.90	.110	1.60	2.60	2.60 ft/lb$^{1/3}$
0	1,000	160	180	200	205	195	145	92	54
1,000	1,200	170	195	215	220	210	155	98	58
1,200	1,400	185	210	230	235	225	165	105	62
1,400	1,600	195	220	240	250	240	175	110	66
1,600	1,800	205	230	250	260	250	180	115	70
1,800	2,000	210	240	260	270	260	190	120	72
2,000	2,500	230	260	290	300	290	210	135	80
2,500	3,000	250	290	310	320	310	225	145	86
3,000	3,500	270	300	330	340	330	240	155	90
3,500	4,000	280	320	350	360	350	250	160	96
4,000	4,500	300	340	370	380	360	260	170	100
4,500	5,000	310	350	380	400	380	280	175	105
5,000	6,000	330	380	410	430	410	300	190	115
6,000	7,000	350	400	440	460	440	320	205	120
7,000	8,000	370	430	470	480	460	330	215	125
8,000	9,000	390	450	490	500	480	350	225	135
9,000	10,000	410	470	520	520	500	370	235	140
10,000	12,000	440	500	560	560	540	400	250	150
12,000	14,000	470	450	550	600	580	420	270	160
14,000	16,000	500	560	620	640	620	440	290	170
16,000	18,000	520	600	640	680	640	470	300	180
18,000	20,000	540	620	680	700	680	490	310	185
20,000	25,000	600	680	740	760	740	540	340	205
25,000	30,000	640	740	800	820	800	580	370	220
30,000	35,000	680	780	860	880	840	620	390	235
35,000	40,000	720	820	900	940	900	640	420	245
40,000	45,000	760	860	940	980	940	680	440	260
45,000	50,000	800	900	980	1,000	980	700	460	270
50,000	60,000	860	980	1,050	1,100	1,050	760	490	290
60,000	70,000	920	1,050	1,150	1,150	1,100	820	520	310
70,000	80,000	960	1,100	1,200	1,250	1,200	860	560	330
80,000	90,000	1,000	1,150	1,250	1,300	1,250	900	580	340
90,000	100,000	1,050	1,200	1,300	1,350	1,300	940	600	360
100,000	120,000	1,150	1,300	1,400	1,450	1,400	1,000	660	390
120,000	140,000	1,200	1,400	1,500	1,550	1,500	1,100	700	410
140,000	160,000	1,300	1,450	1,600	1,650	1,600	1,150	740	440
160,000	180,000	1,350	1,550	1,650	1,750	1,650	1,200	750	460
180,000	200,000	1,400	1,600	1,750	1,800	1,750	1,250	800	480
200,000	250,000	1,550	1,750	1,900	2,000	1,900	1,350	880	520
250,000	300,000	1,650	1,900	2,050	2,150	2,050	1,500	960	560
300,000	350,000	1,750	2,000	2,200	2,250	2,200	1,600	1,000	600
350,000	400,000	1,850	2,100	2,300	2,400	2,300	1,650	1,050	640
400,000	450,000	1,950	2,200	2,450	2,500	2,400	1,750	1,100	660
450,000	500,000	2,050	2,300	2,500	2,600	2,500	1,800	1,150	700
500,000	600,000	2,200	2,500	2,700	2,800	2,700	1,950	1,250	740
600,000	700,000	2,350	2,700	2,900	3,000	2,900	2,100	1,350	800
700,000	800,000	2,450	2,800	3,100	3,200	3,100	2,200	1,400	840
800,000	900,000	2,600	3,000	3,200	3,300	3,200	2,300	1,500	880

TABLE B–6.—*Distances to protect against soft rock debris*

Weight, pounds		D_{td}/f_d, feet (soft rock), for $C/W^{1/3}$=							
Over	Not over	0.20	0.60	0.75	0.90	1.00	1.50	1.75	2.00 ft/lb$^{1/3}$
0	1,000	155	200	205	200	185	92	64	48
1,000	1,200	165	215	220	215	200	98	70	52
1,200	1,400	175	230	235	230	215	105	74	54
1,400	1,600	185	245	250	245	225	110	78	58
1,600	1,800	195	260	260	260	240	115	82	60
1,800	2,000	205	270	270	270	250	120	86	64
2,000	2,500	225	290	300	290	270	135	94	70
2,500	3,000	240	310	320	310	290	145	100	74
3,000	3,500	260	330	340	330	310	155	110	80
3,500	4,000	270	350	360	350	330	160	115	84
4,000	4,500	290	370	380	370	350	170	120	88
4,500	5,000	300	390	400	390	360	175	125	92
5,000	6,000	320	420	430	420	390	190	135	100
6,000	7,000	340	450	460	450	410	205	145	105
7,000	8,000	360	470	480	470	440	215	150	110
8,000	9,000	380	490	500	490	460	225	160	115
9,000	10,000	400	520	520	520	480	235	165	120
10,000	12,000	430	560	560	560	520	250	180	130
12,000	14,000	460	600	600	600	560	270	190	140
14,000	16,000	480	620	640	620	580	290	200	150
16,000	18,000	500	660	680	660	620	300	210	155
18,000	20,000	520	680	700	680	640	310	220	160
20,000	25,000	580	740	760	740	700	340	240	180
25,000	30,000	620	800	820	800	760	370	260	190
30,000	35,000	660	860	880	860	800	390	280	205
35,000	40,000	700	900	940	900	840	420	290	215
40,000	45,000	740	960	980	960	880	440	310	225
45,000	50,000	760	1,000	1,000	1,000	920	460	320	235
50,000	60,000	820	1,050	1,100	1,050	1,000	490	350	250
60,000	70,000	880	1,150	1,150	1,150	1,050	520	370	270
70,000	80,000	940	1,200	1,250	1,200	1,150	560	390	290
80,000	90,000	980	1,250	1,300	1,250	1,200	580	410	300
90,000	100,000	1,000	1,300	1,350	1,300	1,250	600	430	310
100,000	120,000	1,100	1,450	1,450	1,450	1,350	660	460	340
120,000	140,000	1,150	1,500	1,550	1,500	1,400	700	490	360
140,000	160,000	1,250	1,600	1,650	1,600	1,500	740	520	380
160,000	180,000	1,300	1,700	1,750	1,700	1,550	780	540	400
180,000	200,000	1,350	1,750	1,800	1,750	1,650	800	560	420
200,000	250,000	1,500	1,950	2,000	1,950	1,800	880	620	460
250,000	300,000	1,600	2,100	2,150	2,100	1,950	960	660	490
300,000	350,000	1,700	2,200	2,250	2,200	2,050	1,000	720	520
350,000	400,000	1,800	2,350	2,400	2,350	2,200	1,050	760	560
400,000	450,000	1,900	2,450	2,500	2,450	2,300	1,100	780	580
450,000	500,000	2,000	2,600	2,600	2,600	2,400	1,150	820	600
500,000	600,000	2,150	2,800	2,800	2,800	2,600	1,250	880	660
600,000	700,000	2,250	2,900	3,000	2,900	2,700	1,350	940	700
700,000	800,000	2,400	3,100	3,200	3,100	2,900	1,400	1,000	740
800,000	900,000	2,500	3,300	3,300	3,300	3,000	1,500	1,050	780

TABLE B–7.—*Functions of loading density*

w, pcf	f_g	f_d
	$0.267w^{-.30}$	$0.600w^{-.18}$
1.0	0.27	0.60
1.2	.28	.62
1.4	.29	.64
1.6	.31	.65
1.8	.32	.67
2.0	.33	.68
2.5	.35	.71
3.0	.37	.73
3.5	.39	.75
4.0	.40	.77
4.5	.42	.79
5.0	.43	.80
6.0	.46	.83
7.0	.48	.85
8.0	.50	.87
9.0	.52	.89
10.0	.53	.91
12.0	.56	.94
14.0	.59	.96
16.0	.61	.99
18.0	.63	1.01
20.0	.66	1.03
25.0	.70	1.07
30.0	.74	1.11
35.0	.77	1.14
40.0	.81	1.17
45.0	.84	1.19
50.0	.86	1.21
60.0	.91	1.25
70.0	.95	1.29
80.0	.99	1.32
90.0	1.03	1.35
100.0	1.06	1.37

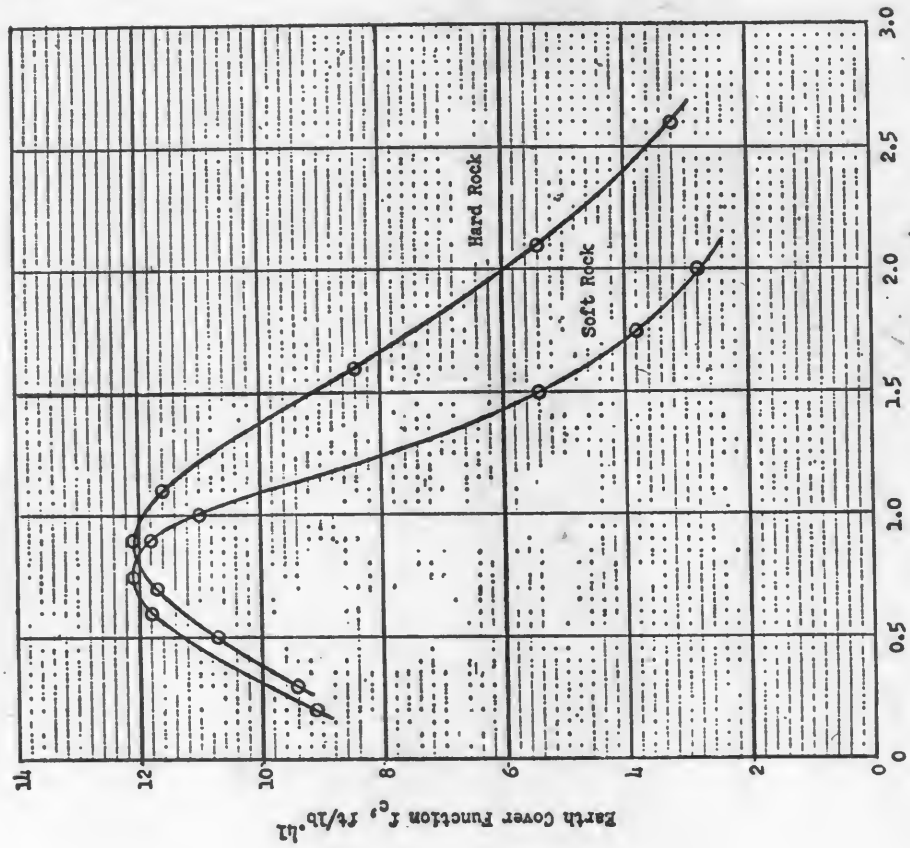

Figure B-2--Debris Dispersal Functions

[FR Doc.76-31138 Filed 10-22-76;8:45 am]

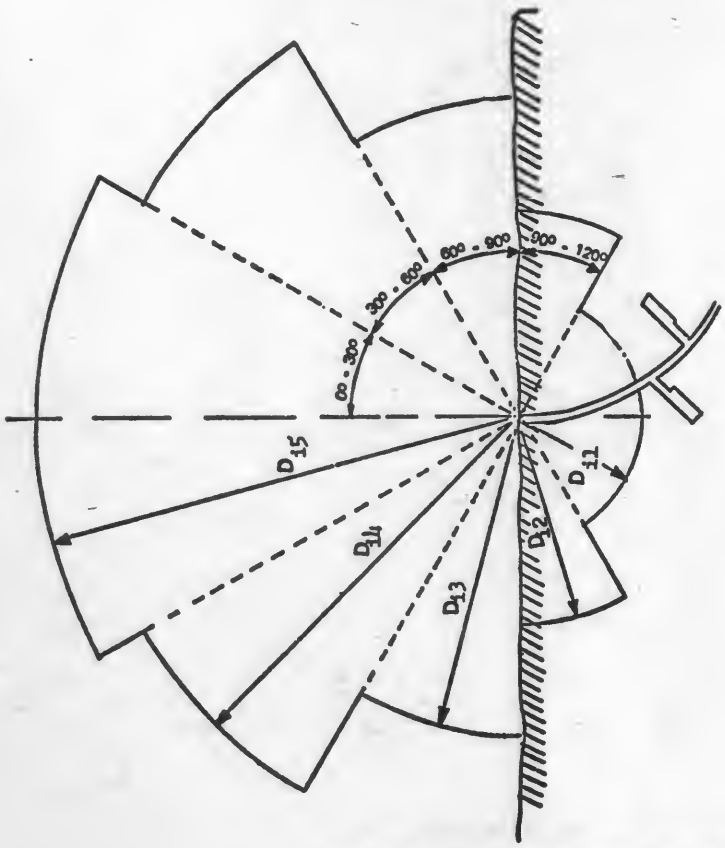

Figure B-1--Blast Protection Sectors For Inhabited Areas

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 21]

INTERIM FALCONRY RULES

Proposed Extension

On January 15, 1976, the U.S. Fish and Wildlife Service published a notice of final rulemaking with respect to Part 21 of Chapter I, Title 50, Code of Federal Regulations (41 FR 2237). The rulemaking established Federal standards for State laws and regulations relating to falconry and gave individual States until December 31, 1976, to obtain Service approval of their laws and regulations. The notice stated that interim Federal rules would remain in effect until that date.

State wildlife agencies have requested an extension of the interim rules. The period between publication of the Federal standards and the effective date of those standards does not provide a sufficient opportunity for the majority of States to enact laws and regulations to comply with the standards. The Service has concluded that these requests are reasonable and deems it to be in the public interest to allow those States until December 31, 1977, to meet Federal rules.

Accordingly, it is hereby proposed to postpone implementation of the new regulations for 12 months, to December 31, 1977, and to allow the interim rules to remain in effect until that time. States are encouraged to comply with the Federal standards before December 31, 1977. Those States which are in compliance before the effective date of these proposed regulations will be listed in § 21.29 (k) of this subchapter.

* * * * *

Therefore it is proposed to revise § 21.28(b) as follows:

§ 21.28 Falconry permits.

(b) *Interim rules.* The rules contained in this paragraph shall apply to all States not listed in § 21.29(k), until December 31, 1977. The practice of falconry in States which are listed in § 21.29(k) shall be governed by §§ 21.28, as amended and 21.29.

Interested persons are invited to participate in this rulemaking by submitting written comments to the Director, U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. The Service will attempt to acknowledge receipt of all comments, and all written communications received on or before November 26, 1976, will be considered by the Service before final rulemaking activity is initiated. Comments received will be available for public inspection between 7:45 a.m. and 4:15 p.m., Monday through Friday, in Suite 600 of the Service office at 1612 K Street, NW, Washington, D.C.

Date: October 14, 1976.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

[FR Doc.76-31219 Filed 10-22-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[7 CFR Part 250]

COMMODITIES FOR DISASTER FEEDING

Withdrawal of Notice of Proposed Rulemaking

The purpose of this proposal is to withdraw notice of proposed rulemaking (41 FR 23719) in which the USDA solicited comments on the proposed changes in the regulations for the operation of the food donation program (31 FR 14297), as amended, which would remove responsibility for disaster feeding from the USDA except in situations where USDA was so directed by the Federal Disaster Assistance Administration.

A number of comments were received in response to the proposed revisions, all but two of which were either opposed to the issuance of the proposed regulations or to significant portions thereof.

Of special concern were objections received from disaster relief agencies which indicated that continued access to USDA-donated foods was important to the fulfillment of their responsibility to provide assistance through mass feeding to disaster victims. The agencies stressed the importance of USDA-donated foods being freely available without regard to a Presidential declaration of a major disaster or emergency.

In view of the foregoing, the USDA has determined that these objections have merit: accordingly, the proposal published in the FEDERAL REGISTER (41 FR 23719) on June 11, 1976, and circulated as "Commodities for Disaster Feeding," is hereby withdrawn.

(Catalog of Federal Domestic Assistance Program No. 10,550, National Archives Reference Section.)

Dated: October 19, 1976.

JOHN DAMGARD,
Assistant Secretary.

[FR Doc.76-31212 Filed 10-22-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 18]

[Docket No. 76N-0175]

MILK

Standards of Identity for Lowfat and Skim Milk; Use of Stabilizers and Emulsifiers

The Food and Drug Administration is proposing to amend the standards of identity for lowfat milk and skim milk to provide for the optional use of safe and suitable stabilizers to increase the viscosity of the food, with or without added emulsifiers, and to provide for definitions for the terms "nonfat milk solids" and "nonfat milk-derived solids"; comments by December 27, 1976.

The proposed amendments to §§ 18.1, 18.10, and 18.20 (21 CFR 18.1, 18.10, and 18.20) would (1) allow the use of safe and suitable stabilizers to increase the viscosity of the food, with or without emulsifiers to retard foam formation when the stabilizer is added, in a maximum amount of 0.25 percent of the weight of the finished food; (2) provide for use of the phrase "with added thickeners" in the name of food ingredients when these are used to increase viscosity; and (3) discontinue use of the term "protein fortified" when the food contains not less than 10 percent nonfat milk solids or other nonfat milk-derived solids.

The Commissioner of Food and Drugs issued, in the FEDERAL REGISTER of October 10, 1973 (38 FR 27924), a regulation that, among other things, limited the use of stabilizers and emulsifiers to those instances where milk-derived ingredients are added to increase the nonfat milk solids content above the minimum 8.25 percent.

Eight objections were filed regarding the limited use of stabilizers and emulsifiers. The objections stated that stabilizers and emulsifiers are more economical than nonfat milk-derived solids and that they produce a product of comparable nutrition and palatability. They further stated that proper labeling would preclude any deception and suggested that the phrase "with added stabilizers and/or emulsifiers" accompany the name of the food.

The Commissioner recognized that substantial issues of fact had been raised by the objections. In a document published in the FEDERAL REGISTER of December 5, 1974 (39 FR 42351), the Commissioner discussed the issues and stayed the portions of §§ 18.10(c)(3) and 18.20(c)(3) which limit use of stabilizers and emulsifiers, pending a public hearing.

After further consideration of the facts presented in the objections, the Commissioner is proposing to amend the standards of identity for lowfat milk and skim milk to permit the use of stabilizers to increase viscosity with or without emulsifiers in a maximum amount of 0.25 percent of the weight of the finished food. The Commissioner believes that consumer deception can be avoided with suitable informative labeling. The labeling would have to enable the consumer to distinguish between lowfat and skim milk to which stabilizers have been added in order to increase viscosity and those fabricated in the traditional manner. Since lowfat milk and skim milk bear nutrition labeling, consumers would be able to evaluate and compare the nutritional value of lowfat or skim milk with and without added stabilizers. Thus, the presence of nutritional labeling together with the distinctive and informative name of the food should prevent consumer deception about the quality of lowfat and skim milk to which stabilizers have been added.

The objections to the stayed regulations suggested inclusion of the phrase "with added stabilizers and/or emulsifiers" in the name of the food to indicate the nature of food to which viscosity-increasing ingredients have been added. The Commissioner proposes instead to use the terminology "with added thickeners" in the name because it would provide a better and more accurate indica-

tion of the function the added ingredient performs.

The Commissioner requests comments from consumers, manufacturers, producers, and other interested persons on the following specific points: (1) Whether the use of stabilizers with or without emulsifiers in a specified amount, without added nonfat milk solids or other nonfat milk-derived solids, should be allowed; and (2) whether the proposed labeling will adequately inform the consumer about ingredient differences in products with similar physical characteristics.

The proposed regulations would, if adopted, replace the stayed portions of §§ 18.10(c)(3) and 18.20(c)(3), thereby eliminating the necessity for holding a public hearing on the issues raised by the objections.

The Commissioner is further proposing to amend §§ 18.10(e)(1) and 18.20 (e)(1) by deleting the phrases "protein fortified" or "fortified with protein." This will eliminate the inconsistency between the use of the term "fortified" in the milk standards and the proposed definition of "fortified" in § 100.1 (21 CFR 100.1), published in the FEDERAL REGISTER of June 14, 1974 (39 FR 20900). Historically, the dairy industry has used the term "fortified" when nonfat milk solids or other nonfat milk-derived solids were added to lowfat milk and skim milk. The current standard allows use of this term when such solids equivalent to 1.75 percent or more of the final food are added. This is not consistent with proposed § 100.1, which permits use of "fortified" in connection with added vitamins, minerals or proteins that are not naturally present in the food.

The Commissioner is also proposing definitions for the terms "nonfat milk solids" and "nonfat milk-derived solids" to clarify their meaning as used in the standards of identity for foods under 21 CFR Part 18.

If the proposal is adopted, the Commissioner intends that all products initially introduced into interstate commerce on or after January 1, 1978 shall comply with the regulation, except as to any provisions that may be stayed by the filing of proper objections.

The Commissioner has considered the environmental effects of the issuance or amendment of food standards and has concluded in § 6.1(d)(4) (21 CFR 6.1(d)(4)) that food standards are not major agency actions significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required for this amendment. The Commissioner has also considered the inflation impact of this proposed regulation and has found that the proposal, if adopted, would not cause a major inflation impact as defined in Executive Order 11821, OMB Circular A–107, and Guidelines issued by the Department of Health, Education, and Welfare. Copies of the FDA inflation impact assessment are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 (e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), it is proposed that Part 18 be amended as follows:

1. In § 18.1 by adding new paragraphs (d) and (e) to read as follows:

§ 18.1 Definitions.

* * * * *

(d) "Nonfat milk solids" means those solids obtained from skim milk, concentrated skim milk, reconstituted skim milk or nonfat dry milk.

(e) "Nonfat milk-derived solids" means, in addition to those nonfat milk solids described in paragraph (d) of this section, all safe and suitable nonfat milk solids derived from milk; these sources include, but are not limited to, buttermilk, whey, casein, salts of casein, lactose, milk proteins (coprecipitates of casein, lactalbumins, and lactoglobulins), and whey modified by partial or complete removal of lactose or minerals or both.

2. In § 18.10 by revising paragraphs (c)(3) and (e)(1)(iv) and adding new paragraph (e)(1)(v) and (vi) to read as follows:

§ 18.10 Lowfat milk; identity.

* * * * *

(c) * * *

(3) Stabilizers with or without emulsifiers may be used as follows:

(i) In a maximum amount of 0.25 percent of the weight of the finished food when none of the optional ingredients specified in paragraph (c)(2) of this section are added, and when the stabilizers are used as thickening agents and the emulsifiers are used to enhance the function of the stabilizers.

(ii) In a maximum amount of 2 percent of the weight of any added nonfat milk solids or nonfat milk-derived solids as provided for in paragraph (c)(2) of this section.

* * * * *

(e) * * *

(1) * * *

(iv) The phrase "with added _____", the blank being filled in with the term "nonfat milk solids" when concentrated skim milk or nonfat dry milk is used singly or in combination, or with the specific name(s) of the ingredient(s) used.

(v) The phrase "with added _____", the blank being filled in with either of the following: The term "nonfat milk-derived solids" when concentrated skim milk or nonfat dry milk is used in combination with nonfat solids from other milk-derived ingredients, e.g., lactose, casein, caseinates, whey, etc., or when only nonfat solids from milk-derived ingredients other than concentrated skim milk or nonfat dry milk are used; or alternatively by the common or usual name of the ingredient(s) used.

(vi) The phrase "with added thickeners" when stabilizers are added to increase the viscosity of the food with or without the aid of emulsifiers.

* * * * *

3. In § 18.20 by revising paragraphs (c)(3) and (e)(1)(iii) and by adding new paragraph (e)(1)(iv) and (v) to read as follows:

§ 18.20 Skim milk; identity.

* * * * *

(c) * *

(3) Stabilizers with or without emulsifiers may be used as follows:

(i) In a maximum amount of 0.25 percent of the weight of the finished food when none of the optional ingredients specified in paragraph (c)(2) of this section are added, and when the stabilizers are used as thickening agents and the emulsifiers are used to enhance the function of the stabilizers.

(ii) In a maximum amount of 2 percent of the total weight of any added nonfat milk solids or nonfat milk-derived solids as provided for in paragraph (c)(2) of this section.

* * * * *

(e) * * *

(1) * * *

(iii) The phrase "with added _____", the blank being filled in with the term "nonfat milk solids" when concentrated skim milk or nonfat dry milk is used singly or in combination, or with the specific name(s) of the ingredient(s) used.

(iv) The phrase "with added _____", the blank being filled in with either of the following: The term "nonfat milk-derived solids" when concentrated skim milk or nonfat dry milk is used in combination with nonfat solids from other milk-derived ingredients, e.g., lactose, casein, caseinates, whey, etc., or when only nonfat solids from milk-derived ingredients other than concentrated skim milk or nonfat dry milk are used; or alternatively by the common or usual name of the ingredient(s) used.

(v) The phrase "with added thickeners" are added to increase the viscosity of the food with or without the aid of emulsifiers.

* * * * *

Interested persons may, on or before December 27, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 8, 1976.

HOWARD R. ROBERTS,
Acting Rirector,
Bureau of Foods.

[FR Doc.76–31203 Filed 10–22–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket 76-RM-25]

ALTERATION OF CONTROLLED AIRSPACE

Glasgow, Montana [1]

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would delete the Glasgow Montana (Glasgow AFB), control zone and alter the Glasgow, Montana, transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received on or before November 22, 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 Regional Air Traffic Division Chief. 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.

A public docket will be available for examination by interested persons in the office of the Regional Counsel Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

The Glasgow Air Force Base, Glasgow, Montana, has been closed and the associated Cherry Creek TACAN has been decommissioned. This action has voided the requirement for controlled airspace surrounding what formerly was the Air Force Base. The decommissioning of the TACAN also makes it necessary to redescribe controlled airspace associated with instrument approach procedures and holding patterns for Glasgow International Airport with reference to the Glasgow VOR in lieu of the Cherry Creek TACAN.

In consideration of the foregoing, the FAA proposes the following airspace action:

§ 71.171 [Amended]

In § 71.171 (41 FR 355) delete the control zone description for Glasgow, Montana (Glasgow AFB).

§ 71.181 [Amended]

In § 71.181 (41 FR 440) amend the description of the Glasgow, Montana, transition area to read as follows:

That airspace extending upward from 700 feet above the surface within a 9 mile radius of Glasgow International Airport (latitude 48°12'50" N., longitude 106°37'10" W.), and that airspace extending upward from 1,200 feet above the surface within 11 miles southwest and 12 miles northeast of the Glasgow VOR 126° radial, extending from the VOR to 22½ miles southeast of the VOR; within 11 miles southwest and 12 miles northeast of the Glasgow VOR 306° radial, extending from the VOR to 11 miles northwest of the VOR; within 12 miles southwest and 7½ miles northeast of the Glasgow VOR 326° radial extending from the VOR to 22½ miles northwest of the VOR.

Issued in Aurora, Colorado, on October 15, 1976.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.76-30988 Filed 10-22-76;8:45 am]

[1] Map filed as part of original.

[14 CFR Parts 71, 91]

[Docket No. 16220; Notice No. 76-20]

OPERATIONS REVIEW PROGRAM

Proposed Airspace, Air Traffic and General Operating Rules

The Federal Aviation Administration is considering amending Parts 71 and 91 of the Federal Aviation Regulations by removing all provisions for designating Group III TCAs, by removing the 200 knot restriction from terminal control areas, and by making other editorial and clarifying changes.

Interested persons are invited to participate in this proposed rule making by submitting such written data, views, or arguments as they may desire. Comments relating to any significant environmental, energy or economic impact that might result because of the adoption of the proposals contained herein may also be submitted. Comments should identify the Regulatory Docket or Notice Number and be submitted in duplicate to: Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communication received on or before January 24, 1977, will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons.

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

On February 28, 1975, the Federal Aviation Administration, by Notice 75-9 (40 FR 8685), invited all interested persons to submit proposals for consideration during the 1975-76 Operations Review. In that Notice, the FAA announced that it would make available for comment a compilation of the proposals which were to be given further consideration as possible agenda items for the Operations Review Conference (December 1-5, 1975). Various Parts of the Federal Aviation Regulations (FARs) were included within the scope of the First Biennial Operations Review. Part 71—Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points—is also included in this notice since it is directly related to a proposed change in one of the FAR Parts listed in Notice 75-9.

On June 4, 1975, the FAA, by Notice 75-9A (40 FR 24041), published a compilation of the proposals that would be considered as possible agenda items for the Operations Review Conference. Included in the compilation were proposals to add the number of persons on board domestic as well as international flights to required flight plan information, runway selection by pilot in the interest of safety, and removal of Group III and 200 knot restriction from terminal control areas (TCAs).

After an evaluation of the comments submitted in response to Notice 75-9A as well as the comments of the participants at the Operations Review Conference, the FAA determined that a number of the proposals were adequately justified to serve as the basis for this notice of proposed rule making.

For convenience, each proposal in this notice is numbered separately. The FAA requests that interested persons, when submitting comments, refer to proposals by these numbers, or by the sections to which they relate. Each proposal also contains a reference to the Operations Review Program proposal number and section, if any, to which that proposal relates. Comments on this notice should not refer to the Operations Review Program proposal numbers or section numbers without also referring to the corresponding proposal numbers as set forth in this notice. Each proposal in this notice is followed by an explanation.

The rules proposed herein have been reviewed in accordance with Executive Order 11821, titled "Inflationary Impact Statements," (39 FR 41501, November 29, 1974), and it has been determined that the preparation of an inflationary impact statement is not necessary.

These amendments are proposed under the authority of sections 307, 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), and 1421) and 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 Parts 71 and 91 of the Federal Aviation Regulations, as follows:

§ 71.12 [Amended]

1. By amending § 71.12 by deleting the words "group II, or group III" and inserting the words "or group II" in place thereof.

EXPLANATION

The elimination of the Group III TCA "designator" and deletion of § 91.90(c) as proposed in this notice requires a concomitant change in § 71.12.

REF.

Proposal No. 253; § 91.90; Committee 5; Agenda Item E.

2. By amending paragraph (b)(1) of § 91.1 to read as follows:

§ 91.1 Applicability.

(b) * * *

(1) When over the high seas, comply with Annex 2 (Rules of the Air) to the Convention on International Civil Aviation and § 91.90 of Subpart B;

* * * * *

EXPLANATION

The elimination of § 91.70(c) as proposed in this notice requires that a concomitant change be made in § 91.1.

REF.

Proposal No. 253; § 91.90; Committee 5; Agenda Item E.

3. By revising § 91.24 (a) and (b) to read as follows:

§ 91.24 ATC transponder and automatic pressure altitude reporting equipment.

(a) *All airspace: U.S. registered civil aircraft.* For operations not conducted under Parts 121, 123, 127, and 135 of this chapter, ATC transponder equipment used in U.S. registered civil aircraft must meet the performance and environmental requirements of any class of TSO–C74b or any class of TSO–C74c as appropriate, except that the Administrator may approve the use of TSO–C74 or TSO–C74a equipment if the applicant submits data showing that such equipment meets the minimum performance standards of the appropriate class of TSO–C74c and environmental conditions of the TSO under which it was manufactured.

(b) *Controlled airspace: All aircraft.* Except for persons operating helicopters in terminal control areas at or below 1,000 feet AGL under the terms of a letter of agreement, and except for persons operating gliders above 12,500 feet MSL but below the floor of the positive control area, no person may operate an aircraft in controlled airspace unless that aircraft is equipped with an operable coded radar beacon transponder having a Mode 3/A 4096 code capability, replying to Mode 3/A interrogation with the code specified by ATC, and is equipped with automatic pressure altitude reporting equipment having a Mode C capability that automatically replies to Mode C interrogations by transmitting pressure altitude information in 100-foot increments. This requirement applies to—

(1) Group I and Group II Terminal Control Areas covered by § 91.90, except as provided therein; and

(2) All controlled airspace, of the 48 contiguous states and the District of Columbia, above 12,500 feet MSL, excluding the airspace at and below 2,500 feet AGL.

* * * * *

EXPLANATION

The proposed revision of § 91.24 (a) and (b) was promulgated in Notice No. 75–39 on December 8, 1975 (40 FR 57342). That revision was proposed in order to remove obsolete compliance dates. The revison to § 91.24, as stated in Notice No. 75–39, is withdrawn and replaced by this proposal. Persons wishing to comment on § 91.24 should now address their comments to this proposal.

Additionally, it is proposed that reference to "Group III" TCAs be deleted in order that § 91.24 be consistent with the proposed changes to § 91.90 contained in this notice.

REF.

Proposed No. 253; 91.90; Committee 5; Agenda Item E.

§ 91.70 [Amended]

4. By amending § 91.70 by revoking paragraph (c) immediately preceding the flush paragraph.

EXPLANATION

Paragraph 91.70(c) currently contains the requirement that an indicated airspeed of 200 knots (230 m.p.h.) is required in airspace underlying a terminal control area, or in a VFR corridor through a terminal control area. User groups attending the conference felt that the 250 knot requirement in § 91.70(a) would improve the see-and-avoid environment beneath the lateral limits of the TCA. Comments indicated that reduction to 200 knots in many cases creates additional cockpit workload, increases deck angle, thereby derogating the ability of the flight crew to observe other traffic. The FAA believes that any problems created by the increased speed (of 50 knots) would be more than compensated for by the increased ability of pilots to observe other traffic.

REF.

Proposal Nos. 254 and 255; § 91.90; Committee 5; Agenda Item E.

5. By revising § 91.83(a)(10) to read as follows:

§ 91.83 Flight plan; information required.

(a) * * *

(10) Except when a passenger manifest is readily available, the number of persons in the aircraft.

* * * * *

EXPLANATION

Subparagraph 91.83(a)(10) would be amended to apply the requirement that the number of persons in an aircraft be included on flight plans to all flights, and not just to international flights as currently provided. This change would make important information available on all flight plans for search and rescue operations. Furthermore, this change would except flights that utilize center stored flight plans as long as passenger manifests are readily available to interested parties.

REF

Proposal No. 248; § 91.83; Committee 5; Agenda Item D.

6. By revising the second sentence of § 91.87(g) to read as follows:

§ 91.87 Operation at airports with operating control towers.

* * * * *

(g) * * * However, each pilot has final authority and responsibility for the safe operation of his airplane and, if he determines that it is required in the interest of safety, another runway may be used upon approval by ATC.

* * * * *

EXPLANATION

The purpose of this proposal is to remove the parenthetical phrase "(air traffic and other conditions permitting)" and revise the second sentence of § 91.87(g) to provide that a pilot may request another runway as long as he feels it is required in the interest of safety.

Since § 91.87(g) deals primarily with the noise abatement runway system, the FAA believes it is necessary to permit a pilot to request another runway when a legitimate reason exists.

REF

Proposal No. 250; § 91.87; Committee 5; Agenda Item F.

§ 91.90 [Amended]

7. By amending § 91.90 by revoking paragraph (c).

EXPLANATION

The proposed change in conjunction with the proposed change to § 71.12 would eliminate the present Group III TCAs and regroup II and III into Group II.

Originally proposed as "terminal areas" in Notice 72–12 of April 11, 1972, and designated as "Group III Terminal Control Areas" (TCAs) in Amendment 91–116 of May 25, 1973, none of the 42 locations selected have been implemented as active Group III TCAs. All of these locations are currently designated as Terminal Radar Service Areas (TRSAs).

Accordingly, the FAA proposes to eliminate the "Group III" designator from TCAs and will, as necessity dictates, upgrade these areas as either a Group I or II TCA.

REF.

Proposal No. 253; § 91.90; Committee 5; Agenda Item E.

APPENDIX I COMMITTEE 5 (AIR TRAFFIC RULES)

PROPOSALS DEFERRED

Based upon the discussions at the Operations Review Conference, the FAA has determined that the proposals listed below appear to have sufficient merit to warrant further consideration, but for various reasons they have been deferred for further study or for consideration at a future regulatory review. Included in the reasons for deferral are the following:

1. Based upon careful evaluation, it was determined that the proposal required further study.

2. The proposal is more appropriately considered in conjunction with one or more

of the proposals considered at the Operations Review Conference which will be dealt with in a later notice.

14 CFR	Proposal No.	Agenda item	Proponent
91.75	237	F	Aircraft Owners & Pilots Association.
91.77	238	F	John D. Lyon.
91.83	242	D	Richard L. Taylor and Richard L. Newman.
91.83	243	D	Do.
91.87	249	B-1	Richard L. Newman.
91.90	251	E	Air Transport Association.
91.90	252	D	Do.
91.107	260	C-3	Aircraft Owners & Pilots Association,
91.116	265	B-2	Air Line Pilots Association.
91.117	266	B-2	Richard H. Shea,

APPENDIX II COMMITTEE 5 (AIR TRAFFIC RULES)

PROPOSALS WITHDRAWN BY PROPONENT

The proposals listed below were withdrawn by the proponents after the publication of the committee workbooks. The proponent or other interested persons may submit similar proposals in the future.

14 CFR	Proposal No.	Agenda item	Proponent
91.82	241	F	FAA.
91.107	261	C-3	Air Line Pilots Association.
91.116	262	B-2	FAA.
91.116	263	B-2	Do.
91.119	267	B-3	Do.
91.125	271	B-1	Do.

APPENDIX III COMMITTEE 5 (AIR TRAFFIC RULES)

PROPOSALS REMOVED FROM CONSIDERATION

Based on the FAA's review of the discussions at the Operations Review Conference and information submitted by interested persons, the following proposals considered by Committee 5 at the Operations Review Conference are removed from consideration during the First Biennial Operations Review for the reasons listed below:

14 CFR	Proposal No.	Agenda item	Proponent
91.xx	149	A	Richard L. Newman.
91.xx	150	B-1	Do.
91.xx	151	C-1	Do.
91.xx	152	F	Air Line Pilots Association.
91.70	234	F	Air Traffic Control Association of America.
91.70	235	F	Air Transport Association.
91.79	239	C-2	Lee Holiaar and Thomas Cabel.
91.79	240	C-2	National Business Aircraft Association.
91.79	240A	C-2	Pacific Gas & Electric Co.
91.105	256	C-3	Richard L. Newman.
91.105	257	C-3	Air Line Pilots Association.
91.107	259	C-3	National Business Aircraft Association.
91.116	264	B-2	General Aviation Manufacturers Association.
91.119	268	B-3	Air Transport Association.
91.119	269	B-3	Air Taxi & Commercial Pilots Association.
91.125	270	B-1	Richard L. Newman.

Proposal No. 149. The proposal would have added a new regulation to Part 91 to determine which area an aircraft is operating in when the aircraft is at the boundary plane. The FAA has determined that the proposal would be more restrictive than the provisions of §§ 91.105 and 91.109 that it proposed to replace.

Proposal No. 150. The proposal would have added a new regulation to Part 91 by consolidating various Air Traffic Control compliance clearances. The present regulations provide specific information for pilots to comply with Air Traffic Control clearances and the proposed language would clearly create redundant regulatory material. Portions of the proposed language would also create ambiguities not existent in present regulations.

Proposal No. 151. The proposal would have added a new regulation to Part 91 to indicate proper position when navigating by ground features. The FAA believes that the proposal is not appropriate as a regulation and if considered at all, should be included in the Airman's Information Manual.

Proposal No. 152. The proposal would have added a new regulation to Part 91 pertaining to impoundment of ATC Recordings. The FAA believes that the proposal is not appropriate for regulatory action under Part 91 and that the current directives spell out satisfactory distribution and retention procedures.

Proposals No. 234 and 235. These proposals would have excluded flight within a TCA from the 250 knot rule (§ 91.70(a)). The FAA does not believe that the resultant increased speeds would enhance air traffic control procedures in high density terminals.

Proposal No. 239. The proponent suggested amending § 91.79(d) to add "lighter-than-air" as an additional category for minimum safe altitudes. The FAA believes that a pilot does not have sufficient control over a lighter-than-air aircraft to safely permit unrestricted operations at altitudes lower than specified in current regulations.

Proposal No. 240. The proposal would have added a new paragraph to § 91.79 to include "aerial surveillance" operations. Although these are legitimate operations, the FAA is currently reviewing the entire waiver policy effecting these operations and believes that waivers will permit more flexibility than regulatory action.

Proposal No. 240A. The proponent suggested amending § 91.79(c) to increase the minimums when operating near power lines. The FAA concedes that a problem exists and believes that a project in progress pertaining to obstructions, lighting, etc., will have a considerable bearing on alleviating this issue.

Proposal No. 256. The proposal would have amended § 91.105(a) by lowering the altitude condition, where noted, from "* * * less than 10,000 feet MSL" to "* * * less than 5,000 feet MSL." The FAA has determined that the existing rule has not shown any derogation of safety and that the proposal could unduly restrict and provide an economic burden on a large segment of the aviation public without providing any appreciable increase in safety.

Proposal No. 257. The proposal would amend § 91.105 (c) and (d) by increasing the ceiling to 1,500 feet in lieu of 1,000 feet and also increase visibility from three statute miles to five statute miles. The FAA believes that the existing rule has not derogated safety and is satisfactory in its present form.

Proposal No. 259. The proponent suggested that § 91.107(e) be amended to eliminate the phrase "between sunset and sunrise (or in Alaska, when the sun is more than six degrees below the horizon) * * *" and add after the phrase "* * * under Part 61 of this chapter" the words "except where special agreements are in effect." A majority of the commentators did not concur. The FAA believes, in light of the comments, that the proposal could unduly restrict a large segment of the aviation public.

Proposal No. 264. The proposal would have added to the end of the first sentence of § 91.116(b) the phrase "* * * Except as provided in § 91.117(b)." The FAA removed the proposal from consideration in light of an outstanding Notice of Proposed Rule Making (Notice No. 72-16) and Proposal No. 266 which has been deferred for additional review.

Proposal No. 268. The proposal would have changed the phrase "* * * of five statute miles from the course to be flow * * *" in § 91.119(a)(2) (i) and (ii) to "* * * of five miles from the center of the intended course." The FAA believes that current § 91.119(a)(2) (i) and (ii) are satisfactory and that the proposal would impose air carrier requirements of § 121.657 on non-air carrier operations.

Proposal No. 269. The proponent suggested raising the minimum altitude for IFR operations from 1,000 feet to 1,200 feet. Considering the number of nonconcurrences, the FAA believes that consistency is necessary and that no substantial benefit will be derived from the proposal.

Proposal No. 270. This proposal would amend § 91.125 by expanding on the position reports and other reports required under IFR. The proposal was basically opposed by the commentators and the FAA has determined that there is insufficient justification for the proposed change.

Issued in Washington, D.C., on October 15, 1976.

GLEN D. TIGNER,
Acting Director,
Air Traffic Service.

[FR Doc.76-31194 Filed 10-25-76;8:45 am]

Federal Highway Administration

[23 CFR Parts 665, 750, 752, and 753]

[FHWA Docket No. 76-12]

DIRECTIONAL SIGN STANDARDS

Advance Notice of Proposed Rulemaking

The Federal Highway Administration will study the National Standards and regulations governing directional signs and other information systems to determine their effectiveness in making directional information available to the traveling public.

This advance notice of proposed rulemaking is being issued pursuant to the requirements of § 122(b) of the Federal-Aid Highway Act of 1976, Pub. L. 94-280, May 5, 1976, 23 U.S.C. 131(q)(1). This amendment to 23 U.S.C. 131 requires the Secretary of Transportation to restudy the existing National Standards for signs authorized under 23 U.S.C. 131(c)(1) and 131(f). The Secretary is to study these National Standards to assure that the traveling public will continue to receive necessary information about goods and services. The Secretary is also to insure that directional information is carried on signs which are functionally and esthetically compatible with their surroundings. The Secretary is directed to employ the resources of other Federal agencies and departments, including the National Endowment for the Arts, and to consult with private industry and the public in the restudy. This advance notice of proposed rulemaking is being issued to solicit comments from interested individuals, groups, private industry, and public agencies, as an initial step towards complying with 23 U.S.C. 131(q)(1).

Outdoor advertising control legislation has recognized the importance of providing directional information to the traveling public since the outset of the

Federal highway beautification program. Thus, 23 U.S.C. 131 permits the erection of certain types of off right-of-way directional signs and provides for on right-of-way information signs and services. The Federal law specifically allows the States to permit the following types of devices and services along Interstate and Federal-aid primary highways:

1. Off-premise commercial advertising signs located within commercial and industrial areas adjacent to the highway. These signs are governed as to their size, lighting and spacing by a State-Federal agreement, as provided for in 23 U.S.C. 131(d). All States have such an agreement and have laws or regulations designed to carry out this agreement.

2. Directional and official signs adjacent to the highway. These signs are controlled by National Standards setting forth the requirements for the number, type, location and message of signs permitted. The National Standards are found at Subpart B, Part 750, Title 23, Code of Federal Regulations. Official signs are those which are erected by a public agency within its territorial or zoning jurisdiction, for the purpose of carrying out an official duty or responsibility. Directional signs are signs limited to a maximum size of 150 sq. ft. giving directional information about natural phenomena, historic, cultural, scientific, educational and religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation. Qualifying activities must be of outstanding interest to the traveling public, nationally or regionally known and meet State selection criteria.

3. On property signs. These signs advertise an activity conducted on the property on which they are located. General controls regarding these signs are set forth at 23 CFR 750.709.

4. On right-of-way information signs (logos). These signs are controlled as to size, spacing, location, message content, and general physical characteristics by Subpart C, Part 655, Title 23, Code of Federal Regulations. Logos are official signs erected on the right-of-way, whose message content is limited to information pertaining to gas, food, lodging and camping. Brand identification in connection with these services is permitted.

5. Information centers and systems. Information centers and systems are permitted under 23 U.S.C. 131(i) and under 23 CFR, Parts 752 and 753. These are on right-of-way facilities, generally located in safety rest areas, which provide information about goods and services in the area in which the information center is located. They may be publicly or privately operated. Many types of systems are permitted by Federal law.

In considering the adequacy of these information signs and systems, the FHWA will specifically consider these questions:

1. What types of information should be considered "necessary to the traveling public?" The FHWA will review the type of information presently made available through the various information devices and systems to determine if the motorist is being provided with the type of information which he requires.

2. Do the States have sufficient flexibility under present National Standards, laws and regulations to provide the traveling public with needed directional information? The FHWA will review the types of information systems and devices which presently are available for the dissemination of directional information to determine if they effectively provide the public with a sufficient range of directional information.

3. Which type of directional information, if any, is best provided for:

(a) By on right-of-way signs (logos), as permitted under 23 U.S.C. 131(f)?

(b) By off right-of-way signs (directional and official signs), as permitted under 23 U.S.C. 131(c)(1)?

(c) By commercial or on property advertising signs?

(d) By information centers and other information systems, as provided in 23 U.S.C. 131(i)?

The FHWA will consider the types of information presently being provided on these various types of signs and systems. These will then be considered in light of their esthetic compatibility with their surroundings, as well as their effectiveness in providing directional information.

4. (a) Should additional types of information be allowed to qualify as directional information under the National Standards, Federal regulations, and Federal law?

(b) Should additional types of sign structures and other outdoor advertising devices and information systems be permitted along the Interstate and primary systems?

In considering these two questions, the FHWA will review the conclusions reached under questions 1, 2, and 3 in light of present standards.

5. Should directional information, both on and off the right-of-way, be provided only on standardized and uniform signs? Over the years, the FHWA has received a number of proposals to adopt national and state-wide standards for directional signs. These proposals have envisioned that individual sign owners wishing to establish directional signs would be required to construct them in conformance with rather specific guidelines as to maximum size, appearance, and location of signs.

6. Should the FHWA permit the transmission of directional information by means other than those presently permitted under 23 U.S.C. 131? The FHWA will look at other types of directional information systems providing a more esthetic view from the highway, while still giving the motorist necessary directional information.

Public comment on this advance notice of proposed rulemaking is invited in all areas related to directional information which would aid the traveling public, in the furtherance of the study mandated by Congress. Specific comments on the foregoing questions would be particularly welcome.

Those wishing to comment on the matters raised in this advance notice of proposed rulemaking are asked to submit their views in writing. Comments should identify the FHWA docket number (FHWA Docket No. 76–12) and be submitted in triplicate to Room 4230, Federal Highway Administration, U.S. Department of Transportation, 400 7th St. S.W., Washington, D.C. 20590. All comments received on or before January 24, 1977 will be considered. Comments received will be available for public inspection both before and after the closing date at the above address.

This advance notice of proposed rulemaking is issued under the authority of 23 U.S.C. 131 and 315, and 49 CFR 1.48.

Issued on: October 18, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.76-31236 Filed 10-22-76;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 527]

[Docket No. PE76-2; Notice 1]

PASSENGER AUTOMOBILE AVERAGE FUEL ECONOMY STANDARDS

Petitions for Reduction

General description of proposed rule. This notice proposes a new regulation setting forth the requirements applicable to the submission of petitions by passenger automobile manufacturers to reduce the average fuel economy standards for passenger automobiles produced in model years 1978, 1979, and 1980. The reductions would be available only to offset partially any loss of fuel economy achievable by the manufacturers due to the application to passenger automobiles in those years of Federal emissions, safety, noise, or damageability standards (hereinafter referred to as "nonfuel economy standards") more stringent than those applicable to passenger automobiles in model year 1975. It also describes the procedures that the National Highway Traffic Safety Administration (NHTSA) would follow in acting upon the petitions.

The proposed rule lists the types of information which a manufacturer must submit in its application in order to obtain a reduction and sets forth procedures by which the reduction is calculated and approved or denied. Generally, the manufacturer must submit information on the numbers of each different type of passenger automobile it plans to produce (the "production mix"), the technology it plans to incorporate in the passenger automobiles, and their fuel economy. The applicant for a reduction is required to calculate the average fuel economy of its planned production passenger automobiles and the average fuel economy it would have achieved had the nonfuel economy standards remained at their 1975 level of stringency. The difference between these two calculated fuel economies is the fuel economy penalty associated with the more stringent non-

fuel economy standards and is the major ingredient in the final calculation of a reduction.

These calculations are based, as required by the Act, on a production mix which would have resulted in a manufacturer's average fuel economy being equal to or greater than the fuel economy standard had the nonfuel economy standards remained at their 1975 levels. If the manufacturer's planned production mix could not meet this criterion, an alternative, hypothetical production mix, which is specified in the proposed regulation, must be used in the calculation.

The manufacturer must also demonstrate that it has employed a "reasonably selected technology" in order to qualify for a reduction. This regulation does not, however, list specific types of technology which either are or are not deemed "reasonably selected." In fact, such a determination may vary from manufacturer to manufacturer, due to their different economic and technical capabilities.

Statutory background. Part A of title III of the Energy Policy and Conservation Act (Pub. L. 94–163) amended the Motor Vehicle Information and Cost Savings Act (referred to hereafter as "the Act") by adding a new title V. That title (15 U.S.C. 2001 et seq.) requires the Secretary of Transportation to implement a program for improving the fuel economy of automobiles. Authority to administer the program was delegated by the Secretary to the Administrator of the NHTSA (41 FR 25015; June 22, 1976). Section 502(a)(1) of the Act establishes passenger automobile average fuel economy standards of 18 mpg, 19 mpg, and 20 mpg, for model years 1978, 1979, and 1980, respectively. (The vehicles which are classified as "passenger automobiles," and which are therefore subject to these standards, will be identified in a proposal to be issued within the next month. Generally, that proposal will classify all vehicles typically known as passenger cars as "passenger automobiles," including those whose gross vehicle weight rating is in excess of 6000 pounds. Passenger vans, other light duty trucks, multipurpose passenger vehicles, and passenger car derivatives such as the Chevrolet El Camino and the Ford Ranchero would be categorized as "nonpassenger automobiles.") The levels of average fuel economy required by the standards were set by the Congress partially in consideration of the nonfuel economy standards applicable to passenger automobiles in model year 1975. Section 502(d) of the Act provides a mechanism for adjusting the passenger automobile average fuel economy standards for any of model years 1978, 1979, and 1980 to offset partially any adverse affects that nonfuel economy standards, which are applicable to passenger automobiles in any of those model years and which are more stringent than those applicable to passenger automobiles in model year 1975, may have on the average fuel economy achievable by the passenger automobile manufacturers.

Any passenger automobile manufacturer may petition the Administrator for a reduction under section 502(d). Eligibility to submit a petition is not restricted to manufacturers whose achievable average fuel economy is caused by more stringent nonfuel economy standards for any of model years 1978, 1979, and 1980 either to fall below the passenger automobile average fuel economy standard for that year or, in the case of a manufacturer which would have failed to comply regardless of the impact of those nonfuel economy standards, to fall further below the fuel economy standard. A manufacturer which is able to comply with that average fuel economy standard, notwithstanding the more stringent nonfuel economy standards for that model year, may also submit a petition.

Benefits of a reduction. The benefits to a manufacturer of seeking a reduction for model year 1978, 1979, or 1980 will depend upon the relationship between its average fuel economy and the average fuel economy standard for that model year specified in section 502(a) for passenger automobiles. By obtaining a reduction, a manufacturer which failed to meet the unadjusted standard might be able either to reduce or eliminate its civil penalty liability, as specified in section 508(b) of the Act, for violating the standard. A manufacturer which met the standard might be able to minimize its loss of marketing flexibility, e.g., flexibility to change production mix without violating the average fuel economy standards, and to minimize its loss of flexibility to make running changes in its vehicles and to introduce new model types during the model year.

Effect of reduction on civil penalty credits. The reduction of a passenger automobile average fuel economy standard pursuant to section 502(d) does not increase the civil penalty credit that a manufacturer can earn under section 508(a) of the Act. Section 508(a) provides that if a manufacturer exceeds an applicable average fuel economy standard in a given model year, a negative civil penalty or civil penalty credit is calculated and applied first against any civil penalty liability that the manufacturer incurred under the standard for the same type of automobiles in the preceding model year. Then the balance, if any, of the credit is applied toward any such liability that the manufacturer incurs under the standard for those automobiles in the model year following the one in which the credit was earned. Section 508(a)(3)(A)(i) also provides, however, that the credit shall be determined without regard to adjustments made under section 502(d) in the passenger automobile average fuel economy standards.

Petitions relating to imported and domestic passenger automobiles. If a manufacturer whose production includes both imported and domestic passenger automobiles wishes to obtain relief under section 502(d) for its entire passenger automobile production in any of model years 1978, 1979, and 1980, it will have to submit two separate petitions for model years 1978 and 1979, one for its imported and one for its domestic vehicles. Under section 503(b) of the Act, only a portion of a manufacturer's annual production of imported passenger automobiles may be averaged together with its domestic passenger automobiles in determining its average fuel economy in either model year 1978 or 1979. The balance of its imported passenger automobiles are required to be treated as though manufactured by a different manufacturer and would have to be the subject of a separate petition under section 502(d). Section 503(b) provides that after model year 1979, none of the manufacturer's nondomestically-manufactured passenger automobiles may be averaged with its domestically-manufactured passenger automobiles. Thus, in model year 1980, if such a manufacturer desired to obtain relief under section 502(d) for its entire production, it would also have to submit two petitions. Regulations to implement section 503(b) have been established (41 FR 38674; September 10, 1976) by the Environmental Protection Agency (EPA) in Subpart F of 40 CFR Part 600.

Showings required to obtain a reduction. Before a reduction can be granted under section 502(d), a manufacturer must demonstrate and the Administrator must find two facts.

The first fact is that

> a Federal standards fuel economy reduction is likely to exist for such manufacturer for the model year to which the application relates. (section 502(d)(2)(A)(i))

The term "Federal standards fuel economy reduction" is defined as the "sum of the applicable fuel economy reductions." (section 502(d)(3)(B)) The latter type of reduction is in turn defined in section 502(d)(3)(C) as

> a number of miles per gallon equal to—
>
> (i) the reduction in a manufacturer's average fuel economy in a model year which results from the application of a category of Federal standards applicable to such model year, and which would not have occurred had Federal standards of such category applicable to model year 1975 remained the only standards of such category in effect, minus
>
> (ii) 0.5 mile per gallon.

Section 502(d) identifies 4 categories of Federal standards: emissions, safety, noise, and damageability.

The second fact is that the "manufacturer applied a reasonably selected technology" with respect to its passenger automobiles for the model year to which its petition applies (hereafter referred to as "the affected model year"). The term "reasonably selected technology" is defined as

> a technology which the Secretary determines was reasonable for a manufacturer to select, considering (i) the Nation's need to improve the fuel economy of its automobiles, and (ii) the energy savings, economic costs, and lead-time requirements associated with alternative technologies practically available to such manufacturer. (section 502(d)(3)(A))

The conference report on the Energy Policy and Conservation Act further re-

fines the definition of this term. (S. Rep. No. 94–516, 94th Cong., 1st Sess. 156 (1975) The report states that such a technology is one which, consistent with the considerations set forth in the statutory definition of the term, "minimizes a Federal standards fuel economy reduction." The report also provides guidance in interpreting the term, "technology." According to the report, the term

is to be construed broadly when used in the definition of reasonably selected technology, and may include such items as vehicle weight, engine displacement, transmissions, streamlining, radial tires, as well as technology specifically related to meeting Federal automobile standards.

If the Administrator finds that a petitioner has demonstrated both the likelihood of a Federal standards fuel economy reduction and the application of a reasonably selected technology, he is required to reduce the passenger automobile average fuel economy standard for the affected model year by the amount of the petitioner's Federal standards fuel economy reduction. If the Administrator finds that the petitioner has demonstrated the likelihood of such a reduction, but not the application of a reasonably selected technology, he must posit such a technology and reduce the standard by an amount equal to the Federal standards fuel economy reduction that he finds would have resulted from the application of such a technology. If the Administrator does not find that a reduction is likely, he is required to deny the petition.

Proposed regulation. The proposed regulation specifies the minimum requirements for petitions for Federal standards fuel economy reductions. The proposal generally does not require the submission of particular items of data and information. Instead, it identifies the elements of the showings that a petitioner must make under section 502(d)(2)(A) and leaves to the manufacturer the selection of the data and information that would best enable him to make those showings. The Administrator could, however, direct a petitioner to provide supplementary data and information when the Administrator considered it appropriate.

The petitioner would be required to include in its petition all of its data, views, and arguments supporting the requested Federal standards fuel economy reduction. The regulation would set forth minimum requirements regarding such material.

A petitioner would not be permitted to incorporate by reference documents unless they were submitted with the petition. This policy will facilitate public examination of the petitions. It will also facilitate this agency's analysis of petitions and consideration of requests for confidential treatment of data and information.

A petitioner could base his petition on one or more of the categories that he believed to have caused an applicable fuel economy reduction.

Two sets of passenger automobiles. For each category of nonfuel economy automobile standards for which an applicable fuel economy reduction is claimed, the petitioner would have to submit certain data and information, including the average fuel economy, comparing two different sets of passenger automobiles. One set (referred to hereafter as "set 1") would be the passenger automobiles that the petitioner plans to produce in the affected model year subject to the average fuel economy standards and to the standards in all 4 categories of nonfuel economy automobile standards applicable to passenger automobiles in that year. The other set (referred to hereafter as "set 2") would be the hypothetical versions of the petitioner's planned passenger automobiles that it would have produced in the affected model year had the model year 1975 standards in the category for which the reduction is claimed remained the only standards of that category in effect. See Table 1 for an example of the proposed approach where a manufacturer applied for a reduction due to more stringent emission standards.

TABLE 1

	Emissions standards	Safety standards	Noise standards	Damageability standards
Set 1	AMY [1]	AMY	AMY	AMY
Set 2 [2]	75 MY	AMY	AMY	AMY

[1] AMY=affected model year.
[2] When reduction is claimed for emissions standards.

Consideration was given to an alternative pair of sets that could be used to determine the amount of a manufacturer's applicable fuel economy reduction. Under the alternative approach, such reduction would be determined by comparing the average fuel economy of two sets of hypothetical passenger automobiles. One set would consist of the versions of the petitioner's passenger automobiles that it would have produced in the affected model year in accordance with the model year 1975 standards in all 4 categories of nonfuel economy automobile standards and with the applicable average fuel economy standard for the affected model year. The other set would be the versions of the first set of hypothetical automobiles that he would have produced in accordance with the same standards assumed to apply to the first set, except that the affected model year standards in the category of nonfuel economy automobile standards claimed by the petitioner would be assumed to be applicable instead of the model year 1975 standards in such category. See Table 2 for an example of the alternative approach.

TABLE 2

	Emissions standards	Safety standards	Noise standards	Damageability standards
Set 1	75 MY	75 MY	75 MY	75 MY
Set 1 [1]	AMY	75 MY	75 MY	75 MY

[1] When reduction is claimed for emissions standards.

The alternative approach is not proposed for two reasons. First, it would require postulating two sets of hypothetical passenger automobiles and therefore would be more burdensome to administer than the proposed approach which would require the postulating of only one such set. Second, the alternative approach would be inconsistent with section 502(d) and its legislative history which require that final determinations granting Federal standards fuel economy reductions be deferred until fuel economy values under section 503(d) are available from the EPA for most of the petitioner's model types of set 1 passenger automobiles. Use of the alternative approach's two sets of hypothetical passenger automobiles would make the requirement regarding the obtaining of EPA fuel economy values largely meaningless. More important, use of the two such sets would mean that there would probably not be any of those values for either set.

Comparison of the proposed two sets of passenger automobiles. The regulation would require the petitioner to provide, as a minimum, information regarding the technology, fuel economy and average fuel economy of each base level, and of those vehicle configurations within such base levels which are specific in the EPA regulations, of its two sets of passenger automobiles. The terms "base level" and "vehicle configuration" are used in the proposed regulation with the meaning given them by the EPA in 40 CFR Part 600. The first term is defined as a "unique combination of basic engine, inertia weight class, and transmission class." The second term is defined as a "unique combination of basic engine, engine code, inertia weight class, transmission configuration, and axle ratio within a base level."

Technology of set 1. The petitioner would be required to describe the technology to be incorporated in its passenger automobiles for the affected model year and to demonstrate that the technology was a reasonably selected technology. These requirements would apply to all technology that is related to the petitioner's efforts to comply with any standard in any of the 4 categories of nonfuel economy automobile standards or that affects the fuel economy of the pas-

senger automobile in which it is incorporated. Technology affecting fuel economy would include, among others, items such as automobile weight, engine displacement, transmissions, streamlining, engine calibration, and radial tires. To demonstrate the reasonableness of its selected technology, the petitioner would have to describe any alternative technologies that were practicably available to it and that would have enabled its passenger automobiles to achieve higher fuel economy than the technology used. Next, it would have to explain its reasons for not incorporating those alternative technologies. That explanation would be required to include a comparison of the energy savings, economic costs, and leadtime requirements associated with each item of alternative technology and the item of technology to be incorporated in its passenger automobiles.

In evaluating the petitioner's claim to have used a reasonably selected technology, the Administrator would consider the incorporation of a particular technology in some of the petitioner's passenger automobiles but not others in judging the reasonableness of the technology of the latter passenger automobiles; the application by the petitioner or other manufacturers of a particular technology in model years preceding the affected model year but not the affected model year; the plans of the petitioner for application of a particular technology in a model year following the affected model year, but not in the affected model year; the use in the affected model year by other passenger automobile manufacturers of technology not used by the petitioner in that year; technology demonstrated and evaluated by any developer; and technology evaluated by any of the Federal or State agencies responsible for administering any category of the nonfuel economy automobile standards. The evaluation would include consideration of the effect of the technology on fuel economy, the economic costs and leadtime requirements associated with the technology, and the practicable availability of the technology. With respect to questions regarding leadtime and practicable availability, the Administrator would also look to presentations by the petitioner regarding its research, development, design, engineering, maintenance, warranty, quality control, and testing programs for minimizing any adverse impact on fuel economy of the affected model year standards that were in the category of nonfuel economy automobile standards claimed by the petitioner and were more stringent than the standards in that category in model year 1975.

A reasonably selected technology for one manufacturer might be different from that for another manufacturer. There are several sources of the possible difference. One is the difference between manufacturers in the capital they have available for financing changes in their passenger automobiles. Another is the difference between manufacturers in the number of passenger automobiles of a particular class that they produce annually. A manufacturer whose production in a particular class is relatively low might not be able to exploit a technology that can be economically used by a manufacturer whose production in that class is relatively high. Yet another is a combination of the difference in the passenger automobile classes offered by manufacturers and the technological or economic suitability of some technology for certain-sized or priced passenger automobiles but not for others. Technology that a manufacturer of larger or more expensive passenger automobiles might reasonably be expected to use on his vehicles might not be reasonably expected to be used by a manufacturer of smaller or lower-priced passenger automobiles.

Comment is solicited on these and other possible criteria for determining whether technology is reasonably selected. These comments will assist the agency in providing general guidance to petitioners on how technology will be evaluated.

Technology of set 2 passenger automobiles. For each category of nonfuel economy automobile standards for which the petitioner claims an applicable fuel economy reduction, the petitioner would have to describe how it would have modified the technology of the set 1 passenger automobiles to comply with the model year 1975 standards in that category instead of the affected model year standards in that category. To ensure the reasonableness of the modifications, the regulation would require that they be consistent with the national need to improve automobile fuel economy, and with the energy savings, economic costs, and leadtime requirements associated with the technologies that would have been practicably available to the petitioner had the model year 1975 standards in that category been the only standards in that category for the affected model year. Thus, the regulation would preclude increasing the fuel economy of the set 2 passenger automobiles (thereby increasing the applicable fuel economy reduction) through the assumption for them of technologies that are excessively expensive or practically unavailable and that the petitioner would therefore have been unlikely to use in real practice. Where a reduction for more stringent emission standards is sought and where a set 1 vehicle is a "California model", i.e. one designed to meet the more stringent California emission standards, the corresponding set 2 vehicle would be one designed to comply with 1975 California emission standards.

Interaction between efforts to comply with two or more categories of nonfuel economy automobile standards. The proposed rule is based on the assumption that efforts to achieve compliance with more than one type of nonfuel economy standards are independent in effect, i.e., that efforts to achieve compliance with one type of standard will have no effect on the level of technology necessary to comply with another. In some cases, this assumption may be invalid. Compliance efforts for different types of nonfuel economy standards may interact synergistically or otherwise, so that the calculation of a Federal standards fuel economy reduction under the procedure specified in § 531.10 and § 531.11 will either overstate or understate the true total reduction. Where this is the case, the manufacturer must adjust the calculations to compensate for this effect. Comment is solicited on particular methods for making this compensation.

Fuel economy of set 1 passenger automobiles. The petitioner would be required to establish the fuel economy of each model type of his passenger automobiles to be produced in the affected model year. The fuel economy figures would be calculated in accordance with the EPA's fuel economy regulations and test procedures in 40 CFR Part 600 with certain exceptions. The most notable exception would be that, in certain circumstances, petitioners could use fuel economy figures that have not been approved by the EPA.

The petitioner would be required to submit the results of all fuel economy tests and analyses, if any, conducted by the petitioner in accordance with 40 CFR Part 600 and approved by the EPA. These data must be submitted for each vehicle configuration for which fuel economy test results would be required by the EPA to be approved by it for calculating average fuel economy under 40 CFR 600.506–78 were the petitioner's passenger automobiles to be produced in the affected model year produced in the production mix required under the proposed regulation. For the vehicle configurations for which approved fuel economy figures were not available, the petitioner would have to submit unapproved results of tests and analyses.

Not all vehicle configurations are represented in the EPA calculation procedure and therefore in the requirements of this part. Rather, in accordance with EPA procedures, fuel economy data and other information must be submitted for three groups of configurations. First, data must be submitted for each certification or running change vehicle tested pursuant to EPA emission regulations. Second, data must be submitted for certain vehicle configurations within each base level with projected sales of at least one percent of the projected production total. Configurations included in this group are those with the largest projected sales and which comprise at least ninety percent of projected sales for the base level. Third, for those base levels comprising less than one percent of projected sales, the largest configuration is selected. Additional data may be submitted if the petitioner so desires.

When, as discussed below, a petitioner would be required to use a production mix, other than its projected one, for determining applicable fuel economy reductions, he might have to establish the fuel economy of different vehicle configurations and base level than the one for which he would be required to establish fuel economy values if the projected mix were used. The reason for the difference is that production mix is one of the most

important determinants of the particular vehicle configurations and base levels required to be tested under the EPA regulations. While some vehicle configurations may not be sufficiently numerous under the projected mix to necessitate testing for developing fuel economy labels or determining average fuel economy for standards compliance purposes, they may become sufficiently numerous to necessitate testing when the mix is changed to the one required to be used for determining applicable fuel economy reductions.

The proposed regulation would not require a petitioner to conduct any additional fuel economy testing for the purpose of obtaining a Federal standards fuel economy reduction. The fuel economy test results that would be provided under the regulation would be those conducted by the petitioner under 40 CFR Part 600 for fuel economy labeling or standards compliance purposes. The proposal would simply require that the results of those tests be included in a petition if they have been approved by the EPA before the petition is submitted.

Fuel economy of set 2 passenger automobiles. For each category of nonfuel economy automobile standards for which the petitioner claimed an applicable fuel economy reduction, it would have to establish the fuel economy of each model type of its set 2 passenger automobiles that it would have produced in the affected model year if the model year 1975 standards in that category were the only standards in that category in effect during the affected model year. The fuel economy values for the set 2 passenger automobiles would be determined in the same manner in which the values for the set 1 passenger automobiles would be determined.

Average fuel economy of set 1 passenger automobiles. The proposed regulation would require the petitioner to establish the average fuel economy of his set 1 passenger automobiles. The figure would be calculated in accordance with Subpart F of 40 CFR Part 600 and based upon the fuel economy values submitted by the petitioner for each model type of those passenger automobiles and upon the production mix required under the proposed regulation to be used in determining applicable fuel economy reductions.

Average fuel economy of set 2 passenger automobiles. For each category of nonfuel economy automobile standards for which the petitioner claims an applicable fuel economy reduction, the petitioner would be required to establish the average fuel economy of its set 2 passenger automobiles that it would have produced in the affected model year if the model year 1975 standards in that category were the only standards in the category in effect during the affected model year. The figure would be determined in the same manner in which the set 1 figure would be determined.

Applicable fuel economy reduction. To determine the applicable fuel economy reduction for each category of nonfuel economy automobile standards claimed by the petitioner, it would first subtract the average fuel economy figure that the petitioner provided for its set 1 passenger automobiles from the one it provided for its set 2 passenger automobiles. The second step would be to subtract 0.5 miles per gallon from the difference between the average fuel economies of the two sets of passenger automobiles. The subtraction of 0.5 miles per gallon is required by the definition of "applicable fuel economy reduction" in section 502(d)(3)(C). Thus, if the difference between the average fuel economies were 0.6 miles per gallon, the applicable fuel economy reduction would be 0.1 miles per gallon. If the difference were 0.5 miles per gallon or less, the reduction would be considered to be 0.0 miles per gallon.

The applicable fuel economy reductions of petitioners for a particular category of nonfuel economy automobile standards might not be the same. One reason for the difference could be differences in the technology assumed for the set 2 passenger automobiles of the various petitioners. The difference in that technology might result in differences between the average fuel economies of the set 1 and set 2 passenger automobiles of some petitioners being larger than the differences for other petitioners.

Federal standards fuel economy reduction. To determine the overall reduction, i.e., the "Federal standards fuel economy reduction," to which a petitioner is entitled, the petitioner would be required to add the applicable fuel economy reductions that it is seeking. The effect of subtracting 0.5 miles per gallon from the difference in the average fuel economies calculated for each category of nonfuel economy automobile standards claimed by the petitioner may be seen from the following example appearing in the conference report on the Energy Policy and Conservation Act. (S. Rep. No. 94-516, supra, 156) The example involves a manufacturer that submits a petition claiming that the difference between the average fuel economies are 0.7 mpg for noise standards, 0.6 mpg for emissions standards, and 0.8 mpg for property loss reduction standards. If the claimed differences were found valid by the Administrator, he would be required to reduce the average fuel economy standard applicable to the petitioner's passenger automobiles by ((0.7 mpg—0.5 mpg)+(0.6 mpg—0.5 mpg)+(0.8 mpg—0.5 mpg)), a total of 0.6 mpg.

Production mix. With respect to the production mix to be used by a manufacturer in calculating average fuel economy to determine the amount of applicable fuel economy reductions, section 502(d)(3)(E) provides that

> the Secretary (in accordance with such methods as he shall prescribe by rule) shall assume a production mix for such manufacturer which would have achieved the average fuel economy standard for such model year had standards described in subparagraph (D) applicable to model year 1975 remained the only standards in effect. (Emphasis added.)

This paragraph is interpreted, particularly in light of the word "a" before "production mix," to require the use of the same production mix for the set 1 and set 2 passenger automobiles. It is proposed that the manufacturer's projected mix for the affected model year be used as that single, common mix to the maximum extent possible consistent with section 502(d)(3)(E). The projected mix was selected for several reasons. First, the mix would be similar to the projected sales mix used by the Environmental Protection Agency under Subpart F of 40 CFR Part 600 to aid in selecting vehicles to be tested to make preliminary calculations of average fuel economy for standards compliance purposes. (The production and sales mixes projected at the same time for a manufacturer in a particular model year would be identical.) It is likely also to approximate the final production mix at the end of a model year that will be used by that agency in making its final calculations of average fuel economy. Second, use of the petitioner's mix from the model year immediately preceding the affected model year would not be appropriate. Although almost complete data might be available regarding that earlier model year, the mix for that year might not contain all of the base levels or vehicle configurations that the petitioner plans to produce in the affected model year. Therefore, the mix would be less representative of the final mix for the affected model year than the projected mix for the affected model year. Third, the content of the projected mix for the affected model year would be marked by substantially fewer uncertainties than a mix postulated by the petitioner as the one it would have produced had the standards in all 4 categories of nonfuel economy automobile standards remained the same as they were in model year 1975. Claims by a manufacturer that had the 1975 standards been extended, it would have made different decisions regarding the continuation or termination of the production of some base levels and regarding the introduction of other base levels, would be extremely difficult to validate.

Projected production mix. The proposal would require the petitioner to set forth its projections of its total production of set 1 passenger automobiles, and of its production mix of base levels and vehicle configurations, for the affected model year. It would have to submit information to demonstrate the reasonableness of the projections, including information showing that the projections are consistent with the annual total production and production mix of the petitioner's passenger automobiles for model year 1975 through the model year immediately preceding the affected model year, its passenger automobile production capacity for the affected model year, its efforts to comply with the applicable average fuel economy standard for the affected model year, and anticipated consumer demand for passenger automobiles during the affected model year. If the Administrator considered the manufacturer's projections to be inconsistent with those factors and therefore unreasonable, and able believed that the projections would cause the petitioner's

Federal standards fuel economy reduction, if any, to be overstated, the Administrator could adjust the production total or mix or both to the extent necessary to make them consistent with the enumerated factors.

Production mix used in calculations. The first step in the method for selecting a production mix pursuant to section 502(d)(3)(E) to be used for calculating a Federal standards fuel economy reduction would be to determine whether the average fuel economy of the projected production mix of set 1 passenger automobiles equaled or exceeded the applicable average fuel economy standard for the affected model year. If the standard were equaled or exceeded, the petitioner would use its projected production mix in calculating its Federal standards fuel economy reduction. If the standard were not equaled or exceeded, the petitioner would proceed to the next step.

In the second step, the petitioner would determine whether, based upon the projected production mix, the average fuel economy of its passenger automobiles, modified to comply with model year 1975 standards in one or more of the 4 categories of nonfuel economy automobile standards, equaled or exceeded the applicable average fuel economy standard for the affected model year. If so, the projected mix would still be used, since the requirements of section 502(b)(3)(E) would be met. The proposed procedures for this second step have been devised to limit the amount of work involved in establishing the appropriate mix. It is assumed that, if the projected mix of set 1 passenger automobiles which are subject to all 4 categories of nonfuel economy standards for the affected model year, would meet the applicable average fuel economy standard for that year, the same mix of passenger automobiles subject to all 4 categories of those standards for model year 1975 would also meet the average fuel economy standard. It is similarly assumed that if the projected mix of passenger automobiles subject to 1, 2, or 3 categories of nonfuel economy automobile standards for model year 1975 would meet the average fuel economy standard, the same mix of passenger automobiles subject to all 4 categories of those standards for model year 1975 would also meet the average fuel economy standard. The premise underlying both assumptions is that of section 502(d), i.e., that the more categories of model year 1975, and therefore less stringent, standards that passenger automobiles are subject to, the higher the average fuel economy that those passenger automobiles could be designed to achieve.

These assumptions could enable the petitioner to avoid having to determine how it would have modified its set 1 passenger automobiles to comply with all 4 categories of nonfuel economy automible standards for model year 1975. The proposed regulation would permit a petitioner to proceed incrementally to postulate the modified passenger automobiles that it would have produced in accordance with first one category of nonfuel economy automobile standards for model year 1975, then two if necessary, and so on in an attempt to establish that the projected production mix satisfied section 502(d)(3)(E). If a petitioner had to postulate modified passenger automobiles based upon one or more categories of nonfuel economy automobile standards for model year 1975, it would presumably begin with the categories for which it was claiming an applicable fuel economy reduction since it would already have postulated the technology that would be incorporated in the modified planned passenger automobiles for those categories separately, although not jointly. Alternatively, a petitioner could proceed directly to postulating passenger automobiles that it would have produced in accordance with all 4 categories of those standards.

In the third step, if the projected mix of passenger automobilets did not meet the applicable average fuel economy standard for the affected model year, even when based upon all 4 categories of the nonfuel economy automobile standards for model year 1975, the petitioner would then have to determine if any production mix of the passenger automobiles meeting all 4 categories of those model year 1975 standards could comply with the average fuel economy standard for the affected model year. This determination would be easy for a petitioner if the fuel economy of each base level of those automobiles were below the standard. In such a case, the average fuel economy of any mix would also be below the standard. Thus, a production mix could not be assumed for such a petitioner that would meet the criterion in section 502(d)(3)(E). This agency is thus confronted with the task of fashioning a reasonable solution without any express guidance from the Act. For these petitioners, this agency proposes that the petitioner's projected mix of set 1 passenger automobiles be used for essentially the same reasons that that mix is proposed to be used to meet the section 502(d)(3)(E) criterion.

If the fuel economy of at least one base level is above the average fuel economy standard, the determination regarding the existence of a mix that would meet the standard would be made in accordance with the following procedure. First, the projected total production of set 1 passenger automobiles would be assumed for the modified passenger automobiles and kept constant. Second, the number of passenger automobiles in all base levels and vehicle configurations contained therein would be simultaneously adjusted. In the case of each base level whose fuel economy were less than the standard, the number of passenger automobiles in that base level and in each configuration therein would be decreased by 0.1 percent. The total number of passenger automobiles thereby subtracted from all of those base levels would then be allotted among the base levels whose fuel economy level were equal to or greater than the standard. The numbers of passenger automobiles in each of those latter base levels and in vehicle configurations therein would be increased by the percentage which, in conjunction with the change to the base levels below the satndard, will keep the total number of passenger automobiles equal to the projected total. The relative magnitude of the percentage change in the above-standard base levels and the below-standard base levels would be a function of the relative number of passenger automobiles in the two groups of base levels. Next the average fuel economy of the adjusted production mix would be calculated. If this revised average equaled or exceeded the standard, that adjusted mix would be used to calculate the Federal standards fuel economy reduction. If the revised average did not meet the fuel economy standard, the production mix would be further adjusted by repeating the above procedure on the previously adjusted mix. This process of adjusting the projected production mix would continue until the first mix was reached whose average fuel economy equaled or just exceeded the applicable average fuel economy standard for the affected model year.

This agency considers several other methods of adjusting the projected mix to minimize the difference between that mix and the assumed mix. One method involved minimizing the sum of the squared differences between the number of passenger automobiles in each base level under the projected mix and the number in the same base level under an assumed mix that meets the average fuel economy standard. The deficiency of the method was that its effect was to eliminate the base levels with the lowest fuel economy and increase the base levels with the highest fuel economy. The result was considered to be too unrealistic and, hence, undesirable since manufacturers would be unlikely to simply abandon the markets represented by the base levels with the lowest fuel economy, especially since those base levels would consist primarily of large luxury passenger automobiles. The other alternatives considered shared the same deficiency in varying degrees.

Supplementary information requirements. The proposed regulation requires that petitioners update their petitions as new information becomes available. If the petitioner revises its projected production mix or if additional fuel economy data are aporoved bv EPA after the submission of the petition but prior to the start of the affected model year, the petitioner must report these changes and show the effect of the changes on the petition. Corresponding revisions must also be made to the petitioner's set 2 vehicles.

Processing of Petitions. The procedure to be followed in processing petitions for a reduction is specified in section 502(g) of the Act. That section provides that the procedures to be followed are the usual informal rulemaking procedures of 5 U.S.C. 553, "except that interested persons shall be entitled to make oral as well as written presentations." The proposed procedure is designed to elicit maximum effective comment on both the petition and the agency's analysis thereof.

When the Administrator of this agency receives a petition under this proposed regulation, he would evaluate the petition for completeness and place in a public docket the portions of the petition for which confidential treatment was not granted. If the petition did not contain the information required by the proposed regulation, the petitioner would be advised of the deficiencies in his petition and informed that his petition would not be processed further until the deficiencies were eliminated. At any stage during the processing of a petition, the Administrator might use his authority under Title V to obtain additional information from the petitioner.

Next, the agency would seek comment on the petition from the Federal agency responsible for administering the category of Federal standards specified in the petition and would publish a notice in the FEDERAL REGISTER setting forth its proposed decision on the application and the analysis and proposed findings upon which the decision was based. The notice would invite written comment and announce a public hearing for the presentation of oral comments by interested persons. The public hearing, which is required by section 502(g) of the Act, would be a legislative type hearing intended to provide interested persons with additional opportunity to state their views or arguments or to provide information concerning the proposed reduction. Thus, the hearing would not be subject to 5 U.S.C. 556–557. The Administrator would be under no obligation to base his decision solely on the record of the hearing. In determining whether to grant a petition, the Administrator could consider any other information available to him.

The Administrator would designate a panel of agency employees to preside at the hearing. The panel could limit the length of oral presentations, exclude irrelevant or redundant material, and direct that corroborative material be submitted in writing rather than presented orally.

Any person attending the hearing could submit to the panel written questions to be propounded to representatives of the petitioners, persons who make oral presentations at the hearing or persons who submitted written comments regarding the proposed reduction prior to the hearing. However, questions for a witness other than the representatives of petitioner at the hearing could not be submitted to the panel after the completion of testimony by that witness. Further, the panel could exclude irrelevant or redundant questions. The panel could also develop and propound questions on its own initiative. The agency's subpena authority in section 505(b) of the Act would be used in a number of instances. Any person to whom a question was propounded by the panel would be required to respond. Representatives of the petitioner able to address all matters raised in the petition would be required to attend the hearing so that questions regarding any aspect of the petitioner's petition could be answered. In addition, any person who submitted written comments regarding the proposed reduction prior to the hearing could be required on 24 hours notice to attend the hearing to respond to questions. It is anticipated that the authority to require the attendance of those commenters would be used sparingly.

Before denying or finally granting a reduction under section 502(d), the Administrator is required to obtain fuel economy test results from the Environmental Protection Agency for most of the petitioner's model types of its set 1 passenger automobiles. Section 502(d)(2)(A) requires that, before the Administrator makes findings both that a Federal standards fuel economy reduction is likely to exist and that a reasonably selected technology has been applied, the Administrator must, "to the maximum extent practicable, "request, and the Environmental Protection Agency shall supply, fuel economy test results for the petitioner's passenger automobiles." The conference report on the Energy Policy and Conservation Act (S. Rep. No. 94–516, supra, 156–7) defines "to the maximum extent practicable" to require the obtaining of test results for most model types before taking final action and extends the requirement to final denials of petitions. Thus, the Administrator is not required to wait until test results are available for all of the petitioner's model types.

However, the slight limitation on the requirement for obtaining test results is not expected to have a substantial effect on the timing of final decisions on petitions. Fuel economy tests results from the emissions certification testing and the fuel economy labeling programs are generally not available for all of a manufacturer's model types until the beginning of the model year in which the tested vehicles will be produced. Results for a sufficient number of model types to permit a final decision on petitions, i.e., for most model types, would probably not be available more than 1 or 2 months before that time.

After opportunity for written and oral comment the Administrator would publish a final decision in the FEDERAL REGISTER. This notice would set forth the grant or denial of the reduction and the reasons for the decision.

If test results were not available from the Environmental Protection Agency for most model types, the Administrator could either delay his action until the requisite test results became available or issue an interim decision reducing the applicable standard. Notice of the interim decision, including the reduction granted and the findings and analysis upon which the decision was based, would be published in the FEDERAL REGISTER. The notice would provide that the interim decision would become final unless the Administrator determined that fuel economy levels indicated by the subsequent test results differ sufficiently from those assumed in the notice to warrant adjustment of the reduction. If the Administrator so determined, he would follow the same notice and hearing procedure described above in making that adjustment.

The petitions, except those portions of the petitions granted confidential treatment and not later released by the Administrator, would be available for inspection in the Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590.

Section 502(d)(4) provides that the "Secretary may, for the purposes of conducting a proceeding" under section 502(d), "consolidate one or more applications" for a Federal standards fuel economy reduction. This agency intends to use this authority to the extent practicable. Comments are invited on the aspects of the petitions that most readily lend themselves to this treatment.

Confidential information. The proposed regulation would make special provision for the treatment of trade secrets and other confidential information submitted in support of a petition. The requirement in section 502(g) of the Act for the agency to hold a public hearing on each reduction under section 502(d) in addition to providing the normal opportunity for written comment evinces a strong Congressional policy in favor of a high level of public participation in section 502(d) proceedings. That policy and the provisions of section 505(d)(1) of the Act regarding confidential information indicate that requests for confidential treatment of information should be very carefully scrutinized and public disclosure be made whenever possible. Section 505(d)(1) provides that:

> The Secretary and the EPA Administrator shall each disclose any information obtained under this part (other than section 503(d)) to the public in accordance with section 552 of title 5, United States Code, except that information may be withheld from disclosure under subsection (b)(4) of such section only if the Secretary or EPA Administrator, as the case may be, determines that such information, if disclosed, would result in significant competitive damage. Any matter described in section 552(b)(4) relevant to any administrative or judicial proceeding under this part may be disclosed in such proceeding.

The regulation would require the petitioner to segregate and identify any information that he requested to be withheld from public disclosure. The segregation of the material would facilitate placing the balance of the petition in the public docket and evaluating the confidentiality request. With respect to information and data claimed by the petitioner to fall within 5 U.S.C. 552(b)(4), it would be required to show that the information and data fell within section 552(b)(4) and that its disclosure would result in significant competitive damage; indicate the period during which that damage would be incurred if the information and data were released; and show that an earlier release would result in that damage. If the Administrator denied a petitioner's request for confidential treatment, he would give the petitioner written notice of his denial before releasing the information and data to the public. If the Administrator granted confiden-

tial treatment of certain information and data, he would not later invoke his authority under section 505(d)(1) to release the information and data during an administrative or judicial proceeding under title V without first giving written notice to the petitioner. In either case, the manufacturer would be given a reasonable time to respond to the Administrator's notice.

In consideration of the foregoing, it is proposed that a new Part 527, Reduction of Passenger Automobile Average Fuel Economy Standards for Model Years 1978–1980, be added to Title 49 of the Code of Federal Regulations, to read as set forth below.

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

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

Comment closing date: December 27, 1976.

Proposed effective date : Publication date of the final rule in the FEDERAL REGISTER.

(Sec. 9, Pub. L. 89–670, 80 Stat. 931 (49 U.S.C. 1657); sec. 502, Pub. L. 94–163, 89 Stat. 871 (15 U.S.C. 2002); delegation of authority at 41 FR 25015, June 22, 1976.)

Issued on October 19, 1976.

JOHN W. SNOW,
Administrator.

PART 527—REDUCTION OF PASSENGER AUTOMOBILE AVERAGE FUEL ECONOMY STANDARDS FOR MODEL YEARS 1978–1980

Sec.

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§ 527.1 Scope.

This part establishes procedures under section 502(d) of the Motor Vehicle Information and Cost Savings Act, as amended, (15 U.S.C. 2002) for the submission and disposition of petitions filed by manufacturers of passenger automobiles to obtain reduction of the applicable average fuel economy standard for model year 1978, 1979, or 1980 to offset any loss of fuel economy due to the application in that year to passenger automobiles of standards in one or more categories of Federal standards more stringent than the standards in the category or categories in model year 1975. This part also establishes procedures for holding public hearings on those petitions.

§ 527.2 Purpose.

The purpose of this part is to provide guidelines for manufacturers of passenger automobiles which desire to petition the NHTSA Administrator for reduction of the average fuel economy standard applicable to passenger automobiles produced in model year 1978, 1979, or 1980 and to give interested persons an opportunity for presentation of views, arguments and information concerning those petitions.

§ 527.3 Applicability.

This part applies to manufacturers of passenger automobiles.

§ 527.4 Definitions.

(a) *Statutory terms.* (1) The terms "applicable fuel economy reduction," "Federal standards fuel economy reduction," "fuel," "manufacturer," "model year," and "reasonably selected technology" are used as defined in section 501 or 502 of the Act.

(2) The terms "average fuel economy," "fuel economy," and "model type" are used as defined in 40 CFR 600.002–77.

(3) The terms "automobile" and "passenger automobile" are used as defined in section 501 of the Act and in accordance with the determinations in 49 CFR Part 523.

(b) *Other terms.* (1) The terms "base level" and "vehicle configuration" are used as defined in 40 CFR 600.002–77.

(2) As used in this part, unless otherwise required by the context—

"Act" means the Motor Vehicle Information and Cost Savings Act (Pub. L. 92–513), as amended by the Energy Policy and Conservation Act (Pub. L. 94–163);

"Administration" means the National Highway Traffic Safety Administration;

"Affected model year" means the model year for which a reduction of an average fuel economy standard is requested under this part;

"Category of Federal standards" means any of the following categories of motor vehicle standards—

(i) Emissions standards issued under section 202 of the Clean Air Act (42 U.S.C. 1857f–1), and emissions standards applicable by reasons of section 209(b) of that Act (42 U.S.C. 1857f–6a(b));

(ii) Safety standards issued under the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.);

(iii) Noise emission standards issued under section 6 of the Noise Control Act of 1972 (42 U.S.C. 4905); or

(iv) Property loss reduction standards issued under title I of the Act (15 U.S.C. 1911 et seq.).

"EPA Administrator" means the Administrator of the Environmental Protection Agency; and

"Modifications" means changes by a petitioner in the technology of a passenger automobile consistent with the need of the Nation to improve automobile fuel economy and with the energy savings, economic costs, and leadtime requirements associated with the technologies that would have been practicably available to the petitioner given the category or categories of Federal standards for model year 1975 specified as applicable to that passenger automobile.

"NHTSA Administrator" means the Administrator of the National Highway Safety Administration.

"Production mix" means the number of passenger automobiles, and the percentage of the petitioner's annual total production of passenger automobiles, in each vehicle configuration which a petitioner plans to produce in a specified model year.

§ 527.5 Eligibility.

Any manufacturer of passenger automobiles may petition the NHTSA Administrator under this part for a reduction of the average fuel economy standard applicable to passenger automobiles for model year 1978, 1979, or 1980.

§ 527.6 Requirements for petition.

Each petition filed under this part must—

(a) Request the reduction of an average fuel economy standard for not more than one model year;

(b) Identify the affected model year;

(c) Be submitted within the 24-month period immediately preceding the beginning of the affected model year;

(d) Be submitted in ten copies to: Administrator, National Highway Traffic Safety Administration, Washington, D.C. 20590;

(e) Be written in the English language;

(f) State the full name, address, and title of the official responsible for the preparation of the petition;

(g) Set forth in full the data, views, and arguments of the petitioner supporting the Federal standards fuel economy reduction requested in its petition, including the information and data specified in §§ 527.7 through 527.14 and the calculations and analyses used to develop

the information and data. No documents may be incorporated by reference in a petition unless the documents are submitted with the petition; and

(h) (1) Specify and segregate any part of the information and data submitted under this part that the petitioner wishes to have withheld from public disclosure.

(2) With respect to information and data requested to be withheld under 5 U.S.C. 552(b)(4), show that the information and data are within the scope of section 552(b)(4), show that disclosure of the information and data would result in significant competitive damage, specify the period during which the information and data must be withheld to avoid that damage, and show that earlier disclosure would result in that damage.

§ 527.7 Technology.

The petitioner shall submit the following information as part of its petition:

(a) For each vehicle configuration specified in § 527.14(c) of the petitioner's passenger automobiles to be produced in the affected model year,

(1) A description of the technology that is incorporated in the vehicle configuration and that either relates to the petitioner's efforts to comply with any category of Federal standards or affects the fuel economy of the vehicle configuration;

(2) A description of any alternative or additional technology that was practicably available to the petitioner for incorporation in the vehicle configuration and that would have enabled that vehicle configuration to achieve higher fuel economy than the technology described under paragraph (a)(1) of this section; and

(3) For each item of alternative technology described under paragraph (a)(2) of this section, a statement of the reasons for not incorporating the item, including a comparison of the energy savings, economic costs and leadtime requirements of that item and of the technology that was incorporated in the vehicle configuration.

(b) For each category of Federal standards for which the petitioner claims an applicable fuel economy reduction, a description of the modifications that the petitioner would have made to each vehicle configuration specified in paragraph (a) of this section had the standards in that category for model year 1975 been the only standards in that category for the affected model year.

(c) For the category or combination of categories of Federal standards for model year 1975 that the petitioner uses under § 527.13(b)(2), if applicable, in determining the appropriate production mix, a description of the modifications that the petitioner postulates for the purpose of that determination he would have made to each vehicle configuration specified in paragraph (a) of this section to comply with that category or combination of categories.

§ 527.8 Fuel economy of vehicle configurations and model types.

The petitioner shall submit the following information:

(a) A fuel economy value determined in accordance with § 527.14 for—

(1) Each vehicle configuration specified in § 527.14(c) of the petitioner's passenger automobiles to be produced in the affected model year; and

(2) Each base level and model type of those passenger automobiles.

(b) For each category of Federal standards for which the petitioner claims an applicable fuel economy reduction, a fuel economy value determined in accordance with § 527.14 for—

(1) Each vehicle configuration specified in § 527.14(c) of the petitioner's passenger automobiles to be produced in the affected model year as modified under § 527.7(b) to comply with the model year 1975 standards in that category; and

(2) Each base level and model type of those passenger automobiles.

(c) For the category or combination of categories of Federal standards for model year 1975 for which modifications are described under § 527.7(c), if applicable, a fuel economy value determined in accordance with § 527.14 for—

(1) Each vehicle configuration specified in § 527.14(c) of the petitioner's passenger automobiles to be produced in the affected model year as modified under § 527.7(c); and

(2) Each base level and model type of those vehicles.

§ 527.9 Average fuel economy.

The petitioner shall submit the following information:

(a) The average fuel economy determined in accordance with § 527.14(c) of the petitioner's passenger automobiles for the affected model year.

(b) For each category of Federal standards for which the petitioner claims an applicable fuel economy reduction, the average fuel economy determined in accordance with § 527.14(c) of the petitioner's passenger automobiles to be produced in the affected model year as modified under § 527.7(b) to comply with the model year 1975 standards in that category.

(c) For each category or combination of categories of Federal standards for model year 1975 for which modifications are described under § 527.7(c), the average fuel economy determined in accordance with § 527.14(c) of the petitioner's passenger automobiles to be produced in the affected model year as modified under § 527.7(c).

§ 527.10 Applicable fuel economy reduction.

For each category of Federal standards for which the petitioner claims an applicable fuel economy reduction, applicable fuel economy reductions shall be calculated as follows:

(a) Subtract—

(1) The average fuel economy determined under § 527.9(a) for the petitioner's passenger automobiles to be produced in the affected model year, from

(2) The average fuel economy determined under § 527.9(b) for the petitioner's passenger automobiles to be produced in the affected model year as modified under § 527.7(b) to comply with the standards in such category for model year 1975; and

(b) Subtract 0.5 miles per gallon from the result obtained under paragraph (a) of this section.

§ 527.11 Federal standards fuel economy reduction.

The petitioner shall calculate the Federal standards fuel economy reduction by adding all of its applicable fuel economy reductions determined under § 527.10, and shall submit the result.

§ 527.12 Projected production total and mix.

The petitioner shall submit its projections, based on the average fuel economy standard for passenger automobiles as specified in the Act for the affected model year, of its total production and production mix of all base levels of its passenger automobiles for the affected model year, and all vehicle configurations within each of those base levels, and information demonstrating that those projections are reasonable. The information shall include information showing that those projections are consistent with the petitioner's mixes of passenger automobiles produced or expected to be produced in each model year from model year 1975 through the model year immediately preceding the affected model year, its passenger automobile production capacity for the affected model year, its efforts to comply with that average fuel economy standard, and the anticipated consumer demand for passenger automobiles during that model year.

§ 527.13 Production mix for determining applicable fuel economy reductions.

(a) The production mix to be used for calculating applicable fuel economy reductions shall be that mix specified in paragraph (b) or (c) of this section, as appropriate.

(b) The production mix to be used shall be that mix projected under § 527.12 if any of the following criteria are met:

(1) The average fuel economy determined in accordance with § 527.14(c) of the petitioner's passenger automobiles for the effected model years, based upon the production mix projected under § 527.12, equals or exceeds the applicable average fuel economy standard; or

(2) The average fuel economy determined in accordance with §527.14(c) and based on the mix projected under § 527.12 of the petitioner's passenger automobiles to be produced in the affected model year with the modifications that the petitioner would have made to them had the standards in one or more categories of Federal standards for model year 1975 been the only standards in that category or categories in effect during the affected model year equals or exceeds the applicable average fuel economy standard; or

(3) The average fuel economy determined in accordance with § 527.14(c) of no mix of passenger automobiles for the affected model year with the modifications that the petitioner would have made to them had the standards in all cate-

gories of Federal standards for model year 1975 been the only standards in those categories in effect during the affected model year equals or exceeds the applicable average fuel economy standard.

(c) The production mix to be used shall be that mix calculated under paragraph (d) of this section if none of the criteria in paragraph (b) are met.

(d) For the purposes of adjusting the production mix pursuant to paragraph (c) of this section, the following procedures shall be followed:

(1) Assume initially that the modified passenger automobiles specified in paragraph (b)(3) of this section are to be produced in the production total and mix projected under § 527.12.

(2) Keeping that total production constant, adjust that production mix as provided in paragraph (d)(3) of this section.

(3)(i) For each base level of those modified passenger automobiles whose fuel economy is less than the average fuel economy standard for passenger automobiles for the affected model year, decrease the numbers of those modified passenger automobiles in that base level and in each vehicle configuration within that base level by 0.1 percent.

(ii) For each base level of those modified passenger automobiles whose fuel economy is greater than that standard, increase the numbers of those modified passenger automobiles in that base level and in each vehicle configuration within that base level by that percentage which, in conjunction with the decrease specified in paragraph (d)(3)(i) of this section, will keep the total production constant.

(4) Calculate the average fuel economy of the production mix as adjusted under paragraph (d)(3) of this section.

(5)(i) If the average fuel economy calculated under paragraph (d)(4) of this section equals or exceeds the applicable fuel economy standard, the mix as adjusted under paragraph (d)(3) of this section shall be used for calculating Federal standards fuel economy reductions.

(ii) If the average fuel economy calculated under paragraph (d)(4) of this section is less than the standard, adjust the projected production mix further by repeating the procedure in paragraphs (d)(3) and (4) of this section until the first production mix is reached whose average fuel economy equals or exceeds that standard.

§ 527.14 Calculation of fuel economy values and average fuel economy.

(a) Determination of vehicle configuration fuel economy values. For each vehicle configuration for which a fuel economy value is required under paragraph (c) of this section and for which a fuel economy value has been determined and approved under 40 CFR Part 600, the petitioner shall submit that fuel economy value. For each of those vehicle configurations for which such a value does not exist, the petitioner shall submit a fuel economy value based on tests or analyses comparable to those prescribed or permitted under 40 CFR Part 600 and a description of the test procedures or analytical methods.

(b) Calculation of base level and model type fuel economy values. For each base level and model type, the petitioner shall submit a fuel economy value based on the values determined in accordance with paragraph (a) of this section and calculated in the same manner as base level and model type fuel economy values are calculated for use under Subpart F of 40 CFR Part 600.

(c) *Calculation of average fuel economy.* Average fuel economy shall be based upon fuel economy values calculated under paragraph (b) of this section for each model type and shall be calculated in accordance with 40 CFR 600.506, using the configurations specified in 40 CFR 600.506(a)(2), except that—

(1) The production mix projected under § 527.12 or the production mix projected under § 527.12 as adjusted under § 527.13(d), as appropriate, shall be used in place of projected sales; and

(2) Fuel economy values for running changes implemented and for base levels added are required only for those changes or additions made before the submission of the petitioner's petition.

§ 527.15 Supplementary information requirements.

(a) The petitioner shall provide the NHTSA Administrator with any revisions that it makes, after submitting its petition and before the beginning of the affected model year, to the production mix and total provided under § 527.12, and with data approved by EPA subsequent to submission of the original petition. The petitioner shall submit information demonstrating that the revisions are reasonable, including the information described in § 527.12 and shall show the effect of these additions, and changes on the petition.

(b) For each vehicle configuration of the petitioner's passenger automobiles to be produced in the affected model year for which a fuel economy value is approved by the EPA Administrator under 40 CFR 600.506-78 after the submission of the petitioner's petition and before the beginning of the affected model year, the petitioner shall provide the NHTSA Administrator with a fuel economy value determined in accordance with § 527.14(a) of that vehicle configuration as modified under § 527.7(b). The petitioner shall also show the effect of these new values on its petition.

§ 527.16 Processing of petitions.

(a) Notice of receipt of each petition containing the information required by this part is published in the FEDERAL REGISTER. If a petition is found not to contain the information required by this part, the petitioner is informed about the areas of insufficiency and advised that the petition will not receive further consideration until the necessary information is submitted.

(b) The NHTSA Administrator may request the petitioner to provide information in addition to that required by this part.

(c) The NHTSA Administrator requests the EPA Administrator to provide him with fuel economy values as they are approved by the EPA for the petitioner's passenger automobiles to be produced in the affected model year. These values replace the corresponding unapproved values in all calculations of average fuel economies.

(d) The NHTSA Administrator publishes a proposed decision in the FEDERAL REGISTER. The proposed decision indicates the proposed grant or denial of the petition in accordance with section 502(d)(2) of the Act, specifies the reasons for the proposed decision, solicits written comment on the proposal, and establishes a date and place for a public hearing.

(e) After the conclusion of the public comment period and hearing specified in paragraph (d) of this section, the NHTSA Administrator publishes a final decision in the FEDERAL REGISTER. The final decision is based upon the petition, written and oral comments, and other available information. The final decision sets forth the grant or denial of the petition in accordance with section 502(d)(2) of the Act and the reasons for the decision.

(f) If fuel economy values approved by the EPA Administrator cannot be obtained by the NHTSA Administrator for most model types of the petitioner's passenger automobiles to be produced in the affected model year, the NHTSA Administrator may rely on fuel economy and issue the notice described in paragraph (e) of this section as an interim values submitted pursuant to § 527.14(a) determination. The notice, which is published in the FEDERAL REGISTER, contains the interim determination and the findings and analysis upon which such determination is based. The interim determination becomes final unless the NHTSA Admiinstrator determines, after notice and opportunity for written and oral comment in accordance with this section, that disparities between the fuel economy values upon which the interim determination was based and fuel economy values approved by the EPA Administrator subsequent to that determination but before the beginning of the affected model year warrant an adjustment of the petitioner's Federal standards fuel economy reduction. Notice of the final determination with the adjusted reduction and of the reasons therefor is published in the FEDERAL REGISTER.

§ 527.17 Public hearing.

(a) Each hearing under § 527.16(d) is a legislative type hearing intended to provide interested persons with an opportunity to state their views or arguments, or to provide pertinent information concerning the proposed reduction.

(b)(1) The NHTSA Administrator appoints one or more employees of the Administration to conduct the hearing and designates one of those employees to be the presiding official.

(2) The presiding official may:

(i) Limit the length of oral presentations;

(ii) Exclude irrelevant or redundant material; and

(iii) Direct that corroborative material be submitted in writing rather than presented orally.

(c) Any person desiring to make an oral statement at the hearing should file a notice of such intention and, if practicable, five copies of his proposed statement with the NHTSA Administrator at least ten days prior to the hearing.

(d)(1) The NHTSA Administrator requires representatives of the petitioner able to address all matters raised in the petition to attend the hearing.

(2) The NHTSA Administrator may require any person, who submits written comments to the NHTSA Administrator on the proposed reduction before the hearing, to attend the hearing at any time before its conclusion.

(3) The Administrator requires any person who, under paragraph d(1) or (2) of this section attends the hearing, to respond the questions posed to him under paragraph (e) of this section.

(e) Any employee appointed under paragraph (b) of this section may, on his own initiative or at the request of any interested person attending the hearing, propound questions to—

(1) Any person subject to paragraph (d) of this section.

(2) Any person who makes an oral presentation at the hearing.

(f) Interested persons attending the hearing may submit to the panel written questions to be propounded to persons identified in paragraph (e) of this section. Questions for a witness other than those identified in paragraph (d)(1) of this section may not be submitted to the panel after the completion of testimony by that witness.

(g) A verbatim transcript of the proceeding is made and copies are available from the reporter at the expense of any person requesting them.

§ 527.18 Public inspection of information.

Except as provided in § 527.19, any person may inspect available information relevant to a petition under this part, including the petition and any supporting data, memoranda of informal meetings with the petitioner or any other interested persons, the transcript of the public hearing, and the notices regarding the petition, in the Docket Section of the Administration. Except as provided in § 527.17(g) regarding transcripts of the public hearings, any person may obtain copies of the information available for inspection under this paragraph in accordance with the regulationsofthe cordance with the regulations of the Office of the Secretary of Transportation (49 CFR Part 7).

§ 527.19 Confidential information.

(a) Information made available under section 527.18 for public inspection does not include information for which confidentiality is requested under section 527.6(h) and is granted in accordance with sections 502 and 505 of the Act and section 552(b) of Title 5 of the United States Code.

(b) *Denial of confidential treatment.* When the NHTSA Administrator denies a petitioner's request under § 527.6(h) for confidential treatment of information, the NHTSA Administrator gives him written notice of the denial at least ten days before making the information available for public inspection.

(c) *Release of confidential information.* After giving written notice to the petitioner and allowing a reasonable time for the petitioner to respond, the NHTSA Administrator may make available for public inspection any information that is relevant to a proceeding under this part or the Act and that was granted confidential treatment by the NHTSA Administrator pursuant to a request by the petitioner under § 527.6 (h).

[FR Doc.76-31147 Filed 10-19-76;3:42 pm]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 83]

[Docket No. 20936]

SSB EQUIPPED VESSELS OPERATING SOLELY IN ALASKA WATERS

Proposed Exemption From Mandatory VHF Capabilities; Extension of Time for Filing Comments

Adopted: October 18, 1976.
Released: October 18, 1976.

In the matter of amendment to Part 83 to exempt SSB equipped vessels operating solely in Alaska waters from mandatory VHF capabilities.

1. We have received a number of phone calls from concerned organizations and individuals over the short comment period provided in this docket. Most have indicated agreement with a two-week extension period for comments.

2. For good cause shown, we find that the public interest will be served by an extension of the comment and reply comment filing periods.

3. Accordingly, pursuant to the authority contained in §§ 0.331 and 1.46 of the Commission's rules, the dates for filing comments and reply comments in this proceeding are extended to October 29, 1976, and November 15, 1976, respectively.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] ARLAN K. VAN DOORN,
Acting Chief, Safety and Special Radio Services Bureau.

[FR Doc.76-31223 Filed 10-22-76;8:45 am]

FEDERAL MARITIME COMMISSION

[General Order 16; Docket No. 76-49]

[46 CFR Part 502]

MISCELLANEOUS AMENDMENTS TO RULES OF PRACTICE AND PROCEDURE

Proposed Rulemaking; Correction

In the notice of proposed rulemaking in this proceeding published September 20, 1976 (41 FR 40504), proposed amendment number (1.) on page 40505 should be corrected to amend "§ 502.41 Parties; how designated" instead of "§ 502.21 Appearance."

The words "Section 502.21" appearing in the amendatory language in paragraph 1 should be changed to read "Section 502.41".

FRANCIS C. HURNEY,
Secretary.

[FR DOC.76-31240 Filed 10-22-76;8:45 am]

notices

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

DEPARTMENT OF STATE

[Public Notice CM-6/119]

NORTHWEST ATLANTIC FISHERIES ADVISORY COMMITTEE

Open and Closed Meeting

In accordance with Section 10(d) of the Federal Advisory Committee Act, notice is given that the Northwest Atlantic Fisheries Advisory Committee to the U.S. Commissioners to the International Commission for the Northwest Atlantic Fisheries (ICNAF), will hold a meeting on Tuesday, November 16, 1976 at 10 a.m. at the Office of the Commander, 1st Coast Guard District, Fourth Floor, Analex Building, 150 Causeway Street, Boston, Massachusetts.

The meeting will be devoted to discussions on and development of the U.S. negotiating position for the Special Meeting of ICNAF, to be held November 30 to December 9, 1976. Pursuant to Section 4 of the Northwest Atlantic Fisheries Act of 1950, which provides that "the Advisory Committee * * * shall be given full opportunity to examine and to be heard on all proposed programs of investigation, reports, and recommendations of the United States Commissioners * * *" the members of the Advisory Committee will examine the possible positions to be taken by the U.S. Commissioners. Portions of this discussion will necessarily involve discussion of classified national security information related to the Law of the Sea, the premature disclosure of which could reasonably be expected to cause damage to the national security (pursuant to Executive Order 11652) and would adversely affect the ability of the U.S. negotiators at the Special Meeting to achieve U.S. fisheries and foreign policy objectives. As it has been determined that portions of the meeting will involve discussion of matters exempt from public disclosure under 5 U.S.C. 552(b)(1) and that the public interest requires that such discussions be withheld from disclosure, the afternoon session of the meeting will not be open to the public.

The morning session, beginning at 10:00 a.m. will be open to the public. Seating is available for aproximately 20 members of the public and a limited amount of additional space is available for standees. The public may participate orally in the discussions or may, if desired, submit written statements for the Committee's attention. For further information on public participation contact the Office of Fisheries Affairs of the Department of State at (202) 632-2047.

Dated: October 20, 1976.

LEO N. SCHOWENGERDT, Jr.
Office of Oceans and Fisheries Affairs.

[FR Doc.76-31297 Filed 10-22-76;8:45 am]

Agency for International Development

HOUSING GUARANTY PROGRAM FOR REPUBLIC OF PERU

Information for Investors

The Agency for International Development (A.I.D.) has advised the Housing Bank of Peru (the Borrower) that upon execution by an eligible U.S. investor acceptable to A.I.D. of an agreement to loan the Borrower an amount not to exceed $15,000,000 and subject to the satisfaction of certain further terms and conditions by the Borrower, A.I.D. will guaranty repayment to the investor of the principal and interest on such loan. The guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority, contained in Section 222 of the Foreign Assistance Act of 1961, as amended (the Act). Proceeds of the loan will be used to finance housing for lower income families.

Eligible investors interested in extending a guarantied loan to the Borrower should communicate promptly with:

Victor Castro Munoz, General Manager, Banco de la Vivienda del Peru, Camana 488, Lima Peru; Cable Address BANVIPE; Telex No. 20077.

Investors eligible to receive a guaranty are those specified in Section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic corporations, partnerships or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95% owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for a guaranty, the loan must be repayable in full no later than the thirtieth anniversary of the first disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate to be established by A.I.D.

The Borrower projects a schedule of approximately equal annual disbursements covering a maximum of a four year period from the date of the loan agreement and prospective Investors should consider this in proposing a guaranteed loan to the Borrower. In addition, the Investor must provide for the servicing of his loan, i.e., recordation and disposition of loan payments received from the Borrower.

Information as to eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 300 E, SA-2, Washington, D.C. 20523.

This notice is not an offer by A.I.D. or by the Borrower. The Borrower and not A.I.D. will select a lender and negotiate the terms of the proposed loan.

Dated: October 15, 1976.

PETER M. KIMM,
Director of Housing, Agency for International Development.

[FR Doc.76-31235 Filed 10-22-76;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

SMALL BUSINESS ADVISORY COMMITTEE

Open Meeting

Notice is hereby given that pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, a meeting of the Internal Revenue Service Small Business Advisory Committee will be held on November 15 and 16, 1976, beginning at 9:30 a.m. in Room 3315, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224. The agenda will include various topics concerning the tax problems of small businesses. During the afternoon of November 16, the agenda will consist of meetings of several informal subcommittees.

The entire meeting will be open to the public. It is to be held in a room accommodating approximately 50 people. At the end of the discussion of agenda topics by Committee members, there may be time for germane statements by nonmembers. Persons wishing to make oral statements should so advise the Executive Secretary in writing prior to the meeting, to aid in scheduling any available time, and should submit a written text or an outline of comments they propose to make orally. Such comments should be restricted to ten minutes in length. Interested persons may also file a written statement for consideration by the Committee by sending it to the Executive Secretary, Room 3011, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.76-31265 Filed 10-22-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 9140]

ARIZONA

Right-of-Way Application

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the

El Paso Natural Gas Company, a corporation, of El Paso, Texas, has applied for a 50-foot wide pipeline right-of-way, including related facilities necessary for the operation and maintenance of the pipeline, for the transportation of crude oil across the following described public lands:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 1 N., R. 8 W.,
Sec. 33, S½NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 34, S½SW¼ and SW¼SE¼.
T. 2 N., R. 10 W.,
Sec. 31, NE¼NE¼;
Sec. 32, S½NE¼, N½NW¼, SE¼NW¼, and NE¼SE¼.
T. 2 N., R. 11 W.,
Sec. 7, lots 1 and 2, S½NE¼, E½NW¼, and N½SE¼;
Sec. 8, W½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 15, SW¼SW¼;
Sec. 16, NW¼NW¼, S½NW¼, NE¼SW¼, and SE¼;
Sec. 17, N½NE¼, SE¼NE¼, and NE¼NW¼;
Sec. 22, NW¼NE¼, S½NE¼, N½NW¼, and NE¼SE¼;
Sec. 23, SW¼NW¼, N½SW¼, SE¼SW¼, and S½SE¼;
Sec. 25, S½NE¼, N½NW¼, SE¼NW¼, and NE¼SE¼;
Sec. 26, NE¼NE¼.
T. 2 N., R. 12 W.,
Sec. 1, S½S½;
Sec. 2, SE¼SW¼ and S½SE¼;
Sec. 3, S½S½;
Sec. 4, S½S½;
Sec. 5, SE¼SW¼ and S½SE¼;
Sec. 7, N½N½;
Sec. 8, N½N½;
Sec. 9, NW¼NW¼;
Sec. 12, N½NE¼.
T. 2 N., R. 13 W.,
Sec. 7, SW¼ and N½SE¼;
Sec. 8, N½S½;
Sec. 9, S½NE¼, SE¼NW¼, N½SW¼, and NW¼SE¼;
Sec. 10, S½N½;
Sec. 11, N½NE¼, SW¼NE¼, NE¼NW¼, and S½NW¼;
Sec. 12, N½N½.
T. 2 N., R. 14 W.,
Sec. 11, S½S½;
Sec. 12, S½S½;
Sec. 14, N½NW¼;
Sec. 15, N½N½;
Sec. 16, N½NE¼ and NW¼;
Sec. 17, S½N½;
Sec. 18, lots 2 and 3, S½NE¼, SE¼NW¼, and NE¼SW¼.
T. 2 N., R. 19 W.,
Sec. 3, SW¼NW¼, N½SW¼, and SE¼;
Sec. 4, lots 3 and 4, S½NE¼, and SE¼NW¼;
Sec. 5, lots 1, 2, and 3;
Sec. 11, N½NE¼ and NE¼NW¼;
Sec. 12, N½NW¼ and S½N½.
T. 3 N., R. 19 W.,
Sec. 31, lots 3 and 4, E½SW¼, and S½SE¼;
Sec. 32, S½SW¼.
T. 3 N., R. 20 W.,
Sec. 18, lot 4;
Sec. 19, W½NE¼, SE¼NE¼, N½NW¼, and NE¼SE¼;
Sec. 20, N½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 27, SW¼SW¼;
Sec. 28, S½NW¼, N½SW¼, W½SE¼, and SE¼SE¼;
Sec. 29, N½NE¼ and SE¼NE¼;
Sec. 34, N½N½ and SE¼NE¼;
Sec. 35, S½N½;
Sec. 36, S½NW¼ and N½S½.
T. 3 N., R. 21 W.,
Sec. 7, S½S½;
Sec. 8, SE¼NE¼, SW¼, and N½SE¼;
Sec. 9, S½N½;
Sec. 10, S½NE¼, NW¼, and NE¼SE¼;
Sec. 11, lots 3 to 8, inclusive, S½SW¼ and NE¼SE¼;
Sec. 12, lot 1;
Sec. 13, lots 1 to 5, inclusive;
Sec. 14, lot 1;
Sec. 18, lot 1 and NE¼NW¼.
T. 3 N., R. 22 W.,
Sec. 13, N½NE¼, SW¼NE¼, NE¼NW¼, and S½NW¼;
Sec. 14, S½NE¼ and N½S½;
Sec. 15, S½SW¼ and SE¼.
T. 3 S., R. 1 W.,
Sec. 18, lot 4;
Sec. 19, lot 1, W½NE¼, SE¼NE¼, and E½NW¼;
Sec. 20, W½SW¼ and SE¼SW¼;
Sec. 28, W½SW¼;
Sec. 29, W½NE¼, SE¼NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 33, NE¼NW¼;
Sec. 34, N½SW¼ and SE¼SW¼.
T. 4 S., R. 1 W.,
Sec. 2, SW¼NW¼, N½SW¼, SE¼SW¼, and S½SE¼;
Sec. 3, lots 1 and 2, and SE¼NE¼;
Sec. 11, N½NE¼;
Sec. 12, W½NW¼, SE¼NW¼, and NE¼SW¼;
Sec. 13, NE¼NE¼.
T. 2 S., R. 2 W.,
Sec. 31, lots 3 and 4, SE¼SW¼ and S½SE¼.
T. 3 S., R. 2 W.,
Sec. 5, lot 4, SW¼NE¼, S½NW¼, and N½SE¼;
Sec. 6, lots 1 and 2;
Sec. 9, N½NE¼;
Sec. 10, SW¼NE¼, W½NW¼, SE¼NW¼, and N½SE¼;
Sec. 11, W½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 13, SW¼NE¼, W½NW¼, SE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 14, N½NE¼.
T. 2 S., R. 3 W.,
Sec. 27, S½SW¼ and SW¼SE¼;
Sec. 28, N½SW¼ and SE¼;
Sec. 29, S½N½ and NE¼SE¼;
Sec. 30, lot 2, S½NE¼, and SE¼NW¼;
Sec. 34, N½NE¼;
Sec. 35, NE¼ and N½NW¼;
Sec. 36, S½N½ and N½SE¼.
T. 2 S., R. 4 W.,
Sec. 25, S½N½;
Sec. 27, S½N½;
Sec. 28, S½N½;
Sec. 29, S½N½;
Sec. 30, lot 2 and SE¼NE¼.
T. 2 S., R. 5 W.,
Sec. 19, lot 1, SW¼NE¼, E½NW¼, N½SE¼, and SE¼SE¼;
Sec. 20, SW¼SW¼;
Sec. 25, S½N½;
Sec. 26, S½NE¼ and SE¼NW¼;
Sec. 27, SW¼NW¼;
Sec. 29, N½NE¼, SE¼NE¼, and N½NW¼.
T. 2 S., R. 6 W.,
Sec. 3, SW¼SW¼;
Sec. 4, W½NW¼, SE¼NW¼, NE¼SW¼, and SE¼;
Sec. 5, N½NE¼;
Sec. 10, S½NE¼, N½NW¼, SE¼NW¼, and N½SE¼;
Sec. 11, SW¼ and SW¼SE¼;
Sec. 13, W½NW¼, SE¼NW¼, N½SW¼, W½SE¼, and SE¼SE¼;
Sec. 14, NE¼NW¼, N½NE¼, and SE¼NE¼.
T. 1 S., R. 7 W.,
Sec. 7, lot 1, W½NE¼, SE¼NE¼, and E½NW¼;
Sec. 8, SW¼NW¼, N½SW¼, W½SE¼, and SE¼SE¼;
Sec. 9, SW¼SW¼;
Sec. 16, S½NE¼, N½NW¼, SE¼NW¼, and NE¼SE¼.
T. 1 S., R. 8 W.,
Sec. 1, W½SW¼, SE¼SW¼, and S½SE¼;
Sec. 3, lots 1 to 3, inclusive;
Sec. 12, N¼NE¼.
T. 4 S., R. 1 E.,
Sec. 34, W½NE¼, SE¼NE¼, and NE¼SE¼;
Sec. 35, W½SW¼ and SE¼SW¼.
T. 5 S., R. 1 E.,
Sec. 2, lots 2 and 3, S½NE¼, and NE¼SE¼.
T. 5 S., R. 2 E.,
Sec. 7, lots 2 and 3, E½SW¼, and S½SE¼.
T. 6 S., R. 5 E.,
Sec. 1, N½S½.
T. 7 S., R. 12 E.,
Sec. 33, SW¼NE¼, W½NW¼, SE¼NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 34, S½SW¼.
T. 12 S., R. 19 E.,
Sec. 21, SE¼NE¼;
Sec. 25, S½N½.
T. 13 S., R. 22 E.,
Sec. 12, S½S½.
T. 13 S., R. 23 E.,
Sec. 18, NE¼NW¼ and NE¼SE¼.
T. 13 S., R. 26 E.,
Sec. 8, N½S½;
Sec. 11, N½SW¼.
T. 13 S., R. 27 E.,
Sec. 13, lot 4 and SW¼SE¼.
T. 13 S., R. 28 E.,
Sec. 17, S½SW¼;
Sec. 18, S½SE¼;
Sec. 21, NE¼NE¼.
T. 13 S., R. 29 E.,
Sec. 17, S½SW¼;
Sec. 18, lot 4, SE¼SW¼, and S½SE¼.
T. 13 S., R. 30 E.,
Sec. 13, N½SE¼;
Sec. 14, N½SW¼.
T. 13 S., R. 31 E.,
Sec. 13, N½S½;
Sec. 14, N½S½;
Sec. 15, N½S½;
Sec. 17, N½S½;
Sec. 18, lot 3, NE¼SW¼, NW¼SE¼.
T. 13 S., R. 32 E.,
Sec. 14, lot 2 and SW¼NW¼;
Sec. 15, N½SW¼ and NW¼SE¼;
Sec. 18, lot 3, NE¼SW¼, W½SE¼, and SE¼SE¼.

The proposed pipeline right-of-way is part of an overall system to convey crude oil from San Pedro Harbor, California, to Midland, Texas, and affects public lands in Arizona from a point on the Colorado River near Ehrenberg, Arizona, to the New Mexico State line east of San Simon, Arizona.

The length of the proposed right-of-way on public lands in Arizona is 107.29 miles, which includes 86.25 miles of the Company's existing 30" O.D. pipeline for which right-of-way permits have previously been granted by the Bureau of Land Management to the Company for transportation of natural gas. It is proposed that use of the existing pipeline be converted to the transportation of crude oil under a new right-of-way permit, A 9140, and that permits for the rights-of-way no longer used for transportation of natural gas be relinquished.

New pipeline construction would consist of 5.26 miles of 42" O.D. pipeline and 16.94 miles of 30" O.D. pipeline on the following described lands:

T. 2 N., R. 12 W., (30'' O.D.)
Sec. 1, W½SW¼SW¼;
Sec. 2, SE¼SW¼ and S½SE¼;
Sec. 3, S½S½;
Sec. 4, S½S½;
Sec. 5, SE¼SW¼ and S½SE¼;
Sec. 7, N½N½;
Sec. 8, N½N½;
Sec. 9, NW¼NW¼.
T. 2 N., R. 13 W., (30'' O.D.)
Sec. 7, SW¼ and N½SE¼;
Sec. 8, N½S½;
Sec. 9, S½NE¼, SE¼NW¼, N½SW¼, and NW¼SE¼;
Sec. 10, S½N½;
Sec. 11, N½NE¼, SW¼NE¼, NE¼NW¼, and S½NW¼;
Sec. 12, N½N½.
T. 2 N., R. 14 W., (30'' O.D.)
Sec. 11, S½S½;
Sec. 12, S½S½;
Sec. 14, N½NW¼;
Sec. 15, N½N½;
Sec. 16, N½NE¼ and NW¼;
Sec. 17, S½N½;
Sec. 18, lots 2 and 3, S½NE¼, SE¼NW¼, and NE¼SW¼.
T. 3 N., R. 21 W., (42'' O.D.)
Sec. 7, S½S½;
Sec. 8, SE¼NE¼, SW¼, and N½SE¼;
Sec. 18, lot 1 and NE¼NW¼.
T. 3 N., R. 22 W., (42'' O.D.)
Sec. 13, N½NE¼, SW¼NE¼, NE¼NW¼, and S½NW¼;
Sec. 14, S½NE¼ and N½S½;
Sec. 15, S½SW¼ and SE¼.

The purpose of this notice is to inform the public that the right-of-way application for the pipeline has been filed. The Bureau of Land Management is proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Dated: October 15, 1976.

ROBERT O. BUFFINGTON,
State Director.

[FR Doc.76-31196 Filed 10-12-76;8:45 am]

QUALIFIED JOINT BIDDERS

Notice of Filing Production Statement

As a convenience to the public, and pursuant to his authority under 43 CFR Part 3300, the Director of the Bureau of Land Management hereby publishes a list of all persons who have timely filed a Statement of Production in accordance with 43 CFR 3302.3-2(a) which has qualified them to bid jointly during the Bidding Period November 1, 1976, through April 30, 1977. This publication is not required by law or regulations and may in some respects be incomplete.

The following companies have filed sworn Statements of Production as required by 43 CFR 3302.3-2(a) attesting to average daily production not in excess of 1.6 million barrels of crude oil, natural gas and liquified petroleum products during the production period of January 1, 1976, through June 30, 1976:

Abaco Exploration, Inc.
Al-Aquitaine Exploration, Ltd.
Alaskco U.S.A., Ltd.
Allied Chemical Corporation
Alminex U.S.A., Inc.
AMAX Petroleum Corporation
Amerada Hess Corporation
American Natural Gas Production Company
American Petrofina Company of Texas
American Petrofina Exploration Company
Aminoil Development, Inc.
Aminoil Resources, Inc.
Aminoil USA, Inc.
Anadarko Production Company
Aquitaine Oil Corporation
Ashland Oil, Inc.
Atlantic Richfield Company
Belco Petroleum Corporation
Beren Corporation
Bethlehem Steel Corporation
Brooklyn Union Gas Company
Cabot Corporation
Canadian Occidental of California, Inc.
Canadian Superior Oil (U.S.) Ltd.
CanDel Oil (U.S.) Inc.
Canso Oil & Gas, Inc.
Caroline Hunt Trust Estate.
Case-Pomeroy Oil Corporation
Central Hudson Gas & Electric Corporation
Champlin Petroleum Company
Chanslor-Western Oil and Development Company
CIGOL Petroleum Inc.
Cities Service Company
C & K Marine Production Company
C & K Offshore Company
C & K Petroleum, Inc.
CNG Producing Company
Colorado Oil Company, Inc.
Columbia Gas Development Corporation
Columbia Gas of New York, Inc.
Consolidated Edison Company of New York, Inc.
Continental Oil Company
Corning Natural Gas Corporation
Cotton Petroleum Corporation
CRA Oil Exploration Company
Crown Central Petroleum Corporation
Dalco Oil Company
Decalta International Corporation
DEPCO, Inc.
Diamond Shamrock Corporation
Dow Chemical Company (The)
Drillamex, Inc.
Eason Oil Company
Ecee, Inc.
El Paso Natural Gas Company
Energy Capital, Inc.
Energy Development Corporation
Energy Reserves Group, Inc.
Equity Oil Company
Era North America, Inc.
Exchange Oil & Gas Corporation
Farmers Union Central Exchange, Incorporated
Farmland Industries, Inc.
Farmland International Energy Company
Felmont Oil Corporation
Florida Gas Exploration Company
Fluor Oil and Gas Corporation
Forest Oil Corporation
Freeport Minerals Company
Freeport Oil Company
Furth Oil Co.
Gas Producing Enterprises, Inc.
General American Oil Company of Texas
General Crude Oil Company
Getty Oil Company
Golden Eagle Refining Company, Inc.
Greenbrier Operating Co.
H. C. Price Co.
H. W. Bass & Sons, Inc.
Halbouty Alaska Oil Company
Hamilton Brothers Exploration Company
Hamilton Brothers Oil and Gas Corporation
Hamilton Brothers Oil Company
Hassie Hunt, Incorporated
Hematite Petroleum (U.S.A.), Inc.
Highland Resources, Inc.
High Seas Exploration, Inc.
Home Petroleum Corporation
Houston Oil & Minerals Corporation
Hudbay Exploration, Inc.
Hunt Energy Corporation
Hunt Industries
Hunt Investment Corporation
Hunt Oil Company
Hunt Petroleum Corporation
Husky Oil Company of Delaware
ICI Delaware Inc.
Intercontinental Energy Corporation
Jenney Oil Company
Kerr-McGee Corporation
Kirby Exploration Company
Knob Hill Oil & Gas Company, Inc.
Koch Industries, Inc.
Ladd Petroleum Corporation
Lamar Hunt Trust Estate
Long Island Lighting Company
Louisiana Land and Exploration Company (The)
Louisana Land Offshore Exploration Company, Inc.
Marathon Oil Company
Margaret Hunt Trust Estate
McMoRan Exploration Co.
Mesa Petroleum Co.
Mitchell Energy Offshore Corporation
Mono Power Company
Monsanto Company
Murphy Oil Corporation
National Cooperative Refinery Association
Natomas Exploration, Inc.
NATRESCO INCORPORATED
Natural Gas Corporation of California
Nelson Bunker Hunt Trust Estate
Nepco Exploration Corporation
New England Energy Incorporated
Newmont Oil Company
New York State Electric & Gas Corporation
Niagara Mohawk Power Corporation
Norse Petroleum (U.S.) Incorporated
North Oil Inc.
Northern Michigan Exploration Company
Northern Natural Gas Company
Northwestern Mutual Life Insurance Company (The)
Ocean Oil & Gas Company
Ocean Production Company
ODECO Drilling Inc.
OFFSHORE COMPANY, (THE)
Ogle Development Corporation
Ogle Petroleum Inc.
Oil Development Company of Texas
OKC Corp.
Orange & Rockland Utilities, Inc.
Oxy Petroleum, Inc.
Paisano Resources, Inc.
PanCanadian Petroleum Company
Pan Eastern Exploration Company
Pavilion Natural Gas Company (The)
Pelto Oil Company
Pennzoil Company
Pennzoil Louisiana and Texas Offshore, Inc.
Pennzoil Offshore Gas Operators, Inc.
Pennzoil Producing Company
Phillips Petroleum Company
Pinto, Inc.
Placid Oil Company
Quintana Oceanic, Inc.
Quintana Offshore, Inc.
Reading & Bates Oil and Gas Co.
Reserve Oil and Gas Company
Reserve Oil, Inc.
Rowan Petroleum, Inc.
Samedan Offshore Corporation
Samedan Oil Corporation
Santa Fe Minerals Co.-U.S.
Siboney Corporation
Siebens Oil & Minerals, Inc.
Skelly Oil Company
Sohio Petroleum Company
SONAT Exploration Company
South Coast Corporation (The)
Southern Natural Gas Company
Southland Royalty Company

St. Joe Petroleum (U.S.) Corporation
St. Lawrence Gas Company, Inc.
Sun Oil Company (Delaware)
Superior Oil Company (The)
Syracuse Suburban Gas Company, Inc.
Tenneco Exploration, Ltd
Tenneco Exploration II, Ltd
Tenneco OCS Company, Inc.
Tenneco OCS Limited Partnership
Tenneco Offshore Company, Inc.
Tenneco Oil Company
Terra Resources, Inc.
Tesoro Petroleum Corporation
Texas Eastern Exploration Co.
Texas Eastern Transmission Corporation
Texas Gas Exploration Corporation
Texasgulf Inc.
Texas International Petroleum Corporation
Texas Pacific Oil Company, Inc.
Texas Production Company
Thermal Power Company
Tipperary Corporation
Transco Exploration Company
TransOcean Oil, Inc.
True Oil Company
Union Oil Company of California
United Energy Resources, Inc.
United Gas Pipe Line Company
United States Steel Corporation
Valhi, Inc.
Vsea, Inc.
W. R. Grace & Co.
Weeks Natural Resources, Inc.
Wewoka Exploration Company
William Herbert Hunt Trust Estate
Williams Exploration Company

In addition, Statements of Production have been received from nine companies who produced a daily average of 1.6 million or more barrels of crude oil, natural gas and liquified petroleum products during the previously mentioned production period, and are therefore restricted from bidding jointly with each other during the bidding period of November 1, 1976, through April 30, 1977. This list appeared in the FEDERAL REGISTER Vol. 41, No. 193, page 43747, on Monday, October 4, 1976.

CURT BERKLUND,
Director,
Bureau of Land Management.

OCTOBER 15, 1976.

[FR Doc.76-31233 Filed 10-22-76;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Wildlife Ecology Laboratory, University of Florida, Gainesville, Florida 32611, Dr. Wayne Marion.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one) ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
a. To capture, handle, mark, radio track and study nesting activities of the American alligator in North-Central Florida (primarily Alachua & Marion counties).
b. To collect and hold at the University of Florida stomachs and other samples from approximately 60 American alligators taken in an experimental harvest by the Florida Game and Fresh Water Fish Commission.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Wildlife Ecology Laboratory
University of Florida
Gainesville, Florida 32611
(904) 392-1855

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
A university involved in research on various wildlife species.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. Dr. Wayne Marion, Project Leader & Asst. Professor, (904) 392-1855

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
North-Central Florida (primarily Alachua and Marion counties)

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
The Fla. Game & Fresh Water Fish Comm. has approved of the attached project proposal & we have applied for the appropriate permits.

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF $

10. DESIRED EFFECTIVE DATE
1 August 1976

11. DURATION NEEDED

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See Attached Project Proposal

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Wayne R. Marion | DATE 12 July 1976

3-200 (6/74) GPO 895-042

Objectives.—A. To evaluate light counts at night as censusing methods used in estimating the size and composition of American alligator (*Alligator mississippiensis*) populations in Florida.

B. To determine food preferences as related to food availability for American alligators in freshwater habitats of the state.

C. To determine the seasonal movements and habitat preferences of adult American alligators in this region.

D. To develop management recommendations which will help to maintain the American alligator as a renewable natural resource in Florida.

Importance: The American alligator is native to the southeastern United States where it has always been an important natural part of Florida's fauna. Alligators have not, however, always been as abundant as they apparently are today. Concern over the rapidly diminishing populations (Chabreck 1967, Craighead 1968, Hines et al. 1968) developed in the 1960's following many years of wetlands habitat alteration and uncontrolled harvesting of alligators. As a result, the American alligator was one of the first species placed on the U.S. Endangered Species List under the authority of the Endangered

Species Conservation Act of 1969 and further protection was provided by the Endangered Species Act of 1973. Under this rather strict legal protection, alligator populations apparently increased substantially in Florida (King 1972, Schemnitz 1974, Hines 1976 pers. comm. Fla. Game and Fresh Water Fish Comm., Gainesville) as in other southeastern states like Louisiana (Palmisano et al. 1973).

With recent alligator population increases in Florida, there has also been an annual increase in alligator-human confrontations resulting in extensive time and effort by the Florida Game and Fresh Water Fish Commission to handle "nuisance" alligator complaints (Goodson 1976 pers. comm. Fla. Game and Fresh Water Fish Comm., Tallahassee). Oftentimes, however, just moving a large alligator to another more remote area may just be transferring and not solving the problem. Controlled harvests and carefully regulated management of alligators have been tried with success in Louisiana (Palmisano et al. 1973) and alligators are now being managed on a sustained yield basis in parts of Louisiana's coastal marshes. An obvious need exists for controlled harvest and management of Florida alligators. Legislation is pending which will loosen restrictions on these animals and allow experimentation with controlled harvests and management techniques. Important first steps toward establishing management guidelines and recommendations for Florida alligators include research into the objectives of this study.

Previous Work and Outlook: Several research studies in Louisiana (Chabreck 1966) and the Everglades of southern Florida (Hines et al. 1969, Hines 1975) have involved one or more censusing methods, including light counts at night, call counts, nest counts, mark and recapture tallies, and daytime basking counts (as described by Thompson and Gidden 1972). Generally, information obtained from a combination of these censusing methods has been used in inventorying alligators, but the validity of these techniques has been poorly evaluated. Also, habitat differences undoubtedly influence the effectiveness of various censusing methods; those methods best suited for coastal marshes of Louisiana or the Everglades of Southern Florida are not necessarily adequate for freshwater lakes and marshes in interior Florida.

Only a few investigators have studied food habits of alligators and none of these studies has been conducted in typical inland habitats of Florida. Studies in Louisiana (Kellogg 1929, McIlhenny 1935, Giles and Childs 1949, Valentine et al. 1972, Chabreck 1971) have indicated that alligators eat a wide variety of food items and that there is a definite correlation between the length of the alligator and types of food taken. Smaller alligators (less than three feet) tend to feed consistently on invertebrates, while diets of larger alligators include a wider variety with a predominance of larger vertebrates.

Published literature on feeding habits of alligators in Florida is limited to one study of immature alligators (less than six feet) in the Everglades (Fogarty and Albury 1967). A major criticism of alligator food studies to date is that availability of food items is frequently not measured and therefore, food preferences cannot be adequately determined. Also, some of the previous studies have not specifically determined food habit differences between the various size classes. Furthermore, nothing is known of food availability and preferences of various alligator size classes in freshwater habitats in Florida.

Movements of both nesting female alligators and adult males were studied (Chabreck 1965, Joanen and McNease 1970, 1972) on coastal marshes in Louisiana using radio telemetry to monitor these movements. In Florida, Hines et al. (1968) used mark and recapture techniques to determine movements of alligators in the Everglades. However, there have been no additional studies of movements and habitat preferences of alligators in freshwater habitats in central Florida and this information is essential to establishment of management guidelines on a statewide basis.

Methods of Procedure: Objective A.—1. Night light counts will be conducted and evaluated on designated transects adjacent to the shoreline of a freshwater lake. These counts will be conducted by outboard motorboat at weekly intervals and by airboat at biweekly intervals. Counts taken from both types of survey craft will be compared to determine which method samples a higher proportion of the wild alligator population.

2. Two colors of light (white and red) will be used and the effectiveness of each as an aid to alligator censusing will be evaluated.

3. The night light counts will be conducted under a variety of environmental conditions (e.g. water temperature, cloud cover, etc.), moon phases, and all seasons of the year. An attempt will then be made to correlate these environmental variables with changes in census results.

Objective B.—1. An upcoming experimental harvest by the Florida Game and Freshwater Fish Commission will enable us to obtain preserved alligator stomachs from several size classes. Stomach contents will be analyzed and summarized.

2. At approximately the time of the experimental harvest, study areas will be sampled to determine the availability of various food items. Determination of food preferences is possible by comparing the actual diet with food availability.

Objective C.—1. Several adult alligators (both sexes) will be captured, marked, and outfitted with radio transmitters. Movements of these study animals will be monitored and recorded at intervals throughout the year.

2. Seasonal movements, home ranges, and habitat preferences will be determined using data from the monitored test animals.

Objective D.—1. All of the above data will be used in developing management recommendations for alligators in freshwater habitats in Florida.

This research will be accomplished in cooperation with the Florida Game and Fresh Water Fish Commission and T. C. Hines, Wildlife Biologist. The Game and Fish Commission has agreed to allow us to use some of their equipment in accomplishing these research objectives.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE) U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-295-07; please refer to this number when submitting comments. All relevant comments received on or before November 26, 1976 will be considered.

Dated: October 19, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-31268 Filed 10-22-76;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before October 18, 1976. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by November 5, 1976.

JERRY L. ROGERS,
Acting Chief, Office of Archeology and Historic Preservation.

ALABAMA

Montgomery County

Montgomery, *Cottage Hill Historic District*, roughly bounded by Goldthwaite, Bell, Holt, and Clayton.

ALASKA

Barrow-North Slope Division

Sagwon vicinity, *Gallagher Flint Station Archeological Site*, S of Sagwon.

MARYLAND

Kent County

Chestertown vicinity, *Rose Hill*, N of Chestertown on MD 213.

MISSISSIPPI

Alcorn County

Corinth, *Battery Williams*, Fulton Dr. at Southern Railroad.

NEVADA

White Plains County

Ely vicinity, *Fort Schellbourne*, 43 mi. N of Ely off U.S. 93 (proposed boundary change for property entered on 2-23-72).

NEW MEXICO

Bernalillo County

Albuquerque, *Rancho de Carnue Site*, off U.S. 66.

RHODE ISLAND

Washington County

Davisville vicinity, *Camp Endicott*, E of Davisville at 7th, 10th, and B Sts.

SOUTH DAKOTA

Hughes County

Blunt, *Graham, Mentor, House*, U.S. 14.

Minnehaha County

Sioux Falls, *Augustana College - Historic Buildings*, 29th and S. Summit Sts.

TENNESSEE

Davidson County

Nashville, *Edgefield Historic District*, roughly bounded by Woodland, S. 10th S. 5th Sts., and Shelby Ave.

Hamilton County

Chattanooga, *Read House*, Broad and 9th Sts.

Marion County

Victoria vicinity, ***Ketner's Mill***, E of Victoria on Ketner Mill Rd. at Sequatchie River.

Montgomery County

Clarksville, *Rexinger, Samuel, House*, 703 E. College St.

Wilson County

Lebanon, *Pickett Chapel Methodist Church*, E. Market St.

TEXAS

Wheeler County

Mobeetie and vicinity, *Fort Elliot-Mobeetie District*, TX 152.

VIRGINIA

Caroline County

Fredericksburg vicinity, *Prospect Hill*, SE of Fredericksburg off U.S. 17.
Oak Corner vicinity, *Spring Grove*, S of Oak Corner.

Charles City County

Charles City vicinity, *Weyanoke Plantation*, S of Charles City.

Fairfax County

Great Falls vicinity, *Colvin Run Mill*, S. of Great Falls at 10017 Colvin Run Rd.
Great Falls vicinity, *Cornwell Farm*, SE of Great Falls at 9414 Georgetown Pike.

Frederick County

Gore vicinity, *Cather, Willa, Birthplace*, NW of Gore on U.S. 50.

Halifax County

South Boston, *Fourqurean House*, 2.4 mi. SW of South Boston off VA 706.

Loudoun County

Leesburg vicinity, *Woodburn*, SW of Leesburg off VA 704.

Lynchburg (independent city)

Spencer, Anne, House, 1313 Pierce St.

Richmond County

Farnham vicinity, *Linden Farm*, N of Farnham on VA 3.

Sussex County

Littleton vicinity, *Little Town*, W of Littleton on VA 622.

[FR Doc.76-31134 Filed 10-22-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

NUTRITIONAL TRAINING, EDUCATION, STUDIES AND SURVEYS

Plans for Use of Funds

Notice is hereby given that the Food and Nutrition Service (FNS), U.S. Department of Agriculture, plans to provide funds through grants to States for projects in nutritional training or education, or both, for workers, cooperators and participants in child nutrition programs; and through contractual agreements with States, nonprofit institutions, universities, or private industry for nutritional training, education and studies and surveys of requirements for school food service programs. The projects, studies and surveys are funded under section 6(a)(3) of the National School Lunch Act (NSLA) (42 U.S.C. 1755 (1)), which makes available to the Secretary of Agriculture up to one percent of the funds provided for programs under the NSLA and the Child Nutrition Act of 1966 (other than the Special Milk Program), to supplement the nutritional benefits of these programs.

A total of $700,000 is included in the Department's appropriation for nutritional training, education and studies and surveys for the Fiscal Year 1977 beginning October 1, 1976. Of this amount, $250,000 has been set aside for grants to States only. Priority will be given to projects which are anticipated to have findings with national or regional implications. The remainder of the funds ($450,000) will be used by FNS for cooperative agreements or other contractual arrangements in the areas of nutritional training, education and studies and surveys as set out in the final section of this notice.

I. $250,000 FOR GRANTS TO STATES

Up to $250,000 will be made available for grants to State agencies, who are responsible for administering the child nutrition programs.

REQUIREMENTS

1. An application, signed by the appropriate State official, must be submitted by a State agency that administers an FNS child nutrition program.

2. Project plans submitted shall pertain to the training of local school level food service personnel (workers and managers). At least three-quarters (75%) of all full time workers in every school participating in the project must receive training. Goals of the training shall include increasing food acceptability in the school lunch and breakfast programs through more effective meal planning, preparation and service, thus increasing participation. For all participating employees at every school these topics will be covered as a minimum:

(a) increasing participation in the school's lunch program through more effective meal preparation and service (purchasing, preparation, merchandising, nutrition education activities);

(b) providing menu flexibility and choice options within the Type A meal pattern;

(c) determining factors affecting food acceptability (degree of plate waste) in the school cafeteria; and

(d) utilizing to full advantage the FNS basic program aids to improve food service management and operation techniques.

Continuity of the present FNS effort in training will be achieved by utilization of curriculum materials being developed in several FNS projects which are focusing on development of curriculum materials for use in in-service training of school food service personnel. A variety of materials is available, which will provide several alternate types of approaches to in-service instruction and thus meet varying needs as well as provide several implementation systems which could be applicable or adapted to local needs.

FNS will provide successful grant awardees with samples of audiovisual and print materials which may be used for the training instruction. Reproduction will be the responsibility of the grantee. This cost should be included in the project budget.

3. The application shall be submitted on a form entitled "Application for Federal Assistance (Non-Construction Programs)," AD-623, as revised May 1976. Request for this form should be addressed or telephone request made to:

Contracting Officer, Management Services Division, Food and Nutrition Service, Room 790, U.S. Department of Agriculture, Washington, D.C. 20250. Phone: (202) 447-8739 or 8740.

4. The application must be received at the address shown above not later than Monday, March 7, 1977.

5. All parts of the application must be completed in accordance with the instructions contained in Form No. AD-623. Part IV—Program Narrative shall include all requirements under paragraphs 1 thru 4 and under paragraphs 5a and 5b. The applicant will be required to certify compliance with applicable provisions of law and administrative regulations described in Part V of AD-623.

6. The term of the project shall not exceed eighteen months.

State Clearing House approval is not required. However, a copy of the applition should be forwarded for review to the State Clearing House in accordance with Part I of OMB Circular A-95, (41 FR 2052) Attachment A, Part I, Paragraph 9, entitled "Exceptions."

Grants will be administered under the provisions of Federal Management Circular 74-7 (34 CFR Part 256).

Attention should be given to the following areas in the circular:

1. Attachment "A"—Cash Depositories.
2. Attachment "G"—Standards for Grantee Financial Management Systems.
3. Attachment "O"—Procurement Standards.

Applications received will be reviewed on a competitive basis and announcement of grant awards will be made on or about June 1, 1977.

II. $450,000 FOR CONTRACTUAL AGREEMENTS

This part is a statement of intent only. Funds will not be awarded under this notice. Up to $450,000 will be used by FNS for cooperative agreements or other contractual arrangements with States or nonprofit institutions, universities, or private industry to do nutritional training, education, and studies and surveys.

The general areas of emphasis which may be pursued in projects under contractual arrangements follow:

STUDIES AND SURVEYS

1. To evaluate breakfast programs to determine the dietary benefits being provided the students served by these programs.

2. To determine the profile of organized family day care centers and residential institutions for children.

3. To determine the costs of producing a school lunch and breakfast in Fiscal Year 1977.

Bids and technical proposals to perform the nutritional training, education and studies and surveys in accord with specifications established by FNS are solicited through Requests for Proposals (RFP). Announcement of these contractual actions will be published in the Commerce Business Daily from time to time. Prospective bidders wishing to submit proposals may request to be put on the bidders list by contracting the Contracting Officer, above.

The subject grant program is not listed in the Appendix I of the Catalog of Federal Domestic Assistance.

Effective Date: October 26, 1976.

Dated: October 20, 1976.

JOHN DAMGARD,
Acting Assistant Secretary.

[FR Doc.76-31259 Filed 10-22-76;8:45 am]

Office of the Secretary

MEAT IMPORT LIMITATIONS

Country Allocations

By Proclamation 4469 of October 9, 1976 (41 F.R. 44995), the President, pursuant to section 2 of Pub. L. 88-482, approved August 22, 1964 (19 U.S.C. 1202 note), limited the total 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 during calendar year 1976 to 1,233 million pounds.

As required by Section 2(c)(3) of the Act, I have allocated the quantity proclaimed among supplying countries on the basis of the shares of such meat the countries supplied to the United States market during a representative period (1973-74), giving due account to special factors which have affected or may be affecting the trade in such articles and have certified the allocations, as set forth below, to the Secretary of the Treasury.

COUNTRY ALLOCATIONS MEAT IMPORT LAW (1976)

Country	*Quantity (million pounds)*
Australia	632.2
New Zealand	259.8
Mexico	52.0
Costa Rica	53.7
Nicaragua	48.9
Honduras	35.8
Guatemala	34.3
Dominican Republic	14.4
El Salvador	11.4
Panama	2.6
Haiti	1.9
Other	86.0
Total	1,233.0

Signed at Washington, D.C. on October 20, 1976.

JOHN A. KNEBEL,
Acting Secretary of Agriculture.

[FR Doc.76-31237 Filed 10-22-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[Order No. 42-1, Amdt. 3]

DIRECTORATE OF ADMINISTRATIVE MANAGEMENT

Organization and Function

This order effective September 13, 1976 amends the material appearing at 40 FR 12694 of March 20, 1975, and 40 FR 44345 of September 26, 1975.

DIBA Organization and Function Order 42-1, dated February 28, 1975, as amended, is hereby further amended to abolish the Information Systems Division, Office of Management and Systems, and to transfer responsibility for maintenance of DIBA's Program Management Information System to the Funds Management and Reports Division, Office of Budget. The revised organization structure shall be as depicted in the attached organization chart. A copy of the chart is on file with the original of this document in the Office of the Federal Register.

1. Section 5., Office of Management and Systems is amended to read, as follows:

SECTION 5. Office of Management and Systems. .01 The Office of Management and Systems shall be headed by a "Director" who shall plan, coordinate and direct all management and systems programs for the Domestic and International Business Administration and act as liaison with the Department's Office of Organization and Management Systems. The Office of the Director will administer the following programs: (1) Liaison for GAO and Departmental audit reports, surveys, and inquiries; (2) planning and coordination for DIBA's emergency readiness functions; (3) the DIBA records management program; and (4) the reports management program including coordination of selected periodic reports.

.02 The "Systems Management Division" coordinates and directs planning, analysis, development, design and evaluation of Domestic and International Business Administration systems; conducts or coordinates feasibility studies of proposed ADP systems and microform applications and equipment needs and usage; provides management coordination and control, technical guidance, assistance and support to all DIBA elements with regard to systems, data communications, data processing and data retrieval; designs, evaluates, develops, and installs the application of all systems to DIBA operations; and develops an integrated DIBA data base. The Division is responsible for establishment of production schedules for and maintenance of operational automated systems, and for the maintenance of systems documentation and support for all new and existing automated systems. The Division reviews, evaluates, approves and coordinates the acquisition and use of all DIBA ADP word processing and microform equipment and support services; is responsible for the preparation and submission of ADP planning, budgeting and evaluation information as required by DIBA, the Department and by other Federal agencies; and is the point-of-contact within DIBA for all ADP and systems questions and consultations.

.03 The "Management Analysis Division" shall conduct studies and surveys to effect improved management practices, manpower distribution, organization alignments, procedures and work methods; review and coordinate all proposed organizational changes; administer the DIBA forms management program; perform the committee management function; and maintain a system for the issuance of all DIBA Announcements, Administrative Instructions, Organization and Function Orders, Delegations of Authority and other issuances prepared for the administration of DIBA. The Division will also coordinate the administration of the Freedom of Information Act and the Privacy Act within DIBA.

2. Section 7.04, Office of Budget is amended to read, as follows:

.04 The "Funds Management and Reports Division" which shall: develop and maintain instructions governing the operation of DIBA's budgetary processes; prepare technical and other supporting schedules and review such schedules, as well as budget justifications for conformance with Departmental and OMB instructions governing submission of budget estimates; assure administrative control over the obligation and expenditure of DIBA appropriations and other funds; assure validity of planned and actual data included in financial reports; prepare special reports or briefings for the Office of the Secretary, the Assistant Secretary for Domestic and International Business, and DIBA program managers regarding significant fiscal, budget and program execution related problems, incorporating materials provided by other Divisions of the Office of Budget; prepare overseas direct project budget authorizations and advices of fund availability, and collect and deposit contributions and receipts; negotiate and prepare reimbursable agreements and billings related thereto; maintain liaison with the Central Accounting Division of the Department of Commerce's Office of Financial Management Services; maintain a Program Management Information System to provide manpower, cost, obligation and workload/accomplishment data for all DIBA programs and organizational components; receive and evaluate requests for modification of the system from PMIS users and prepare modification proposals for submission to the Systems Management Division, OMS; and maintain DIBA's budget history."

Effective date: September 13, 1976.

L. S. MATTHEWS,
Assistant Secretary for Domestic and International Business.

[FR Doc.76-31228 Filed 10-22-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 76N–0265, DESI 7358]

FURAZOLIDONE FOR ORAL USE

Drug Efficacy Study Implementation; Followup Notice and Recission of Portion of Previous Notice for Hearing

Correction

In FR Doc. 76–23786 appearing in the FEDERAL REGISTER of Monday, August 16, 1976 on page 34662, the 3rd column on page 34663 should be corrected as follows:

1. The reference in the last line in paragraph 3 should read "* * * FD–356H (21 CFR 314.1(c))."

2. The first line in paragraph 3b should be corrected to read "b. Approval of * * *" instead of "b. Approval if * * *".

PUBLIC ADVISORY COMMITTEES

Request for Nomination of Members

The Commissioner of Food and Drugs requests nominations for voting members to serve on public advisory committees for the Bureau of Drugs on which vacancies will occur during the next 12 months. The names, functions, types of expertise required, and dates on which vacancies occur each year for those committees soliciting nominations at this time are as follows:

1. Anesthesiology Advisory Committee: Vacancy, June 30.

2. Anti-Infective Agents Advisory Committee: Vacancy, June 30.

3. Arthritis Advisory Committee: Vacancy, September 30.

4. Cardiovascular and Renal Advisory Committee: Vacancy, June 30.

5. Dental Drug Products Advisory Committee: Vacancy, June 30.

6. Dermatology Advisory Committee: Vacancy, December 31.

7. Endocrinology and Metabolism Advisory Committee: Vacancy, June 30.

8. Gastrointestinal Drugs Advisory Committee: Vacancy, January 31.

9. Neurologic Drugs Advisory Committee: Vacancy, January 31.

10. Obstetrics and Gynecology Advisory Committee: Vacancy, June 30.

11. Oncologic Drugs Advisory Committee: Vacancy, June 30.

12. Ophthalmic Drugs Advisory Committee: Vacancy, December 31.

13. Psychopharmacological Agents Advisory Committee: Vacancy, June 30.

14. Pulmonary-Allergy and Clinical Immunology Advisory Committee: Vacancy, June 30.

15. Radiopharmaceutical Advisory Committee: Vacancy, June 30.

16. Surgical Drugs Advisory Committee: Vacancy, June 30.

The function of the committees listed above is to review and evaluate available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in the area of medical specialty indicated by the title of the committee, and to make appropriate recommendations to the Commissioner.

17. Biometric and Epidemiological Methodology Advisory Committee: Vacancy, June 30. The function of this committee is to advise the Commissioner concerning the extramural and intramural research in the area of epidemiological and biometric methodology.

18. Controlled Substances Advisory Committee: Vacancy, January 31. The function of this committee is to advise the Commissioner regarding scientific and medical evaluation of information gathered by the Department of Health, Education, and Welfare and the Department of Justice with regard to safety, efficacy, and abuse potential of drugs or other substances classified as stimulants, sedatives, hypnotics, or analgesics, and to recommend action to be taken by the Department of Health, Education, and Welfare with regard to control of such drugs.

19. FDA/NIDA Drug Abuse Research Advisory Committee: Vacancy, June 30. The function of this committee is to advise the Food and Drug Administration on action to be taken on notices of claimed investigational new drugs (IND's) for substances with abuse potential, and to advise the National Institute on Drug Abuse on supplies of substances for clinical studies.

Persons selected by the committee as members shall have adequately diversified experience appropriate to the work of the committee in such fields as infectious disease, internal medicine, microbiology, pediatrics, rheumatology, statistics, epidemiology, pharmacology, psychiatry, dentistry, neurology, obstetrics and gynecology, surgery, ophthalmology, anesthesiology, nuclear medicine, or other appropriate areas of expertise. The nature of specialized training and experience necessary to qualify the nominee as an expert suitable for appointment may include experience in medical practice, teaching, and/or research relevant to the field of activity of the committee.

Terms of office are 4 years. Since scheduled vacancies occur at various dates throughout the year as given in the list above, no cutoff date is established for receipt of nominations. Nominations should be submitted at least 90 days before the scheduled vacancies noted.

Any interested person may nominate one or more qualified persons for membership on one or more of the advisory committees. Nominations shall specify the committee for which the nominee is recommended. A complete curriculum vitae of the nominee shall be included. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the advisory committee, and appears to have no conflict of interest that would preclude committee membership. Potential candidates will be asked by the Food and Drug Administration to provide detailed information concerning such matters as financial holdings, consultancies, and research grants or contracts, in order to permit evaluation of possible sources of conflict of interest.

Nominations should be submitted to the Committee Management Branch (HFD–22), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Dated: October 19, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76–31204 Filed 10–22–76;8:45 am]

Health Resources Administration

NURSING RESEARCH AND EDUCATION ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to assemble during the month of November 1976:

Name: Nursing Research and Education Advisory Committee.
Date and Time: November 4–5, 1976, 9:00 a.m.
Place: Conference Room 6C–09, Federal Building, 7550 Wisconsin Avenue, Bethesda, Maryland 20014.
Open November 4, 9:00–10:45 a.m.
Closed for remainder of meeting.
Purpose: The committee is charged with the initial review of research grant applications in all areas of nursing education and practice, including studies of extended professional roles, model curricula, clinical investigations, historical research, and institutional research development and with surveying the status of research in nursing education and practice.
Agenda: Agenda items for the open portion of the meeting will cover opening remarks, and the discussion of administrative and staff reports. The remainder of the meeting will be closed to the public for the review of grant applications which relate to nursing research and education, in accordance with the provisions set forth in section 552(b) (5) and (6), Title 5, U.S. Code and the Determination by the Administrator, Health Resources Administration, pursuant to Public Law 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Dr. Doris Bloch, Room 6A–10, Federal Building, 9000 Rockville Pike, Bethesda, Maryland 20014, Telephone (301) 496–6955.

Agenda items are subject to change as priorities dictate.

The notice of this meeting was delayed for publication due to renewal and filing of the committee charter, as required by the Federal Advisory Committee Act.

Dated October 21, 1976.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.31355 Filed 10–22–76;8:45 am]

Public Health Service

INDUSTRIAL SOUND LEVEL METER SETS

Applications for Certification

In the October 8, 1976, FEDERAL REGISTER (41 FR 44396), the Department adopted regulations which set forth the requirements and procedures for the

evaluation and certification of industrial sound level meter sets (42 CFR Part 82). Notice is hereby given that, effective immediately, the National Institute for Occupational Safety and Health will accept applications for certification of industrial sound level meter sets. All completed applications received by December 31, 1976, will be acted on by the Institute and resulting certifications will be published as a group as soon as all evaluations and tests are completed. Applications received after December 31, 1976, will be processed chronologically in order of their receipt and resulting certifications will be published on a continuous basis.

All applications and any questions concerning the certification program should be submitted to the Institute's Testing and Certification Branch, Appalachian Laboratory for Occupational Safety and Health, 944 Chestnut Ridge Road, Morgantown, W.Va. 26505.

Dated: October 19, 1976.

EDWARD J. BAIER,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.76-31200 Filed 10-22-76;8:45 am]

Office of the Secretary

STUDENT FINANCIAL ASSISTANCE STUDY GROUP

Hearing and Meeting

The Student Financial Assistance Study Group was established by the Secretary of Health, Education, and Welfare by public notice on August 27, 1976, for the purpose of advising the Secertary on ways to implement more effectively and efficiently the Student Financial Assistance Programs administered by the Department. These programs include the Basic Educational Opportunity Grants Program (BEOG), the Guaranteed Student Loan Program (GSL), the Supplemental Educational Opportunity Grants Program (SEOG), the National Direct Student Loan Program (NDSL), the College Work-Study program, and the State Student Incentive Grant program.

Notice is hereby given pursuant to Pub. L. 92-463 that the Student Financial Assistance Study Group will hold a hearing on the "Identification and Definition of Management Issues Related to the Federal Student Financial Assistance Programs" on Thursday, November 11, 1976, in the first floor auditorium of the Department of Health, Education, and Welfare's South Portal Building, 200 Independence Avenue, SW., Washington, D.C. 20201 from 1:00 to 4:00 p.m. The hearing is being held to receive recommendations and suggestions on which management and administrative issues related to the student assistance programs should receive the attention of the Study Group, and to assist the Study Group in prioritizing the issues it should address.

Listed here are some of the broad questions on which the Student Financial Assistance Study Group is seeking public comment. Recommendations and suggestions on other issues related to the management and administration of the Student Assistance Programs will be gratefully accepted.

1. What are the major management and administrative concerns and problems as viewed by institutions, parents, students, agencies, and individuals responsible for the delivery of assistance? Are there substantial concerns about the application process, the reporting system, the payment system, or other operating procedures?

2. What should be the relative roles of the Federal government, state governments, and the private sector in the administration of these programs?

3. What should be the appropriate roles of the accrediting agencies and government bodies in determining eligibility of institutions to participate in these programs, and in the process of determining termination of eligibility when public funds are mismanaged?

4. What areas of program operation should be strengthened to reduce, eliminate and prevent fraud and abuse in these programs?

5. Do the Federal student assistance programs fulfill the purposes for which they are intended? Are there administrative mechanisms that could be employed or strengthened to insure the integrity of these programs?

6. For which aspects of the management and administration of these programs is there the greatest need for increased quality control? Given limited resources at all levels of the operation of these programs, what relative emphasis should be given to quality control?

Dr. John A. Perkins, Chairman of the Student Financial Assistance Study Group, will preside at the hearing. Persons wishing to testify should submit their requests in writing to: Mrs. Mary Jane Calais, Staff Director SFASG, Room 325H, South Portal Building, 200 Independence Avenue, SW., Washington, D.C. 20201, telephone (202) 245-9855. Requests to testify should reach Mrs. Calais not later than November 4, 1976. Persons wishing to present written statements for the record are encouraged to do so. Such written statements should be received by the Student Assistance Group not later than November 4, 1976.

The hearing will be open for public observation.

Pursuant to Public Law 92-463, notice is also hereby given of a meeting of the Student Financial Assistance Study Group to be held on Friday and Saturday November 12 and 13, 1976, from 9:00 a.m. until 4:00 p.m. each day, in Room 405A of the HEW South Portal Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

The meeting will be used to identify, define and finally approve the management and administrative issues which the Study Group will address. Members of the Public are invited to attend the meeting. Because of limited meeting accommodations, reservations are recommended. Persons wishing to attend should notify the Study Group Staff Director by mail at Room 325H, Independence Avenue, SW., Washington, D.C. 20201, or by telephone at (202) 245-9855.

MARY JANE CALAIS,
Staff Director, Student Financial Assistance Study Group.

OCTOBER 14, 1976.

[FR Doc.76-31207 Filed 10-22-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[Docket No. OPSO-35]

TRANSPORTATION OF LIQUIDS BY PIPELINE

Operating Pressure for Platform Piping; Interpretation

By letter dated September 14, 1976, the American Petroleum Institute (API) petitioned for reconsideration of the amendment to 49 CFR 195.106 published on August 12, 1976, in Docket No. OPSO-35 (41 FR 34035).

The amendment to § 195.106 provides that a design factor of 0.60 (rather than 0.72 as now required) must be used in the design formula for steel pipelines, including risers, on offshore platforms and on platforms in inland navigable waters. The amendment becomes effective August 1, 1977, and in accordance with § 195.100, applies to pipelines constructed, replaced, relocated, or otherwise changed on that date and thereafter.

As a basis for the petition, API refers to § 195.406(a)(1) which requires that the operating pressure of a pipeline may not exceed the internal design pressure of pipe determined in accordance with § 195.106. API points out that § 195.406 applies retroactively to all existing pipelines, including those installed using the existing design factor of 0.72. As a result, API states that § 195.406(a)(1) could be interpreted to require a reduction in operating pressure for pipelines not designed using the new factor of 0.60. Since the rulemaking in Docket OPSO-35 with respect to § 195.106 was not intended to require a reduction in operating pressures for existing pipelines, API suggests that the matter be clarified.

The Materials Transportation Bureau has reviewed the problem raised by API and interprets § 195.406(a)(1) as prohibiting a carrier from operating a pipeline at a pressure higher than the "internal design pressure" which § 195.106 requires to be determined during the pipeline's design phase. Thus, § 195.406(a)(1) only applies to pipelines to which § 195.106 applies (i.e., pipelines which are constructed, replaced, relocated, or otherwise changed on and after April 1, 1970, the effective date of § 195.106). Likewise, the limit on operating pressure under § 195.406(a)(1) as a result of the new design factor of 0.60 in § 195.106 only applies to pipelines which are constructed, replaced, relocated, or otherwise changed on and after August 1, 1977. Where § 195.406(a)(1) is inapplicable, one of the other standards in

§ 195.406(a) would govern the maximum allowable operating pressure.

Therefore, the petition for reconsideration is hereby granted to the extent that the above interpretation clarifies the reference to § 195.106 in §195.406(a)(1).

(Sec. 6, Pub. L. 89-670, 80 Stat. 937, (49 U.S.C. 1655; 18 U.S.C. 831-835); 40 FR 43901, 49 CFR 1.53)

Issued in Washington, D.C. on October 15, 1976.

JAMES T. CURTIS, Jr.,
Director,
Materials Transportation Bureau.

[FR Doc.76-31199 Filed 10-22-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 24582 and 29132]

ALLEGHENY AIRLINES, INC. AND PIEDMONT AVIATION, INC.

Postponement of Hearing Regarding Subpart M Proceeding (Cincinnati-Washington, D.C.)

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, which was assigned to be held on November 10, 1976 (41 FR 44881, October 13, 1976), is postponed to December 1, 1976, at 9:30 a.m. (local time), and will be held in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., October 19, 1976.

KATHERINE A. KENT,
Administrative Law Judge.

[FR Doc.76-31264 Filed 10-22-76;8:45 am]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, November 10, 1976, commencing at 2 p.m. The hearing will be held in the Pennsylvania Room West of the Sheraton Hotel, 17th and Kennedy Blvd., Philadelphia. The subjects of the hearing are as follows:

I. CURRENT EXPENSE BUDGET

A proposed current expense budget for the fiscal year beginning July 1, 1977, in the aggregate amount of $1,558,800, and a capital budget for the same period in the amount of $27,000. The following amounts would be apportioned among the signatory parties, along with additional appropriations by the Commission, to balance the current expense budget: Delaware $114,400; New Jersey $319,900; New York $250,000; Pennsylvania $352,800, and Federal Government $398,700. The capital budget is apportioned $2,000 to New Jersey and $25,000 to Pennsylvania. Copies of summaries of the 1978 current expense and capital budgets are available from the Commission upon request.

II. RULES OF PRACTICE AND PROCEDURE

Proposed amendments to the Commission's Administrative Manual—Part II, rules of practice and procedure, to effectuate revised project review procedures under section 3.8 of the Delaware River Basin Compact. The amendments, as set forth in the following draft text, would (1) allow for greater flexibility in determining whether a proposed project would have a substantial effect on basin water resources, (2) provide for greater reliance by the Commission upon technical review work by state agencies, and (3) add two new categories of projects subject to Commission determination pursuant to section 3.8 of the Compact. Section references in the following text of the proposed amendment refer to the rules of practice and procedure, revised April 1, 1974.

A. Amend section 2-3.5 by adding two new paragraphs (d) and (e) to read as follows:

(d) Except as otherwise provided by section 2-3.8 the sponsor shall submit an application for review and approval of a project included under paragraph (b) above through the appropriate agency of a signatory party. Such agency will transmit the application or a summary thereof to the Executive Director, pursuant to Administrative Agreement, together with available supporting materials filed in accordance with the practice of the agency of the signatory party. The Executive Director will thereupon determine for the Commission whether or not the proposed project could have a substantial effect upon the water resources of the basin within the meaning of the Compact and the rules of practice and procedure. In making such determination the Executive Director shall be guided by his findings as to the following factors:

(1) The impact of the project on environmentally-sensitive land areas or species of plant or animal life.

(2) The potential of the project and its distribution or collection systems to induce significant changes in numbers, distribution or character of population or economic activity.

(3) The magnitude of proposed water withdrawal or waste discharge in relation to minimum streamflow, aquifer yield or water quality.

(4) The size of the project and distribution or collection system and areal extent and duration of its environmental impact.

(5) The effect of the project on public health, safety or general welfare, and historic and cultural properties.

(6) The effect of the project on surface or groundwaters in another state.

(7) The effect of the project on transfers of water into or out of the basin or from one sub-basin to another.

(8) The cost of the project and nature and magnitude of resources required for its implementation.

(9) The effect of the project on flood flows and stormwater runoff.

(10) Any other facts which in a particular case may be relevant to the protection of the integrity of the Comprehensive Plan.

(e) Projects determined by the Executive Director to have a substantial effect will be subject to approval by the Commission pursuant to section 3.8 and Article 11 of the Compact (to the extent applicable). Projects determined by the Executive Director not to have a substantial effect on the water resources of the basin will not be subject to further review or action by the Commission. The Executive Director shall notify the sponsor of the project, and agency of the signatory party reviewing the project, and the governing body of the municipality, and the planning board of the county in which the project is located of his initial determination on the question of substantial effect. Notice to such interested parties shall be given by certified mail, return receipt requested. He shall also cause to be published in a newspaper of general circulation in that municipality, at least once, a notice of such determination. If no objection is made to the Executive Director's initial determination, it shall become final ten days after publication as above. Any interested party objecting to the determination may, within ten days of the newspaper publication, object to such determination and appeal to the Executive Director by letter for reconsideration. Following such reconsideration, if requested, the Exectuive Director shall serve notice upon the agency of the signatory party, the applicant and each such objector of his final determination. Any such party may appeal such final determination to the Commission by notice in writing served upon the Exectuive Director within 14 days after the service of the Executive Director's decision upon reconsideration. The Commission will determine such appeal at a regular meeting thereafter.

B. Amend section 2-3.9 by deleting all of paragraph (b) and inserting in lieu thereof the following:

(b) The appropriate agency of a signatory party shall perform a technical review for the Commission, in accordance with Administrative Agreement, of each project finally determined to have a substantial effect on the water resources of the basin; except that the Commission staff will perform the technical review: (1) Whenever the agency of the signatory party is itself the sponsor, or (2) does not have the necessary regulatory jurisdiction, or (3) upon request of the agency of the signatory party; and (4) as to those projects which are subject to an environmental assessment or environmental impact statement under these rules of practice and procedure and the National Environmental Policy Act.

(c) Upon completion of its technical review, the agency of the signatory party shall, in accordance with Administrative Agreement, prepare and file with the Executive Director an action report with respect to the project. The Executive Director shall prepare a memorandum of comment stating his concurrence or non-concurrence with the findings and recommendations of the action report. The report, memorandum, and a proposed docket decision with reference thereto shall be placed before the Commission by the Executive Director at its next regular meeting. Whenever times permit, a copy of the proposed docket decision shall be furnished to the applicant, and the applicant shall be given an opportunity to comment thereon and to consent to the conditions stated therein, before action by the Commission. The Commission will act upon the project in accordance with section 3.8 and Article 11 of the Compact (to the extent applicable).

C. Amend paragraph (c) of section 2-3.9 by changing the designation to paragraph (d).

D. Amend section 2-3.5 (b) by the addition thereto of two new categories of reviewable projects as follows:

(14) Regional wastewater treatment plans developed pursuant to the Federal Water Pollution Control Act.

(15) State and local standards of flood plain regulation.

E. Amend Article 3 by the deletion of section 2-3.14 thereof in its entirety.

III. APPLICATION FOR APPROVAL OF THE FOLLOWING PROJECTS AS AMENDMENTS TO THE COMPREHENSIVE PLAN PURSUANT TO ARTICLE 11 OF THE COMPACT AND/OR AS PROJECT APPROVALS PURSUANT TO SECTION 3.8 OF THE COMPACT:

A. *Mount Holly Sewerage Authority (D–70–133 CP-rev.)*. Expansion of the Authority's sewage treatment plant serving Mount Holly and portions of adjacent townships in Burlington County, N.J. The expansion is designed to provide removal of 95 percent of BOD_5 from a sewage flow of 5 million gallons per day. Treated effluent will discharge to the North Branch Rancocas Creek.

B. *New Castle County Dept. of Public Works (D–74–34 CP-amended)*. Rerating of the Department's sewage treatment plant serving a portion of the flow in the South Christiana interceptor, New Castle County, Del. The treatment plant provides removal of 90 percent of BOD_5 from a sewage flow of 2.5 million gallons per day. Treated effluent discharges to None Such Creek, a tributary of South Christiana.

C. *Township of Hamilton (D–74–44 CP)*. Expansion of the sewage treatment plant serving Hamilton Township and portions of West Windsor and Washington Townships, Mercer County, N.J. The plant will provide removal of 90 percent of BOD_5 and suspended solids from a sewage flow of 17.5 million gallons per day. Treated effluent will discharge to Crosswicks Creek.

D. *City of Camden (D–76–30 CP)*. A well water supply project to augment public water supplies in the City of Camden, Camden County, N.J. Designated as Well No. 18, the new facility is expected to yield 1.8 million gallons per day.

E. *City of Bridgeton (D–76–39 CP)*. A well water supply project to augment public water supplies in the City of Bridgeton and adjacent areas in Hopewell and Upper Deerfield Townships, Cumberland County, N.J. Designated as Well Nos. 13, 14 and 15, the new facilities are expected to produce a combined yield of 66.9 million gallons per month.

F. *Borough of Doylestown (D–76–71 CP)*. A well water supply project to augment public water supplies in the Borough of Doylestown, Bucks County, Pa. Designated as Well No. 12, the new facility is expected to yield 360,000 gallons per day.

G. *McGraw-Edison Co. (D–76–100)*. An industrial waste treatement project at the company's plant in East Stroudsburg, Monore County, Pa. Wastewaters from the foundry and galvanizing operation will be neutralized and metals precipitated to meet effluent standards. Treated effluent flow of 158,000 gallons per day will discharge to an unnamed tributary of Brodhead Creek.

H. *Container Corp. of America (D–76–22)*. A cooling water discharge at the company's plant in the City of Philadelphia, Pa. About 6.5 million gallons per day of cooling water discharges to the Schuylkill River.

I. *Allentown Portland Cement Co. (D–76–45)*. An industrial waste treatment project at the company's plant in Maidencreek Township, Berks County, Pa. Cooling water and quarry dewatering flows of approximately 860,000 gallons per day will discharge untreated to Maiden Creek.

J. *Metropolitan-Edison Co. (D–76–73)*. Cooling water discharge at the company's Portland generating station in Upper Mt. Bethel Township, Northampton County, Pa. A maximum of 313 million gallons per day of heated discharge will be dissipated in a designated mixing zone in the Delaware River.

K. *Swift Dairy & Poultry Co. (D–76–90)*. Modifications to an industrial waste treatment project at the company's plant in Georgetown, Sussex County, Del. The facility will provide removal of 92 percent of BOD from wastewater flow of 1 million gallons per day. Treated effluent will discharge to Savannah Ditch, a tributary of Broadkill River.

L. *Hoffmann-LaRoche, Inc. (D–75–149)*. A surface water supply project at the company's existing plant in White Township, Warren County, N.J. An average of 5 million gallons per day will ultimately be withdrawn from the Delaware River for use in the company's manufacturing facilities.

Documents relating to the items on this hearing notice may be examined at the Commission's offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing.

W. BRINTON WHITALL,
Secretary.

OCTOBER 18, 1976.

[FR Doc.76-31230 Filed 10-22-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

ADVISORY PANEL FOR THE REVIEW OF THE LASER ISOTOPE SEPARATION PROGRAM

Notice of Meeting

OCTOBER 20, 1976.

The Advisory Panel for the Review of the Laser Isotope Program will hold a meeting on November 10 and 11, 1976, in Room 5124C, ERDA Headquarters, 20 Massachusetts Avenue NW., Washington, D.C. The subject scheduled for discussion involves the program for the development of isotope separation using lasers and concerns Restricted Data and other National Security Information; and data proprietary to Jersey Nuclear Avco Isotopes, Inc.

The meeting will be closed to the public under the authority of subsection 10 (d) of Pub. L. 92–463 (the Federal Advisory Committee Act).

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that the discussions will concern Restricted Data which is exempt from disclosure under 5 U.S.C. 552(b) (1) and (3); other National Security Information which is exempt from disclosure under 5 U.S.C. 552(b)(1); and proprietary information which is exempt from disclosure under 5 U.S.C. 552(b)(4). It is essential to close the meeting to protect such classified and proprietary information.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.76-31291 Filed 10-22-76;8:45 am]

HISTORICAL ADVISORY COMMITTEE

Notice of Meeting

OCTOBER 20, 1976.

The Energy Research and Development Administration's Historical Advisory Committee will hold a meeting on November 16, 1976, at the Eleutherian Mills Historical Library in Greenville, Delaware. The morning session from 9:00 a.m. until noon will be open to the public.

The following agenda items will be discussed:

1. The scope and objectives of the ERDA History Program.
2. Collection of materials on ERDA History.
3. Progress on Volume III of the AEC History.
4. Other activities of the Historian's Office.

The committee will hold a closed session not open to the public from 1:30 p.m. until 4:30 p.m. on November 16 under authority of Section 10(d) of Pub. L. 92–463 (Federal Advisory Committee Act) to discuss a number of historical questions related to AEC programs for the production of fissionable materials and nuclear weapons in the 1950s. I have determined that it is necessary to close the afternoon session on November 16 so that the committee may examine and discuss historical documents which contain data and information classified as Restricted Data as defined in the Atomic Energy Act of 1954, as amended, and fall within exemptions (1) and (3) of 5 U.S.C. 552(b) and other National Security Information which is exempt from disclosure under exemption (1) of 5 U.S.C. 552(b). Any nonexempt material that may be discussed at this session will be inextricably intertwined with the discussion of exempt material and no further separation is practical. It is essential to close such portions of the meeting to protect such privileged information and to protect the free interchange of internal views and avoid undue interference with Administration and Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing ten copies thereof, postmarked no later than November 9, 1976, to Dr. Richard G. Hewlett, ERDA Representative, Historical Advisory Committee, U.S. Energy Research and Development Administration, Washington, D.C. 20545. Comments shall be based on the above agenda items. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with (a), above, may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the advisory committee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been rescheduled or relocated and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call to Dr. Richard G. Hewlett on (301) 353–5431 between the hours of 8:30 a.m. and 5:00 p.m., Eastern Time, on November 15, 1976.

(e) Questions may be propounded only by members of the advisory committee.

(f) Seating for the public will be made available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Copies of minutes will be made available for copying, following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545, upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.76-31292 Filed 10-22-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CANADIAN BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Canadian List No. 359, Oct. 4, 1976

Call letters	Location	Power (in kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		560 kHz							
CHCM	Marystown, Newfoundland, N. 47°09'26" W. 55°14'37" (correction to coordinates).	10	DA-N ND-D-180.5	U	III				EIO Feb. 25, 1977.
		570 kHz							
CKCQ	Quesnel, British Columbia, N. 52°56'40" W. 122°30'00" (delete immediately—vide 920 kHz).	1	DA-2	U	III				
		570 kHz							
CKWL	Williams Lake, British Columbia, N. 52°05'29" W. 122°10'27" (now in operation).	1	DA-2	U	III				
		750 kHz							
CBGY	Bonavista Bay, Newfoundland, N. 48°40'27" W. 53°46'23" (assignment of call letters).	10	DA-2	U	II				EIO May 12, 1977.
		790 kHz							
(New)	Bedford, Nova Scotia, N. 44°47'15" W. 63°44'40".	10	DA-2	U	III				EIO Oct. 4, 1977.
		900 kHz							
CKBI	Prince Albert, Saskatchewan, N. 53°06'13" W. 105°45'30" (now in operation).	10	DA-N ND-D-193	U	II				
		920 kHz							
CKCQ	Quesnel, British Columbia, N. 52°56'40" W. 122°30'00" (now in operation).	10D/1N	DA-N ND-D-182	U	III				
		920 kHz							
CKWL	Williams Lake, British Columbia, N. 52°05'29" W. 122°10'27" (delete immediately—vide 570 kHz).	1	DA-N ND-D-182	U	III				
		960 kHz							
(New)	Mont-Joli, Quebec, N. 48°35'15" W. 68°08'01".	1	DA-N ND-D-185	U	III				Do.
		1150 kHz							
(New)	Gaspe, Quebec, N. 48°49'00" W. 64°24'12".	5	DA-1	U	III				Do.
		1230 kHz							
CHFC	Churchill, Manitoba, N. 58°45'17" W. 94°05'39" (now in operation).	0.25	ND-180	U	IV	134	120	320	
		1280 kHz							
CJJD	Hamilton, Ontario, N. 43°10'59" W. 79°51'19" (change in call letters from CHAM).	10	DA-2	U	III				
		1310 kHz							
CHGB	La Pocatiere, Quebec, N. 47°20'45" W. 70°05'04" (now in operation).	10	DA-N ND-192	U	III				
		1360 kHz							
(New)	Walkerton-Hanover, Ontario, N. 44°03'50" W. 81°06'54".	10	DA-2	U	III				Do.
		1570 kHz							
CKLQ	Brandon, Manitoba, N. 49°45'29" W. 99°57'55" (assignment of call letters).	10	DA-N ND-D-188	U	II				EIO May 12, 1977.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc.76-31226 Filed 10-22-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of September 24 through October 1, 1976

Notice is hereby given that during the week of September 24 through October 1, 1976 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,
General Counsel.

OCTOBER 19, 1976.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, Sept. 24 through Oct. 1, 1976*

Date	Name and location of applicant	Case No.	Type of submission
Sept. 24, 1976	Exxon Co., USA, Washington, D.C. (If granted: Exxon's entitlement purchase obligation for June 1976 would be adjusted to correct for FEA's alleged error in computing old oil receipts.)	FEA-0963	Appeal of FEA's entitlement notice for June 1976 issued Aug. 25, 1976.
Do	Ford Oil Co. (Leroy Ford), Santa Rosa, Tex. (If granted: FEA's Sept. 7, 1976, remedial order concerning the alleged overcharges relating to propane sales by the Ford Oil Co. would be rescinded.)	FEA-0965 FES-0965	Appeal of FEA's Sept. 7, 1976, remedial order.
Do	G. N. Stills, Arlington, Tex. (If granted: Mr. Stills would be supplied motor gasoline by Sun Oil Co., Inc., rather than his base period supplier, Amtel, Inc.)	FEE-3155	Exception to change suppliers.
Do	General Distributors, Inc., Salisbury, Md. (If granted: FEA's July 16, 1976, decision and order would be rescinded and General Distributors would be permitted to, retroactively, increase its prices for propane it sells to its "rate scale" class of purchaser.)	FEA-0962	Appeal of FEA's exception decision and order in General Distributors, Inc., 4 FEA par. 83,007 (July 16, 1976).
Sept. 27, 1976	Basic Earth Science Systems, Inc., Denver, Colo. (If granted: Basic Earth Science Systems, Inc., would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced by the Haynesville Samckover Lime "B" Sand Unit.)	FEE-3159	Price exception (sec. 212.165).
Do	C. H. Sprague & Son Co., Boston, Mass. (If granted: FEA's Aug. 18, 1976, information request denial would be rescinded and C. H. Sprague & Son Co., would receive access to agency documents dealing with the reseller banking rule, 10 CFR 212.93(e).)	FEA-0966	Appeal of FEA's Aug. 18, 1976, information request denial.
Do	Eddy Refining Co., Houston, Tex. (If granted: FEA's July 16, 1976, decision and order would be rescinded and Eddy Refining Co. would receive an exception from 10 CFR 212.82 and 212.83 for the period August 1973 through June 1975.)	FEA-0964	Appeal of FEA's exception decision and order in Eddy Refining Co., 4 FEA par. 83,005 (July 16, 1976).
Do	Glacier Park Co., Osage, Wyo. (If granted: Glacier Park Co. would receive a stay of its purchase obligations under the old oil entitlements program pending a decision on its exception request.)	FES-3156	Stay of the requirements of 10 CFR 211.67.
Do	Harold G. Hilderbrand, Schenectady, N.Y. (If granted: FEA's Aug. 17, 1976, information request denial would be rescinded and Mr. Hilderbrand would receive access to certain compliance case file material.)	FEX-0088	Supplemental order.
Do	Hennessey-Freda, Inc., Larchmont, N.Y. (If granted: Hennessey-Freda, Inc., would be assigned a new lower priced supplier of motor gasoline to replace its base period supplier, Rex Oil Co.)	FEE-3163	Exception to change suppliers.
Do	Husky Oil Co. of Delaware, Washington, D.C. (If granted: Husky Oil Co. of Delaware would receive an exception from the "notice of proposed adjustments to 1975 exception relief under domestic crude oil allocation program" as it pertains to Husky's entitlement purchase obligations.)	FEE-3158	Exception from the old oil entitlements program.
Do	Mid-Michigan Truck Service, Inc., Grand Rapids, Mich. (If granted: Mid-Michigan Truck Service, Inc., would receive an extension of the exception relief granted in FEA's July 1, 1976, decision and order.)	FEX-0087	Extension of FEA's exception relief in Mid-Michigan Truck Service, Inc., 3 FEA par. .... (July 1, 1976).
Do	Petrochemical Energy Group, Washington, D.C. (If granted: FEA's Aug. 20, 1976, order assigning Northern Illinois Gas Co. an increase in its base period use of propane for use as British thermal unit enrichment of the SNG output of NI-Gas' Aux Sable SNG facility would be rescinded.)	FEA-0967	Appeal of FEA's Aug. 20, 1975, assignment order.
Do	Superior Oil Co. (South Fullerton), Houston, Tex. (If granted: Superior Oil Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at its south Fullerton plant.)	FEE-3160	Price exception (sec. 212.165).
Do	Union Oil Co. of California, Los Angeles, Calif. (If granted: Union Oil Co. of California would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at its Mermentau and Santa Clara Valley gas plants.)	FEE-3161 FEE-3162	Do.
Sept. 28, 1976	Atlantic Richfield Co., Los Angeles, Calif. (If granted: FEA region IX's Sept. 2, 1976, remedial order would be rescinded.)	FEA-0971 FES-0971	Appeal of FEA region IX's remedial order. Stay requested.

Date	Name and location of applicant	Case No.	Type of submission
Do	B. F. Goodrich Chemical Co., Washington, D.C. (If granted: B. F. Goodrich Chemical Company would receive an increase in its base period use of propane.)	FEE-3197	Allocation exception.
Do	Connecticut Refining Co., West Haven, Conn. (If granted: FEA region I's remedial order would be rescinded.)	FEA-0070	Appeal of FEA's remedial order.
Do	Dasher-Harris Gas Co., Jesup, Ga. (If granted: Dasher-Harris Gas Co. would reveive an extension of the relief assigning a new, lower priced supplier of propane granted in FEA's June 29, 1976, decision and order.)	FEE-3198	Extension of FEA's exception relief in Dasher-Harris Gas Co., 3 FEA Par. 83,253 (June 29, 1976).
Do	Edgington Oil Co., Los Angeles, Calif. (If granted: Edgington Oil Co. would receive an exception from the "notice of proposed adjustments to 1975 exception relief under domestic crude oil allocation program" as it pertains to Edgington's entitlement purchase obligations.)	FEE-3195	Exception to the old oil entitlements program.
Do	Gulf Oil Corp., Tulsa, Okla. (If granted: Gulf Oil Corp. would receive an extension of the relief granted in FEA's Sept. 17, 1976, decision and order and would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at the following natural plants: Adena, Camrick, Delhi, Enville, Kaikaska, Pledger, and South Fullerton.)	FEE-3179—FEE-3185	Extension of exception relief in Gulf Oil Corp., 4 FEA par. .... (Sept. 17, 1976).
Do	Gulf Oil Corp., Tulsa, Okla. (If granted: Gulf Oil Corp. would receive an extension of the relief granted in FEA's Sept. 14, 1976, decision and order and would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at the following natural gas plants: Azalea, Bluebell, Knox, Milfay, Sand Hills, Saunders, Vada, and Waddell.)	FEE-3186—FEE-3193	Extension of exception relief in Gulf Oil Corp., 4 FEA par. .... (Sept. 14, 1976).
Do	Sanford P. Fagadau, Dallas, Tex. (If granted: Mr. Sanford P. Fagadau would be permitted to increase his prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at the Bluegrove and Maryetta gasoline plants.)	FEE-3164 FEE-3165	Price exception (sec. 212.165).
Do	Skelly Oil Co., Tulsa, Okla. (If granted: Skelly Oil Co. would receive a stay of the requirements of FEA's Sept. 2, 1976, remedial order dealing with the allocation of increased product costs to volumes of cataiyst coke.)	FES-0053	Request for stay of FEA's remedial order.
Do	Standard Oil Co. (Indiana), Chicago, Ill. (If granted: Standard Oil Co. (Indiana) would be permitted to increase prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at the following natural gas plants: Beaver Creek, Burnell-North Pettus, Edgewood, Halley, Indian Basin, Midland Farms, Peoria, Prentice, South Fullarton, South Jennings, South Manchester, Thibodaux, and West Bastian Bay.)	FEE-3166—FEE-3178	Price exception (sec. 212.165).
Do	Gibbs, Roper, Loots & Williams, Milwaukee, Wis. (If granted: FEA's Sept. 17, 1976, information request denial would be rescinded.)	FEA-0060	Appeal of FEA's information request denial.
Sept. 29, 1976	Calhoun Engineering, Inc., Dallas, Tex. (If granted: Calhoun Engineering, Inc., would be permitted to increase its prices for natural gas liquid products produced at the Jay Simmons plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE-3199	Price exception (sec. 212.165).
Do	Exxon Co., USA, Houston, Tex. (If granted: The entitlement notices for the months of June 1975 through April 1976 would be set aside based on FEA's alleged error in the computation of old oil receipts.)	FEA-0072	Appeal of entitlement notices for the months of June 1975 through April 1976.
Do	Midland Cooperatives, Inc., Minneapolis, Minn. (If granted: Midland Cooperatives, Inc., would receive an exception from the "Notice of Proposed Adjustments to 1975 Exception Relief Under Domestic Crude Oil Allocation Program" as it pertains to Midland's entitlement purchase obligations.)	FEE-3194	Exception from the old oil entitlements programs
Do	Standard Oil Co. (SOHIO), Cleveland, Ohio. (If granted: Standard Oil Co. (SOHIO) would receive an exception from 10 CFR 212.131 as it pertains to requirement that domestic crude oil BPCL, or ABCL, and stripper well production be certified to purchasers on or before Oct. 1, 1976.)	FEE-3196 FES-3196	Price exception (sec. 212.131). Stay requested.
Sept. 30, 1976	Farmers Petroleum Cooperative, Inc., Lansing, Mich. (If granted: The headquarters Richfield unit waterflood wells would be classified as stripper wells.)	FEE-3200	Price exception (sec. 212.74).
Do	Oklahoma Natural Gas Co., Tulsa, Okla. (If granted: Oklahoma Natural Gas Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE-3201	Price exception (sec. 212.165).

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ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF EXCEPTIONS AND APPEALS

Week of September 6 through September 10, 1976

Notice is hereby given that during the week of September 6 through September 10, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Harold G. Hilderbrand; Schenectady, N.Y.; FEA-0944; Freedom of Information

Harold G. Hilderbrand appealed from a partial denial of a Request for Information which he had submitted to the FEA under the Freedom of Information Act. In responding to that request, the FEA had refused to disclose to Hilderbrand certain information on the grounds that the information consisted of commercial or financial information which was exempt from disclosure under the provisions of 5 U.S.C. 552(b)(4). In the Decision which it issued in this matter, the FEA held that in order to satisfy applicable requirements, an Appeal must identify with particularity the alleged errors of fact or law that occurred in the determination being appealed, and that arguments must be offered in support of the contention that the prior determination was improper. The FEA found that the Hilderbrand Appeal failed to satisfy these fundamental requirements. The Appeal was therefore dismissed and Hilderbrand was given leave to file an amended appeal within 15 days.

Kern County Refinery, Inc.; Bakersfield, Calif.; FEA-0872; Crude Oil

Kern County Refinery, Inc. filed an Appeal from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve it of the obligation to purchase additional entitlements in June to account for certain retroactive adjustments to the firm's crude oil receipts and runs to stills during the months of February and March 1976. On the basis of an amended entitlements report which Kern filed for the month of February and March, the Office of Regulatory Programs determined that Kern had incurred an obligation to purchase additional entitlements in June. In considering Kern's Appeal, the FEA found that Kern should not be required to purchase entitlements to account for crude oil receipts in February and March because the small refiner exemption contained in Section 403(a) of the Energy Policy and Conservation Act and Special Rule No. 6 to Section 211.67 applied to the firm's crude oil receipts during that period. The FEA stated that although refiners are required to file reports of actual crude oil receipts and to correct those reports if more accurate data is obtained, these reports may not be used in circumstances such as the Kern case to require a small refiner to purchase entitlements with respect to crude oil which it received during the months when the statutory exemption was in effect. The firm's Appeal was therefore granted.

Placid Oil Co.; Dallas, Tex.; FEA-0825; Crude Oil

Placid Oil Company appealed from a Decision and Order which the FEA issued to it on April 9, 1976. Placid Oil Company, 3 FEA Par. 83,158 (April 9, 1976). In that Decision, the FEA denied Placid's request for an exception which would permit the firm to retain and utilize in its refinery the crude oil which it is presently required to sell to other refiners under Section 211.63(a) of the FEA Regulations. The FEA also denied Placid's request that it be exempt from paying a handling charge for crude oil which it purchases pursuant to the provisions of Section 211.65 (the Crude Oil Buy/Sell Program). In considering Placid's Appeal, the FEA determined that contrary to the firm's assertions, it was not erroneous for the income which Placid received from its crude oil production operations to be taken into account in analyzing the impact of the overall FEA Regulatory Program on the firm. In addition, the financial data which Placid submitted in its Appeal shows that the firm's consolidated operations are currently in excellent financial condition, and that therefore there is no basis for Placid's claims that it is experiencing a serious financial hardship as a result of the FEA Regulations. Contrary to contentions which Placid made in both its exception application and its Appeal, the

FEA also found that the factual material which Placid submitted does not satisfy any of the criteria upon which exception relief from the provisions of Section 211.63(a) was granted in prior cases. See, e.g., Louisiana Land and Exploration Co., 2 FEA Par. 83,339 (October 22, 1975). The FEA concluded that with respect to Placid's request for an exception from the pricing requirements of the Crude Oil Buy/Sell Program, the firm made no additional substantive arguments on Appeal which were not already fully considered and rejected in the April 9 Decision. The firm's Appeal was therefore denied.

REQUEST FOR EXCEPTION

Charter Oil Co.; Jacksonville, Fla.; FEE–2775; Crude Oil

Charter Oil Company filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements in any month beginning with July 1976. In support of its exception request, Charter submitted projected financial statements and projections of its monthly crude oil runs to stills and receipts of old, new and imported crude oil for the fiscal period April 1 through December 31, 1976, the end of its current fiscal year. In considering Charter's Application, the FEA determined that as a result of the rescission of Special Rule No. 6 and Charter's projected crude oil runs to stills and receipts of old oil, Charter would be required to purchase entitlements at a substantial cost and would thereby be prevented from achieving either its historical profit margin or historical return on invested capital. Pursuant to the criteria set forth in Delta Ref. Co., 2 FEA Par. 83,275 (September 11, 1975) and Beacon Oil Co., 3 FEA Par. 83,209 (June 8, 1976), exception relief to Charter was therefore approved. Accordingly, the FEA approved exception relief which reduced by $225,620 per month the value of entitlements which Charter would otherwise be required to purchase during the period September 1976 through February 1977.

Dunham Air Service; Franklin, Pa.; FEE–2638; Kerosene Jet Fuel

Dunham Air Service filed an Application for Exception from the provisions of 10 CFR 211.12 which, if granted, would result in the issuance of Orders by the FEA increasing Dunham's base period use of jet A fuel and directing Dunham's base period supplier to furnish the increased volumes of jet fuel to the firm. The firm claimed that exception relief was necessary in order to supply two of its principal customers which had recently purchased new jet aircraft. In considering the exception request, the FEA determined that Dunham's existing base period use was insufficient to supply the additional fuel which the two firms needed and that Dunham was unable to obtain surplus product. In addition, the FEA found that in the absence of exception relief, these new customers will have to fly to distant airports to obtain quantities of aviation fuel. The FEA concluded that the waste of scarce fuel which results from such flights was contrary to the goals specified in Section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973, as amended. The FEA therefore granted exception relief which increases these customers' base period use of jet A fuel. The FEA also authorized Dunham to take the necessary action under Section 211.13(c) of the FEA Regulations so that it would be able to increase its base period use of jet A fuel by a corresponding amount.

Eason Oil Co.; Oklahoma City, Okla.; FEE–2683; Crude Oil

The Eason Oil Company filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D, which, if granted, would permit Eason to sell crude oil produced from the Weiner Property at upper tier ceiling prices. In considering Eason's exception request, the FEA determined that the amount of crude oil produced from the Weiner Property has not declined appreciably since the base period. In addition, Eason had earned a profit of $.555 per barrel for the most recently completed fiscal quarter. As a result, the FEA concluded that the firm had failed to make a convincing showing that the approval of exception relief was necessary to provide an economic incentive for the firm to continue crude oil production from the property. The exception application was therefore denied.

Fortune Drilling Corp.; San Angelo, Tex.; FEE–2554; Crude Oil

Fortune Drilling Corporation (Fortune) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D of the Mandatory Petroleum Price Regulations. Fortune's exception request, if granted, would permit the firm to retain $66,250 in revenues which it apparently realized as a result of charging unlawful prices for crude oil which it produced from two wells on the Ruth Gordon Lease (the Lease). In considering Fortune's request, the FEA determined that Fortune misconstrued the definition of the term "property" as set forth in Section 212.73 because the firm incorrectly assumed that separate reservoirs constituted separate properties under FEA Regulations. The FEA further determined that although Fortune based its assumption on information it obtained from the Texas Railroad Commission and the Permian Corporation, neither of these organizations has any statutory authority to interpret the FEA Regulations. The FEA also found that although Fortune claimed that it had been uncertain as to the correct interpretation of the term property under FEA Regulations, it made no attempt to obtain guidance from FEA with respect to this issue during that entire 21 month period. Finally, with respect to Fortune's contention that retroactive exception relief is warranted in view of a recent FEA rulemaking the FEA noted that the rulemaking which modified the definition of property in a manner which conformed at least in part with Fortune's previous interpretation of that term was specifically stated to be prospective only. Since the record in this proceeding failed to substantiate Fortune's contention that the generally applicable determinations of the FEA should not be applied in the present proceeding, Fortune's exception request was denied.

Good Hope Industries, Inc.; Washington, D.C.; FPI–0101; Naphtha

Good Hope Industries, Inc. (GHI) filed an Application for Exception from the provisions of 10 CFR 213.35(c) which, if granted, would permit it to import, on a license fee-exempt basis, 5,475,000 barrels of naphtha into PAD Districts I–IV during the current allocation period. Based on GHI's purchase records in recent months, the firm was importing substantial quantities of naphtha in order to supply its motor gasoline customers. The FEA determined that the data submitted by GHI supported its contention that the additional expense which it would incur from the payment of license fees on the naphtha which it imports could not be reflected in its prices and would therefore exacerbate the firm's existing financial difficulties. In this regard, the FEA observed that GHI is currently in bankruptcy proceedings and its net income and profit margin have declined from historical levels in recent fiscal quarters. The FEA therefore concluded that GHI was experiencing an exceptional hardship and granted the firm's request with respect to 9,967 b/d of naphtha which will be necessary to supply its motor gasoline customers. It was also determined that since GHI had made a compelling showing of financial hardship and had pursued its administrative remedies in a timely manner, retroactive exception relief should be granted to permit GHI to obtain a refund of license fees already paid in the current allocation year.

Halliburton Co.; Vessels Gas Processing Co.; Denver, Colo.; FEE–2774; Natural Gas Liquid Products

Halliburton Company and Vessels Gas Processing Company filed an Application for Exception from the provisions of Section 212.165 of the FEA Mandatory Petroleum Price Regulations. The exception request, if granted, would permit Halliburton and Vessels to increase their selling prices for the natural gas liquids which they produce at their Irondale natural gas processing plant in Adams County, Colorado, to levels which are in excess of those permitted by Section 212.165. In a number of previous Decision, the FEA determined that, as a general rule, exception relief would be granted to any natural gas processor which could demonstrate that the non-product cost which it has incurred at its gas plant since May 1973 have increased substantially in excess of the pass-through already permitted under the provisions of Section 212.165. Based on an analysis of the data presented by Halliburton and Vessels, the FEA determined that the firms' Irondale gas plant qualified for exception relief under this standard and appropriate relief for that plant was therefore approved for the period September 10, 1976, through December 3, 1976.

Little America Refining Co.; Evansville, Wyo.; FEE–2838; Crude Oil

On August 2, 1976, Little America Refining Company (LARCO) filed an Application for Exception from 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements during the months of September 1976 through February 1977 to account for its crude oil runs to stills and receipts of old crude oil for the months of July through December 1976. In support of its exception request, LARCO submitted projected financial data and projections of its monthly crude oil runs to stills and receipts of old, new and imported crude oil for the fiscal period July 1 through December 31, 1976. In considering the LARCO Application, the FEA determined that in view of LARCO's recent acquisition of the entire operations of Pasco, Inc., a small refiner, it was necessary to first compute an appropriate historical profit margin and historical return on invested capital (ROIC) for the combined LARCO and Pasco operations in order to apply the standard under which exception relief could be provided as set forth in Delta Ref. Co., 2 FEA Par. 83,275 (September 11, 1975) and Beacon Oil Co., 3 FEA Par. 83,209 (June 8, 1976). The FEA determined that it would be proper for this purpose to use a weighted average profit margin and ROIC for LARCO's six fiscal years of operation prior to the inception of the Entitlements program and Paso's two fiscal years of operations prior to the inception of the Entitlements Program. The FEA then found on the basis of projections which the firm submitted that LARCO would be re-

quired to purchase entitlements at substantial cost during the period July 1 through December 31, 1976, and as a result, would be prevented from achieving a level of profitability comparable to either its hisorical profit margin or its historical ROIC during that period. The FEA therefore determined that exception relief was warranted under the criteria applied in precedent cases and accordingly, it reduced by $3,716,003 per month the value of entitlements which LARCO would otherwise be required to purchase during the period September 1976 through February 1977.

McAlester Fuel Co.; Magnolia, Ark.; FEE–2368; Crude Oil

McAlester Fuel Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell crude oil produced from the McAlester Fuel Co. State Lease 508 Well No. 1 at a price which exceeds the lower tier ceiling price. In considering the exception application, the FEA observed that on August 20, 1976 the price rules applicable to producers of domestic crude oil were amended and effective September 1, 1976 the definition of property was revised. *See* 41 Fed. Reg. 36172, 36184 (August 26, 1976). Under the revised regulations, firms will generally be permitted to calculate current production of old crude oil and new crude oil from a particular reservoir on the basis of the formation's base production control level provided that the reservoir is recognized as a separate reservoir by the appropriate state regulatory body. In its submission, McAlester stated that no other well has produced or can produce crude oil from the reservoir which it intends to tap through the No. 1 well. The FEA determined that if McAlester is correct and if the appropriate state regulatory body finds that the formation constitutes a separate reservoir, the base production control level for the crude oil produced from the No. 1 well would be zero and the crude oil produced from the well would be new crude oil which could be sold at upper tier ceiling prices. Accordingly, the relief sought by McAlester might be unnecessary, and the FEA determined that its exception request should be dismissed. However, the FEA indicated that the firm could submit a new exception request if the state regulatory authority determines that the formation to be tapped by the No. 1 well is not a separate reservoir or if the firm makes a strong showing that it is highly unlikely that the state regulatory authority would consider the formation as a separate reservoir. The FEA also indicated it would consider a new exception application from McAlester if it makes a showing that (i) substantial uncertainty exists as to whether the state regulatory authority will view the particular formation as a separate reservoir, (ii) it must make a substantial capital investment in order to obtain the data upon which the ruling will be based, and (iii) it has no economic incentive to make that investment if it is not assured that it will be permitted to charge upper tier ceiling prices for the crude oil produced from the formation.

Midway Gas, Inc.; Dadeville, Ala.; Fee—2550; Propane

Midway Gas, Inc. filed an Application for Exception to the provisions of 10 CFR 211.9. The exception request, if granted, would result in the issuance of orders by the FEA assigning Midway a new, lower-priced supplier of propane to replace its base period supplier, Wanda Petroleum Company, and directing the new supplier to furnish Midway with its base period use of propane. In considering the Midway exception application, the FEA found that the prices which Wanda charged Midway for propane were substantially above the prices charged to Midway's Competitors by their suppliers and as a result, Midway had drastically reduced its markup in order to remain competitive in retail sales. The FEA also found that Midway had incurred substantial non-product cost increases in its business operations which it is unable to recover by increasing the prices of the propane which it sells, and that it had been unable to alleviate its uncompetitive price and cost situation by purchasing surplus propane at competitive price levels. The FEA determined that this situation was causing Midway to experience financial difficulties of such proportion that its continued existence as an independent marketer was in serious jeopardy. On the basis of these findings, the FEA concluded that the application of Section 211.9 resulted in a serious hardship to Midway and, pursuant to the formula which had been applied in prior cases, exception relief was approved which permitted Midway to receive 72.04 percent of its base period use of propane from a new, lower-priced supplier for the October through December 1976 allocation quarter.

Pennylvania Oil and Gas Association; Ohio Oil and Gas Association; Independent Oil and Gas Association of W. Va.; Bradford, Pa.; Wooster, Ohio; FEE–2255; FEE–2257; Crude Oil

The Pennsylvania Oil and Gas Association, the Ohio Oil and Gas Association and the Independent Oil and Gas Association of West Virginia (the Associations) filed Applications for Exception from the provisions of 10 CFR, Part 212, Subpart D, of the FEA Price Regulations on behalf of all producers of Penn Grade crude oil in the states of New York, Pennsylvania, Ohio and West Virginia. The exception requests, if granted, would permit Penn Grade producers which operate stripper wells to sell the oil produced from those wells at price levels in excess of the applicable upper tier ceiling price computed pursuant to the provisions of 10 CFR 212.74. In considering this request the FEA noted that on August 14, 1976 the President signed into law the Energy Conservation and Production Act (the ECPA) (Pub. Law 94–385). Section 121 of that Act provides that beginning September 1, 1976 the first sale price of stripper well crude oil shall be exempt from the FEA Price Regulations. As a result, the Penn Grade crude oil which is produced from stripper well properties and which is the subject of the Associations' Applications for Exception may be sold at market price levels. The FEA therefore determined that the Associations' requests were moot and the applications were dismissed.

Rock Island Refining Corp.; Indianapolis, Ind.; FEE–2721; Crude Oil

On June 17, 1976, the FEA granted Rock Island Refining Corporation (Rock Island) an exception from the provisions of 10 CFR 211.67 (the old Oil Entitlements Program) which partially relieved the firm of its projected entitlement purchase obligation during the period June 1 through November 30, 1976. Rock Island Refining Corporation, 3 FEA Par. 83,233 (June 17, 1976). The exception relief granted to Rock Island in that Decision was based on an analysis of projected financial data which the firm provided for its entire 1976 fiscal year. Since that data included the benefits which Rock Island received when it was exempt from any entitlement purchase obligation during the period October 1975 through March 1976, the FEA stated in the June 17 Order that it would reevaluate its initial determination if the firm filed a new exception application in which it set forth its projected financial data for the period from April 1, 1976 through the end of its current fiscal year. On July 9, 1976, Rock Island filed a new Application for Exception in accordance with the terms of the June 17 Order and requested approval of additional exception relief from the Entitlements Program. In considering Rock Island's new application the FEA determined that on the basis of projections which it provided, Rock Island's entitlement purchase obligation would prevent it from operating during the remainder of its fiscal year at a level comparable to its historical operating performance. See, Delta Ref. Co., 2 FEA Par. 83,275 (September 11, 1975) and Beacon Oil Co., 3 FEA Par. 83,209 (June 8, 1976). The June 17 Order was therefore rescinded effective August 31, 1976, and Rock Island was granted exception relief during the period September 1 through November 30, 1976, on the basis of the new financial data which it submitted. In addition, Rock Island was granted additional exception relief in September 1976 to account for the difference between the exception relief actually granted in the months of June through August 1976 and the amount of exception relief which the FEA determined on the basis of the new data was appropriate for that time period.

Southland Oil Co.; Jackson, Miss.; FEE–2727; Crude Oil

On June 18, 1976, the FEA granted Southland Oil Company (Southland) an exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which partially relieved the firm of its projected entitlement purchase obligation during the period June 1 through November 30, 1976. The exception relief approved in that Decision was based upon an analysis of projected financial data which Southland provided for its entire 1976 fiscal year. Since that data included the benefits which Southland received when it was exempt from any entitlement purchase obligation during the period October 1975 through March 1976, the FEA stated in the June 18 Order that it would reevaluate its initial determination if the firm filed a new exception application in which it set forth its projected financial data for the period from April 1, 1976 through the end of its current fiscal year. On July 13, 1976, Southland filed a new Application for Exception in accordance with the terms of the June 18 Order and requested the approval of additional exception relief from the Entitlements Program. In considering Southland's new application, the FEA determined that on the basis of projections which the firm provided, Southland's entitlement purchase obligation would prevent it from operating during the remainder of its fiscal year at a level comparable to its historical operating performance. See, Delta Ref. Co., 2 FEA Par. 83,275 (September 11, 1975) and Beacon Oil Co., FEA Par. 83,209 (June 8, 1976). The June 18 Order was therefore rescinded effective August 31, 1976, and Southland was granted exception relief during the period September 1 through November 30, 1976, on the basis of the new financial data which it submitted. In addition, Southland was granted additional exception relief in September 1976 to account for the difference between the exception relief actually granted in the months of June through August 1976 and the amount of exception relief which the FEA determined on the basis of the new data was appropriate for the time period.

Texas Eastman Co.; Longview, Tex.; FPI–0098; Crude Oil

Texas Eastman Company (TEC) filed an Application for Exception from the provisions of 10 CFR 213.30 which, if granted, would extend the period of time within which the firm is permitted to utilize two import licenses. The licenses which TEC received en-

abled it to import crude oil on a fee-exempt basis during the allocation year ending on April 30, 1976. However, although the firm originally filed its application for fee-exempt licenses pursuant to Section 213.30 on a timely basis, the licenses which the FEA issued were not issued until January 28, 1976, and TEC was unable to utilize the licenses during the three months remaining in the allocation year. The FEA determined that TEC received no benefits from the issuance of those licenses and the intent of Section 213.30 and Proclamation No. 3279, as amended, was being frustrated. Accordingly, the FEA found that in view of the undue administrative delay which has occurred in the processing of TEC's application, exception relief was appropriate and the firm was granted a 120-day extension of time in which to utilize the two licenses.

REQUESTS FOR MODIFICATION OR RESCISSION

Crystal Skyways, Inc.; Minneapolis, Minn.; FMR–0055; Aviation Fuel

Crystal Skyways, Inc. filed an Application for Modification or Rescission of a Decision and Order issued to it on March 8, 1976. Crystal Skyways, Inc., 3 FEA Par. 83,123 (March 8, 1976). In its present Application, Crystal requests that the FEA reverse the March 8 determination and increase its base period use of aviation gasoline from 70,008 gallons per year to 90,000 gallons per year. In its Application, Crystal submitted revised financial data projecting that it would earn less profit in its current fiscal year than it had previously projected in the exception proceeding. Crystal claimed that this change in the anticipated financial position of the firm constituted significantly changed circumstances. Nevertheless, in considering the new data, the FEA observed that the profits now projected by the firm would still be 153 percent greater than the profits which Crystal realized in any of its prior fiscal years for which data was available. On this basis, the FEA concluded that Crystal had failed to demonstrate that the circumstances encountered by the firm had changed in a manner which materially altered the basis of the March 8 exception Decision. Crystal's Request for Modification or Rescission was therefore denied.

Western Jobbers Alliance; San Francisco, Calif.; FMR–0053; Motor Gasoline

The Western Jobbers Alliance (Western Jobbers), a group of 92 former Phillips Petroleum Company (Phillips) branded jobbers, filed an Application for Modification or Rescission of two Decisions and Orders which the Federal Energy Administration previously issued to The Oil Shale Corporation (TOSCO). The Oil Shale Corp., 2 FEA Par. 80,673 (August 29, 1975) and The Oil Shale Corp., 2 FEA Par. 83,169 (June 10, 1975). Those determinations related to TOSCO's proposed acquisition of certain West Coast petroleum refining, distribution and marketing assets which were owned by Phillips. In the June 10 and August 29 Decisions, the FEA granted TOSCO exception relief which permitted it to compute its maximum allowable prices in a manner which is different from that prescribed in the FEA Price Regulations. With respect to TOSCO's sales of motor gasoline to customers who are currently included in three of the classes of purchaser that Phillips maintained on May 15, 1973, TOSCO was permitted to use its own May 15, 1973 prices rather than the applicable May 15, 1973 prices of Phillips. The Western Jobbers' request, if granted, would have required TOSCO to compute the prices which it may charge the former Phillips branded jobbers by placing them in TOSCO's branded class of purchaser. In the alternative, Western Jobbers requested that these purchasers be placed in TOSCO's unbranded jobber class of purchaser.

In its Application for Modification or Rescission, Western Jobbers contended that the June 10 and August 29 Orders not only permitted TOSCO to apply its May 15, 1973 selling prices in sales to certain classes of purchaser but also permitted TOSCO to place former Phillips branded jobbers in the "wholesale rack (unbranded class 1)" class of purchaser which TOSCO maintains. Western Jobbers contended that the transfer of its members to that class of purchaser was improper and resulted in a serious financial hardship to the firms concerned, and that on this basis the Orders issued to TOSCO should be modified or rescinded.

In considering the Western Jobbers' submission, the FEA noted that the prior Decision did not permit TOSCO to place the former Phillips jobbers in the wholesale rack unbranded class of purchaser or to alter the class of purchaser structure which it would otherwise be required to maintain by generally applicable FEA Regulations. The August 29 Decision also did not specifically consider the issue as to which class of purchaser of the numerous ones which TOSCO and Phillips maintained on May 15, 1973 would be the most appropriate class in which to place these purchasers. Moreover, the record in the present case did not contain sufficient information to permit a conclusive determination as to the specific class of purchaser to which the former Phillips branded jobbers should have been assigned. Nevertheless, the material submitted did suggest that Western Jobbers' allegation that these purchasers should have been placed in TOSCO's Lion branded class of purchaser was incorrect, inasmuch as Lion does not sell branded gasoline or maintain any branded class of purchaser in the area served by the Avon refinery. In addition, the FEA found that Western Jobbers' assertion that its members should be placed in TOSCO's unbranded jobber class of purchaser had no merit, since neither TOSCO or Phillips had an unbranded jobber class of purchaser on May 15, 1973. Although Western Jobbers had not made a convincing showing that its members had been improperly placed in the wholesale rack unbranded class of purchaser, the FEA pointed out that Western Jobbers could still file a Complaint with the FEA if it continued to believe that TOSCO had violated the FEA Regulations.

The FEA also found that Western Jobbers failed to substantiate its claim that its members are experiencing a serious financial hardship as a result of the exception relief granted to TOSCO. Nevertheless, the FEA noted that any individual member of the Western Jobbers group could file request for an exception to be assigned a new supplier or a request for modification to reduce the exception relief granted to TOSCO. The FEA also noted that the denial of the present Application for Modification or Rescission in no way precluded the Western Jobbers from filing an Application for Exception requesting that TOSCO be required to establish a new class of purchaser which consisted only of unbranded jobbers.

SUPPLEMENTAL ORDER

Whitco, Inc., Dallas, Tex., FEX–0085; Motor Gasoline

Whitco, Inc. filed an application for an extension of the exception relief previously granted the firm from the provisions of 10 CFR 211.25 (the supplier substitution rule). Whitco, Inc., 3 FEA Par. 87,005 (June 25, 1976) (Supplemental Order). Under the terms of the June 25 Order, the Regional Administrator of FEA Region VI was directed to make a determination as to whether Whitco would continue to experience a gross inequity unless it received additional exception relief and to then make a recommendation to the FEA Office of Exceptions and Appeals as to whether exception relief should be extended. Based on the data submitted by the firm and the recommendation of the Regional Administrator, the FEA determined that unless Whitco received additional relief it would continue to experience a serious hardship and gross inequity. The exception relief previously granted was therefore extended through December 31, 1976.

REQUESTS FOR SPECIAL REDRESS

Energy Corporation of Louisiana Ltd., Garyville, La.; FEE–2767; Residual Fuel Oil

The Energy Corporation of Louisiana Ltd. (ECOL) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program). The exception request, if granted, would permit ECOL to calculate the entitlements which it is authorized to sell pursuant to Section 211.67 by including in its crude oil runs to stills the entire volume of crude oil which is attributable to the residual fuel oil which it produces and sells in the East Coast market. ECOL also requested (i) additional entitlements in compensation for the revenues it allegedly lost as a result of the impact of section 211.67(a)(3) on prevailing market prices for residual fuel oil on the Gulf Coast and the East Coast, and (ii) relief from any provision of Section 211.67(d)(2) which prevents the firm from including in its crude oil runs to stills the crude oil which it produces and sells to foreign flag vessels as marine bunker fuel. In its submission, ECOL asserted that its costs had been increased substantially by the reduction in entitlement benefits prescribed in Section 211.67 (d)(4) and that its revenues would be sharply diminished since Section 211.67(a)(3) depressed residual fuel oil prices in the Gulf Coast and East Coast markets.

In considering the exception application, the FEA indicated that ECOL is a net beneficiary of the Entitlements Program and the benefits which it receives under the Program enhance the firm's financial and competitive posture compared with the position it would occupy if the program no longer existed. Therefore the financial and operating difficulties which ECOL may be experiencing were not produced by the overall FEA regulatory program, and the FEA concluded that the firm's exception application should not be approved as submitted. Cf. Texas Asphalt & Ref. Co., 3 FEA Par. 80,529 (December 8, 1975), *aff'd.*, 3 FEA Par. 80,570 (February 2, 1976); Wallace & Wallace Chemical & Oil Co., 2 FEA Par. 83,207 (July 3, 1975).

Although ECOL failed to make a persuasive showing that exception relief should be granted, the FEA found that the firm might nevertheless be entitled to some form of relief under the independent authority specified in Section 21(b) of the Federal Energy Administration Act of 1974, as amended (FEAA), provided it could make a showing that (i) a particular regulatory provision which the FEA has adopted has adversely affected a firm to a very substantial extent, and (ii) special or unusual circumstances which exist in the case lead to the conclusion that extraordinary relief should be provided in order to achieve important policy objectives in FEA's statutes.

With respect to the first of those two factors, the FEA determined that the ECOL submission made a convincing showing that the firm has been adversely affected in a significant manner by regulatory provisions which the FEA adopted on April 1, 1976. The FEA found that ECOL will encounter severe cash flow problems during its first two years of operation as a consequence of the April 1 amendments because they will reduce the

entitlement benefits which it will receive by $1,755,000 per month. In addition, the April 1 amendments resulted in a marked deterioration of the previous advantageous competitive position which ECOL would otherwise have maintained in its marketing areas. The FEA also determined that the other factors which existed in this case are so unusual and extraordinary that special redress relief should be approved in order to effectuate energy policy objectives specified in the statutes enacted by the Congress. In particular, the FEA noted that ECOL's construction of a major new refinery is in furtherance of the objectives of developing additional domestice refining capacity and fostering competition in the petroleum industry. See, e.g., Louisiana Land & Exploration Co., 3 FEA Par. 80,586 (February 26, 1976); Placid Ref. Co., 3 FEA Par. 80,526 (December 10, 1975). In view of the fact that the ECOL refinery would make a significant and immediate contribution to the effectuation of these important policy goals, the FEA concluded that special redress relief should be granted to the extent necessary to ensure that the April 1 amendments will not imminently jeopardize the economic viability of ECOL's operations.

The FEA also determined that the following principles should be applied in determining the nature and extent of relief to be approved: (i) the relief should be related to the FEA regulatory program which contributed to the financial and operating problems which the firm is experiencing; (ii) the relief should in no event exceed the benefits which the firm would have enjoyed prior to the adoption of the specific regulatory provision which led to the approval of special redress relief; and (iii) where special redress relief is being approved because a regulatory provision endangers a firm's economic viability, the relief granted should be the minimum amount necessary to eliminate the threat posed. After applying these principles to the specific factual situation presented, the FEA determined that ECOL should be permitted to sell additional entitlements which are equal in value to $1,755,000 per month during the period December 1976 through February 1978 and that during the period March 1978 through May 1979 ECOL should be required to purchase entitlements on a monthly basis which are equal in value to $1,755,000. The relief approved mitigates the short term cash flow problems experienced by ECOL, while at the same time requiring the firm to repay the unusual benefits conferred on it at a time when its operations should generate sufficient revenues to permit it to do so.

Finally, the FEA emphasized that ECOL should be permitted to obtain benefits by selling the additional entitlements only if there is an assurance that those benefits will be repaid. Consequently, the FEA determined that the relief granted to ECOL should be stayed until the firm provides such assurances to the Office of Private Grievances and Redress.

DISMISSALS

The following submission was dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

Phillips Petroleum Co., Bartlesville, Okla., FEE–2848

The following submission was dismissed after the applicant repeatedly failed to respond to requests for additional information:

Wesley Martin Oil Co., El Paso, Tex., FEE–2463, FEE–2464

The following submission was dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained:

A. Hargis & Sons, Somerset, Ky., FEE–2703

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

MICHAEL F. BUTLER,
General Counsel.

OCTOBER 19, 1976.

[FR Doc.76–31213 Filed 10–20–76;12:10 pm]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF EXCEPTIONS AND APPEALS

Week of September 13 through September 17, 1976

Notice is hereby given that during the week of September 13 through September 17, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEAL

Stone, Pigman, Walther, Wittman & Hutchinson, New Orleans, La., FEA–0929, Freedom of Information

The law firm of Stone, Pigman, Walther, Wittman & Hutchinson (Stone, Pigman) appealed from an Order issued to it by the FEA Information Access Officer denying in part a Request for Information which the firm had filed under the Freedom of Information Act, 5 U.S.C. 552. On Appeal, Stone, Pigman contended that it was erroneous for the Information Access Officer to have refused to release certain documents which the FEA had compiled during its consideration of a complaint filed by Good Hope Refineries, Inc. In considering the Appeal, the FEA determined that: (i) a memorandum written by a Good Hope employee to the firm's files contained no confidential financial or commercial information and is therefore not exempt from disclosure under 5 U.S.C. 552 (b)(4); (ii) although other documents entitled FEA Compliance Case Resolution Sheets are substantially exempt from disclosure under the provisions of 5 U.S.C. 552 (b)(5), a portion of the documents containing a summary of the facts which Good Hope had presented in support of its complaint may not be withheld from public disclosure since it is purely factual in nature; and (iii) the portion of a document entitled Compliance Case Checklist which indicates the final agency action taken on Good Hope's complaint is also not exempt from public disclosure under 5 U.S.C. 552(b)(5). The FEA therefore directed that this material be released to Stone, Pigman. The FEA further determined that the other documents which the Information Access Officer had refused to disclose pursuant to the exemption in Section 552(b)(5) were part of the FEA's internal decision making process and were properly withheld. The Appeal was therefore denied with respect to those documents. Cf. Varibus Corp., 3 FEA Par. 80,629 (May 4, 1976).

REQUESTS FOR EXCEPTION

Aminoil USA, Inc., Houston, Tex., FEE–2941 (Aline No. 5), FEE–2942 (Fox No. 13), FEE–2943 (Huntington Beach No. 11) FEE–2944 (Inglewood No. 20) FEE–2945 (Taloga No. 7), FEE–2946 (Tioga No. 12), natural gas liquid products

Aminoil USA Inc. filed six Aplications for Exception in which it requested that the exception relief granted to the firm on July 30, 1976 be extended for an additional period of time. Aminoil USA, Inc., 4 FEA Par. 83,020 (July 30, 1976). In the July 30 Decision, the FEA determined that Aminoil would experience a gross inequity as a result of the pricing provisions of 10 CFR, Part 212 Subpart K and that exception relief should therefore be granted to the firm which permits it to increase its non-product costs which it calculates pursuant to Section 212.165 for natural gas liquid products produced at six of its gas plants during the period July 30, 1976 through September 30, 1976. In considering Aminoil's requests for an extension of exception relief the FEA determined that the firm continued to incur non-product cost increases in the second quarter of its 1976 fiscal year which substantially exceed the $.005 per gallon passthrough permitted under the provisions of Section 212.165 and that based upon the criteria set forth in Sun Oil Co., 3 FEA Par. 83,102 (February 13, 1976); Shell Oil Co., 3 FEA Par. 83,049 (December 15, 1975); and Superior Oil Co., 2 FEA Par. 83,271 (August 29, 1975) continued exception relief is warranted. The FEA therefore approved an extension of exception relief which will permit Aminoil to increase the non-product costs which it calculates pursuant to Section 212.165 for the period October 1, 1976 through March 31, 1977.

Gulf Oil Corp., Houston, Tex., FEE–2615 (Azalea), FEE–2646 (Bluebell), FEE–2659 (Knox), FEE–2665 (Milfay), FEE–2671 (Paloma), FEE–2672 (Sand Hills), FEE–2673 (Saunders), FEE–2679 (Vada), FEE–2681 (Waddell), FEE–2682 (Yates), natural gas liquids

Gulf Oil Corporation filed Applications for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase the prices it charges to reflect non-product cost increases which the firm has incurred at ten of its natural gas processing plants. In considering the applications, the FEA noted that, as a general rule, exception relief will be granted to any gas processing plant which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough permitted under Section 212.165. See Superior Oil Co., 2 FEA Par. 80,271 (August 29, 1975). The FEA found that Gulf had made such a showing with respect to eight of the ten plants and granted Gulf appropriate exception relief with respect to those plnats for the period September 13, 1976 through October 15, 1976. However, the FEA denied exception relief for the remaining two plants on the grounds that Gulf had not sufficiently substantiated its assertion that it had experienced non-product cost increases at its Yates Plant which were substantially in excess of $.005 per gallon. The further determination was made that Gulf had not presented any reasons why it should be granted the retroactive relief which it sought for its Paloma Plant.

Gulf Oil Corp.; Houston, Tex.; FEE–2824 (Adena), FEE–2825 (Camerick), FEE–2826 (Delhi), FEE–2827 (Enville), FEE–2828 (Headlee), FEE–2829 (Houma), FEE–2830 (Johnson Bayou), FEE–2831 (Kalkaska), FEE–2832 (North Port Neches), FEE–2833 (Pledger), FEE–2834 (South Fullerton); natural gas liquids

Gulf Oil Corporation filed Applications for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase the prices it charges to reflect non-product cost increases which the firm has incurred at 11 of its natural gas processing plants. In considering the applications, the FEA noted that, as a general rule, exception relief will be granted to any gas processing plant which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough permitted under Section 212.165. See Superior Oil Co., 2 FEA Par. 80,271 (August 29, 1975). The FEA found that Gulf had made such a showing with respect to eight of the 11 plants and granted Gulf appropriate exception relief with respect to those plants for the period September 17, 1976 through October 17, 1976. However, the FEA denied exception relief for the remaining three plants on the grounds that the non-product cost increases experienced at those plants were not substantially in excess of $.005 per gallon.

Hewit & Dougherty; Austin, Tex.; FEE–2792; natural gas liquids

Hewit & Dougherty filed an Application for Exception from the provisions of 10 CFR 212.165 which if granted, would permit the firm to increase the prices it charges to reflect non-product cost increases which the firm has incurred at its Roche natural gas processing plant. The firm also requested that relief be granted retroactive to October 1, 1975. In considering the application, the FEA noted that, as a general rule, exception relief will be granted to any gas processing plant which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough permitted under Section 212.165. See Superior Oil Co., 2 FEA Par. 80,271 (August 29, 1975). The FEA found that Hewit & Dougherty had made such a showing with respect to its Roche plant and granted the firm appropriate exception relief for the period September 17, 1976 through December 31, 1976. With respect to Hewit & Dougherty's request for retroactive relief, the FEA determined that the material which the firm submitted did not make a compelling showing that the relief requested should be granted or convincingly demonstrate that Hewit & Dougherty would experience a service irreparable injury in the absence of retroactive exception relief. Accordingly, the request for retroactive relief was denied.

L.C. Kung, Charles F. Chien, W.P. Wang & A.B. Rothwell, Houston, Tex., FEE–2698, natural gas liquid products

L.C. Kung, Charles F. Chien, T.P. Wang and A.B. Rothwell (KCWR) filed an Application for Exception from the provisions of 10 CFR 212.165 which if granted, would permit KCWR to increase the prices it charges to reflect non-product cost increases which it incurred at its R.M. Stephens natural gas processing plant. KCWR also requested that the relief be granted retroactive to January 1, 1976. In considering the application, the FEA noted that, as a general rule, exception relief will be granted to any gas processing plant which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough permitted under Section 212.165. See *Superior Oil Co.*, 2 FEA Par. 80,271 (August 29, 1975). The FEA found that KCWR had made such a showing. The FEA also determined that the relief requested would result in price increases of less than $400 per quarter and it is likely that the non-product cost increases will continue at current levels. The FEA therefore granted appropriate relief for the entire period September 17, 1976 through December 31, 1977. With respect to KCWR's request for retroactive relief, the FEA determined that KCWR had failed to demonstrate that it would experience severe irreparable injury in the absence of retroactive relief. Accordingly, KCWR's request for retroactive relief was denied.

DISMISSALS

The following submission was dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Cross Oil Refining Co., of Ark., Washington, D.C., FEA–0919

The following submission was dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

Elmer L. Moody, Macomb, Miss., FEE–2879

The following submission was dismissed after the applicant repeatedly failed to respond to requests for additional information.

Powerine Oil Co., Washington, D.C., FEE–2724

The following submission was dismissed on the grounds that the request is now moot:

Kaibab Industries, Phoenix, Ariz., FEE–2768

The following submission was dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained:

Pecos Valley Gas Co., Washington, D.C., FEE–2552

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

MICHAEL F. BUTLER,
General Counsel.

OCTOBER 19, 1976.

[FR Doc.76–31214 Filed 10–20–76;12:11 pm]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/operator and vessels
01087---	Dampskibsselskabet Torm A/S: *Torm Rask, Torm Rotna.*
01123---	Hemisphere Transportation Corp.: *Alabama Getty.*
01150---	Chevron Transport Corp.: *Chevron North America.*
01466---	Common Bros. (Management) Ltd.: *Hindustan, Kurdistan.*
01504---	Yngvar Hvistendahl: *Milross.*
01910---	Deutsche Dampfschiffahrts Gesellschaft Hansa: *Barenfels.*
02021---	Atlantska Plovidba: *Jadran.*
02038---	Polskie Linie Oceaniczne: *Jozef Wybicki.*
02040---	Odra-Swinoujscie: *Otol.*
02156---	Lorentzens Skibs A/S: *Jane Stove.*
02194---	Compagnie General Transatlantique: *Carimare.*
02363---	Rederiet Otto Danielsen: *Pia Danielsen.*
02603---	Empresa Hondurena De Vapores, S.A.: Condata, Olancho.
02836---	The Scindia Steam Navigation Co. Ltd.: *Jalabala.*
02854---	North Pacific Steamship Co.: *Galaxy, Korean Fir.*
02858---	Intermarine Inc.: *Cynthia.*
02956---	Ashland Oil, Inc.: *BC 110, BC 227, J.A.R.–9.*
03077---	Bulk Food Carriers, Inc.: *Burke F, Michelle F.*
03094---	Malaysia Marine Corp.: *Eidanger.*
03447---	K. K. Kyokuyo: *Cherry Island.*
03480---	Osaka Senpaku K.K.: *Oceania Maru.*
03484---	Sanko Kisen K.K.: *Yoko Maru.*
03502---	Shinyei Senpaku K.K.: *Dover Maru.*
03513---	Tanda Sangyo Kisen Kabushiki Kaisha: *Shuwa Maru.*
03923---	Shinwa Kaiun Kaisha, Ltd.: *Shinsho Maru.*
03968---	Zim-Israel Navigation Co. Ltd.: *Opal.*
04210---	Anderson Petroleum Transportation Co., Inc.: *Apt 220.*
04228---	Compagnie Maritime Belge (Lloyd Royal) S.A.: *Montfort.*
04263---	Waywiser Navigation Corp. Ltd.: *Christina.*
04565---	Consolidated Navigation Corp.: *New Independence.*
04601---	American Tunaboat Association: *Mary Jo.*
04803---	Brent Towing Co. Inc.: *Ann Brent, B–920.*
05437---	The Dow Chemical Co.: *AC–4.*
05579---	Black Sea Shipping Co.: *Kazakhstan.*
05581---	Latvian Shipping Co.: *Dzintari, Victorio Codovilla.*
05704---	Murmansk Shipping Co.: *Kapitan Reutov.*
05736---	Flota Cubana De Pesca: *Rio Canonao, Rio Sagua.*
05792---	Korea Wonyang Fisheries Co., Ltd., *Sogrisan.*
06359---	Malaysian International Shipping Corp., Berhad: *Rimba Keruing, Rimba Ramin.*
06423---	Horn Construction Co., Inc.: *Horn 21, Horn 30.*
06510---	Compagnie Nationale Algerienne De Navigation: *In Nahala.*
06534---	Union Steam Ship Co. (U.K.) Ltd.: *Rangatira.*
07574---	Georgian Shipping Co. *Khudozhnik Toidze.*
07788---	Rome Transfer Corp.: *Utica Sears.*
08370---	Indiana & Michigan Electric Co.: *A. N. Prentice, F. M. Baker, G. L. Furr, Robert M. Kopper.*
08617---	Fairmont Enterprises Ltd.: *Tradewind West.*

Certificate No.	Owner/operator and vessels
09115---	Hoyo Suisan K.K.: *Hoyo Maru No. 63.*
09178---	Tradax Export S.A.: *Alpine Star, Alpine Sun, Amsterdam, Carbay, Carcape, Carlantic, Carisle, Captain W. D. Cargill, Ghent, Geneve, Hamburg, Saint Nazaire, Tarragona.*
09792---	United Fair Agencies Ltd.: *Grand Wisdom, Sun Regulus.*
09821---	Kohoku Gyogyo K.K.: *Kohoku Maru No. 7.*
10136---	Oriental Armonia Vapor S.A.: *Bela Kosmo, Bela Rozo.*
10270---	State Economic Enterprise Okeanski Ribolov: *Fizalia, Rotalia.*
10315---	North Dene Shipping Co. S.A.: *Kalliarchos.*
10409---	Oy Gustav Paulig AB: *Pamela.*
10659---	Sam Ick Lines Co. Ltd.: *Koh Eun.*
10772---	Flota Global S.A.: *Duke Albatross.*
10931---	Hansung Shipping Co. Ltd.: *Blue Pluto.*
10939---	Marine Transport Corp.: *Nimbus.*
11254---	Sissy Shipping Co: Ltd.: *Franky.*
11260---	Intercontinental Transportation Services, Ltd.: *Corinto, Limon.*
11283---	Odeco (U.K.) Inc.: *Ocean Victory.*
11286---	Binion Marine Service, Inc.: *Star JD II.*
11370---	Taihei Kaiun K.K.: *Azuma Maru No. 18.*
11478---	Croton Shipping Inc.: *Canadian Owl.*
11503---	Sea Horse Marine, Inc.: *Lindsey Frank.*
11521---	Borg-Warner Corp.: *BWC-102.*
11540---	Galatia Compania Naviera S.A.: *Maria L.*
11547---	East Arrow Compania Naviera S.A.: *Golden Arrow.*
11561---	Goodwill Navigation Inc.: *Kohekohe.*
11590---	Leo Shipping Co. Ltd.: *Seven Seas.*
11608---	Agile Shipping Co. S.A.: *Afstralos.*
11635---	L & L Oil Co., Inc.: *Bill Lueck.*
11639---	Passaat Curacao Shipping Co. N.V.: *Passaat Curacao.*
11654---	Orco Shipping Corp.: *Orco Miner; Orco Trader.*
11656---	Dominance Shipping Inc.: *Sanko Progress.*
11668---	Astro Pacifico Armadora S.A.: *Zeus.*
11669---	Dillingham Corp. of Guam: *DG-5.*
11671---	Turfan Shipping Co. Ltd.: *Eurofina.*
11687---	Scorpio Enterprises Corp.: *Alexandra.*
11688---	Ocean Lines Ltd.: *Eskimo.*
11690---	Zenovia Maritime Corp.: *Zenovia D.*
11696---	Ilmari Tuuli: *Nan Fung.*
11708---	Sealane Shipping Inc.: *Sealane Trader.*
11713---	Yukiteru Kaiun Kabushiki Kaisha: *Seishu Maru.*
11714---	Global Transport Organisation: *Federal 400-6.*
11735---	Dinamica Transmar Navegacion S.A.: *Anel D'Azur.*
11742---	Capstan Transport Corp.: *Spray Cap.*
11743---	Stanchion Transport Corp.: *Spray Stan.*
11744---	Bollard Corp.: *Stream Bollard.*
11750---	Tide Shipping Ltd.: *Newtide.*
11756---	Clio Shipping and Trading Corp. S.A.: *Petrola 60.*
11757---	Daphnis Shipping and Trading Corp. S.A.: *Petrola 70.*
11758---	Spiros J. Latsis: *Ennea; Epta.*
11762---	Sameiet (Partrederiet) Dea Brovig.: *Dea Brovig.*
11763---	Garrick Shipping Co.: *World Agamemnon.*
11764---	Canion Shipping Co.: *Ion.*
11765---	Atlantic Ocean Steamship Co. Ltd.: *Atlantic Ocean.*
11766---	Concord Tanker Corp.: *Concordia.*
11767---	Interessentskapet Wind Enterprise: *Wind Enterprise.*
11770---	Partenreederei MS Atlantic Earl: *Atlantic Earl.*
11773---	Golden Poppy Shipping and Navigation Corp.: *Giannini.*
11775---	Suntide Shipping S.A.: *Yue Flower.*
11777---	Sequoia Tankers Inc.: *Coastal California.*
11778---	Alpine Steamship Co., Inc.: *Penn.*
11779---	Asbury Steamship Co., Inc.: *Port.*
11780---	Tres Naviera S.A.: *Tres Orion.*
11782---	Bergen Shipping Corp.: *Troll.*
11784---	Castillon Maritime, Inc.: *Astor Princess.*
11785---	Tatiana Shipping Co. Ltd.: *Rothens.*
11786---	Haris Marine Co. S.A.: *Eastern Fuji.*
11789---	Brown Marine Service Inc.: *Brown 620.*
11790---	Omega Maritime Enterprises S.A.: *Flora C.*
11791---	Panatlantic Inc.: *Panatlantic.*
11795---	Liberian Pluto Transports, Inc.: *Golden Sabre.*
11797---	Everest Shipping Co., Ltd.: *Atlantic Marquess.*
11798---	Aloe Maritime S.A.: *Katerina.*
11799---	Astra Maritime Enterprise S.A.: *Astra Peak.*
11801---	Galapagos Tourist Corp. S.A.: *Buccaneer.*
11802---	Nam Hai Hungoub Co. Ltd.: *Nam Hai No. 1.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-31244 Filed 10-22-76;8:45 am]

COMPANHIA DE NAVEGACAO LLOYD BRASILEIRO AND COMPANHIA MARITIMA NACIONAL

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. 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 5, 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 herinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Neal M. Mayer, Esquire, Coles & Goertner, 1000 Connecticut Avenue, N.W., Washington, D.C. 20036.

Agreement No. 10265, between Companhia de Navegacao Lloyd Brasileiro and Companhia Maritima Nacional, is a cooperative working arrangement whereby the parties agree to share, on an equal basis, that percentage of cargo reserved to Brazilian Flag carriers in the trade between the Brazilian ports of Porto Alegre and Belem and ports on the United States Gulf Coast according to the terms, conditions and to the extent as set forth therein.

By Order of the Federal Maritime Commission.

Dated: October 20, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-31243 Filed 10-22-76;8:45 am]

INTERNATIONAL HOUSEHOLD GOODS RATE AGREEMENT

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 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 15, 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. L. Wyche, Executive Secretary, Household Goods Carriers' Bureau, 2425 Wilson Boulevard, Arlington, Virginia 22201.

Agreement No. 8470–7, among the members of the International Household Goods Rate Agreement, amends Paragraph (1) of the basic agreement to permit the publication of a tariff by the Household Goods Carriers' Bureau, Inc. applying on through intermodal inland to inland points traffic between ports and inland point in the United States on the one hand, and, on the other, foreign ports and inland points in the continents of Africa, Asia, Australia, Europe, North America and South America and foreign ports and inland points of the islands in the oceans and seas between and adjacent to such continents.

By order of the Federal Maritime Commission.

Dated: October 20, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–31241 Filed 10–22–76;8:45 am]

UNITED STATES-HAWAII/PUERTO RICO/GUAM HOUSEHOLD GOODS RATE AGREEMENT

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 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 15, 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. L. Wyche, Executive Secretary, Household Goods Carriers' Bureau, 2425 Wilson Boulevard, Arlington, Virginia 22201.

Agreement No. 8480–4, among the members of the United States-Hawaii/Puerto Rico/Guam Household Goods Rate Agreement, amends Paragraph (1) of the basic agreement to permit the publication of a tariff by the Household Goods Carriers' Bureau, Inc. applying on through intermodal inland to inland points traffic between ports and inland points in the United States on the one hand, and, on the other, ports and inland points in Hawaii, Puerto Rico, Guam and the Virgin Islands.

By Order of the Federal Maritime Commission.

Dated: October 20, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–31242 Filed 10–22–76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP76–85]

ALGONQUIN GAS TRANSMISSION CO. AND TEXAS EASTERN TRANSMISSION CORP.

Application

OCTOBER 21, 1976.

Take notice that on October 7, 1976, Algonquin Gas Transmission Company (Algonquin), 1284 Soldiers Field Road, Boston, Massachusetts 02135, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP76–85 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a continuation of the exchange, transportation, and delivery of certain quantities of gas to the Brooklyn Union Gas Company (Brooklyn Union) through December 31, 1977, all as more fully set forth in the application on file with the Commission and open to public inspection.

The applicants state that an application was filed on September 12, 1975, in Docket No. CP76–85 pursuant to Section 7(c) of the Natural Gas Act for a limited-term certificate of public convenience and necessity authorizing the transportation and exchange of natural gas for the benefit of Brooklyn Union for the period of November 1, 1975, through April 30, 1976. It is further stated that on November 10, 1975, applicants were granted a temporary certificate of public convenience and necessity authorizing the services in the manner set forth in the application upon the condition that Algonquin Gas charge for service rendered thereunder be collected subject to refund pending further Commission action. It is indicated that on July 31, 1976, the Commission issued permanent certificates of public convenience and necessity authorizing service for the benefit of Brookyln Union though October 31, 1976.

It is stated that the requested authorization has been sought because the gas to be transported and delivered thereunder is required by Brooklyn Union to:

(1) Assure its ability to meet the requirements of existing firm customers;

(2) Assist it in achieving the fullest and best possible use of available storage capacity;

(3) Reduce, to the extent possible, its need for higher cost supplemental supplies; and

(4) Mitigate, to the extent possible, current curtailments of human need requirements.

Deliveries are anticipated not to exceed 40,000 million Btu's per day from October 31, 1976 through December 31, 1977, with total deliveries estimated at 10,700,000 million Btu's it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 29, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–31458 Filed 10–22–76;10:31 am]

INTERNATIONAL TRADE COMMISSION

[332-79]

CERTAIN ARTICLES BEING CONSIDERED FOR REMOVAL FROM LIST OF ARTICLES ELIGIBLE FOR DUTY-FREE TREATMENT UNDER GENERALIZED SYSTEM OF PREFERENCES

Place of New York City Hearing

Notice is hereby given that the United States International Trade Commission's public hearing in connection with that part of investigation No. 332-79 devoted to obtaining data needed by the Trade Policy Staff Committee (TPSC), Office of the Special Representative for Trade Negotiations, for review of petitions for the withdrawal of leather wearing apparel classifiable in item 791.75 of the Tariff Schedules of the United States from the list of articles eligible for duty-free treatment under the Generalized System of Preferences will be held in New York City, at the Customs House, Room 770, 6 World Trade Center, Vesey and West Streets, on Friday, October 29, 1976, beginning at 10 a.m., e.d.t.

Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his office in the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, not later than noon, October 26, 1976.

Notice of institution of the investigation was published in the FEDERAL REGISTER on September 24, 1976 (41 FR 41973). Notice of rescheduling the public hearing was published in the FEDERAL REGISTER on October 4, 1976 (41 FR 43764).

Issued: October 20, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-31260 Filed 10-22-76;8:45 am]

LEGAL SERVICES CORPORATION

COMMITTEE ON APPROPRIATIONS AND AUDIT

Meeting

The next meeting of the Committee on Appropriations and Audit of the Legal Services Corporation Board of Directors will be held on Friday, November 5, 1976, in Room 405 of the George Washington University Marvin Center, 21st and I Streets, NW., Washington, D.C.

The meeting will begin at 9:00 a.m. or as soon thereafter as the meeting of the Board of Directors, scheduled for November 4-5, 1976, concludes. The meeting will be for the purpose of considering and acting on matters concerning investment of Corporation funds and the Fiscal Year 1978 budget request to the Congress.

The meeting is open to the public.

THOMAS EHRLICH,
President.

[FR Doc.76-31398 Filed 10-22-76;8:45 am]

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

ELECTRONIC FUND TRANSFER SYSTEMS

Role of Government, Hearings

The National Commission on Electronic Fund Transfers will hold public hearings between 9:00 a.m. and 5:30 p.m. on November 11 and 12, 1976, in Room 2128 of the Rayburn House Office Building in Washington, D.C. These hearings, authorized by Pub. L. 93-495, Title II, Section 204, will explore the role of government as an operator of electronic fund transfer systems.

These hearings are intended to aid the Commission in developing its recommendations to Congress and the President regarding appropriate administrative action and legislation necessary in connection with the possible development of public or private electronic fund transfer systems.

Prior to these hearings the Commission solicits the views of knowledgeable groups and individuals interested in these issues and able to address the areas of inquiry detailed below. Those interested in submitting statements for the record, giving testimony, presenting evidence or otherwise participating in these hearings should obtain a copy of the Commission's Hearing Rules, which were published in the FEDERAL REGISTER at 41 FR 43965, October 5, 1976, and which are also available directly from the Commission.

All persons may submit written statements and ask that they be included in the hearing record. The Commission will select from among those interested in presenting oral testimony to ensure that all points of view are represented. To this end, persons giving oral testimony may be asked to be part of a panel presentation.

Written requests to testify must be received by the Executive Director of the Commission, 1000 Connecticut Avenue, NW., Suite 900, Washington, D.C. 20036, by November 1, 1976. Such requests must be accompanied by a concise description of the material the party desires to present and the reasons why the party's oral testimony would be useful to the Commission. The hearing record will remain open for twenty-one (21) days following the hearings for written statements and comments.

All persons interested in testifying or submitting written statements are asked to address the broad policy issues and specific questions set forth below.

INTRODUCTION

The Commission has been instructed by Congress to conduct a study and make appropriate recommendations concerning EFT, considering among other things, the "need * * * to assure Government regulation and involvement or participation in a system competitive with the private sector be kept to a minimum". Accordingly, the Commission, in its examination of the operational role of government in EFT, will address a number of fundamental principles and policy considerations relating to conditions under which government operational involvement is appropriate.

In fulfilling this statutory mandate, the Commission will take into consideration certain situations which historically have sometimes resulted in government involvement as an operator or regulator. An example might be where there is public demand or need for a good or service which the private sector cannot provide. A second example is where the natural growth of the private sector leads to distortions of free market principles, resulting in unfair prices, closed entry to markets, poor quality products, discrimination against a segment of the population, and so on.

The Commission would therefore ask each witness, when addressing the specific questions which are set out below, to speak as well to the broad question of what the appropriate operational role is for the government with respect to a particular EFT system or part of a system, when the private sector is (a) able, (b) unable, or (c) unwilling to provide that system or component.

PRESENT OPERATIONAL ROLE OF GOVERNMENT IN EFT

Presently, the government is operationally involved in a number of EFT or EFT related activities. The Federal Reserve provides the data processing facilities used for clearing and settlement, and courier delivery services, for 23 of the 25 presently operating automated clearing houses, soon may be providing courier delivery services for the remaining two, and provides settlement for all of the automated clearing houses. The Federal Reserve has for many years provided an interbank telecommunications network for Federal Funds transfer, and is planning a pilot test utilizing this network for the purpose of linking automated clearing houses inter-regionally. The Federal Home Loan Bank System has provided on-line data processing services to a number of its member associations since January 1970. The questions to be addressed at the hearing with respect to such involvement include:

(1) What criteria should be used to determine whether government should be operationally involved in automated clearing houses, telecommunications, electronic data processing, or other EFT related facilities? Using these criteria, should government be operationally involved in the provision of such facilities or services?

(2) Is the private sector prepared to or capable of establishing and operating EFT related facilities and services without government operational involvement?

(3) What impact, if any, does the provision by government of EFT related facilities and services have upon (a) private sector development of similar systems, and (b) competition among the various financial industries?

(4) When government agencies provide EFT related facilities and services to private institutions, what is and what

should be the nature and degree of control exercised respectively by government and by the private institutions over such facilities and services?

(5) To the extent that government provides EFT related facilities and services, should there be a charge for the use of such facilities and services? If so, what specific elements should be included in such charges, and what pricing theories should be taken into account by the government in constructing a pricing schedule? Should such activities be unbundled, with distinct services separately priced?

(6) What policies, if any, should be mandated concerning membership in a private organization and control of that organization, as a condition of the government's providing EFT related facilities and services to that private organization? What policies, if any, should be mandated concerning direct access (including limitations, conditions, or restrictions on access) to such government provided facilities and services?

(7) Should decisions on access, pricing, and membership with respect to government provided facilities and services be deferred pending Congressional action on proposals, such as the Financial Institutions Act and the Financial Reform Act, concerning financial industry restructuring?

(8) What is or will be the impact of the linking of automated clearing houses using the Federal Reserve telecommunications system?

(9) Does government provision of EFT related facilities and services pose a substantial threat to the privacy of individuals? If so, what is the nature and significance of such a threat and how does it differ from the threat, if any, posed by purely private operation of EFT related facilities and services? What safeguards, if any, are required?

(10) To what extent, if any, does a conflict arise in the performance of both operational and regulatory functions by a single governmental unit?

FUTURE OPERATIONAL ROLE OF GOVERNMENT IN EFT

Presently, EFT is in its early stages of development. As EFT systems continue to develop and mature, the considerations relating to government operational involvement may be different than at present, with respect to both new types of systems and more mature versions of present systems. The questions to be addressed at the hearing include:

(1) What criteria should be used to determine whether government should become operationally involved in point-of-sale (POS) switches? Using these criteria, should government become operationally involved in POS switches? If so, should the nature of this role be to provide switching service only to depository institutions, to service terminals in merchant locations, or both?

(2) Is the private sector prepared to or capable of establishing and operating POS switches without government operational involvement?

(3) What impact, if any, would the provision by government of POS switching have upon (a) private sector development of similar systems, and (b) competition among the various financial industries.

(4) Would government operational involvement in POS switching pose a substantial threat to the privacy of individuals? If so, what is the nature and significance of such a threat and how does it differ from the threat, if any, posed by purely private sector operation of POS switches? What safeguards, if any, are required?

(5) Is it likely that existing automated clearing house arrangements will be adapted to provide POS services, either regionally or inter-regionally?

(6) To the extent that justification presently exists for government to provide EFT related facilities and services to private institutions, is it likely that such justification will exist in the future?

(7) To what extent is it likely, and to what extent appropriate, for public and quasi-public institutions not presently involved in EFT, such as the Postal Service, to become operationally involved in electronic funds transfer?

Dated: October 20, 1976.

WILLIAM B. WIDNALL,
Chairman.

[FR Doc.76-31354 Filed 10-22-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ECONOMICS

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Economics.
Date and Time: November 12 and 13, 1976; 9:00 a.m.-5:00 p.m. each day.
Place: Room 642, National Science Foundation, 1800 G St. NW., Washington, D.C.
Type of Meeting: Closed.
Contact Person: Dr. James H. Blackman, Program Director for Economics, Rm. 312, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-5968.
Purpose of Panel: To provide advice and recommendations concerning support for research in Economics.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for Closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.
Authority to close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

OCTOBER 20, 1976.

[FR Doc.76-31262 Filed 10-22-76;8:45 am]

ADVISORY PANEL FOR GENETIC BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act. Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Genetic Biology.
Date and Time: November 11, 12 and 13, 1976—9:00 a.m. to 6:00 p.m. each day.
Place: Room 517, National Science Foundation, 1600 G Street, NW., Washington, D.C.
Type of Meeting: Closed.
Contact Person: Dr. J. Christopher Cordaro, Program Director, Genetic Biology Program, Rm. 326, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-5985.
Purpose of Panel: To provide advice and recommendations concerning support for research in Genetic Biology.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.
Authority to close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.76-31263 Filed 10-22-76;8:45 am]

COMMITTEE MANAGEMENT ADVISORY COMMITTEE FOR RESEARCH

Renewal

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, I have hereby determined that the renewal of the Advisory Committee for Research is necessary and is in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 14(a)(1) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

Authority for this advisory committee shall expire on August 30, 1977, unless the Director of the National Science Foundation formally determines that continuance is in the public interest.

RICHARD C. ATKINSON,
Acting Director.

OCTOBER 20, 1976.

[FR Doc.76-31261 Filed 10-22-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON GENERAL ELECTRIC WATER REACTORS

Extension of Date of Meeting

The November 6, 1976 meeting of the ACRS Subcommittee on General Electric Water Reactors, announced in FEDERAL REGISTER Vol. 41, page 45071, October 14, 1976 has been extended to be held on November 6 and November 7, 1976.

All other matters pertaining to this meeting remain the same.

Dated: October 21, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-31408 Filed 10-22-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Proposed Meetings

In order to provide advance information regarding proposed meetings of ACRS Subcommittees and Working Groups and of the full Committee, the following preliminary schedule is being published. This preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meeting published in FEDERAL REGISTER Vol. 41, September 20, 1976, page 40539. Those meetings that are definitely scheduled have had, or will have, an individual notice published in the FEDERAL REGISTER approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. Information as to whether a meeting has been firmly scheduled, cancencelled, or rescheduled, or whether changes have been made in the agenda for the November 11-13, 1976 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-1406, Attn: Mary E. Vanderholt) between 8:15 a.m. and 5:00 p.m., EST.

SUBCOMMITTEE AND WORKING GROUP MEETINGS

**Floating Nuclear Plant*, October 27-28, 1976, Los Angeles, CA to review the liquid pathway study, emergency core cooling, and probabilities of shipping accidents as part of the review for a manufacturing license. Notice of this meeting was published in FR Vol. 41, page 44758, October 12, 1976.

**Transportation of Radioactive Materials*, November 4, 1976, Chicago, IL to review public comments on NUREG-0034, "Draft Environmental Statement on the Transportation of Radioactive Material by Air and Other Modes." Notice of this meeting was published in FR Vol. 41, page 45917, October 18, 1976.

**Transportation of Radioactive Materials*, November 5, 1976 (rescheduled from October 19, 1976), Chicago, IL to continue review of proposed qualification test criteria for shipping containers to ensure that the packages used for shipping plutonium and other comparably hazardous material will survive airplane crashes. Notice of this meeting was published in FR Vol. 41, page 43783, October 4, 1976 and page 46525, October 21, 1976.

**Environmental*, November 5, 1976, Washington, DC to review the draft regulations on the use of mixed oxide fuels published in FR Vol. 41, pages 40506 through 40510, September 20, 1976. Notice of this meeting was published in FR Vol. 41, page 45071, October 14, 1976.

**Emergency Core Cooling Systems (ECCS)*, November 6, 1976, Washington, DC to review EXXON Nuclear Company, Inc. analytical models formulated to meet current ECCS criteria for fuel fabricated by EXXON for pressurized water reactors with ice condensers and for nonjet-pump boiling water reactors, and to review the application of these models to the Donald C. Cook, Unit No. 1 and the Oyster Creek, Unit No. 1 Nuclear Power Plants, respectively. Notice of this meeting was published in FR Vol. 41, page 46524, October 21, 1976.

**General Electric Water Reactors*, November 6 and 7, 1976, Los Angeles, CA to develop information for consideration of the ACRS in its review of General Electric Standard Safety Analysis Reports, GESSAR-238 NSSS and GESSAR-251 (Docket Nos. 50-550 and 50-531), pertaining to nuclear steam supply systems. Notice of this meeting was published in FR Vol 41, page 45071, October 14, 1976. Notice of extension of date of meeting to include November 7 appears elsewhere in this issue.

**Reactor Safety Study*, November 10, 1976, Washington, DC to consider further the Reactor Safety Study performed for the NRC. Notice of this meeting appears elsewhere in this issue.

**Regulatory Guides*, November 10, 1976, Washington, DC to review working papers regarding future Regulatory Guides and proposed changes to existing Guides. Notice of this meeting appears elsewhere in this issue.

**Safeguards for Special Nuclear Material*, November 18 and 19, 1976, Washington, DC to consider potential safeguards measures that may be required if mixed oxide fuels are used in commercial nuclear power facilities.

**Waste Management*, November 19, 1976, Washington, DC to develop information for ACRS review of NUREG-0116, "Environmental Survey of the Reprocessing and Waste Management Portions of the LWR Fuel Cycle"; proposed revision to CFR 51, "Uranium Fuel Cycle Impacts from Spent Fuel Reprocessing and Radioactive Waste Management"; and NRC Office of Nuclear Reactor Regulation paper entitled, "Impacts of Later Revising a Decision to Adopt or Not to Adopt an Interim Rule Permitting Construction or Operation of Nuclear Power Plants."

**Pressurized Water Reactor Pressure Vessel Blowdown Forces*, December 1, 1976 (tentative), Los Angeles, CA to discuss with the NRC Staff and representatives of the Licensees, as appropriate, the effects of blowdown forces on pressurized water reactor pressure vessels designed by Babcock and Wilcox Company and Combustion Engineering, Inc.

**Resolution of Generic Items*, December 7, 1976, Washington, DC to consider the current status and degree of resolution of the generic items identified in the Committee's report dated April 16, 1976.

**Regulatory Guides*, December 8, 1976, Washington, DC to review working papers regarding future Regulatory Guides and proposed changes to existing Guides.

**Clinch River Breeder Reactor*, December 8, 1976, Washington, DC to develop information for consideration by the ACRS in its review of the combined application of the U.S. Energy Research and Development Administration, the Tennessee Valley Authority, and the Project Management Corporation for a permit to construct this nuclear power plant. In particular, this meeting will concern aspects of a core disruptive accident and of thermal hydraulics.

**North Anna Power Station, Units 1 and 2*, December 8, 1976, Washington, DC to develop information for consideration by the ACRS in its continuing review of the application of the Virgina Electric and Power Company for a license to operate North Anna Power Station, Units 1 and 2.

**Donald C. Cook Nuclear Plant, Unit 1*, December 22, 1976, Detroit MI to continue the review of the EXXON Nuclear Company, Inc. fuel reload, the related emergency core cooling system analysis, and other items to determine if the plant should be allowed to operate at a 100% power level following refueling.

**Seismic Activity*. A meeting will be scheduled sometime during January or February, 1977 to discuss Appendix A to 10 CFR 100 and the derivation of earthquake response spectra.

FULL COMMITTEE MEETINGS

November 11-13, 1976

A. *General Electric Standard Safety Analysis Report (GESSAR-238)—Preliminary Design Approval.

B. *General Electric Standard Safety Analysis Report (GESSAR-251)—Preliminary Design Approval.

C. *Floating Nuclear Plant—Manufacturing License Review.

D. *EXXON Nuclear Company, Inc.—Emergency Core Cooling Systems (ECCS) Evaluation Models Review.

E. *Diablo Canyon Nuclear Station, Units 1 and 2—Operating License (Seismic Design) Review.

December 9–11, 1976

Agenda to be annouced.

Dated: October 21, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-31409 Filed 10-22-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on November 11–13, 1976, in Room 1046, 1717 H Street, NW, Washington, DC.

The agenda for the subject meeting will be as follows:

THURSDAY, NOVEMBER 11, 1976

8:30 a.m.–9:30 a.m.: Executive Session (Closed). The Committee will meet in closed executive session to exchange and discuss the personal opinions of individual members leading to the formulation of advice and recommendations regarding procedures for conduct of ACRS meetings and proposed procedures for ACRS discussions with representatives of foreign governments. The Committee will also discuss the individual opinions and recommendations to ACRS members and consultants who may be present regarding the request for Preliminary Design Approval of the General Electric Standard Safety Analysis Report (GESSAR-238) and the General Electric Standard Safety Analysis Report (GESSAR-251).

9:30 a.m.—1:00 p.m.: General Electric Safety Analysis Report (GESSAR-238) and General Electric Standard Safety Analysis Report (GESSAR-251) (Open). The Committee will meet with representatives of the NRC Staff and the General Electric Company to hear presentations and hold discussions regarding the request for Preliminary Design Approval of these standardized plants. Portions of this session will be closed if required to discuss proprietary information related to the design, construction or operation of these standard plants. Closed portions will also be held if necessary to discuss security provisions for this type of facility and for Committee deliberative sessions.

2:00 p.m.–2:30 p.m.: Executive Session (Closed). The Committee will discuss the individual opinions and recommendations of ACRS members and consultants who may be present regarding the request for a Manufacturing License for the Floating Nuclear Plant.

2:30 p.m.–5:00 p.m.: Floating Nuclear Plant (Open). The Committee will hear presentations by and hold discussions with representatives of the Applicant and the NRC Staff relating to request for a Manufacturing License for this type of facility. Portions of this session will be closed if necessary to discuss proprietary information related to design, construction or operation of units of this type. Closed portions will also be held if required to discuss security provisions for this type of plant.

5:30 p.m.–6:30 p.m.: Executive Session (Closed). The Committee will meet in closed session to exchange and discuss the personal opinions of individual members leading to the formulation of advice and recommendations regarding proposed Regulatory Guides and candidates for ACRS membership.

FRIDAY, NOVEMBER 12, 1976

8:30 a.m.–9:00 a.m.: Executive Session (Open). The Committee will meet with the Executive Director for Operations to discuss the status of licensing activities as modified to consider environmental effects of the nuclear fuel cycle.

9:00 a.m.–9:30 a.m.: Executive Session (Closed). The Committee will meet in closed session to exchange and discuss the personal opinions and recommendations of individual members and consultants who may be present regarding the analytical model for evaluation of EXXON Nuclear Company, Inc., reactor fuel performance during an emergency core cooling transient and to review the application of these models to the Donald C. Cook Unit 1 and the Oyster Creek Unit 1 nuclear plants.

9:30 a.m.–11:30 a.m.: EXXON Nuclear Company, Inc.—ECCS Evaluation Model (Open). The Committee will hear presentations by and hold discussions with representatives of the EXXON Nuclear Company, Inc., and the NRC Staff related to the proposed models for evaluation of EXXON reactor fuel performance during an ECCS transient and the application of these models to the Donald C. Cook Unit 1 and the Oyster Creek Unit 1 nuclear plants. Portions of this session will be closed if necessary to discuss proprietary information related to the design, fabrication, or operation of this fuel.

11:30 a.m.–12:00 Noon: Executive Session (Closed). The Committee will meet in closed session to exchange and discuss the personal opinions of individual members and consultants who may be present regarding proposed criteria for air shipment of radioactive material.

1:00 p.m.—3:30 p.m.: Transportation of Radioactive Material (Open). The Committee will hear presentations by and hold discussions with representatives of the NRC Staff regarding proposed criteria for air shipment of plutonium.

3:30 p.m.—6:30 p.m.: Executive Session (Closed). The Committee will meet in closed session to exchange and discuss opinions and recommendations of individual members leading to the formulation of Committee advice and recommendations to the Commission with respect to the projects and proposed criteria considered at this meeting.

SATURDAY, NOVEMBER 13, 1976

8:30 a.m.—12:00 Noon: Executive Session (Closed). The Committee will meet in closed executive session to exchange and discuss personal opinions and recommendations leading to the formulation of advice with respect to items considered at this meeting. Proposed ACRS activities and reports on generic matters such as management of radioactive wastes and the Reactor Safety Study (WASH-1400) will also be discussed.

The Committee members will exchange and discuss the opinions and recommendations of individual members and consultants who may be present regarding the request for an Operating License for the Diablo Canyon Nuclear Plant Units 1 and 2.

1:00 p.m.—4:00 p.m.: Diablo Canyon Nuclear Power Plant Units 1 and 2 (Open). The Committee will hear presentations by and hold discussions with representatives of the Applicant and the NRC Staff regarding the request for an Operating License for this plant specifically related to the seismic characteristics of the site and related structural design of the facility. Portions of this session will be closed if required to discuss proprietary material related to the design, construction or operation of this plant.

I have determined in accordance with subsection 10(d) of Pub. L. 92-463 that it is necessary to close portions of the meeting as noted above to protect proprietary data (5 U.S.C. 552(b)(4)), to protect the free exchange of opinion during the Committee's deliberative process (5 U.S.C. 552(b)(5)) and to protect information which, if released, would represent an undue invasion of privacy (5 U.S.C. 552(b)(6)). These closed sessions will consist primarily of deliberative discussion among the Committee members leading to the formulation of advice and recommendations to the Nuclear Regulatory Commission. Separation of factual information and information considered exempt from disclosure under exemption (4) and exemption (6) of 5 U.S.C. 552(b) from the individual advice, opinion or recommendations of ACRS members and consultants during this discussion is not considered practical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Committee at the begining of the meeting. Comments should be limited to safety related areas within the Committee's purview. Persons desiring to mail written comments may do so by mailing a readily reproducible copy thereof in time for con-

sideration at this meeting. Comments postmarked no later than November 3, 1976, to the Executive Director, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, DC 20555 will normally be received in time to be considered at this meeting. Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, DC 20555 and at the following Public Document Rooms:

DIABLO CANYON NUCLEAR PLANT UNITS 1 AND 2

San Luis Obispo County Free Library, San Luis Obispo, CA 93406.

FLOATING NUCLEAR PLANT

1. Jacksonville Public Library, 122 North Ocean Street, Jacksonville, FL 32204.
2. New Orleans Public Library, 219 Loyola Avenue, New Orleans, LA 70140.
3. Stockton State College Library, Pomona, NJ 08240.

(b) Those persons wishing to make oral statements regarding agenda items at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements in safety related areas within the Committee's purview at an appropriate time chosen by the Chairman of the Committee.

(c) Further information regarding topics to be discussed, whether the meeting or portions of the meeting have been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor, can be obtained by a prepaid telephone call on November 10. 1976, to the Office of the Executive Director of the Committee (Telephone: 202–634–1371) between 8:15 a.m. and 5:00 p.m., Eastern Time. It should be noted that the above schedule is tentative, based on the anticipated availability of related information, etc. It may be necessary to reschedule items to accommodate required changes. The ACRS Executive Director will be prepared to describe these changes on November 10, 1976.

(d) Questions may be propounded only by members of the Committee and its consultants.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information other than safeguards information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the materials being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least 3 days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of this agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the Executive Director at the beginning of the meeting.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, DC. Copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, DC, on or after February 11, 1977. Copies may be obtained upon payment of appropriate charges.

Dated: October 21, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76–31345 Filed 10–22–76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS REACTOR SAFETY STUDY WORKING GROUP

Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Reactor Safety Study Working Group will hold a meeting on November 10, 1976 in Room 1046, 1717 H St., NW., Washington, DC 20555. The purpose of this meeting is to review WASH–1400 (NUREG–75/014), "An Assessment of Accident Risks in U.S. Commercial Nuclear Power Plants."

The agenda for the subject meeting shall be as follows:

WEDNESDAY, NOVEMBER 10, 1976, 8:30 A.M. UNTIL CONCLUSION OF BUSINESS

The Working Group will meet in open session to hear presentations and hold discussions with representatives of the NRC Staff regarding the final version of the Reactor Safety Study report and the current and future efforts of the study group.

At the conclusion of the open session, the Working Group will meet in closed session to exchange advice, opinions and recommendations regarding the study. During this session Working Group members and consultants will discuss their opinions and recommendations on these matters.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the Working Group's deliberative process (5 U.S.C. 552(b)(5)). Separation of factual material from individuals' advice, opinions and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirement shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Working Group's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than November 3, 1976 to Mr. J. C. McKinley, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman of the Working Group.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time alloted therefor can be obtained by a prepaid telephone call on November 9, 1976 to the Office of the Executive Director of the Committee (telephone 202/634–1371, Attn: Mr. J. C. McKinley) between 8:15 a.m. and 5:00 p.m., e.s.t.

(d) Questions may be propounded only by members of the Working Group and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) A copy of the transcript of the open portion of the meeting will be available for inspection on or after November 17, 1976 at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room 1717 H

St., N.W., Washington, DC 20555 after February 10, 1977. Copies may be obtained upon payment of appropriate charges.

Dated: October 21, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-31346 Filed 10-22-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REGULATORY GUIDES

Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards Subcommittee on Regulatory Guides will hold a meeting on November 10, 1976 in Room 1062, 1717 H Street, N.W., Washington, DC 20555. This meeting will have both open and closed sessions.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

WEDNESDAY, NOVEMBER 10, 1976, 9:00 A.M.

UNTIL THE CLOSE OF BUSINESS

The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to the following items:

(1) Regulatory Guide 1.97, "Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant Conditions During and Following an Accident."

(2) Regulatory Guide 1.116, "Quality Assurance Requirements for the Installation, Inspection, and Testing of Mechanical Equipment and Systems."

In addition, the following preliminary working papers will be discussed by the Subcommittee and NRC Staff:

(1) Regulatory Guide 1.XX, "Installation Design and Installation of Large Lead Storage Batteries for Nuclear Power Plants."

(2) Regulatory Guide 1.XX, "Inspection of Water (Control Structures Associated with Nuclear Power Facilities."

In connection with the above agenda items, the Subcommittee may hold one or more Executive Sessions, not open to the public, at approximately 8:30 a.m. and at the close of business to consider matters related to the above reviews. These sessions will involve an exchange of opinions and discussions of preliminary views and recommendations of Subcommittee members and internal deliberations for the purpose of formulating recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the above agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Such comments shall be based upon documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than November 3, 1976 to Mr. G. R. Quittschreiber, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on November 9, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. G. R. Quittschreiber) between 8:15 a.m. and 5:00 p.m., e.s.t.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) A copy of the transcript of the open portion of the meeting will be available for inspection after November 17, 1976, and a copy of the minutes of the meeting will be available for inspection after February 10, 1977 at the NRC Public Document Room, 1717 H St., NW., Washington, DC 20555. Copies may be obtained upon payment of appropriate charges.

Dated: October 21, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-31347 Filed 10-22-76;8:45 am]

[Docket No. 50-317]

BALTIMORE GAS AND ELECTRIC CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuelear Regulatory Commission (the Commission) has issued Amendment No. 17 to Facility Operating License No. DPR-53, issued to Baltimore Gas & Electric Company (the licensee), which revised the Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant Unit No. 1 (the facility) located in Calvert County, Maryland. The amendment is effective as of its date of issuance.

The amendment modified the augmentation factor curve of Figure 3-6 of the Technical Specifications for the facility. This results in an effective gain of approximately 0.7 kW/ft in the operating margin to the maximum allowable peak linear heat generation rate.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 15, 1976, (2) Amendment No. 17 to License No. DPR-53, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland 20678. 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 8th day of October 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-31081 Filed 10-22-76;8:45 am]

[Docket Nos. 50-317 and 50-318]

BALTIMORE GAS AND ELECTRIC CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) is considering is-

suance of amendments to Facility Operating License Nos. DPR–53 and DPR–69 issued to the Baltimore Gas & Electric Company (the licensee) for operation of the Calvert Cliffs Nuclear Power Plant Unit Nos. 1 and 2 (the facilities) located in Calvert County, Maryland.

The amendments would revise the Technical Specifications for the facilities to eliminate the operability and surveillance requirements of the Turbine Runback feature in accordance with the licensee's application for amendments dated September 23, 1976. The Turbine Runback feature is used to reduce the turbine output to 70% when a control rod is dropped.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By November 26, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing 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 James A. Biddison, Jr., General Counsel, Gas & Electric Building, Charles Center, Baltimore, Maryland 21203, 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 amendments dated September 23, 1976 which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Calvert County Library, Prince Frederick, Maryland 20678.

Dated at Bethesda, Maryland, this 15th day of October 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76–31086 Filed 10–22–76;8:45 am]

[Docket No. 50–261]

CAROLINA POWER AND LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Facility Operating License No. DPR–23, issued to Carolina Power and Light Company (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant Unit No. 2 (the facility) located in Darlington County, Hartsville, South Carolina. The amendment is effective as of its date of issuance.

The amendment modifies the definition of containment integrity to permit continued plant operation during short periods of inoperability of automatic containment isolation valves required to be closed during accident conditions.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 25, 1975, (2) Amendment No. 24 to License No. DPR–23, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina.

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.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76–31088 Filed 10–22–76;8:45 am]

[Docket No. 50–247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Facility Operating License No. DPR–26, issued to Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to establish requirements for inspection and testing of shock suppressors (snubbers) at Indian Point Unit No. 2.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 2, 1976, (2) Amendment No. 21 to License No. DPR–26, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Hendrick Hudson Free Li-

brary, 31 Albany Post Rd., Montrose, New York.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 13th day of October 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-31082 Filed 10-22-76;8:45 am]

[Docket No. 50-321]

GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Facility Operating License No. DPR-57, issued to Georgia Power Company and Oglethorpe Electric Membership Corporation, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment revises the Hatch Unit No. 1 Technical Specifications by (1) replacing the existing Operating Limit Minimum Critical Power Ratio (MCPR) of 1.32 with exposure-dependent limits, (2) replacing the existing Safety Limit MCPR of 1.06 with a limit of 1.05, and (3) reducing the existing 100% recirculation flow Rod Block Monitor trip setting from 107% to 106% rated thermal power.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration ar i environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 25, 1976, (2) Amendment No. 38 to License No. DPR-57, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513.

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 15th day of October 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-31084 Filed 10-22-76;8:45 am]

[Docket No. 50-321]

GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 37 to Facility Operating License No. DPR-57 issued to Georgia Power Company and Oglethorpe Electric Membership Corporation, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plan, Unit No. 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance. The amendment to the Technical Specifications adds a section which will incorporate a program for the surveillance of shock suppressors (snubbers) on safety releated systems.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 4, 1975, as supplemented by letters dated March 10, 1976 and August 2, 1976, (2) Amendment No. 37 to License No. DPR-57 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513.

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 15th day of October 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-31085 Filed 10-22-76;8:45 am]

[Dockets Nos. 50-321 and 50-366]

GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Issuance of Amendments to Facility Operating License No. DPR-57 and Construction Permit No. CPPR-90

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. DRP-57 and Amendment No. 4 to Construction Permit No. CPPR-90 issued to Georgia Power Company and Oglethorpe Electric Membership Corporation for the operation of Edwin I. Hatch Nuclear Plant Unit No. 1 (Hatch-1) and for the construction of Edwin I. Hatch Nuclear Plant Unit No. 2 (Hatch-2), respectively. These units are boiling water reactors and are located in Appling County, Georgia. The amendments are effective as of the date of issuance.

The amendments reflect a change in ownership of facilities Hatch Units Nos. 1 and 2. As a result of the change The Municipal Electric Authority of Georgia (MEAG) and the City of Dalton, Georgia (DALTON) will acquire 17.7 percent and 2.2 percent undivided interests, respectively, in the ownership of the facilities. The Georgia Power Company will retain sole responsibility for overall planning, design, construction, operation, maintenance and disposal of the facilities.

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 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 statement, negative declaration or 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 January 29, 1976, (2) Amendment No. 36 to License No. DPR-57, (3) Amendment No. 4 to Construc-

tion Permit No. CPPR–90, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513.

A copy of items (2), (3) and (4) 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 18th day of October 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76–31089 Filed 10–22–76;8:45 am]

[Docket No. 50–344]

PORTLAND GENERAL ELECTRIC COMPANY

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. NPF–1 issued to Portland General Electric Company which revised Technical Specifications for operation of the Trojan Nuclear Plant (the facility), located in Columbia County, Oregon. The amendment is effective as of its date of issuance.

The amendment adds a special test exception to Section 2.1.3 of the Technical Specifications in Appendix B relating to the allowable heat discharge rate during power operation for the purpose of conducting a two-week thermal plume mapping study.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action. A negative declaration to this effect is appropriate.

For further details with respect to this action, see (1) the application for amendment dated October 4, 1976, (2) Amendment No. 11 to License No. NPF–1 and (3) the Commission's Environmental Impact Appraisal. 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 Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon. 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 6th day of October 1976.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76–31090 Filed 10–22–76;8:45 am]

[Docket Nos. STN 50–556, STN 50–557]

PUBLIC SERVICE COMPANY OF OKLAHOMA, AND ASSOCIATED ELECTRIC COOPERATIVE, INC., (BLACK FOX STATION, UNITS 1 AND 2)

Amended Notice of Hearing on Application For Construction Permits

A Notice of Hearing on Application for Construction Permit was published in the FEDERAL REGISTER on January 23, 1976 (41 FR 3515) concerning the application of the Public Service Company of Oklahoma and the Associated Electric Cooperative, Inc. to construct two boiling water nuclear reactors designated as the Black Fox Station, Units 1 and 2 (the facilities). The facilities are to be located in the Township of Inola, Oklahoma, 23 miles east of Tulsa on the east side of the Verdigris River in Rogers County. Public Service Company of Oklahoma and Associated Electric Cooperative, Inc. were identified as co-owners of the proposed facility in the original application. However, pursuant to an agreement entered into May 14, 1976, Western Farmers Electric Cooperative, Inc. became a co-owner in the facilities. The three utilities will share in the ownership, financial support, and electrical output of the facilities as set forth below:

Party	Share (percent)	Megawatts electrical/unit
Public Service Co. of Oklahoma	60.87	700
Associated Electric Cooperative	21.74	250
Western Farmers Electric Cooperative, Inc.	17.39	200

Public Service Company of Oklahoma is to have full responsibility for the construction, operation, and licensing of the facilities.

As a result of the addition of Western Farmers Electric Cooperative, Inc. as co-owner, the Atomic Safety and Licensing Board (the Board) on behalf of the U.S. Nuclear Regulatory Commission (the Commission) is hereby issuing an Amended Notice of Hearing on Application for Construction Permits for the proposed facilities. This Amended Notice does not alter or expand the issues for consideration set forth in the initial Notice of Hearing. By this Amended Notice the Commission is, however, affording any person whose interest may be affected by the addition of Western Farmers Electric Cooperative, Inc. as co-owner the opportunity to participate in this proceeding.

Any person whose interest may be affected by the addition of Western Farmers Electric Corporation, Inc. as co-owner and who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he or she should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Atomic Energy Act of 1954, as amended, to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his or her interest and the basis for his or her contentions with regard to each aspect on which he or she desires to intervene. A petition that sets forth contentions relating to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene and have the right to participate in the hearing, including the right to present evidence and to conduct appropriate examination and cross-examination of witnesses.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by November 29, 1976. A petition for leave to intervene which is not timely will be denied unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)((1)–(4) and 2.714(d).

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. Such aperson does not become a party, but may state his or her position and raise questions which he or she would like answered to the extent that the questions are within the scope of the issues set forth in the original Notice of Hearing. Limited appearances will be

permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board.

Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission and others by November 29, 1976.

Papers required to be filed in this proceeding shall be filed by mail or telegram and addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of the petition or request for limited appearance should also be sent to James Tourtellotte, Esq., Counsel for NRC Staff, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; Andrew T. Dalton, Esq., 2536 East 51st Street, Tulsa, Oklahoma 74105; Mrs. Carrie Dickerson, Citizens Action for Safe Energy, Inc., P.O. Box 924, Claremore, Oklahoma 74017; Mrs. Ilene H. Younghein, 3900 Cashion Place, Oklahoma City, Oklahoma 73112; Michael I. Miller, Esq. and R. Rex Renfrow III, Esq., Isham, Lincoln and Beale, One First National Plaza, Suite 4200, Chicago, Illinois 60603; and Charles B. Crane, Esq., Public Service Company of Oklahoma, P.O. Box 201, Tulsa, Oklahoma 74102. In addition, a copy of the petition or request for limited appearance should be sent to the members of the Board at the following address: Frederick J. Shon, Member, Atomic Safety and Licensing Board, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; Dr. Paul W. Purdom, Member, Atomic Safety and Licensing Board, c/o Environmental Studies Institute, Drexel University, Philadelphia, Pennsylvania 19104; Daniel M. Head, Chairman, Atomic Safety and Licensing Board, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

For further details, see the Environmental Report, the Application and Amendment No. 1, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. These documents are also available for public inspection at the Tulsa City County Library, 400 Civic Center, Tulsa, Oklahoma 74102.

Issued at Bethesda, Md., this 20th day of October 1976.

For the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.76-31348 Filed 10-22-76;8:45 am]

REGULATORY GUIDE

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued a new 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 1.123, "Quality Assurance Requirements for Control of Procurement of Items and Services for Nuclear Power Plants," describes a method acceptable to the NRC staff for complying with the Commission's regulations. The guide deals with quality assurance requirements for control of procurement of items and services during the design, construction, and operations phases of nuclear power plants. This guide endorses ANSI Standard N45.2.13–1976, "Quality Assurance Requirements for Control of Procurement of Items and Services for Nuclear Power Plants."

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. Public comments on Regulatory Guide 1.123 will, however, be particularly useful in evaluating the need for an early revision if received by December 17, 1976.

Comments should be sent to the Secretary of the Commission, U.S. 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 14th day of October 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-31087 Filed 10-22-76;8:45 am]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 25 to Facility Operating License No. DPR-3 issued to Yankee Atomic Electric Company which revised Technical Specifications for operation of the Yankee Nuclear Power Station (Yankee-Rowe) located in Rowe, Massachusetts. The amendment is effective as of the date of issuance.

The amendment changes the requirement in the Technical Specifications relating to the ECCS accumulator pressure, to reflect actual accumulator flow in the ECCS performance analysis for Core XII which we have previously found to be acceptable and in compliance with 10 CFR § 50.46. The previous specification was not consistent with the ECCS performance analysis. Since the time that this inconsistency was identified earlier in the year, the licensee has operated at the correct pressure on the interim basis. This amendment modifies the facility Technical Specification to reflect this corrected presure.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration, or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 11, 1976, and supplements dated May 11, 17, 19, 1976, and June 16, 1976, (2) Amendment No. 25 to License No. DPR-3 and (3) the Commission's related Safety Evaluations dated May 19, 1976 and October 7, 1976. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C. 20555, and at the Greenfield Public Library, 402 Main Street, Greenfield, Massachusetts 01581. 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 7th day of October 1976.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-31080 Filed 10-22-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 18, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

COMMUNITY SERVICES ADMINISTRATION

National Program Summary:
- CSA 490, single time, agency grantees, Lowry, R. L., Budget Review Division, 395-3772.
- CSA 490, single time, community action agencies, Lowry, R. L., Budget Review Division, 395-3772.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Notice of Intent to Submit Application to National Endowment for the Arts for a Challenge Grant, annually, charitable and educational organizations, Warren Topelius, 395-5872.

DEPARTMENT OF COMMERCE

Bureau of Census:
- Sales, Inventory and Purchases Survey, B-233, monthly, retail business forms, Laverne V. Collins, 395-5867.
- Survey of Hired Farm Workers—December 1976 CPS, CPS-1, single time, 55,000 households in December CPS national sample, Strasser, A., 395-5867.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of Education, Application for Federal Assistance (Nonconstruction Programs)—Instructions for Library Training Programs, Title II-B, HEA 1965, OE-547, annually, institutions of higher education, Lowry, R. L., 395-3772.

National Institute of Education, California Beginning Teacher Evaluation Study, NIE 165 A and Others (See SF-83), elementary school teachers in San Francisco Bay area, Kathy Wallman, 395-6140.

Public Health Service, Women's Community Health Care Survey, single time, low-income women, aged 13-44, in Dallas County, Tex., Richard Eisinger, 395-6140.

Office of the Secretary, Single Letter of Credit Questionnaire for Recipients, OS-19-76, single time, hospitals, universities, research institutes, Budget Review Division, 395-4775.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit, Application for Project Mortgage Insurance, FHA-3201, on occasion, project sponsors, Housing, Veterans and Labor Division, 395-3532.

DEPARTMENT OF TRANSPORTATION

Departmental and Other:
- Prospectus for proposed contract entitled: Motorist Attitudes Toward Large Trucks, single time, motorists driving on roads in presence of large trucks, Strasser, A., 395-5867.
- Re-Use of Abandoned Railroad Rights-of-Way, single time, State Government, Strasser, A., 395-5867.

REVISIONS

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Individual Grant Application, NEA-2 (Rev.), on occasion, individual, Warren Topelius, 395-5872.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration:
- Report of Restrictive Trade Practice or Boycott Request That Discriminates Against U.S. Citizens or Firms, DIB-630P, on occasion, U.S. exporters, freight forwarders, shippers, etc., Caywood, D. P., 395-3443.
- Report of Restrictive Trade Practice or Boycott request, DIB-621P, quarterly, U.S. exporters shippers, freight forwarders, Caywood D. P., 395-3443.

Bureau of Census, Survey of Plant Capacity, MQ-C1, annually manufacturing establishments, Peterson, M.O., 395-5631.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of education, Current Project Report Title VI Public Law 89-329, Improvement of Undergraduate Institutions, OE-1052, on occasion, institutions of post-secondary education, Lowry, R. L., 395-3772.

National Center for Education Statistics:
- Elsegis: Biennial and Fall Surveys, OE 2350-5, annually, Sea's, Kathy Wallman, 395-6140.
- Fast Response Survey System NCES 2379, on occasion, educational organizations, Kathy Wallman, 395-6140.

Office of Education:
- Annual Survey of Children in Local Institutions for Neglected or Delinquent Children or in Correctional Institutions, ESEA T-1, OE-4376, 1, annually, local agencies for neglected or delinquent children, Kathy Wallman, 395-6140.
- Application for Grant for Equipment and Materials to Improve Undergraduate Instruction Title VI-A HEA, OE-3600, annually, institutions of postsecondary education, Lowry, R.L., 395-3772.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Work Stoppage Report—Government, BLS-3006, on occasion, organizations involved in work stoppages, Strasser, A., 395-5867.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
- Lenders Application for Contract of Federal Loan Insurance, OE-1156, on occasion, banks, savings and loan associations and credit unions, Marsha Traynham, 395-4529.
- College Retention of Former Upward Bound Students, OE-1225, semi-annually, college registrars, Marsha Traynham, 395-4529.
- Social and Rehabilitation Service, Report on Methods of Dealing With Questions of Recipient Fraud in State Public Assistance Programs, SRSNCSS110, annually, State public assistance agencies, sunderhauf, M.B., 395-6140.

DEPARTMENT OF LABOR

Bureau of Labor Statistics:
- Retail Prices—Food Away From Home, 2912.01, quarterly, businessmen, Strasser, A., 395-5867.
- Retail Prices—Fuel and Utilities, BLS 2922, annually, businessmen, Strasser, A., 395-5867.
- Retail Prices—Newspapers, 2953.50, monthly individuals, Strasser, A., 395-5867.

Transit Fares Consumer Prices, BLS 2818, monthly, businesses, Strasser, A., 395-5867.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-31396 Filed 10-22-76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 19, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration, Study of the Economic Impact of Sportfishing, single time, tackle manufacturers, bait dealers and charter boats, Maria Gonzalez, Hulett, D. T., 395–6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, Data Collection Instrument for Migrant Child Welfare Project, single time, 12 State sample, Sunderhauf, M. B., 395–6140.

Social Security Administration, Ombudsman Demonstration Project, SSA–3439, single time, users and nonusers of ombudsman and social security recipients, Sunderhauf, M. B., 395–6140.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Claim for Amounts Due in the Case of a Deceased Beneficiary, SSA–1724, on occassion, relatives or legal representative of a deceased beneficiary, Caywood, D. P., 395–3443.

EXTENSIONS

SELECTIVE SERVICE SYSTEM

Statement of Intention (DOD Referral), SSS RS–8, on occasion, RSP enrollee, Marsha Traynham, 395–4529.

Statement of Intention—Presidential Clemency, Board of Office of Pardon Attorney Referral, SSS RS–9, on occasion, RSP enrollee, Marsha Traynham, 395–4529.

Certificate of Service Performed, SSS RS–7, monthly, RSP employer, Marsha Traynham, 395–4529.

Reconciliation Service Enrollment Card, Registration Card, Registration Card (Mailer), SSS form 1, on occasion, enrollees in presidential amnesty program, Marsha Traynham, 395–4529.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Management Consultant Questionnaire, AID 1420–6, on occasion, management consultants, Warren Topelius, 395–5872.

AID Urban and Regional Planner Consultant Questionnaire, AID 1420–19, on occasion, urban and regional planner consultants, Warren Topelius, 395–5872.

Investor's Report, 1520–10, monthly, Investors in AID housing guaranty projects, Warren Topelius, 395–5872.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–31396 Filed 10–22–76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 15, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

ACTION

Attitude Awareness Survey, single time, individuals, Richard Eisinger, 395–6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development, Project Head Start Program Information Report, semiannually, Head Start Program grantees, Lowry, R. L., 395–3772.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Farm Production Expenditure Survey, annually, farmers, Hullett, D. T., 395–4730.

EXTENSIONS

DEPARTMENT OF COMMERCE

Economic Development Administration, Title X Project Completion Form, ED 736, single time, State, local governments, and nonprofit organizations, C. Louis Kincannon, 395–3211.

Maritime Administration:

Application for Admission to Practice Before the Maritime Administration and the Maritime Subsidy Board (Non-Attorneys), MA 327, on occasion, persons who wish to practice before MSB/MA-Nonattorneys, Warren Topelius, 395–5872.

Vessel Data—Vessels of 1,500 Gross Tons or more and Vessels Under 1,500 Gross Tons, MA 510, 511, on occasion, shipping companies, Warren Topelius, 395–5872.

DEPARTMENT OF THE INTERIOR

Bureau of Mines, Primary Antimony (Report by Producers, Consumers, Dealers), 6–10016–QA, quarterly, producers and consumers of primary antimony, Cynthia Wiggins, 395–5631.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–31397 Filed 10–22–76;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

LABOR RESEARCH ADVISORY COUNCIL COMMITTEES

Notice of Meetings and Agenda

The regular fall meetings of committees of the Labor Research Advisory Council will be held on November 22, 23, and 24 in Room 4454, General Accounting Office Building, 441 G Street, N.W., Washington, D.C.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members.

The schedule and agenda of the meetings are as follows:

MONDAY, NOVEMBER 22

9:30 A.M.—COMMITTEE ON PRICES AND LIVING CONDITIONS

1. Description of the work of the National Bureau of Economic Research on the Wholesale Price Index.
2. Status report on the dissemination of data from the 1972–73 Consumer Expenditure Survey.
3. Review of the Consumer Price Index Revision Program.
4. Discussion of approaches to developing family budget statistics.

MONDAY, NOVEMBER 22

1:30 P.M.—COMMITTEE ON WAGES AND INDUSTRIAL RELATIONS

1. Work in progress.
2. Report on the Employment Cost Index.
3. Report on the effect of public sector labor-management legislation on strikes.
4. Discussion of work hours.
5. Developing a mechanism for long-range program planning.

TUESDAY, NOVEMBER 23

9:30 A.M.—COMMITTEE ON FOREIGN LABOR AND TRADE—COMMITTEE ON PRODUCTIVITY, TECHNOLOGY, AND GROWTH

1. Status of the work on trade statistics' monitoring system.
2. The unemployment figures for foreign countries—Discussion of methods of achieving comparability.
3. Comparative wage rates among countries.
4. Development of quarterly industry productivity measures.

TUESDAY, NOVEMBER 23

1:30 P.M.—COMMITTEE ON MANPOWER AND EMPLOYMENT

1. New labor force projections.
2. Proposal to collect earnings rates in the Current Population Survey.
3. New developments in seasonal adjustment that might affect BLS procedures for labor force series.
4. Report on the local area unmployment statistics program.
5. Proposal to collect job vacancy statistics.

WEDNESDAY, NOVEMBER 24

9:45 A.M.—COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH STATISTICS

1. Recommendations of the Commission on Federal Paperwork.
2. General Accounting Office report on occupational safety data.
3. Office of Management and Budget and the annual survey.
4. Status of annual surveys for 1975, 1976, and 1977.
5. National Emphasis Program quarterly survey.
6. OSHS data information sources.
7. State participation in the Supplementary Data System.
8. Quality Assurance Program.
9. Supplementary Data System.
10. Arkansas research project.
11. Recordkeeping issues—surveillance and monitoring.
12. Occupational illnesses.

The meetings are open. It is suggested that persons planning to attend as observers contact Joseph P. Goldberg, Executive Secretary, Labor Research Advisory Council on (Area Code 202) 523–1247.

Signed at Washington, D.C. this 20th day of October 1976.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.76-31221 Filed 10-22-76;8:45 am]

Employment and Training Administration

JOB CORPS

Waiver of Readjustment Allowance Requirements for Experimental Project

The schedule of living and readjustment allowances for Job Corpsmembers are set forth in § 97a.83 of Title 29, Code of Federal Regulations, 40 FR 50811, 50826 (October 31, 1975). The Job Corps wishes to conduct an experimental project altering the current allowance schedules at three Job Corps Centers for twelve months to determine how such variations will affect the participants' morale, motivation, length of stay in the Job Corps, and postprogram outcomes.

The experimental project has been designed to provide supplementary monthly allowances, known as "bonus allowances," to participants, in addition to the living allowance and any incentive or other increases to the living allowance under the current schedule. The amount of any bonus allowance given to the Corpsmember will be deducted from the Corpsmember's readjustment allowance. Three different experimental plans have been designed under the project; each will be administered at one of three Job Corps Centers.

PHOENIX JOB CORPS CENTER PLAN

The plan to be operated at the Phoenix Job Corps Center, Phoenix, Arizona, provides a $5 bonus allowance to be paid to each corpsmember at the center along with the corpsmember's living allowance on the first payday following the corpsmember's second month in the Job Corps. The bonus allowance will be increased by $5 per month until the twelfth month in the Job Corps or the completion of the experimental project, whichever comes earlier. If a corpsmember was in the Job Corps prior to the beginning of the experimental project or transfers to the Center during the term of the project, the corpsmember will receive a bonus allowance each month during the project in the amount that corpsmember would have received had the individual been a participant in the project during the individual's entire service in the Job Corps. For example, a corpsmember at the Phoenix Center who has completed eight months in the Job Corps prior to the beginning of the experimental project will be treated as if that individual had been a participant in the experimental project for eight months. This does not grant any entitlement to past bonus allowances the individual might have received had participation in the project begun in the corpsmember's first month in the Job Corps. Of course, after completing the twelfth month in the Job Corps the corpsmember will complete participation in the project.

The payment schedule for the Phoenix Job Corps Center Plan is printed as Table I following this notice.

PINE RIDGE JOB CORPS CENTER PLAN

The plan to be operated by the Pine Ridge Job Corps Center, Chadron, Nebraska, will affect all corpsmembers at the center after their fourth month in the Job Corps. On the payday they are paid for their fourth month in the Job Corps, corpsmembers at the center will receive a $15 bonus allowance along with the living allowance. The bonus allowance will be increased by $10 for the paydays with respect to the next two months of participation in the project or the Job Corps, whichever is less, with similar increases of $5 in the bonus allowance on the paydays with respect to the seventh, ninth, and eleventh months. The bonus allowance will be paid until the twelfth month in the Job Corps or completion of the experimental project, whichever comes earlier. If a corpsmember was in the Job Corps prior to the beginning of the project or transfers to the center during the term of the project the corpsmember will receive a bonus allowance each month in the amount that corpsmember would have received had the individual been a participant in the project during the individual's entire service in the Job Corps. For example, a corpsmember at the Pine Ridge Center who has completed eight months in the Job Corps prior to participation in the project will be treated as if that individual had been a participant in the project for eight months. This does not grant any entitlement to past bonus allowances the individual might have received had participation in the project begun in the corpsmember's first month in the Job Corps. Of course, after completing the twelfth month in the Job Corps the corpsmember will complete participation in the project.

The payment schedule for the Pine Ridge Job Corps Center is printed as Table II following this notice.

COLUMBIA BASIN JOB CORPS CENTER PLAN

The plan to be operated by the Columbia Basin Job Corps Center, Moses Lake, Washington will be offered to each corpsmember at the center upon completion of the individual's fourth month in the Job Corps. A corpsmember at this center may decline to participate in the project. Subsequently, the individual may choose to participate in the project in any month but not after the completion of the twelfth month in the Job Corps or the end of the experimental project. This does not grant any entitlement to past bonus allowances the individual might have received had the corpsmember begun participation in the project in the individual's first month in the Job Corps or in the first month of the project.

A corpsmember participating in the project at the Columbia Basin Center will receive a monthly $25 bonus allowance upon completion of each of the fourth through twelfth months in the Job Corps or until the end of the project, whichever is earlier. However, corpsmembers at the center from whose readjustment allowances spouse and/or dependent child(ren) allotments are deducted will receive only a monthly $15 bonus allowance, so that there will be balances in their readjustment allowance accounts at the completion of their service in the Job Corps. If a corpsmember was in the Job Corps prior to the beginning of the project or transfers to the center during the term of the project the corpsmember will receive, if the individual chooses to participate in the project, a bonus allowance each month in the amount the corpsmember would have received had the individual been a participant in the project during the individual's entire service in the Job Corps. For example, a corpsmember at the Columbia Basin Center who has completed eight months in participation in the Job Corps prior to participation in the project will be treated as if that individual had been a participant in the project for eight months. This does not grant any entitlement to past bonus allowances the individual might have received had participation in the project begun in the corpsmember's first month in the Job Corps. Of course, after completing the twelfth month in the Job Corps the corpsmember will complete participation in the project.

The payment schedule for the Columbia Basin Job Corps Center Plan is printed as Table III following this notice.

GENERAL PROVISIONS

The following general provisions apply to all three plans included in this experimental project:

1. The amount of any bonus allowance paid to a corpsmember in any month of participation in this experimental project shall be deducted from the readjustment allowance accrued that month by the corpsmember.

2. The payment of bonus allowances will be based on length of stay in the Job Corps, not upon behavior of the corpsmember.

3. This project shall have no effect on incentive increases in the monthly living allowance, known by the terms specialist, leaderships, senior specialist, merit raises, or other terms, currently available to corpsmembers pursuant to § 97a.83(f) of Title 29, Code of Federal Regulations. Similarly, reductions in the living allowance for misconduct may still be made pursuant to that section.

4. The sum of bonus allowances and readjustment allowances accrued by a corpsmember at the end of any month of participation in the project shall be equal to the total amount of readjustment allowance the corpsmember would have accrued at that point in time had the corpsmember not been a participant in the project.

5. Each center participating in this project should explain the current schedule of allowances and the experimental schedule of allowances to all corpsmem-

bers at the center and to new corpsmembers who begin service at the center during the course of the project.

WAIVER

Based on the authority granted to the Secretary of Labor in section 413(b) of the Comprehensive Employment and Training Act of 1973, as amended (CETA), 29 U.S.C. 923(b), to waive any part of Title IV of CETA, 29 U.S.C. 911 et seq., for experimental purposes, and the delegation of that authority to the Assistant Secretary for Employment and Training by Secretary's Order No. 4–75 (40 FR 18515; April 28, 1975), I hereby waive the schedule of accrual of readjustment allowances for Job Corps members contained in section 409(c) of CETA, 29 U.S.C. 819(c), as implemented by section 97a.83(i) of Title 29, Code of Federal Regulations, for the purposes of conducting the above-described experimental project at the Phoenix, Pine Ridge, and Columbia Basin Job Corps Centers. This waiver shall be in effect during the expected life of the experimental project, from November 1, 1976, through October 31, 1977.

Signed at Washington, D.C., this 19th day of October 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

TABLE I.—*Phoenix Job Corps Center payment schedule*

	Living allowance	Bonus allowance	Adjusted accrued readjustment allowance [1]
Month:			
1st	$30	0	$50
2d	30	$5	95
3d	30	10	135
4th	30	15	170
5th	30	20	200
6th	30	25	225
7th	30	30	245
8th	30	35	260
9th	30	40	270
10th	30	45	275
11th	30	50	275
12th	30	55	270

[1] This does not take into account any deductions authorized under 29 CFR 97a.83 (m) or (n).

TABLE II.—*Pine Ridge Job Corps Center payment schedule*

	Living allowance	Bonus allowance	Adjusted accrued readjustment allowance [1]
Month:			
1st	$30	0	$50
2d	30	0	100
3d	30	0	150
4th	30	$15	185
5th	30	25	210
6th	30	35	225
7th	30	40	235
8th	30	40	245
9th	30	45	250
10th	30	45	255
11th	30	50	255
12th	30	50	255

[1] This does not take into account any deductions authorized under 29 CFR 97a.83(m) or (n).

TABLE III.—*Columbia Basin Job Corps Center payment schedule*

	Living allowance	Bonus allowance [1]	Adjusted accrued readjustment allowance [2]
Month:			
1st	$30	0	$50
2d	30	0	100
3d	30	0	150
4th	30	$25	175
5th	30	25	200
6th	30	25	225
7th	30	25	250
8th	30	25	275
9th	30	25	300
10th	30	25	325
11th	30	25	350
12th	30	25	375

[1] For corpsmembers with spouse or dependent child (ren) allotments the bonus allowance is $15 in the 4th through 12th months.

[2] This does not take into account any deductions authorized under 29 CFR 97a.83 (m) or (n) or the lower bonus allowance for corpsmembers with spouse or child(ren) allotments.

[FR Doc.76–31222 Filed 10–22–76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 176]

ASSIGNMENT OF HEARINGS

OCTOBER 20, 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 118159 (Sub 179), National Refrigerated Transport, Inc. now being assigned December 7, 1976 (1 day) at St. Louis, Missouri, and will be held in the Moot Courtroom, School of Law, St. Louis University, 3642 Lindell Boulevard.

MC 105269 (Sub 61), Graff Trucking Co., Inc. now assigned November 1, 1976 at Chicago, Illinois is now cancelled, application dismissed.

MC 107743 Sub 41, and MC 107743 Sub 42, System Transport, Inc. now being assigned January 11, 1977, (2 Weeks), at Chicago, Ill., in a hearing room to be later designated.

MC 115331 (Sub-No. 401), Truck Transport, Inc., now assigned December 7, 1976, at St. Louis, Mo. is cancelled and application dismissed.

MC 75406 (Sub-No. 40), Superior Forwarding Company, Inc., now being assigned December 6, 1976 (2 weeks) at Little Rock, Arkansas; in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–31251 Filed 10–22–76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 20, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 4327—*Iron or Steel Articles to Beaumont, Texas.* Filed by Southwestern Freight Bureau, Agent (No. B–641), for interested rail carriers. Rates on iron or steel articles, in carloads as described in the application, from Alton, East St. Louis, and Federal, Illinois, also Kansas City and St. Louis, Missouri. Grounds for relief—Rate relationship and market competition. Tariff—Supplement 228 to Southwestern Freight Bureau, Agent, tariff 301–F, I.C.C. No. 5098. Rates are published to become effective on November 17, 1976.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–31257 Filed 10–22–76;8:45 am]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

[Notice No. 51]

OCTOBER 26, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before November 15, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitoners must be specified in their petitions with particularity.

No. MC–FC–75901. By order of October 19, 1976 the Motor Carrier Board, on reconsideration, approved the transfer to Keyway Freight Lines, A corporation, Wilmington, Calif., of the Certificate in

No. MC–70011 and the Certificate of Registration in No. MC–70011 (Sub-No. 5), issued June 13, 1951 and April 14, 1964, respectively, to Daigh & Steward Truck Co., A Corporation, Bakersfield, Calif., the former authorizing transportation of machinery, materials, supplies, and equipment, incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Kern, King, Los Angeles, and San Joaquin Counties, Calif.; and the latter evidencing a right of the holder to engage in transportation in interstate or foreign commerce as described in certificate No. 61693, dated March 21, 1961, issued by the Public Utilities Commission of California. Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212, attorney for applicants.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–31254 Filed 10–22–76;8:45 am]

[Notice No. 52]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 26, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212a(b) in connection with transfer application under Section 212a (b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–76766. By application filed October 18, 1976, MORNEAU MOVERS, INC., 46 Wight Street, Berling, N.H., 03570, seeks temporary authority to lease the operating rights of MORNEAU & SONS, INC., 46 Wight Street, Berling, N.H., 03570, under section 210a(b). The transfer to MORNEAU MOVERS, INC., of the operating rights of MORNEAU & SONS, INC., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–31255 Filed 10–22–76;8:45 am]

[Notice No. 53]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 26, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212a(b) in connection with transfer application under Section 212a (b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–76778. By application filed October 18, 1976, ROMA CORPORATION, Mohican Hotel, Suite 307, New London, Connecticut 06320, seeks temporary authority to lease the operating rights of P & J TRUCKING, INCORPORATED, 31 Cook Drive, Uncasville, Connecticut, 06382, under section 210a(b). The transfer to ROMA CORPORATION, of the operating rights of P & J TRUCKING, INCORPORATED, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–31256 Filed 10–22–76;8:45 am]

[Notice No. 54]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30-days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC–FC–76631, filed October 12, 1976. Transferee: HARWOOD FREIGHT, INC., 621 Memorial Drive, Chattanooga, Tenn. 37405. Transferor: PINSON AIR FREIGHT & TRANSPORT, INC., P.O. Box 96, Dalton, Ga. 30720. Applicants' representative: Henry C. Tharpe, Jr., P.O. Box 398, Dalton, Ga. 30720. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–33502, issued by the Commission April 6, 1971, as follows: Motion picture films, sound films, theatre supplies and advertising, and newspapers, between Crossville, Tenn., and Sparta, Tenn., serving all intermediate points; and films and associated commodities and newspapers, between Chattanooga, Tenn., and Huntsville, Ala., serving all intermediate points and the off-route points of Tracy City and Whitwell, Tenn.; between Chattanooga, Tenn., and Sparta, Tenn., serving the intermediate points of Crossville and McMinnville, Tenn. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76635, filed June 18, 1976. Transferee: Gilbert Van Veldhuizen, 1410 Wilson Street, Sheldon, Iowa 51201. Transferor: John Buysman, Jr., 1419 Elm Court, Sheldon, Iowa 51201. Applicants' representative: Robert T. Lawley, Attorney at Law, 300 Reisch Building, Springfield, Illinois 62701. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permits Nos. MC–15197 and MC–15197 (Sub-No. 4), issued July 25, 1947 and August 19, 1970, respectively, as follows: Dry earth paint (impregnated with disinfectant), insecticides, disinfectants, animal and poultry tonics and medicines, mineral feeds, advertising matter, and premiums, from Quincy, Ill., to points in O'Brien, Sioux, Osceola, Lyon, Clay, Dickinson, Sac, Woodbury, Plymouth, Cherokee, Buena Vista, Palo Alto, Ida, and Emmet Counties, Iowa; damaged or refused shipments, and unclaimed shipments, of the above-specified commodities, from the above-specified destination points to Quincy, Ill.; and mineral, animal and poultry feed mixture, animal and poultry feed concentrates, tonics, and medicines, dry earth paint (impregnated with disinfectants), insecticides, livestock and poultry feeders and equipment, advertising matter and premiums, from Quincy, Ill. to Alexandria, S. Dak. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76688, filed September 23, 1976. Transferee: RICCI TRANSPORTATION CO., INC., Odessa Avenue at Aloe Street, Pomona, N.J. 08240. Transferor: JOHN VIANO AND EDWARD VIANO, a partnership, doing business as VIANO BROTHERS, Harding Highway, Landisville, N.J. 08326. Applicants' representative: Joseph F. Hoary, 121 S. Main Street, Taylor, Pa. 18517. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate Nos. MC 60122, MC 60122 (Sub-No. 5), and MC 60122 (Sub-No. 6), issued March 14, 1949, January 25, 1965, and December 27, 1972, respectively, as follows: (1) Agricultural commodities, from Landisville, N.J., to points and places in the New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665; (2) malt beverages, in containers, from New York, N.Y., to Landisville, N.J.; (3) empty malt beverage containers, from Landisville, N.J., to New York, N.Y.; and (4) malt beverages, in containers, from Baltimore, Md., and Winston-Salem, N.C., to Landisville, N.J. Transferee is presently authorized to operate as a contract carrier under Permit No. MC 138510 and Subs thereunder and as a

common carrier under Certificate No. MC 127955. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76692, filed August 2, 1976. Transferee: ALFRED DE LUCA, doing business as GILBERT & AL TRANSFER, 8605 Howell Road, Bethesda, Md. 20034. Transferor: GILBERT FALCONE AND ALFRED DE LUCA, a partnership, doing business as GILBERT & AL TRANSFER, 6111 Brook Drive, Falls Church, Va. 22044. Applicants' representative: Chester A. Zyblut, Attorney at Law, Suite 366, 1030 Fifteenth Street, N.W., Washington, D.C. 20005. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates Nos. MC 117986 and MC 117986 (Sub-No. 2), issued August 20, 1959 and September 15, 1970, respectively, and authority contained in gateway elimination Notice E–1, as follows: Bananas, from Baltimore, Md., to Roanoke, Danville, Richmond, and Norfolk, Va., Wilmington, Del., Camden, N.J., Washington, D.C., and Allentown, Harrisburg, and Philadelphia, Pa.; from Washington, D.C., to Richmond, Va., and Wilmington, Del.; between Norfolk, Va., and Washington, D.C.; and from port facilities in the New York, N.Y., Commercial Zone, as defined by the Commission, to Washington, D.C.; and bananas, and agricultural commodities otherwise exempt from economic regulation under section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Wilmington, Del., to points in Maryland, Virginia, and the District of Columbia. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76708, filed August 19, 1976. Transferee: EAST COAST TRUCKING, INC., 90 Rentell Road, Hamden, Conn. 06514. Transferor: PITTSFIELD FREIGHT LINES, INC., P.O. Box 824, Stockbridge, Mass. 01262. Applicants' Representative: John E. Fay, 630 Oakwood Avenue, West Hartford, Conn. 06110. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 141085 (Sub-No. 1), issued by the Commission June 9, 1976, as follows: Processed log products, millwork, materials, accessories, parts, and supplies for assembly, processing, and manufacture of log homes, between Great Barrington, Mass., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New Hampshire, New York, Pennsylvania, Vermont, Virginia, Maine, Rhode Island, and North Carolina. Restriction: The operations authorized are limited to a transportation service to be performed under a continuing contract, or contracts with New England Log Homes, Inc., of Great Barrington, Mass. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

No. MC–FC–76736, filed September 9, 1976. Transferee: THUNDER BAY MOVING & STORAGE, INC., 1120 S. Second Avenue, Alpena, Mich. 49707. Transferor: L & K, INC., doing business as SILVER MOVING & STORAGE, Alpena, Mich. Applicants' representative: Mary Kaye Burton, 1120 S. Second Avenue, Alpena, Mich. 49707. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 134596, issued December 16, 1970, as corrected March 9, 1971, and acquired by transferor in No. MC–FC–76262, dated January 5, 1976, consummated February 12, 1976, as follows: Used household goods, and office and laboratory equipment, between points in that part of Michigan on, north, and east of a line beginning at Manistee, Mich., and extending along Michigan Highway 55 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 27 at or near Clare, Mich., and thence along U.S. Highway 27 to the Michigan-Indiana State line, subject to certain restrictions. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76743, filed August 30, 1976. Transferee: MAGIC VALLEY TRUCK BROKERS, INC., 7990 Overland Road, Boise, Idaho 83705. Transferor: MILLIE BLASER, doing business as MAGIC VALLEY TRUCK BROKERS, 7990 Overland Road, Boise, Idaho 83705. Applicants' representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Authority sought for purchase by transferee of the operating rights as set forth in License No. MC 130161, issued by the Commission, May 21, 1973, as follows: (1) Frozen foods, manufactured potato products, fresh and frozen meats, manufactured meat products, and (2) commodities, the transportation of which is partially exempt under section 203(b)(6) of the Act, in mixed loads with the Commodities in (1) above, from points in Washington, Oregon, Colorado, and Idaho, to points in Ohio, Indiana, Illinois, Wisconsin, Michigan, and points in the United States on and west of a line beginning at the mouth of the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasco and Koochiching Counties, Minn., to the United States-Canada Boundary Line, and return. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76751 filed September 24, 1976. Transferee: SUPREME CARRIERS, INC., Highway 83 North (P.O. Box 606), Liberal, Kans., 67901. Transferor: EUGENE H. FRANZ, doing business as GRO-MOR LIQUID FEED COMPANY, Highway 83 (P.O. Box 106), Liberal, Kans., 67901. Applicants' representative: Erle W. Francis, Suite 719, Capitol Federal Bldg., 700 Kansas Ave., Topeka, Kans., 66603. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Permit No. MC 126862 (Sub-No. 2), issued September 3, 1965, as follows: Liquid animal feed premix (except (1) those produced from vegetable and animal fats and oils and (2) molasses), in bulk, in tank vehicles, from the plantsite of Feed Service Corporation near Crete, Nebr., to points in Colorado, New Mexico, that part of Kansas on and west of U.S. Highway 81, and that part of Oklahoma on and west of the eastern boundary lines of Grant, Garfield, Logan, Oklahoma, Grady, Stephens, and Jefferson Counties, Okla. Restriction: The operations are limited to a transportation service to be performed under a continuing contract, or contracts, with the following shippers: E. W. Mitchell and Associates, of Roswell, N. Mex., Shurgro Liquid Feed, Inc., of Clovis, N. Mex., and American Fertilizer and Chemical Co., of Denver, Colo. Morea liquefied premix and liquid animal feeds, in bulk, in tank vehicles (except (1) those produced from vegetable or animal fats and oils, and (2) molasses), from the site of the Feed Service Corporation Plant located near Crete, Nebr., to points in Arkansas, Louisiana, and Texas, and points in that part of Oklahoma on and east of the eastern boundary of Grant, Garfield, Logan, Oklahoma, Grady, Stephens, and Jefferson Counties, Okla. Restriction: The operations are limited to a transportation service to be performed under a continuing contract, or contracts, with the following shippers: Feed Service Corporation, of Crete, Nebr., E. W. Mitchell, of Roswell, N. Mex., and Shurgro, of Clovis, N. Mex. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76753, filed September 27, 1976. Transferee: MORRIS W. HOLLEY & SON, INC., Box 85, Kentland, Ind. 47951. Transferor: HOLLY BROTHERS & SON, INC., Box 85, Kentland, Ind. 47951. Applicants' representative: James J. Werner, Everett McKinley Dirksen Bldg., Room 1086, 219 S. Dearborn Street, Chicago, Ill. 60604. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC 89524 and No. MC 89524 (Sub-No. 4), issued October 3, 1961, and September 27, 1962, respectively, as follows: Crushed stone and agricultural limestone, (1) from Kentland, Ind., to points in Iroquois and Vermillion Counties, Ill.; and (2) from the plantsite of the Newton County Stone Company near Kentland, Ind., to points in Kankakee County, Ill.; Sand and gravel, from the plantsite of the Brandt's Gravel and Sand Company near Morocco, Ind., to points in Iroquois and Kankakee Counties, Ill.; Superphosphate, in bulk, in dump vehicles, from Ashkum, Morris, and Calumet City, Ill., to the plant site of Virginia-Carolina Chemical Corporation, at Remington, Ind.; and Fertilizer, in bulk, in dump vehicles, from the plantsite of Virgina-Carolina Chemical Corporation at Remington, Ind., to specified points in Illinois. Transferee presently holds no authority from this Commission. Appli-

cation has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76766, filed September 22, 1976. Transferee: MORNEAU MOVERS INC., 46 Wight Street, Berlin, N.H. 03570. Transferor: MORNEAU & SONS, INC., 46 Wight Street, Berlin, N.H. 03570. Applicants' representative: John D. Morton Sr., 46 Wight Street, Berlin, N.H. 03570. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 93172 issued January 16, 1961, as follows: Household goods, as defined by the Commission, Between Berline, N.H., and points in that part of New Hampshire, Maine, and Vermont within 150 miles of Berline, N.H., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, and Massachusetts. Between points in Coos County, N.H., on and north of U.S. Highway 2, on the one hand, and, on the other, points in Maine, Vermont, Massachusetts, and Connecticut. Between Keene, N.H., on the one hand, and, on the other, points in Maine, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and the District of Columbia. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.6-31258 Filed 10-22-76;8:45 am]

[Notice No. 140]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 19, 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 13900 (Sub-No. 28TA), filed October 8, 1976. Applicant: MIDWEST HAULERS, INC., 228 Superior St., Toledo, Ohio 43604. Applicant's representative: Leslie A. Peters, 4027 S. Wells St., Chicago, Ill. 60609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, which are at the time moving on bills of lading of freight forwarders, between Phoenix and Tucson, Ariz.; Reno and Las Vegas, Nev.; Salt Lake City and Sacramento, Calif., and points within their respective commercial zones on the one hand, and, on the other, Chicago, Ill.; Milwaukee, Wis.; St. Louis, Mo.; and points within their respective commercial zones; with permission to tack the grant of authority herein to the carrier's existing authority over Chicago, Ill., and St. Louis, Mo., for the purpose of providing through transportation service between the points in the west named above and the following points in the east; Baltimore, Md.; Boston, Mass.; Cincinnati, Ohio; Cleveland, Ohio; Detroit, Mich.; Edison, N.J.; Harrisburg, Pa.; New York, N.Y.; Newark, N.J.; Philadelphia, Pa.; and Pittsburgh, Pa.; and points within their respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 6 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., for copies thereof which may be examined at the field office named below. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 64808 (Sub-No. 23TA), filed October 8, 1976. Applicant: W. S. THOMAS TRANSFER INC., 1854 Morgantown Ave., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, *and advertising material*, from South Volney, N.Y., to points in West Virginia, for 180 days. Supporting shippers: There are approximately 11 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: J. A. Niggemyer, District Supervisor, Interstate Commerce Commission, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

No. MC 98964 (Sub-No. 12TA) (Correction), filed September 8, 1976, published in the FEDERAL REGISTER issue of September 21, 1976, and republished as corrected this issue. Applicant: P.B.I. FREIGHT SERVICE, 960 North 1200 West, Orem, Utah 84057. Applicant's representative: Robert Reeder, 79 South State St., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), between junction U.S. Highway 6 and 50 with the Utah-Nevada State Line, and Ely, Nev., serving all intermediate points and off-route points of Baker, the Fred Baker Ranch, the Lehman Caves National Monument, the Nevada State Fish Hatchery, from junction U.S. Highway 6 and 50 and the Utah-Nevada State Line over combined route 6 and 50 to Ely, Nev., and return over the same route. Restriction: The authority above is restricted against traffic originating at or destined to Ely, Nev., or points within five (5) miles thereof. Applicant intends to tack the authority above with the existing authority of P.B.I. Freight Service at junction U.S. Highway 6 and 50 with the Utah-Nevada State Line so as to provide the through movement of freight from the points P.B.I. Freight Service is presently authorized to serve to the points for which authority is here sought and from the points for which authority is here sought to the points P.B.I. Freight Service is presently authorized to serve. Applicant also intends to interline with other carriers at Ely, Connors Pass and Baker, Nev., for 180 days. Supporting shippers: There are approximately 6 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: Lyle D. Helfer, District, Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 S. State St., Salt Lake City, Utah 84138. The purpose of this republication is to indicate that applicant intends to interline in this proceeding.

No. MC 103993 (Sub-No. 873TA), filed October 12, 1976. Applicant: MORGAN DRIVE AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Redwood County, Minn., to points in Illinois, Indiana, Montana, Michigan, Ohio, Wisconsin, Iowa, North Dakota, and South Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Schult Mobile Home Corporation, U.S. 20 East, P.O. Box 151, Middlebury, Ind. 46540. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W.

Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 107403 (Sub-No. 988TA), filed October 13, 1976. Applicant: MATLACK, INC., Ten W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid*, in bulk, in tank vehicles, from Gonzalez, Fla., to Bayonne, N.J., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Monsanto Company, 800 N. Lindbergh Blvd., St. Louis, Mo. 63166. Send protests to: Monica A. Bodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 107515 (Sub-No. 1031TA), filed October 12, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road, S.E., Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, Suite 375, 3379 Peachtree Road, N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from the plantsite and facilities of Coronet Foods, Inc., at or near Wheeling, W. Va., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, Texas and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Coronet Foods, Inc., P.O. Box 6115, Wheeling, W. Va. 26003. Send Protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 116967 (Sub-No. 21TA) (CORRECTION), filed September 20, 1976, published in the FEDERAL REGISTER issue of October 6, 1976, and republished as corrected this issue. Applicant: WONDAAL TRUCKING CO., INC., 2856 Ridge Road, Lansing, Ill. 60438. Applicant's representative: Samuel Ruff, 2109 Broadway, East Chicago, Ill. 46312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Face and common building brick*, approximately 8'' equivalents, from the Michigan Vitrified Brick Co., in Corunna, Mich., to their distributor W. E. Olsen Co., W. E. Olsen Co., 538 Busse Highway, in Park Ridge, Ill., under a continuing contract with W. E. Olsen Co., Applicant intends to tack its existing authority with MC 116967 Sub-20, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: W. E. Olsen Co., 538 Busse Highway, Park Ridge, Ill. 60068. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604. The purpose of this republication is to state the field representative's name and address.

No. MC 118142 (Sub-No. 137TA), filed October 12, 1976. Applicant: M. BRUENGER & 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 *common carrier*, by motor vehicle, over irregular routes, transporting: *Horsemeat*, fresh and frozen, from Stanwood and Chehalis, Wash., to Chicago, Ill.; Palestine, Tex.; and the United States-Canadian Inernational Boundary Line located at or near Detroit, Mich. Supporting shipper: Carnex, Inc., 24711 Florence Road, P.O. Box 231, Stanwood, Wash. 98292. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101, Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 119908 (Sub-No. 39TA), filed October 12, 1976. Applicant: WESTERN LINES, INC., Box 1145, Houston, Tex. 77001. Applicant's representative: Thomas F. Sedberry, 1102 Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from the plantsite and facilities of Masonite Corporation located in Pulaski County, Ark., to points in Alabama, Florida, Georgia, Louisiana, Mississippi and Texas, for 180 days. Supporting shipper: Masonite Corporation, Box 1300, Little Rock, Ark. 72203. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 124340 TA (CORRECTION), filed August 10, 1976, published in the FEDERAL REGISTER issue of September 9, 1976, and republished as corrected this issue. Applicant: HERBERT F. CLARK, JR., INC., R.D. 2, Box 357 D, Selkirk, N.Y. 12158. Applicant's representative: Neil D. Breslin, 99 Washington Ave., Albany, N.Y. 12210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from Village of Green Island, N.Y., to Providence, R.I., Newark, N.J., Port of Entry at Niagara Falls, N.Y., Fairless Hills, Pa., Greenfield, Mass. and Sayerville, N.J., for 180 days. Supporting shipper: Freedman & Son, Inc., P.O. Box 1533, Green Island, N.Y. 12183. Send protests to: Robert A. Radler, District Supervisor, P.O. Box 1167, Albany, N.Y. 12201. The purpose of this republication is to indicate that Sayerville is located in New Jersey in lieu of New York.

No. MC 127187 (Sub-No. 20TA), filed October 12, 1976. Applicant: FLOYD DUENOW, INC., 1728 Industrial Park Blvd., Fergus Falls, Minn. 56537. Applicant's representative: James B. Hovland, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals* (except liquids in bulk), from the facilities of Land O'Lakes, Inc., at or near Des Moines, Iowa, to points in Minnesota, Nebraska and Wisconsin, for 180 days. Supporting shipper: Land O'Lakes, Inc., Agricultural Services Division, 2827 8th Ave., South, Fort Dodge, Iowa 50501. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 129537 (Sub-No. 16TA), filed October 13, 1976. Applicant: REEVES TRANSPORTATION CO., Route 5, Dews Pond Road, Calhoun, Ga. 30701. Applicant's representative: John C. Vogt, Jr., 406 N. Morgan St., Tampa, Fla. 33602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets and rugs*, from points in Floyd, Bartow, Chatooga, Muscogee, Gordon, Whitfield, Murray, Walker, Catoosa and Troup Counties, Ga., to points in Duval County, Fla., for 180 days. Supporting shipper: Deering Milliken, Inc., 1 Dallas St., Lagrange, Ga. 30240. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 129872 (Sub-No. 3TA), filed October 13, 1976. Applicant: SCHUSTER TRANSPORT, INC., Knapp, Wis. 54749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractors and related parts*, from Racine County, Wis., to points in Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska and Kansas, restricted to traffic originating at the facilities of J. I. Case Co., at Racine County, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: J. I. Case Co., 700 State St., Racine, Wis. 53404. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 135895 (Sub-No. 13TA), filed October 13, 1976. Applicant: DON RAY BOYD & JACKIE ROGERS, doing business as, B & R DRAYAGE COMPANY, P.O. Box 8534, Battlefield Station, Jackson, Miss. 39204. Applicant's representative: Douglas C. Wynn, P.O. Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottles, carboys, demijohns and jars, and closures, and damaged or rejected shipments* of said commodities, between the plantsites and warehouses of Chattanooga Glass Company, at or near Gulfport and Mineral Wells, Miss.; Chattanooga, Tenn.; and Corsicana, Tex., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chattanooga Glass Company, 400 W. 45th St., Chattanooga, Tenn. 37410. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room

212, 145 E. Amite Bldg., Jackson, Miss. 39201.

No. MC 138274 (Sub-No. 36TA), filed October 12, 1976. Applicant: SHIPPERS BEST EXPRESS, INC., 2151 N. Redwood Road, Salt Lake City, Utah 84116. Applicant's representative: Chester Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61, M.C.C. 209 and 766 (except commodities in bulk), from Fort Morgan, Colo., to Chicago, Ill.; Covington and Louisville, Ky.; Claremont, N.H.; New York City and Schenectady, N.Y.; Newark and Hawthorne, N.J.; Bangor and Portland, Maine; Detroit, Mich.; Boston, Mass.; Hartford, Conn.; Cleveland and Salem, Ohio; Los Angeles, San Diego, San Jose, San Francisco, Oakland, Sacramento, Calif.; Las Vegas and Reno, Nev.; Seattle and Spokane, Tacoma, Wash.; and Portland, Oreg., for 180 days. Supporting shippers: Morgan Colorado Beef Company, RD No. 1; and A & Z Meat Processing Co., Inc., P.O. Box 956, Ft. Morgan, Colo. 80701. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 S. State St., Salt Lake City, Utah 84138.

No. MC 138869 (Sub-No. 7TA), filed October 12, 1976. Applicant: W. T. MYLES TRANSPORTATION CO., P.O. Box 321, 4481 Moreland Ave., Conley, Ga. 30027. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 W. Peachtree St., N.W., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass bathtubs, tub showers and shower stalls*, from Middlebury, Ind., to points in Illinois, Michigan, Ohio, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, Missouri, Oklahoma, Arkansas, Texas, Louisiana, Kentucky, Tennessee, West Virginia, Virginia, North Carolina, South Carolina, Mississippi, Alabama, Georgia, Florida; and from Parkesbury, Pa., to points in Ohio, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, the District of Columbia, Vermont, New Hampshire, Maine, Maryland, Delaware, Virginia, West Virginia, Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina and Florida, under a continuing contract with Crane Co., for 180 days. Supporting shipper: Crane Co., 300 Park Ave., New York, N.Y. 10022. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 141291 (Sub-No. 3TA), filed October 13, 1976. Applicant: T & B LEASING, INC., P.O. Box 590, Lafayette, Ala. 36862. Applicant's representative: Robert L. Wright, c/o Bowater Southern Paper Corporation, Calhoun, Tenn. 37309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodchips*, in bulk, from Albertville, Ala., and Cullman, Ala., to Guntersville, Ala., for subsequent movement by water in interstate commerce, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hiwassee Land Company, Calhoun, Tenn. 37309. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

PASSENGER APPLICATION

No. MC 946 (Sub-No. 5TA), filed October 13, 1976. Applicant: FERDINAND ARRIGONI, INC., 3320 Hutchinson Ave., Bronx, N.Y. 10469. Applicant's representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, N.Y. 11021. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers*, special operations, from Bronx, N.Y., to the racing facility and football stadium of the New Jersey Sports and Exposition Authority, East Rutherford, N.J., for 180 days. Supporting shipper: Martin G. Holleran, Counsel, New Jersey Sports and Exposition Authority, East Rutherford, N.J. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

WATER CARRIER APPLICATION

WC-438 (Sub-No. 5TA), filed October 12, 1976. Applicant: THE DELTA QUEEN STEAMBOAT CO., 322 E. 4th St., Cincinnati, Ohio 45202. Applicant's representative: Norbert B. Flick, 715 Executive Bldg., Cincinnati, Ohio 45202. Authority sought to operate as a common carrier, by water transporting: *Passengers and their automobiles*, in overnight cruises, by self-propelled vessels, between New Orleans, La., and Houston, Tex., on the Gulf of Mexico Intracoastal Waterway, serving intermediate ports, for 180 days. Joinder: Applicant states it will join the requested authority to serve points along the Illinois, Arkansas, Ohio, Kanawha, Mississippi, Tennessee, Cumberland, Yazoo and Wolf Rivers, for 180 days. Supporting shipper: Jos. P. Hofrichter, Vice-President, Fox Travel Inc., 404 Carew Tower, Cincinnati, Ohio 45202. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 Main St., Cincinnati, Ohio 45202.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-31253 Filed 10-22-76;8:45 am]

[Notice No. 141]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 20, 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 5470 (Sub-No. 113TA), filed October 12, 1976. Applicant: TAJON, INC., R.D. No. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Richard W. Sanguigni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in dump vehicles, from Buffalo, N.Y., and Elmira, N.Y., to Greensboro, Cordele, Carrollton, Macon, Athens and Atlanta, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Berne Metal Co., Inc., 328 Howard St., Buffalo, N.Y. 14220. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 113362 (Sub-No. 303TA), filed October 13, 1976. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 E. Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite facility of Kraft Foods, New Ulm, Minn., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New York, New Jersey, Delaware,

Virginia, Maryland, and the District of Columbia, restricted to transportation of traffic originating at the named origin point and destined to the named destination points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kraft Foods, 500 Peshtigo Court, Chicago, Ill. 60609. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309.

No. 113843 (Sub-No. 234TA), filed October 13, 1976. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products and food ingredients*, in vehicles equipped with mechanical refrigeration, from Vineland, Penns Grove, Magnolia, Lakewood, and Blackwood, N.J., and Philadelphia, Swoyersville, West Chester and Scranton, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island, for 180 days. Supporting shippers: There are approximately 16 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: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway St., Boston, Mass. 02114.

No. MC 115322 (Sub-No. 123TA), filed October 12, 1976. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: J. V. McCoy, P.O. Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite of Kennett Canning Company, Kennett Square, Pa., to points in Florida and Georgia, for 180 days. Supporting shipper: Kennett Canning Company, Box K, Kennett Square, Pa. 19348. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 117940 (Sub-No. 189TA), filed October 13, 1976. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box, 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plant and facility of Kraft Foods, at New Ulm, Minn., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New York, New Jersey, Delaware, Virginia, Maryland, and the District of Columbia, restricted to the transportation of traffic originating at named origin point and destined to named destination points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kraft Foods, 500 Peshtigo Ct., Chicago, Ill. 60609. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., United States Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 125254 (Sub-No. 35TA), filed October 13, 1976. Applicant: MORGAN TRUCKING CO., 1201 E. 5th St., P.O. Box 714, Muscatine, Iowa 52761. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal and poultry feed* (except in bulk), from the plantsite of Doane Products Company, at Muscatine, Iowa, to points in Pennsylvania, New Jersey, New York, Maryland, Connecticut, Rhode Island, Florida, Massachusetts, Vermont, New Hampshire, Maine and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Doane Products Company, P.O. Box 879, Joplin, Mo. 64801. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 126276 (Sub-No. 158TA), filed October 8, 1976. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 N. LaSalle, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products and products* produced or distributed by manufacturers and converters of paper products (except paper and paper products), and (2) *paper and paper products* when moving in mixed loads with plastic products and products produced or distributed by manufacturers and converters of paper products, from Louisville, Ky., to Millville, N.J., and Atlanta, Ga., under a continuing contract with The Continental Group, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of Operating authority. Supporting shipper: The Continental Group, Inc., Daniel Dorney, Manager of Distribution-Sales Service, 200 E. Northwest Highway, Palatine, Ill. 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 134387 (Sub-No. 37TA), filed Ocotber 12, 1976. Applicant: BLACKBURN. TRUCK LINES, INC., 4998 Branyon Ave., South Gate, Calif. 90208. Applicant's representative: Lucy Kennard Bell, 606 S. Olive St., Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty cans and can ends*, from points in Sacramento County, Calif., to points in Jackson and Marion Counties, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Del Monte Corporation, P.O. Box 3575, San Francisco, Calif. 94119. 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 139402 (Sub-No. 2TA), filed October 12, 1976. Applicant: H. O. SMESTAD CO., P.O. Box 299, Great Falls, Mont. 59401. Applicant's representative: G. Robert Crotty, Jr., 400 First National Bank Bldg., Great Falls, Mont. 59401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and carbonated beverages*, from Tacoma, Renton, Bellevue, and Spokane, Wash., to Great Falls, Mont., under a continuing contract with Devine & Asselstine, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: George H. Asselstine, Jr., President, Devine & Asselstine, Inc., P.O. Box 1443, Great Falls, Mont. 59403. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 142207 (Sub-No. 4TA), filed October 12, 1976. Applicant: GULF COAST TRUCK SERVICES, INC., P.O. Box 29486, New Orleans, La. 70189. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road, NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and particle board* (except in bulk, in tank vehicles), from the plantsite and storage facilities of Olinkraft, Inc., located at or near Winnfield and Lillie, La., and Huttig, Ark., to points in Arkansas, Nebraska, Missouri, Oklahoma, and Texas, for 180 days. Supporting shipper: Olinkraft, Inc., P.O. Box 488, West Monroe, La. 71291. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Ave., 9038 U.S. Postal Service Bldg., New Orleans, La. 70113.

No. MC 142431 (Sub-No. 1TA), filed October 12, 1976. Applicant: WAYMAR TRANSPORT CORP., 3200 Scott St., Des Moines, Iowa 50317. Applicant's representative: Marvin Maddy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61, M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities of Spencer Foods, Inc., located at or near Spencer and Hartley, Iowa and Schuyler, Nebr., to Baltimore, Beaver

Heights, Dorsey, and Landover, Md.; Boston, Roxbury, Haverhill, Brockton, and North Billerica, Mass.; Washington, D.C.; and points in New Jersey and New York, restricted to traffic originating at the above origins and restricted to traffic destined to the above destinations, for 180 days. Supporting shipper: Spencer Foods, Inc., P.O. Box 1228, Spencer, Iowa 51301. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 142532TA, filed October 12, 1976. Applicant: SUNSHINE CARTAGE CORP., 8890 SW. 36th St., Miami, Fla. 33174. Applicant's representative: Richard B. Austin, 214 Palm Coast II Bldg., 5255 NW. 87th Ave., Miami, Fla. 33178. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and/or containers*, with or without wheels, loaded or empty, between points in Dade County, Fla., restricted to traffic having a prior or subsequent movement by water in interstate or foreign commerce, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 15 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: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 NW. 53rd Terrace, Miami, Fla. 33166.

PASSENGER APPLICATIONS

No. MC 142530TA, filed October 13, 1976. Applicant: PIONEER BUS CORP., 6093 Strickland Ave., Brooklyn, N.Y. 11234. Applicant's representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, N.Y. 11022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, from Brooklyn, N.Y., to the racing facility and football stadium of the New Jersey Sports and Exposition Authority, East Rutherford, N.J., for 180 days. Supporting shipper: Martin G. Holleran, Counsel, The New Jersey Sports and Exposition Authority, East Rutherford, N.J. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 142531TA, filed October 13, 1976. Applicant: CLAUSEN TRANSPORTATION CORPORATION, 25 Surrey Lane, Valley Stream, N.Y. 11580. Applicant's representative: Sidney J. Leshin, 575 Madison Ave., New York, N.Y. 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special round-trip operations, beginning and ending in the County of Suffolk, N.Y., and extending to Meadowlands in East Rutherford, N.J., or Bridgeport, Conn., with intermediate stops in Nassau County, N.Y., for 180 days. Supporting shippers: There are approximately 17 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: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-31257 Filed 10-22-76;8:45 am]

[I.C.C. ORDER NO. 3; S.O. No. 1252]

BALTIMORE AND OHIO RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of Joel E. Burns, Agent, The Baltimore and Ohio Railroad Company is unable to transport freight cars with dimensions in excess of Plate C, routed over its line between Parkersburg, West Virginia, and Zanesville, Ohio, because of bridge damage at West Marietta, Ohio.

It is ordered, That:

(a) *Rerouting traffic.* The Baltimore and Ohio Railroad Company being unable to transport freight cars with dimensions in excess of Plate C, routed over its line between Parkersburg, West Virginia, and Zanesville, Ohio, because of bridge damage at West Marietta, Ohio, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement.

(b) *Concurrence of receiving road to be obtained.* The Baltimore and Ohio Railroad Company, in rerouting cars in accordance with this order, shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The Baltimore and Ohio Railroad Company, when rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 p.m., October 13, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., November 30, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 12, 1976.

INTERSTATE COMMERCE COMMISSION,[1]
JOEL E. BURNS,
Agent.

[FR Doc.76-31245 Filed 10-22-76;8:45 am]

[I.C.C. Order No. 6; S.O. No. 1252]

BALTIMORE AND OHIO RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of Jeol E. Burns, Agent, The Baltimore and Ohio Railroad Company is unable to transport certain traffic over its line between Weverton, Maryland and Hagerstown, Maryland, because of track conditions.

It is ordered, That:

(a) *Rerouting traffic.* The Baltimore and Ohio Railroad Company, being unable to transport certain traffic over its line between Weverton, Maryland, and Hagerstown, Maryland, because of track conditions, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement.

(b) *Concurrence of receiving road to be obtained.* The Baltimore and Ohio Railroad Company, in rerouting cars in accordance with this order, shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The Baltimore an Ohio Railroad Company, when rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided

[1] Replaces Revised I.C.C. Order No. 131 issued under Revised Service Order No. 994.)

for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 p.m., October 13, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 28, 1977, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 12, 1976.

INTERSTATE COMMERCE COMMISSION,[1]
JOEL E. BURNS,
Agent.

[FR Doc.76-31246 Filed 10-22-76;8:45 am]

[I.C.C. Order No. 8; S.O. No. 1252]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of Joel E. Burns, Agent, the Louisville and Nashville Railroad Company (LN) is unable to transport traffic over its line between Otter Creek Jct., Indiana, and Brazil, Indiana, because of track conditions.

It is ordered, That:

(a) *Rerouting traffic.* The LN being unable to transport traffic over its line between Otter Creek Jct., Indiana, and Brazil, Indiana, because of track conditions, that line is hereby authorized to reroute or divert such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements, now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 p.m., October 13, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 15, 1977, unless otherwise modified, changed; or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 12, 1976.

INTERSTATE COMMERCE COMMISSION,[1]
JOEL E. BURNS,
Agent.

[FR Doc.76-31248 Filed 10-22-76;8:45 am]

[I.C.C. Order No. 11; S.O. No. 1252]

NORFOLK AND WESTERN RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of Joel E. Burns, Agent, the Norfolk and Western Railway Company is unable to transport traffic over its line between Ottumwa and South Ottumwa, Iowa, because of bridge damage.

It is ordered, That:

(a) The Norfolk and Western Railway Company, being unable to transport traffic over its line between Ottumwa and South Ottumwa, Iowa, because of bridge damge, that carrier and its connections are hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other roalroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements new exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 p.m., October 13, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 12, 1976.

INTERSTATE COMMERCE COMMISSION,[1]
JOEL E. BURNS,
Agent.

[FR Doc.76-31250 Filed 10-22-76;8:45 am]

[I.C.C. Order No. 10; S.O. No. 1252]

SAN DIEGO & ARIZONA EASTERN RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of Joel E. Burns, Agent, the San Diego & Arizona Eastern Railway Company is unable to transport traffic over its line between El Centro, California, and San Diego, California, because of slides and washouts between milepost 94.4 and milepost 118.0.

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[1] Replaces I.C.C. Order No. 154 issued under Revised Service Order No. 994.

[1] Replaces I.C.C. Order No. 157 issued under Revised Service Order No. 994.

[1] Replaces I.C.C. Order No. 176 issued under Revised Service Order No. 994.

It is ordered, That:

(a) The San Diego & Arizona Eastern Railway Company, being unable to transport traffic over its line between El Centro, California, and San Diego, California, because of slides and washouts between milepost 94.4 and milepost 118.0, that carrier and its parent company, the Southern Pacific Transportation Company, are hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 p.m., October 13, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement, under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 12, 1976.

INTERSTATE COMMERCE COMMISSION,[1]
JOEL E. BURNS,
Agent.

[FR Doc.76-31249 Filed 10-22-76;8:45 am]

[I.C.C. Order No. 7; S.O. No. 1252]

WATERLOO RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of Joel E. Burns, Agent, the Waterloo Railroad Company, is unable to transport traffic over its line between Waterloo, Iowa, and Cedar Rapids, Iowa, because of track conditions.

It is ordered, That:

(a) *Rerouting traffic.* The Waterloo Railroad Company being unable to transport traffic over its line between Waterloo, Iowa, and Cedar Rapids, Iowa, because of track conditions, that line is hereby authorized to reroute or divert such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 p.m., October 13, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 28, 1977, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 12, 1976.

INTERSTATE COMMERCE COMMISSION,[1]
JOEL E. BURNS,
Agent.

[FR Doc.76-31247 Filed 10-22-76;8:45 am]

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[1] Replaces I.C.C. Order No. 175 issued under Revised Service Order No. 994.

[1] Replaces I.C.C. Order No. 155 issued under Revised Service Order No. 994.