Vol.41—No.5
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federal register

THURSDAY, JANUARY 8, 1976

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

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federal register
Area Code 202 Phone 523–5240

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

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Title 3—The President

Executive Order 11895 • **January 6, 1976**

Delegating Authority of the President To Designate Individuals Appointed by the President To Receive Training

By virtue of the authority vested in me by Section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. Except as provided in Section 2 of this Order, the United States Civil Service Commission is hereby designated and empowered to exercise the authority vested in the President by Section 4102(a)(2)(B) of Title 5, United States Code, to designate individuals appointed by the President for training under Chapter 41 of Title 5, United States Code.

SEC. 2. The Attorney General is hereby designated and empowered to exercise the authority vested in the President by Section 4102(a)(2)(B) to designate individuals appointed by the President as United States Attorneys and United States Marshals for training under Chapter 41 of Title 5, United States Code.

SEC. 3. Executive Order No. 11531 of May 26, 1970, is hereby superseded.

Gerald R. Ford

THE WHITE HOUSE,
January 6, 1976.

[FR Doc.76-669 Filed 1-6-76;3:53 pm]

EDITORIAL NOTE: For the President's letter of January 6, 1976, to the Chairman of the Civil Service Commission designating individuals to participate in training programs, see the Weekly Compilation of Presidential Documents, vol. 12, no. 2.

rules and regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3114 is amended to show that three additional positions of Business Management Fellowship Program Specialist, GS–11/12 are excepted under Schedule A.

Effective January 8, 1976, § 213.3114 (b) (4) is revised as set out below:

§ 213.3114 Department of Commerce.

* * * * *

(b) *Office of the Secretary.* * * *

(4) Until February 20, 1977, not to exceed 29 positions of Business Management Fellowship Program Specialists, GS–11/12.

(5 U.S.C. secs. 3301, 3302; EO 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76–456 Filed 1–7–76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Secretary to the Assistant Secretary for Congressional and Intergovernmental Affairs and one position of Secretary to the Deputy Assistant Secretary for Congressional and Intergovernmental Affairs are reestablished under Schedule C.

Effective January 8, 1976, §§ 213.3394 (a) (39) and (40) are amended as set out below:

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* * * *

(39) One Secretary to the Assistant Secretary for Congressional and Intergovernmental Affairs.

(40) One Secretary to the Deputy Assistant Secretary for Congressional and Intergovernmental Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76–618 Filed 1–7–76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75–EA–70]

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

Alteration of Transition Area

Correction

In FR Doc. 75–34178, appearing at page 58849 in the issue for Friday, December 19, 1975, in the fourth paragraph, the effective date should read "December 19, 1975".

[Airspace Docket No. 75–NW–25]

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

Designation of Additional Control Area

On October 21, 1975, a notice of proposed rulemaking (NPRM) was published in the Federal Register (40 FR 49100) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area over northeast Wash.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 25, 1976, as hereinafter set forth.

In § 71.163 (41 FR 348) the following is added:

COLVILLE, WASH.

That airspace extending upward from 7,000 feet MSL bounded on the north by the United States/Canadian border, on the east by the west edge of V–112, on the south by Lat. 48°00′ N., and on the west by Long. 119°00′ W., excluding the Spokane, Wash., transition area. That airspace below 1,200 feet AGL is excluded.

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

Issued in Washington, D.C., on December 31, 1975.

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

[FR Doc.76–526 Filed 1–7–76;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 76–5]

PART 159—LIQUIDATION OF DUTIES

Cheese From Switzerland

On July 3, 1975, a "Notice of Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER (40 F.R. 28104). The notice stated that it had been determined preliminarily that payments are being made, directly or indirectly, by the Government of Switzerland, upon the manufacture, production, or exportation of Emmenthaler and Gruyere Cheese, which constitute a bounty or grant within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303). The notice provided interested parties 15 days from the date of publication to submit relevant data, views, or arguments in writing with respect to the preliminary determination. The 15-day period was extended to September 3, 1975, by notice published in the FEDERAL REGISTER on August 15, 1975 (40 F.R. 34423).

After consideration of all information received, it has been determined that exports of Emmenthaler and Gruyere Cheese from Switzerland are subject to bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

Accordingly, notice is hereby given that Emmenthaler and Gruyere Cheese imported directly or indirectly from Switzerland, if entered, or withdrawn from warehouse, for consumption on or after January 8, 1976, will be subject to payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, the net amount of the bounties or grants has been ascertained and determined, or estimated, to be the amounts of the deficiency payments made at the end of each fiscal year by the Swiss Government to the Swiss Cheese Union to compensate for losses incurred in marketing Emmenthaler and Gruyere Cheese in both domestic and export markets. To the extent that it has been established

to the satisfaction of the Commissioner of Customs that imports of Emmenthaler and Gruyere Cheese from Switzerland are subject to a bounty or grant in an amount other than that applicable under the above declaration, the amount so established shall be assessed and collected on imports of such cheese.

Effective on or after January 8, 1976 and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of Emmenthaler and Gruyere Cheese imported directly or indirectly from Switzerland, which benefit from these bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

The liquidation of all entries for consumption or withdrawal from warehouse for consumption of such dutiable Emmenthaler and Gruyere Cheese imported directly or indirectly from Switzerland, which benefit from these bounties or grants and are subject to this order, shall be suspended pending declarations of the net amounts of the bounties or grants paid.

Notwithstanding the above, a notice of "Waiver of Countervailing Duties" is being published concurrently with this order in accordance with section 303(d) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(d)). At such time as the waiver ceases to be effective, in whole or in part, a notice will be published setting forth the deposit of estimated countervailing duties which will be required at the time of entry, or withdrawal from warehouse, for consumption of each product then subject to the payment of countervailing duties.

§ 159.47 [Amended]

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting in the column headed "Country", the name Switzerland. The column headed "Commodity" is amended by inserting the words "Emmenthaler and Gruyere Cheese" after the entry for Switzerland. The column headed "Treasury Decision" is amended by inserting the number of this Treasury Decision, and the words "Bounty Declared—Rate" in the column headed "Action".

(R.S. 251, secs. 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2050; 19 U.S.C. 66, 1303, as amended, 1624)

VERNON D. ACREE,
Commissioner of Customs.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

DECEMBER 23, 1975.

[FR Doc.76-316 Filed 1-7-76;8:45 am]

[T.D. 76-6]

PART 159—LIQUIDATION OF DUTIES

Cheese From Switzerland

In T.D. 76-5, published concurrently with this determination, it has been determined that bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) are being paid or bestowed, directly or indirectly, upon the manufacture, production, or exportation of Emmenthaler and Gruyere Cheese from Switzerland.

Section 303(d) of the Tariff Act of 1930, as amended by the Trade Act of 1974 (P.L. 93-618, January 3, 1975), authorizes the Secretary of the Treasury to waive the imposition of countervailing duties during the four year period beginning on the date of enactment of the Trade Act of 1974 if he determines that:

(1) adequate steps have been taken to reduce substantially or eliminate during such period the adverse effect of a bounty or grant which he has determined is being paid or bestowed with respect to any article or merchandise;

(2) there is a reasonable prospect that, under section 102 of the Trade Act of 1974, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to or other distortions of international trade; and

(3) the imposition of the additional duty under this section with respect to such article or merchandise would be likely to seriously jeopardize the satisfactory completion of such negotiations.

Based upon analysis of all relevant factors and after consultation with interested agencies, I have concluded that adequate steps have been taken to reduce substantially or eliminate the adverse effects, or potential adverse effects, of the bounty or grant by virtue of the commitment of the Swiss Government to adhere to policies which will not cause disruption in the U.S. market. These policies are as follows:

(1) There will be no aggressive marketing of Emmenthaler or Gruyere Cheese in the U.S. market, the effect of which is to increase these exports substantially from historic levels, or to vary substantially the proportional relationship of Gruyere to Emmenthaler exports to the U.S.;

(2) There will be no exports of low quality subsidized "grinder" cheese from Switzerland to the U.S.;

(3) Deficiency payments for Emmenthaler Cheese exports to the U.S. will not exceed those for domestic sales of equivalent categories. Such payments for Gruyere exports will maintain the historic relationship to such payments for domestic sales for Gruyere.

I note further that as a result of these policies, as practiced in the past, the Swiss share of the U.S. market for these cheeses has been in decline, the Swiss product is not priced competitively with domestically produced cheeses, and in general the Swiss program has not acted as an incentive to export. Our understanding of Swiss intentions regarding future policies, as set forth above, removes the threat to the U.S. industry inherent in the existence of a subsidy program, which, while not now causing disruption in domestic markets, might do so in the future.

After consulting with appropriate agencies, including the Department of State, the Office of the Special Representative for Trade Negotiations, and the Department of Agriculture, I have concluded (1) that there is a reasonable prospect that, under section 102 of the Trade Act of 1974, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to or other distortions of international trade; and (2) that the imposition of countervailing duties on Emmenthaler and Gruyere Cheese from Switzerland would be likely to seriously jeopardize the satisfactory completion of such negotiations.

Accordingly, pursuant to section 303 (d) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(d)), I hereby waive the imposition of countervailing duties as well as the suspension of liquidation ordered in T.D. 76-5 on Emmenthaler and Gruyere Cheese from Switzerland.

This determination may be revoked, in whole or in part, at any time and shall be revoked whenever the basis supporting such determination no longer exists. Unless sooner revoked or made subject to a resolution of disapproval adopted by either House of the Congress of the United States pursuant to section 303(e) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(e)), this waiver of countervailing duties will in any event, by statute, cease to have force and effect on January 4, 1979.

On or after the date of publication in the FEDERAL REGISTER of a notice revoking this determination in whole or in part, the day after the date of adoption by either House of the Congress of a resolution disapproving this "Waiver of Countervailing Duties", or January 4, 1979, whichever occurs first, countervailing duties will be assessable on Emmenthaler and Gruyere Cheese imported directly or indirectly from Switzerland in accordance with T.D. 76-5, published concurrently with this determination.

§ 159.47 [Amended]

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting after the last entry from Switzerland under the commodity heading "Emmenthaler and Gruyere Cheese", the number of this Treasury Decision in the column heading "Treasury Decision", and the words "imposition of countervailing duties waived" in the column headed "Action".

(R.S. 251, secs. 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2051, 2052; 19 U.S.C. 66, 1303, as amended, 1624)

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

DECEMBER 23, 1975.

[FR Doc.76-317 Filed 1-7-76;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75P-0100]

PART 27—CANNED FRUITS AND FRUIT JUICES

Amendments to Canned Fruit Standards of Identity; Extension of Effective Date

The Commissioner of Food and Drugs issued, in the FEDERAL REGISTER of February 7, 1975 (40 FR 5762, 5772), amendments to a number of canned fruit standards of identity (21 CFR Part 27). Compliance with the amended standards was to be required for all products initially introduced into interstate commerce after December 31, 1975. Confirmation of that effective date was published in the FEDERAL REGISTER of July 9, 1975 (40 FR 28791). The Commissioner is now extending the effective date for these canned fruit standards of identity to January 1, 1978.

The Commissioner had previously denied, by letter dated August 19, 1975, a request by the Canners League of California for an extension of the effective date for certain canned fruit standards. Subsequent to this denial, however, the Commissioner received two additional requests for extension. In a letter to the Food and Drug Administration, Purity Supreme Supermarkets, 312 Boston Rd., North Billerica, MA 01862, requested an extension of time beyond the effective date of December 31, 1975, established for the amended canned fruit standards of identity for eight products it currently markets. As the reason for its request, the firm cited examples of product shortages over the last 2 years, which have prevented the firm from depleting label inventories. The firm asked for the extension so that existing label inventories may be used. Extension requests for the eight products varied from 3 months to 2 years. In two cases, the firm stated that new labels complying with the amended standards have been ordered. In all other cases, new labeling orders have been scheduled.

The Food and Drug Administration also received a letter from the Kroger Co., 1240 State Ave., Cincinnati, OH 45204, requesting an extension of time beyond the effective date established for the amended canned fruit standards of identity. As reasons for its request, the firm cited abnormally slow sales of certain items affected by high sugar prices and product shortages.

Copies of the two letters requesting an extension of the effective date have been placed on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner realizes that fruit canning operations are seasonal and is now aware that problems in obtaining supplies apparently have caused a number of manufacturers to maintain larger than normal packaging inventories. Rather than granting extensions on a case-by-case basis at the request of individual companies, however, the Commissioner has concluded that a general extension of time to the affected industry is appropriate to allow manufacturers to use existing label inventories.

Since there are a number of other labeling regulations pending and to minimize the number of label changes imposed upon industry, the Commissioner is granting an extension of the January 1, 1976 effective date to January 1, 1978 for compliance by products covered by the following regulations, all of which were published in the FEDERAL REGISTER of February 7, 1975 (40 FR 5762, 5772): Canned peaches, identity (21 CFR 27.2); canned apricots, identity (21 CFR 27.10); canned prunes, identity (21 CFR 27.15); canned pears, identity (21 CFR 27.20); canned seedless grapes, identity (21 CFR 27.25); canned cherries, identity (21 CFR 27.30); canned berries, identity (21 CFR 27.35); canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail, identity (21 CFR 27.40); canned plums, identity (21 CFR 27.45); canned plums, quality (21 CFR 27.46); canned plums, fill of container (21 CFR 27.47); canned figs, identity (21 CFR 27.70). Compliance with these regulations, which shall include any labeling changes required, may have begun March 11, 1975, and all products initially introduced into interstate commerce on or after January 1, 1978 shall comply with these regulations.

This extension of effective date is issued under the Federal Food, Drug, and Cosmetic Act (sec. 401, 701, 52 Stat. 1046, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 341, 371)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 2, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-459 Filed 1-7-76;8:45 am]

PART 121—FOOD ADDITIVES

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Lincomycin, Monensin, and Roxarsone

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (92-522V) filed by the Upjohn Co., Kalamazoo, MI 49001, providing additional data to establish efficacy of the combination drug containing lincomycin, monensin, and roxarsone in the feed of broiler chickens for the purposes of improved feed efficiency and improved pigmentation, where roxarsone is present at 15 to 30 grams per ton. The supplemental application is approved, effective January 8, 1976.

The Commissioner is amending parts 121 and 558 (21 CFR Parts 121 and 558) to reflect this approval.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), in accordance with § 510.6 (21 CFR 510.6), and under authority delegated to the Commisisoner (21 CFR 2.120), Parts 121 and 558 are amended as follows:

1. In Part 121, § 121.262(c) is amended by adding to table 1 a new item 1.29 to read as follows:

§ 121.262 3 - Nitro - 4 - hydroxyphenylarsonic acid.

* * * * * * *

(c) * * *

TABLE 1.—*3-nitro-4-hydroxyphenylarsonic acid in complete chicken and turkey feed*

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
*	*	*		*	*
1.29 3-nitro-4-hydroxy-phenylarsenic acid (roxarsone).	15-30	Monensin + Lincomycin	90-110 2	For broiler chickens; do not feed to laying chickens; feed continuously as the sole ration; withdraw 5 d before slaughter; as sole source of organic arsenic; 3-nitro-4-hydroxyphenylarsonic acid provided by No. 017210 in sec. 510.600(c) of this chapter; monensin sodium provided by No. 000986 in sec. 510.600(c) of this chapter; lincomycin provided by No. 000009 in sec. 510.600(c) of this chapter; combination provided by No. 000009 in sec. 510.600(c) of this chapter.	For increase in rate of weight gain; improved feed efficiency; improved pigmentation; as an aid in the prevention of coccidiosis caused by *E. necatrix*, *E. tenella*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*.
*	*	*		*	*

* * * * * * *

2. In Part 558, § 558.355 is amended by adding a new paragraph (f)(1)(xi) to read as follows:

§ 558.355 **Monensin.**

* * * * *

(f) * * *

(1) * * *

(xi) *Amount per ton.* Monensin, 90 to 110 grams, plus lincomycin, 2 grams and 3-nitro-4-hydroxyphenylarsonic acid, 15 to 30 grams.

(*a*) *Indications for use.* For increase in rate of weight gain, improved feed efficiency, improved pigmentation, and as an aid in the prevention of coccidiosis caused by *E. necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati* and *E. maxima.*

(*b*) *Limitations.* Do not feed to laying chickens; feed continuously as the sole ration; withdraw 5 days before slaughter; as sole source of organic arsenic; as 3-nitro-4-hydroxyphenylarsonic acid provided by No. 017210 in § 510.600(c) of this chapter; as monensin sodium provided by No. 000986 in § 510.600(c) of this chapter; as lincomycin provided by No. 000009 in § 510.600(c) of this chapter; as a combination provided by No. 000009 in § 510.600(c) of this chapter.

* * * * *

Effective date. This amendment shall become effective January 8, 1976.

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

Dated: December 30, 1975.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.76-303 Filed 1-7-76;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER E—LOAD LINES

[CGD 74-164]

PART 42—DOMESTIC AND FOREIGN VOYAGES BY SEA

Rail Height Adjustment

The purpose of this amendment is to change the minimum rail height for tugboats that are issued a load line under either the International Voyage Load Line Act or the Coastwise Load Line Act. This amendment is based on a notice of proposed rulemaking published in the October 4, 1974, issue of the FEDERAL REGISTER (39 FR 35820).

Interested persons were given the opportunity to participate in the rule making through submission of written comments. Comments were received from four towing companies and the American Waterways Operators, Incorporated.

Two commenters requested clarification as to whether the proposed regulations will be applied to existing vessels. The new regulations applicable to vessels engaged in towing operations will apply to vessels having an initial survey for load line assignment after January 1, 1976.

One commenter stated that the proposed regulation implies that the 30-inch bulwark height would only be permissible in way of deckhouses. The proposal states that the 30-inch bulwark is permitted anywhere on the freeboard deck.

Two commenters suggested that the minimum bulwark height for towing vessels be reduced to 27 inches and 24 inches respectively. The Coast Guard feels that to reduce rail heights below 30 inches would constitute an unsafe condition for towing vessel personnel.

One commenter asked for clarification concerning the use of temporary rails on towing vessels. The use of portable rails is an acceptable and desirable method of providing personnel safety, and the regulation has been modified to provide for their use on all vessels.

In consideration of the foregoing, Part 42 of Title 46 of the Code of Federal Regulations, is amended as follows:

By amending § 42.15-75(b) to read as follows:

§ 42.15-75 **Protection of the crew.**

* * * * *

(b) Efficient guard rails or bulwarks must be fitted on all exposed parts of the freeboard and superstructure decks as follows:

(1) The height of the bulwarks or guard rails must be at least 39½ inches from the deck, provided that where this height would interfere with the normal operation of the vessel, a lesser height may be approved if the Commandant and the assigning authority are satisfied that adequate protection is provided.

(2) On each vessel that is initially surveyed for load line assignment after January 1, 1976, and that is exclusively engaged in towing operations, the minimum bulwark or rail height on the freeboard deck may be reduced to 30 inches provided the assigning authority is satisfied that adequate grabrails are provided around the periphery of the deckhouse.

(3) Portable rails may be used when operating conditions warrant their use.

* * * * *

(46 U.S.C. 86-86i, 46 U.S.C. 88-88i, 49 U.S.C. 1655(b), 49 CFR 1.4(a)(2))

Effective date. These amendments shall become effective on February 9, 1976.

Dated: December 23, 1975.

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

[FR Doc.76-523 Filed 1-7-76;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-832]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 F.R. 26186-93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, S.W., Washington, D.C. 20410.

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

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

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

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Michigan	Calhoun	Fredonia, township of	Dec. 22, 1975, emergency	Oct. 3, 1975		
New York	Madison	De Ruyter, town of	do	Sept. 20, 1974		
Pennsylvania	Cambria	Croyle, township of	do	Nov. 22, 1974		
Do	Lawrence	Little Beaver, township of	do	Jan. 10, 1975		
Texas	Medina	Castroville, city of	do			
West Virginia	Marshall	Unincorporated areas	do	Dec. 20, 1974		
•	•	•	•	•	•	
California	Fresno	Huron, city of	Dec. 23, 1975, emergency	May 17, 1974		
Colorado	Crowley	Crowley, town of	do	Aug. 15, 1975		
Illinois	Ford	Paxton, city of	do	Nov. 22, 1974		
New York	Fulton	Broadalbin, village of	do	Jan. 3, 1975		
Do	Oswego	New Haven, town of	do	July 19, 1974		
Do	Sullivan	Wurtsboro, village of	do	Jan 17, 1975		
North Carolina	Davie	Unincorporated areas	do			
North Dakota	Cass	Hunter, city of	do	Feb. 21, 1975		
Texas	Hockley	Anton, city of	do	Mar. 29, 1974		
Vermont	Bennington	Landgrove, town of	do	Jan. 3, 1975		
Do	Addison	Panton, town of	do	Jan. 17, 1975		
Do	Windham	Wardsboro, town of	do	Dec. 27, 1974		
Do	Addison	Weybridges, town of	do	Jan. 17, 1975		
West Virginia	Tyler	Friendly, town of	do	Nov. 29, 1974		
Do	Mercer	Unincorporated areas	do	Dec. 13, 1974		
Do	Tucker	do	do	do		
•	•	•	•	•	•	
Alabama	Houston	Cottonwood, town of	Dec. 24, 1975. Emergency	May 17, 1974		
Do	Covington	River Falls, town of	do	Sept. 20, 1974		
Colorado	Huerfano	LaVeta, town of	do	Dec. 27, 1974		
Georgia	Cherokee	Holly Springs, city of	do	Dec. 11, 1975		
Indiana	Tippecanoe	Unincorporated areas	do			
Massachusetts	Middlesex	Lincoln, town of	do	Dec. 13, 1974		
Michigan	Shiawassee	Corunna, city of	do	Sept. 19, 1975		
Do	Calhoun	Homer, township of	do			
Minnesota	Carver	Norwood, city of	do	Nov. 8, 1974		
Missouri	Audrain	Rush Hill, village of	do	Dec. 6, 1974		
New Hampshire	Cheshire	Sullivan, town of	do	Jan. 17, 1975		
New York	Montgomery	Palatine Bridge, village of	do	Feb. 15, 1974		
Do	Ulster	Pine Hall, village of	do	Jan. 10, 1975		
Ohio	Washington	Unincorporated areas	do	Jan. 31, 1975		
Vermont	Rutland	Ira, town of	do	Dec. 6, 1974		
West Virginia	Pleasants	Unincorporated areas	do	Jan. 3, 1975		
•	•	•	•	•	•	
Arkansas	Clay	Greenway, city of	Dec. 26, 1975. Emergency	Aug. 30, 1974		
Geogia	Coweta	Unincorporated areas	do			
Do	Seminole	Donalsonwille, city of	do			
Do	do	Unincorporated areas	do			
Illinois	Lake	Third Lake, village of	do	Sept. 6, 1974		
Nebraska	Nemaha	Brock, village of	do	Aug. 16, 1974		
				Dec. 12, 1975		
New York	Seneca	Tyre, town of	do	Oct. 18, 1974		
				Oct. 17, 1975		
North Dakota	Benson	Esmond, city of	do	Feb. 21, 1975		
Pennsylvania	Monroe	Barrett, township of	do	Nov. 15, 1974		
Do	Schuylkill	Kline, township of	do	Nov. 8, 1974		
Do	Potter	Oswayo, borough of	do			
Texas	Starr	La Grulla, city of	do	Dec. 27, 1974		
Washington	Adams	Washtucna, town of	do	Dec. 27, 1974		
				Oct. 10, 1975		
•	•	•	•	•	•	
Iowa	Montgomery	Elliott, city of	Dec. 26, 1975. Emergency			
Kansas	Riley	Riley, city of	do	Feb. 15, 1974		
				Nov. 14, 1975		
Maine	Somerset	Athens, town of	do	Jan. 17, 1975		
Do	do	New Portland, town of	do	Dec. 27, 1974		
New York	Chenango	Afton, town of	do	Jan. 17, 1975		
Do	Ulster	Hardenburgh, town of	do			
Do	Chautauqua	Sherman, village of	do	Jan. 3, 1975		
Texas	Duval	San Diego, city of	do			
Utah	Rich	Woodruff, town of	do	Aug. 22, 1975		

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

Issued: December 18, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-397 Filed 1-7-76;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

[Docket No. R-76-365]

Revision of Part

The purpose of this notice is to revise Part 1915 of Title 24 of the Code of Federal Regulations to indicate communities which have been provided detailed engineering data and to indicate periods in which the insurance purchase requirements under the National Flood Insurance Program, authorized by the National Flood Insurance Act of 1968, (Pub. L. 90-448) as amended, and the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, December 31, 1973), 42 U.S.C. § 4001-4128, was suspended.

The Flood Disaster Protection Act requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally-related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community currently participating in the program. Prior to July 1, 1975, the statutory requirement for the purchase of flood insurance did not apply until and unless the community entered the program and the special flood hazard areas were identified by the issuance of a Flood Hazard Boundary Map or a Flood Insurance Rate Map. However, after July 1, 1975, or one year after identification, whichever is later, the requirement applies to all communities in the United States that are identified as having special flood hazard areas within their community boundaries, so that no such financial assistance can legally be provided for buildings in these areas unless the community has entered the program. Moreover, the prohibition does not apply to the purchase of a residential dwelling prior to March 1, 1976, and the denial of such financial assistance has no application outside of the identified special flood hazard areas of such flood-prone communities.

The insurance purchase requirement with respect to a particular community may be altered by the issuance or withdrawal of the Federal Insurance Administration's (FIA's) official flood maps, the Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM). A FHBM is designated by the letter "H" preceding the map number and a FIRM by the letter "I" preceding the map number. If the FIA withdraws a FHBM for any reason the insurance purchase requirement is suspended during the period of withdrawal. However, if the community is in the Regular Program and only the FIRM is withdrawn but a FHBM remains in effect, then flood insurance is still required for properties located in identified special flood hazard areas, but the maximum amount of insurance available for new applications or renewal is first layer coverage under the Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn. (For definitions see 24 CFR Part 1909 et seq.).

As the purpose of this revision is the convenience of the public, notice and public procedure are unnecessary, and cause exists to make this amendment effective upon publication. Accordingly, Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended as follows:

1. The title and index of present Part 1915 is revised to read as follows:

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

Sec.

AUTHORITY: The provisions of this Part 1915 issued under Sec. 7(d), 79 Stat. 670; 42 U.S.C. 3535(d), Sec. 1360, 82 Stat. 587, 42 U.S.C. 4101.

2. § 1915.4 is added to read as follows:

§ 1915.4 List of communities with detailed engineering data (FIRM's).

(a) This section provides a cumulative list of communities for which the Administrator has published a FIRM, thereby usually providing water surface elevations for Special Flood Hazard Area.

(b) The effective date of the most recent revision of the FIRM for the communities listed are entered as follows (which will not appear in the Code of Federal Regulations except for the page number of this entry in the FEDERAL REGISTER):

Latest firm map

State	County	Location	Community No.	Effective date of latest revision
Alabama	Baldwin	Baldwin county	015000A	July 1, 1974
Do	Mobile	Bayou La Batre, city of	015001	Do.
Do	Lowndes	Benton, town of	015002A	Oct. 17, 1975
Do	Mobile	Chickasaw, city of	015003A	Oct. 24, 1975
Do	Coffee	Elba, city of	015004	July 1, 1974
Do	Baldwin	Gulf Shores, town of	015005	Do.
Do	Jefferson	Homewood, city of	015006	Do.
Do	Mobile	Unincorporated areas	015008	Do.
Do	do	Mobile, city of	015007	Do.
Alaska	Unorganized	Bethel, city of	020104A	Mar. 16, 1976
Do	do	Nenana, city of	025010A	Jan. 9, 1976
Do	Fairbanks-North Star borough.	Fairbanks and vicinity	025009B	Oct. 3, 1975
Arkansas	Yell	Dardanelle, city of	050283B	Nov. 7, 1975
Do	Sebastian	Fort Smith, city of	055013	July 1, 1974
Do	Pope	Russellville, city of	050178B	Nov. 21, 1975
Arizona	Cochise	Huachuca, city of	040016A	Feb. 14, 1976
Do	Maricopa	Scottsdale, city of	045012A	Jan. 9, 1976
California	Los Angeles	Paramount, city of	065049B	May 2, 1975
Do	do	San Gabriel, city of	065055	July 1, 1974
Do	Riverside	San Jacinto, city of	065056A	Dec. 12, 1975
Do	San Bernardino	Victorville, city of	065068	July 1, 1974
Colorado	Adams, Jefferson.	Arvada, city of	085072	July 1, 1974
Do	Boulder	Broomfield, city of	085073A	Aug. 22, 1975
Do	Arapahoe	Englewood, city of	085074B	Apr. 11, 1975
Do	Jefferson	Lakewood, city of	085075	July 1, 1974
Do	Boulder	Louisville, city of	085076B	July 25, 1975
Do	Pueblo	Pueblo, city of	085077	July 1, 1974
Do	Garfield	Rifle, city of	085078	Do.
Do	Jefferson	Wheat Ridge, city of	085079	Do.
Connecticut	Hartford	Hartford, city of	095080	July 1, 1974
Do	Litchfield	Torrington, city of	095081	Do.
Do	Hartford	West Hartford, town of	095082	Do.
Delaware	Sussex	Bethany Beach, town of	105083	Do.
Do	do	Fenwick Island, town of	105084B	Sept. 26, 1975
Do	New Castle	Unincorporated areas	105085A	Dec. 26, 1975
Do	do	New Castle, city of	100025A	Do.
Do	do	Newark, city of	100025A	Do.
Do	Sussex	Rehoboth Beach, city of	105086	July 1, 1974
Florida	Manatee	Anna Maria, city of	125087B	May 23, 1975
Do	Pinellas	Belleair Beach, city of	125089A	Nov. 28, 1975
Do	do	Belleair Shore, town of	125090A	Oct. 17, 1975
Do	do	Bellcair, town of	125088	July 1, 1974
Do	Manatee	Bradenton Beach, town of	125091	Do.
Do	Brevard	Unincorporated areas	125092A	Do.
Do	Broward	do	125093A	Do.
Do	Brevard	Cape Canaveral, city of	125094A	Aug. 15, 1975
Do	Charlotte	Unincorporated areas	120061A	Sept. 19, 1975
Do	Pinellas	Clearwater, city of	125096	July 1, 1974
Do	Brevard	Cocoa Beach, city of	125097A	Do.
Do	Dade	do	125098A	Do.
Do	Broward	Dania, city of	120034A	May 14, 1976
Do	Volusia	Daytona Beach Shores, city of	125100B	Sept. 26, 1975
Do	do	Daytona Beach, city of	125099A	July 1, 1974
Do	Broward	Deerfield Beach, city of	125101A	Do.
Do	Palm Beach	Delray Beach, city of	125102	Do.
Do	Pinellas	Dunedin, city of	125103A	Do.
Do	Collier	Everglades, city of	125104C	Nov. 28, 1975
Do	Broward	Fort Lauderdale, city of	125105A	July 1, 1974
Do	Alachua	Gainesville, city of	125107	Do.
Do	Pinellas	Gulfport, city of	125108A	Dec. 26, 1975
Do	Palm Beach	Gulfstream, town of	125109B	Sept. 26, 1975
Do	Broward	Hallandale, city of	125110	July 1, 1974
Do	Palm Beach	Highland Beach, town of	125111A	Jan. 9, 1976
Do	Volusia	Holly Hill, city of	125112B	Oct. 31, 1975
Do	Broward	Hollywood, city of	125113A	July 1, 1974

Latest firm map

State	County	Location	Community No.	Effective date of latest revision
Do	Manatee	Holmes Beach, city of	125114A	Oct. 3, 1975
Do	Brevard	Indialantic, town of	125115A	July 1, 1974
Do	Brevard	Indian Harbor Beach, city of	125116B	Sept. 26, 1975
Do	Pinellas	Indian Rocks Beach, city of	125117	July 1, 1974
Do	do	Indian Shores, town of	125118B	June 6, 1975
Do	Palm Beach	Jupiter Inlet Colony, town of	125120	July 1, 1974
Do	do	Jupiter, town of	125119A	Do.
Do	Monroe	Key Colony Beach, city of	125121C	Oct. 17, 1975
Do	do	Key West, city of	120168	July 1, 1974
Do	Palm Beach	Lantana, town of	120214	Do.
Do	Pinellas	Largo, town of	125122A	Do.
Do	Broward	Lauderdale-By-The-Sea, town of	125123	Do.
Do	Monroe	Layton, city of	120169	Do.
Do	Broward	Lighthouse Point, city of	125125A	Do.
Do	Manatee	Longboat Key, town of	125126	Do.
Do	Pinellas	Madeira Beach, city of	125127A	Oct. 17, 1975
Do	Palm Beach	Manalapan, town of	120215	July 1, 1974
Do	Manatee	Unincorporated areas	120153	Do.
Do	Brevard	Melbourne Beach, town of	125128A	Oct. 3, 1975
Do	Monroe	Unincorporated areas	125129A	July 1, 1974
Do	Collier	Naples, city of	125130	Do.
Do	Escambia	Navarre Beach	125131	Do.
Do	Volusia	New Smyrna Beach, city of	125132	Do.
Do	Pinellas	North Redington Beach, town of	125133A	Oct. 31, 1975
Do	Palm Beach	Ocean Ridge, town of	125134A	Dec. 5, 1975
Do	Okaloosa	Okaloosa Island Beaches	125135	July 1, 1974
Do	Pinellas	Oldsmar, city of	120250	Do.
Do	Volusia	Ormond Beach, city of	125136A	Do.
Do	Palm Beach	Palm Beach Shores, town of	125137A	Do.
Do	Escambia	Pensacola Beach, city of	125138	Do.
Do	Pinellas	Unincorporated areas	125139A	Do.
Do	Charlotte	Punta Gorda, city of	120062A	Sept. 19, 1975
Do	Pinellas	Redington Beach, town of	125140B	Sept. 26, 1975
Do	do	Redington Shores, town of	125141A	Oct. 17, 1975
Do	Palm Beach	Riviera Beach, city of	125142A	Oct. 24, 1975
Do	Pinellas	Safety Harbour, city of	125143A	July 1, 1974
Do	Sarasota	Unincorporated areas	125144	Do.
Do	do	Sarasota, city of	125150	Do.
Do	Pinellas	South Pasadena, city of	125151C	Oct. 31, 1975
Do	St. Johns	St. Augustine Beach, town of	125146B	Do.
Do	do	St. Augustine, city of	125145B	Nov. 28, 1975
Do	do	Unincorporated areas	125147A	July 1, 1974
Do	Pinellas	St. Petersburg Beach, city of	125149A	Oct. 17, 1975
Do	do	St. Petershurg, city of	125148	July 1, 1974
Do	do	Tarpon Springs, city of	120259	Do.
Do	Palm Beach	Tequesta, village of	120228	Do.
Do	Brevard	Titusville, city of	125152	Do.
Do	Pinellas	Treasure Island, city of	125153B	Sept. 26, 1975
Do	Sarasota	Venice, city of	125154	July 1, 1974
Do	Volusia	Unincorporated areas	125155A	Do.
Do	Broward	Wilton Manor, city of	125156A	Oct. 17, 1975
Do	Levy	Yankeetown, town of	120147	July 1, 1974
Georgia	Multipie	Atlanta, city of	135157	July 1, 1974
Do	Muscogee	Columhus, city of	135158	Do.
Do	De kalb	Decatur, city of	135159A	Nov. 28, 1975
Do	Fulton	Unincorporated areas	135160	July 1, 1974
Do	Chatham	Garden City, city of	135161	Do.
Do	do	Port Wentworth, city of	135162A	Dec. 26, 1975
Do	do	Savannah Beach, town of	135164B	Sept. 5, 1975
Do	do	Savannah, city of	135163	July 1, 1974
Do	do	Vernonburg, city of	135165A	Oct. 31, 1975
Hawaii	Hawaii	Hilo and vicinity	155166A	July 1, 1974
Iowa	Dubuque	Dubuque, city of	195180A	Oct. 31, 1975
Do	Webster	Fort Dodge, city of	195181A	Jan. 2, 1976
Do	Clayton	Marquette, town of	195182C	Oct. 3, 1975
Do	do	McGregor, town of	195183A	Oct. 17, 1975
Illinois	Jo Daviess	Galena, city of	175168A	Sept. 5, 1975
Do	Cook	Markham, city of	175169B	Sept. 12, 1975
Do	do	Palatine, village of	175170	July 1, 1974
Do	Rock Island	Rock Island, city of	175171A	Sept. 12, 1975
Indiana	Dearborn	Aurora, city of	185172A	Dec. 26, 1975
Do	Porter	Beverly Shores, town of	185173A	Oct. 17, 1975
Do	Brown	Unincorporated areas	185174	July 1, 1974
Do	Lake	Griffith, town of	185175B	May 30, 1975
Do	do	Highland, town of	185176B	Oct. 10, 1975
Do	La Porte	Long Beach, town of	185177	July 1, 1974
Do	Brown	Nashville, town of	180018A	Jan. 24, 1976
Do	Jay	Portland, city of	185178A	Nov. 7, 1975
Do	St. Joseph	Roseland, town of	185179A	Aug. 15, 1975
Kansas	Montgomery	Coffeyville, city of	200232A	Mar. 12, 1976
Do	Ford	Dodge City, city of	205184	July 1, 1974
Do	Butler	El Dorado, city of	200039A	Mar. 5, 1976
Do	Johnson	Fairway, city of	205185C	Jan. 9, 1976
Do	Finney	Garden City, city of	205186B	Apr. 11, 1975
Do	Shawnee	Topeka, city of	205187A	Oct. 10, 1975
Kentucky	Perry	Hazard, city of	215188	July 1, 1974
Do	Jefferson	Jeffersontown, city of	210121A	Mar. 5, 1976
Do	Harlan	Loyall, city of	215189A	Nov. 7, 1975
Do	Bell	Middlesboro, city of	215190A	Nov. 14, 1975
Do	Perry	Unincorporated areas	215191	July 1, 1974
Do	Jefferson	St. Matthews, city of	210123A	Mar. 5, 1976
Do	Harlan	Wallins Creek, city of	215192B	May 23, 1975
Louisiana	East Baton Rouge.	Baker, city of	225193	July 1, 1974
Do	Cameron	Cameron Parish	225194A	Do.
Do	Acadia	Crowley, city of	225195B	Apr. 4, 1975
Do	Lafourche	Golden Meadow, town of	225196B	July 11, 1975
Do	Jefferson	Grande Isle, town of	225197B	Apr. 18, 1975
Do	do	Gretna, city of	225198A	July 1, 1974
Do	do	Harahan, city of	225200B	July 11, 1975
Do	do	Unincorporated areas	225199B	July 1, 1974
Do	do	Kenner, city of	225201A	Aug. 22, 1975
Do	Orleans	Orleans Parish	225203A	Apr. 14, 1975

Latest firm map

State	County	Location	Community No.	Effective date of latest revision
Do	St. Bernard	St. Bernard's Parish	225204A	Feb. 6, 1975
Do	St. Tammany	Unincorporated areas	225205	July 1, 1974
Do	Terrebonne	do	225206	Do.
Maryland	Worcester	Ocean City, town of	245207C	Dec. 19, 1975
Do	Prince Georges		245208	July 1, 1974
Massachusetts	Middlesex	Bedford, town of	255209	July 1, 1974
Do	Barnstable	Bourne, town of	255210B	Jan. 2, 1976
Do	Bristol	Fairhaven, town of	250054A	Mar. 16, 1976
Do	Barnstable	Falmouth, town of	255211A	Aug. 8, 1975
Do	Norfolk	Holbrook, town of	255212A	Jan. 2, 1976
Do	Plymouth	Marion, town of	255213A	Do.
Do	do	Mattapoisett, town of	255214A	Jan. 9, 1976
Do	Norfolk	Needham, town of	255215	July 1, 1974
Do	Bristol	New Bedford, city of	255216	Do.
Do	Norfolk	Norfolk, town of	255217	Do.
Do	Barnstable	Provincetown, town of	255218	Do.
Do	Norfolk	Quincy, city of	255219	Do.
Do	Bristol	Somerset, town of	255220	Do.
Do	do	Swansea, town of	255221	Do.
Do	Barnstable	Truro, town of	255222A	Dec. 12, 1975
Do	Plymouth	Wareham, town of	255223	July 1, 1974
Do	Bristol	Westport, town of	255224	Do.
Do	Norfolk	Westwood, town of	255225	Do.
Minnesota	Washington	Afton, city of	275226	Do.
Do	Anoka	Anoka, city of	275227	Do.
Do	Mower	Austin, city of	275228A	Nov. 28, 1975
Do	Washington	Bayport, city of	275229	July 1, 1974
Do	Hennepin	Bloomington, city of	275230	Do.
Do	Blue Earth	Unincorporated areas	275231	Do.
Do	Wilkin	Breckenridge, city of	275232	Do.
Do	Carver	Carver, city of	275233	Do.
Do	do	Chaska, city of	275234	Do.
Do	Clay	Unincorporated areas	275235	Do.
Do	Washington	Cottage Grove, city of	270502A	Apr. 3, 1976
Do	Houston	La Crescent, city of	275237A	Nov. 28, 1975
Do	Washington	Lake St. Croix Beach, city of	275240A	Sept. 5, 1975
Do	do	Lakeland Shores, city of	275239A	Do
Do	do	Lakeland, city of	275238B	June 6, 1975
Do	Dakota	Lilydale, city of	275241A	Nov. 14, 1975
Do	Blue Earth	Mankato, city of	275242	July 1, 1974
Do	Chippewa	Montevideo, city of	275243A	Aug. 29, 1975
Do	Clay	Moorhead, city of	275244A	July 1, 1974
Do	Nicollet	North Mankato, city of	275245C	Oct. 17, 1975
Do	Olmsted	Rochester, city of	275246	July 1, 1974
Do	Washington	Stillwater, city of	275249A	Nov. 21, 1975
Do	do	St. Mary's Point, city of	275247B	Sept. 26, 1975
Do	Ramsey	St. Paul, city of	275248	July 1, 1974
Do	Winona	Winona, city of	275250	Do.
Missouri	St. Louis	Clayton, city of	290341A	Feb. 14, 1976
Do	Boone	Columbia, city of	290036	July 1, 1974
Do	Jefferson	De Soto, city of	295263B	July 18, 1975
Do	do	Festus, city of	290191A	Feb. 14, 1976
Do	St. Francois	Flat River, city of	295264A	Sept. 5, 1975
Do	Gasconade	Hermann, city of	290141A	Mar. 5, 1976
Do	Cape Girardeau	Jackson, city of	295265A	Jan. 2, 1976
Do	St. Louis	Ladue, city of	290363B	Mar. 16, 1976
Do	do	Maplewood, city of	295266B	May 2, 1975
Do	Audrain	Mexico, city of	295267	July 1, 1974
Do	Phelps	Newburg, city of	295268	Do.
Do	Clay	North Kansas City, city of	290099A	Mar. 5, 1976
Do	Monroe	Paris, city of	290241A	Do.
Do	Cass	Pleasant Hill, city of	295269	July 1, 1974
Do	Mercer	Princeton, city of	290225A	Feb. 14, 1976
Do	New Madrid	Sikeston, city of	295270	July 1, 1974
Do	Clay	Smithville, city of	295271	Do.
Do	Crawfrod	Steelville, city of	290114A	Feb. 14, 1976
Mississippi	Hancock	Bay St. Louis, city of	285251	July 1, 1974
Do	Harrisou	Biloxi, city of	285252	Do.
Do	do	Gulfport, city of	285253	Do.
Do	do	Southern part	285255	Do.
Do	Forrest	Hattiesburg, city of	280053	Do.
Do	Harrison	Long Beach, city of	285257A	Oct. 17, 1975
Do	Jackson	Moss Point, city of	285258A	July 1, 1974
Do	do	Ocean Springs, city of	285259	Do.
Do	do	Pascagoula, city of	285260A	Do.
Do	Harrisou	Pass Christian, city of	285261A	Oct. 17, 1975
Do	Hancock	Waveland, city of	285262	July 1, 1974
Do	do	Southern part	285254	Do.
Do	Jackson	do	285256	Do.
Nebraska	Platte	Columbus, city of	315272	July 1, 1974
Do	Lancaster	Lincoln, city of	315273	Do.
Do	Douglas	Omaha, city of	315274	Do.
Do	Sarpy	Papillion, city of	315275C	Oct. 10, 1975
New Hampshire	Coos	Lancaster, town of	335277A	Dec. 12, 1975
North Carolina	Carteret	Beaufort, town of	375346A	Aug. 29, 1975
Do	New Hanover	Carolina Beach, town of	375347B	May 2, 1975
Do	Forsyth	Unincorporated areas	375349	July 1, 1974
Do	Macon	Franklin, town of	375350	Do.
Do	Guilford	Greensboro, city of	375351	Do.
Do	Brunswick	Holden Beach, town of	375352	Do.
Do	Dare	Kill Devil Hills, town of	375353	Do.
Do	Brunswick	Long Beach, town of	375354B	Dec. 26, 1975
Do	Dare	Manteo, town of	375355	July 1, 1974
Do	do	Nags Head, town of	375356A	Oct. 17, 1975
Do	Brunswick	Ocean Isle Beach, town of	375357A	Dec. 5, 1975
Do	Transylvania	Rosman, town of	375358	July 1, 1974
Do	Brunswick	Sunset Beach, town of	375359	Do.
Do	Forsyth	Winston-Salem, city of	375360C	July 25, 1975
Do	New Hanover	Wrightsville Beach, town of	375361B	Sept. 5, 1975
Do	Dare	Southern Shores	375348	July 1, 1975

Latest firm map

State	County	Location	Community No.	Effective date of latest revision
New Jersey	Atlantic	Absecon City, city of	340001A	Mar. 5, 1976
Do	do	Atlantic City, city of	345278B	Jan. 9, 1976
Do	Cape May	Avalon, borough of	345279A	Oct. 31, 1975
Do	Ocean	Barnegat Light, borough of	345280	July 1, 1974
Do	do	Bay Head, borough of	345281B	Apr. 18, 1975
Do	do	Beach Haven, bourough of	345282B	Sept. 26, 1975
Do	Monmouth	Belmar, borough of	345283	July 1, 1974
Do	Passaic	Bloomingdale, borough of	345284A	Do.
Do	Ocean	Brick, township of	345285A	Do.
Do	Atlantic	Brigantine, city of	345286	Do.
Do	Burlington	Burlington, city of	345287	Do.
Do	Cape May	Cape May City, city of	345288	Do.
Do	do	Cape May Point, borough of	345289A	Do.
Do	Morris	Chatham, borough of	340338A	Feb. 14, 1976
Do	Union	Clark, township of	345290A	July 1, 1974
Do	do	Cranford, township of	345291	Do.
Do	Monmouth	Deal, borough of	340292A	Mar. 5, 1976
Do	Morris	Denville, township of	345292	July 1, 1974
Do	Ocean	Dover, township of	345293A	Do.
Do	Union	Elizabeth, city of	345523B	Dec. 26, 1975
Do	Mercer	Ewing, township of	345294	July 1, 1974
Do	Essex	Fairfield, borough of	345295	Do.
Do	Ocean	Harvey Cedars, borough of	345296	Do.
Do	Monmouth	Highlands, borough of	345297	Do.
Do	Mercer	Hopewell, township of	345298	Do.
Do	Ocean	Lavallette, borough of	340379B	May 23, 1975
Do	Hunterdon	Lebanon, borough of	345299	July 1, 1974
Do	Morris	Lincoln Park, borough of	345300	Do.
Do	Ocean	Long Beach, township of	345301	Do.
Do	Monmouth	Long Branch, city of	340307A	May 5, 1976
Do	Atlantic	Longport, borough of	345302A	Aug. 22, 1975
Do	Monmouth	Manasquan, borough of	345303B	Jan. 16, 1976
Do	Atlantic	Margate City, city of	345304A	July 1, 1974
Do	Middlesex	Middlesex, borough of	345305A	Jan. 9, 1976
Do	Union	New Providence, borough of	345306	July 1, 1974
Do	Somerset	North Plainfield, borough of	345307	Do.
Do	Cape May	North Wildwood, city of	345308B	Dec. 19, 1975
Do	Bergen	Oakland, borough of	345309	July 1, 1974
Do	Cape May	Ocean City, city of	345310B	Dec. 26, 1975
Do	Morris	Pequannock, township of	345311	July 1, 1974
Do	Union	Plainfield, city of	345312B	June 13, 1975
Do	Ocean	Point Pleasant, borough of	345313	July 1, 1974
Do	Passaic	Pompton Lakes, borough of	345528A	July 1, 1974
Do	Union	Rahway, city of	345314B	Sept. 5, 1975
Do	Morris	Rockaway, borough of	345315A	Sept. 26, 1975
Do	Monmouth	Rumson, borough of	345316A	Nov. 7, 1975
Do	do	Sea Bright, borough of	345317	July 1, 1974
Do	do	Sea Girt, borough of	340325A	Mar. 5, 1976
Do	Cape May	Sea Isle City, city of	345318B	Dec. 26, 1975
Do	Ocean	Seaside Park, borough of	345319B	Sept. 5, 1975
Do	do	Ship Bottom, borough of	345320A	Aug. 29, 1975
Do	Monmouth	Spring Lake, borough of	340329A	Mar. 5, 1976
Do	Union	Springfield, township of	345321	July 1, 1974
Do	Hunterdon	Stockton, borough of	345322C	Nov. 14, 1975
Do	Cape May	Stone Harbor, borough of	345323B	Do.
Do	Ocean	Surf City, borough of	345324A	Nov. 7, 1975
Do	Mercer	Trenton, city of	345325	July 1, 1974
Do	Atlantic	Ventnor City, city of	345326	Do.
Do	Passaic	Wayne, township of	345327	Do.
Do	Cape May	West Wildwood, borough of	345328B	Oct. 17, 1975
Do	do	Wildwood Crest, borough of	345330A	Dec. 26, 1975
Do	do	Wildwood, city of	345329	July 1, 1974
Do	Middlesex	Woodbridge, township of	345331A	Do.
New Mexico	Dona Ana	Las Cruces, city of	355332	July 1, 1974
New York	Suffolk	Asharoken village of	365333B	Oct. 10, 1975
Do	do	Brookhaven, town of	365334	July 1, 1974
Do	Erie	East Aurora, village of	365335A	Dec. 5, 1975
Do	Nassau	Freeport, village of	360464A	Feb. 14, 1976
Do	Chautauqua	Hanover, town of	365336A	Oct. 31, 1975
Do	Nassau	Island Park, village of	360471A	Feb. 14, 1976
Do	Suffolk	Islip, town of	365337	July 1, 1974
Do	Nassau	Long Beach, city of	365338A	Oct. 24, 1975
Do	Suffolk	Ocean Beach, village of	365339A	Oct. 17, 1975
Do	Rockland	Ramapo, town of	365340	July 1, 1974
Do	Suffolk	Saltaire, village of	365341	Do.
Do	do	Southampton, town of	365342	Do.
Do	do	Southampton, village of	365343A	Sept. 12, 1975
Do	Rockland	Spring Valley, village of	365344B	Sept. 26, 1975
Do	Suffolk	Westhampton beach, village of	365345B	Oct. 10, 1975
North Dakota	Ransom	Enderlin, city of	385363B	July 11, 1975
Do	Cass	Fargo, city of	385364	July 1, 1974
Do	Stutsman	Jamestown, city of	385366A	Sept. 5, 1975
Do	Ward	Minot, city of	385367A	Nov. 14, 1975
Do	Pembina	Pembina, city of	385368	July 1, 1974
Do	Stark	Unincorporated areas	385369	Do.
Do	Ward	do	385370	Do.
Ohio	Lorain	Brownhelm, township of	395371A	Nov. 14, 1975
Do	Cuyahoga	Garfield Heights, city of	390109A	Jan. 16, 1976
Do	do	Rocky River, city of	395372A	Oct. 31, 1975
Do	Multiple	Vermilion, city of	395374A	Oct. 3, 1975
Oklahoma	Rogers	Claremore, city of	405375C	Oct. 3, 1975
Do	Stephens	Comanche, city of	405376C	Sept. 26, 1975
Do	Canadian	El Reno, city of	405377	July 1, 1974
Do	Multiple	Oklahoma City, city of	405378	Do.
Do	Rogers	Unincorporated areas	405379	Do.
Do	Payne	Stillwater, city of	405380A	Jan. 9, 1976
Do	Multiple	Tulsa, city of	405381B	May 28, 1975
Do	Leflore	Wister, town of	400095A	Apr. 14, 1976
Oregon	Douglas	Winston, city of	415593C	Aug. 22, 1976

Latest firm map

State	County	Location	Community No.	Effective date of latest revision
Pennsylvania	Delaware	Brookhaven, borough of	420403A	Feb. 14, 1976
Do	Cumberland	Carlisle, borough of	425382A	Oct. 10, 1975
Do	Northampton	Easton, city of	425383A	Nov. 7, 1975
Do	Lycoming	Jersey Shore, borough of	420642A	Mar. 5, 1976
Do	Northumberland	Milton, borough of	425384B	Nov. 28, 1975
Do	Allegheny	Neville, township of	425385A	Sept. 5, 1975
Do	Montgomery	Norristown, borough of	425386A	Dec. 5, 1975
Do	Snyder	Selinsgrove, borough of	425387A	Oct. 31, 1975
Do	Montgomery	Springfield, township of	425388A	Jan. 2, 1976
Do	Schuylkill	Tamaqua, borough of	425389A	Oct. 31, 1975
Do	Delaware	Thornbury, township of	425390A	Oct. 17, 1975
Do	Washington	West Brownsville, borough of	425391A	Aug. 22, 1975
Do	Berks	West Reading, borough of	420156A	Mar. 16, 1976
Rhode Island	Bristol	Barrington, town of	445392B	Oct. 17, 1975
Do	do	Bristol, town of	445393B	Do.
Do	Providence	Central Falls, city of	445394A	Aug. 22, 1975
Do	Washington	Charlestown, town of	445395	July 1, 1974
Do	Providence	Cranston, city of	445396	Do.
Do	Kent	East Greenwich, town of	445397	Do.
Do	Providence	East Providence, city of	445398A	Nov. 11, 1975
Do	Newport	Jamestown, town of	445399	July 1, 1974
Do	Providence	Lincoln, town of	445400A	Oct. 10, 1975
Do	Newport	Middletown, town of	445401B	Jan. 16, 1976
Do	Washington	Narragansett, town of	445402A	July 1, 1974
Do	Newport	Newport, city of	445403B	Nov. 21, 1975
Do	Washington	North Kingston, town of	445404A	Jan. 9, 1976
Do	Providence	Pawtucket, city of	440022	July 1, 1974
Do	Newport	Portsmouth, town of	445405A	Dec. 19, 1975
Do	Providence	Providence, city of	445406A	Nov. 28, 1975
Do	Washington	South Kingston, town of	445407	July 1, 1974
Do	Bristol	Warren, town of	445408A	Oct. 31, 1975
Do	Kent	Warwick, city of	445409	July 1, 1974
Do	Washington	Westerly, town of	445410A	Dec. 26, 1975
Do	Providence	Woonsocket, city of	445411A	Jan. 16, 1976
South Carolina	Charleston	Unincorporated areas	455413A	July 1, 1974
Do	do	Charleston, city of	455412A	Do.
Do	do	Edisto Beach, town of	455414	Do.
Do	do	Folly Beach, township of	455415A	Oct. 3, 1975
Do	do	Isle of Palms, city of	455416A	Do.
Do	do	Mount Pleasant, town of	455417A	July 1, 1974
Do	do	Sullivan's Island, township of	455418A	Oct. 31, 1975
South Dakota	Stanley	Fort Pierre, city of	465419	July 1, 1974
Do	Pennington	Rapid City, city of	465420	Do.
Tennessee	Blount	Alcoa, city of	475421	July 1, 1974
Do	Hamilton	Collegedale, city of	475422	Do.
Do	Maury	Columbia, city of	475423	Do.
Do	Hamilton	East Ridge, city of	475424	Do.
Do	Carter	Elizabethton, city of	475425	Do.
Do	Sevier	Gatlinburg, city of	475426	Do.
Do	Roane	Harriman, city of	475427	Do.
Do	Campbell	Jacksboro, town of	475428	Do.
Do	Marion	Jasper, town of	475429	Do.
Do	Jefferson	Jefferson City, town of	475430	Do.
Do	Campbell	Jellico, city of	475431A	Oct. 3, 1975
Do	Washington	Johnson City, city of	475432	July 1, 1974
Do	Knox	Knox County	475433	Do.
Do	do	Knoxville, city of	475434	Do.
Do	Campbell	Lafollette, city of	475435	Do.
Do	Anderson	Lake City, town of	475436	Do.
Do	Lawrence	Lawrenceburg, city of	475437	Do.
Do	Loudon	Lenoir City, city of	475438	Do.
Do	Blount	Maryville, city of	475439	Do.
Do	Cocke	Newport, town of	475440	Do.
Do	Multiple	Oak Ridge, city of	475441A	Do.
Do	Sevier	Pigeon Forge, city of	475442	Do.
Do	Roane	Rockwood, city of	475443	Do.
Do	Sevier	Sevierville, town of	475444	Do.
Do	Hamilton	Soddy-Daisy, city of	475445A	May 18, 1973 July 1, 1974
Do	Obion	South Fulton, city of	475446A	Dec. 19, 1975
Do	Marion	South Pittsburg, city of	475447	July 1, 1974
Do	Rhea	Spring City, town of	475448	Do.
Do	Claiborne	Tazewell, city of	475449	Do.
Texas	Tarrant	Arlington, city of	485454	July 1, 1974
Do	Matagorda	Bay City, city of	485455	Do.
Do	Harris	Baytown, city of	485456A	Nov. 14, 1975
Do	Jefferson	Beaumont, city of	485457A	Do.
Do	Brazoria	Unincorporated areas	485458A	July 1, 1974
Do	Johnson and Tarrant.	Burleson, city of	485459	Do.
Do	Calhoun	Unincorporated areas	480097	Do.
Do	Harris	Clear Lake City, city of	485460A	Do.
Do	Galveston	Clear Lake Shores, city of	485461B	Apr. 18, 1975
Do	Johnson	Cleburne, city of	485462A	Sept. 12, 1975
Do	Comal	Unincorporated areas	485463	July 1, 1974
Do	Nueces	Corpus Christi, city of	485464B	Oct. 31, 1975
Do	Jackson	Edna, city of	485465B	Apr. 18, 1975
Do	Harris	El Lago, city of	485466B	July 11, 1975
Do	Brazoria	Freeport, city of	485467C	Oct. 31, 1975
Do	Galveston	Friendswood, city of	485468B	Dec. 19, 1975
Do	do	Unincorporated areas	485470A	July 1, 1974
Do	do	Galveston, city of	485469B	Oct. 3, 1975
Do	Dallas	Garland, city of	485471A	Do.
Do	Multiple	Grand Prairie, city of	485472	July 1, 1974
Do	Hunt	Greenville, city of	485473B	Apr. 11, 1975
Do	Jefferson	Griffing Park, town of	485474B	Nov. 28, 1975
Do	do	Groves, city of	485475B	Do.
Do	Lavaca	Hallettsville, city of	485476C	Dec. 5, 1975
Do	Cameron	Harlingen, city of	485477A	Oct. 17, 1975
Do	Brazoria	Hillcrest Village, city of	485478B	Apr. 11, 1975

Latest firm map

State	County	Location	Community No.	Effective date of latest revision
Do	Galveston	Hitchcock, city of	485479C	Oct. 31, 1975
Do	San Patricio	Ingleside, city of	485480B	May 2, 1975
Do	Galveston	Kemah, city of	485481A	Aug. 22, 1975
Do	Karnes	Kenedy, city of	485482A	Sept. 12, 1975
Do	Kleberg	Kingsville, city of	480424A	Nov. 21, 1975
Do	do	Unincorporated areas	480423	July 1, 1974
Do	Dawson	La Mesa, city of	480191A	Apr. 30, 1976
Do	Harris	La Porte, city of	485487C	Aug. 22, 1975
Do	Cameron	Laguna Vista, village of	485483B	July 11, 1975
Do	Brazoria	Lake Jackson	485484B	July 25, 1975
Do	Jefferson	Lakeview, town of	485485B	Nov. 28, 1975
Do	Galveston	Lamarque, city of	485486A	Oct. 17, 1975
Do	do	League City, city of	485488A	Sept. 12, 1975
Do	Matagorda	Unincorporated areas	485489	July 1, 1974
Do	Dallas	Mesquite, city of	485490A	Sept. 26, 1975
Do	Harris	Nassau Bay, city of	485491C	Sept. 5, 1975
Do	Jefferson	Nederland, city of	485492B	Nov. 28, 1975
Do	Comal	New Braunfels, city of	485493A	Sept. 12, 1975
Do	Nueces	Nueces County	485494A	July 1, 1974
Do	Matagorda	Palacios, city of	485495B	July 11, 1975
Do	Harris	Pasadena, city of (Harris County Water Control District F60 only).	480307	July 1, 1974
Do	Jefferson	Pear Ridge, city of	485497B	Nov. 28, 1975
Do	Orange	Pinehurst, city of	480513A	Nov. 7, 1975
Do	Nueces	Port Aransas, city of	485498A	July 1, 1974
Do	Jefferson	Port Arthur, city of	485499A	Do.
Do	Calhoun	Port Lavaca, city of	480099A	Sept. 5, 1975
Do	Jefferson	Port Neches, city of	485500A	July 1, 1974
Do	Refugio	Unincorporated areas	485501A	Do.
Do	Brazoria	Richwood, city of	485502C	Nov. 28, 1975
Do	Nueces	Robstown, city of	485503B	Apr. 18, 1975
Do	Arkansas	Rockport, city of	485504B	Nov. 7, 1975
Do	Hays	San Marcos, city of	485505	July 1, 1974
Do	San Patricio	Unincorporated areas	485506	Do.
Do	Harris	Seabrook, city of	485507A	Aug. 22, 1975
Do	Calhoun	Seadrift, city of	480100B	May 2, 1975
Do	Guadalupe	Seguin, city of	485508A	Aug. 22, 1975
Do	Grayson	Sherman, city of	485509A	Dec. 5, 1975
Do	Harris	Shoreacres, city of	485510B	Sept. 12, 1975
Do	San Patricio	Sinton, city of	485511	July 1, 1974
Do	Brazoria	Sweeny, city of	485512A	Aug. 22, 1975
Do	Harris	Taylor Lake, village of	485513A	Sept. 5, 1975
Do	Galveston	Texas City, city of	485514A	July 1, 1974
Do	Live Oak	Three Rivers, city of	485515C	Sept. 26, 1975
Do	Victoria	Victoria, city of	480638A	Aug. 22, 1975
Do	Harris	Webster, city of	485516	July 1, 1974
Vermont	Washington	Montpelier, city of	505518	Do.
Virginia	Independent city	Alexandria, city of	515519	Do.
Do	Arlington	Four Mile Run area	515520	Do.
Do	Wise	Big Stone Gap, town of	515521	Do.
Do	Russell	Cleveland, town of	515522	Do.
Do	Fairfax	Unincorporated areas	515525	Do.
Do	Independent city	Fairfax, city of	515524A	Oct. 31, 1975
Do	Rockbridge	Glasgow, town of	515526A	Dec. 12, 1975
Do	Independent city	Hampton, city of	515527A	July 1, 1974
Do	do	Portsmouth, city of	515529A	Nov. 7, 1975
Do	Wise	St. Paul, town of	515530	July 1, 1974
Do	Independent city	Virginia Beach, city of	515531A	Do.
Do	do	Waynesboro, city of	515532A	Dec. 5, 1975
Washington	Benton	Richland, city of	535533C	Nov. 14, 1975
West Virginia	Logan	Chapmanville, town of	540092	July 1, 1974
Do	do		545536	Do.
Do	do	Logan, city of	545535B	Dec. 19, 1975
Do	do	Man, town of	545537A	Dec. 26, 1975
Do	Mingo	Matewan, town of	545538	July 1, 1974
Do	Logan	Mitchell, Heights, town of	540095	Do.
Do	do	West Logan, town of	545539C	Nov. 28, 1975
Wisconsin	Buffalo	Alma, city of	555540A	July 1, 1974
Do	Langlade	Antigo, city of	555541A	Oct. 31, 1975
Do	Multiple	Appleton, city of	555542A	Dec. 26, 1975
Do	Pierce	Bay City, village of	555543A	Oct. 17, 1975
Do	Rock	Beloit, city of	555544	July 1, 1974
Do	Wood	Biron, village of	555545	Do.
Do	Buffalo	Unincorporated areas	555547	Do.
Do	do	Buffalo, city of	555546A	Oct. 17, 1975
Do	Grant	Cassville, village of	555548A	Nov. 28, 1975
Do	Chippewa	Unincorporated areas	555549	July 1, 1974
Do	Buffalo	Cochrane, village of	555550B	May 23, 1975
Do	Crawford	Unincorporated areas	555551	July 1, 1974
Do	Eau Claire	do	555552	Do.
Do	Crawford	Ferryville, village of	555553A	Oct. 31, 1975
Do	Jefferson	Fort Atkinson, city of	555554	July 1, 1974
Do	Buffalo	Fountain, city of	555555A	Aug. 29, 1975
Do	Vernon	Genoa, village of	555556A	Oct. 10, 1975
Do	Grant	Unincorporated areas	555557	July 1, 1974
Do	St. Croix	Hudson, city of	555558A	Oct. 3, 1975
Do	Iron	Hurley, city of	555559A	Nov. 14, 1975
Do	Rock	Janesville, city of	555560A	Dec. 19, 1975
Do	Jefferson	Jefferson, city of	555561A	Sept. 5, 1975
Do	La Crosse	La Crosse, city of	555562	July 1, 1974
Do	Crawford	Lynxville, village of	555563A	Nov. 28, 1975
Do	Ozaukee	Mequon, city of	555564A	July 1, 1974
Do	Lincoln	Merrill, city of	555565A	Nov. 28, 1975
Do	Manitowoc	Mishicot, village of	555566A	Oct. 17, 1975
Do	Marathon	Mosinee, city of	555567A	Nov. 14, 1975
Do	St. Croix	North Hudson, village of	555568B	Aug. 22, 1975
Do	Pepin	Unincorporated areas	555570C	Jan. 2, 1975
Do	do	Pepin, village of	555569B	May 2, 1975
Do	Pierce	Unincorporated areas	555571A	Jan. 9, 1976
Do	Wood	Port Edwards, village of	555572	July 1, 1974
Do	Crawford	Prairie Du Chien, city of	555573A	Nov. 28, 1975
Do	Pierce	Prescott, city of	555574	July 1, 1974

Latest firm map

State	County	Location	Community No.	Effective date of latest revision
Do	Racine	Racine, city of	555575A	Jan. 2, 1976
Do	Vernon	Readstown, village of	550458A	Mar. 16, 1976
Do	Richland	Richland Center, city of	555576	July 1, 1974
Do	Marathon	Rothschild, village of	555577	Do.
Do	do	Schofield, city of	555579	Do.
Do	Crawford	Steuben, village of	555580	Do.
Do	Pepin	Stockholm, village of	555581B	Mar. 28, 1975
Do	Vernon	Stoddard, village of	555582B	Jan. 23, 1976
Do	Trempealeau	Strum, village of	555583A	Aug. 29, 1975
Do	St. Croix	Unincorporated areas	555578A	July 1, 1974
Do	Trempealeau	do	555585	Do.
Do	do	Trempealeau, village of	555584C	Nov. 7, 1975
Do	Crawford	Wauzeka, village of	555586	July 1, 1974
Do	Wood	Wisconsin Rapids, city of	555587	Do.

3. § 1915.5 is added and reserved as follows:

§ 1915.5 [Reserved]

4. Present § 1915.6 is revised to read as follows:

§ 1915.6 Administrative withdrawal of maps.

(a) *Flood Hazard Boundary Maps (FHBM's).*

The following is a cumulative list of withdrawals pursuant to this Part: 40 FR 5149; 40 FR 17015; 40 FR 20798; 40 FR 46102; 40 FR 53579; 40 FR 56672; 40 FR 1472.

(b) *Flood Insurance Rate Maps (FIRM's).*

The following is a cumulative list of withdrawals pursuant to this Part: 40 FR 17015.

5. The following additional entries (which will not appear in the Code of Federal Regulations) are made pursuant to § 1915.6:

State	County	Location	Map number and Federal Register citation	Effective date of withdrawal
Alabama	Shelby	Unincorporated areas [1].	H 010191 01-02; Vol. 39, No. 24, pg. 43392.	Nov. 28, 1975
Connecticut	Litchfield	Colebrook, town of [1]	H 090180 01-09; Vol. 39, No. 241, pg. 43393.	Do.
Florida	Pasco	Odessa, city of [2]	H 120233 01; Vol. 39, No. 238, pg. 43080	Do.
Kentucky	Butler	Rochester, town of [2]	H 21 031 2760 01; Vol. 39, No. 23, pg. 4099.	Do.
Minnesota	Itasca	Cohasset, city of [2]	H 270202 01; Vol. 39, No. 115, pg. 20681	Do.
			H 270202A 01; Vol. 40, No. 179, pg. 42555.	
New York	Greene	Hunter, town of [1]	H 360292 01-12; Vol. 40, No. 144, pg. 31221.	Do.
Texas	Orange	Unincorporated areas [3].	I 48 361 0000 02-12; Vol. 36, No. 94, pg. 8877.	Do.
Do	do	Pinehurst, city of [2]	I 48 339 5357 02; Vol. 36, No. 128, pg. 12611.	Do.
Utah	Tooele	Grantsville, city of [4]	H 490141 01-06; Vol. 39, No. 115, pg. 20693.	Do.

NOTES.—REASONS FOR WITHDRAWAL

[1] The flood hazard boundary map (FHBM) contained printing errors or was improperly distributed. A new FHBM will be prepared and distributed.
[2] The community lacked enabling authority over the special flood hazard areas.
[3] The flood insurance rate map was rescinded because of inaccurate flood elevations contained on the map.
[4] A revision of the FHBM within a reasonable period of time was not possible. A new FHBM will be prepared and distributed.

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

Issued: December 19, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-246 Filed 1-7-76;8:45 am]

Title 29—Labor
CHAPTER I—NATIONAL LABOR RELATIONS BOARD
PART 102—RULES AND REGULATIONS SERIES 8

Amendments to Rules

By virtue of the authority vested in it by the National Labor Relations Act approved July 5, 1935,[1] and by section (f) of the Privacy Act of 1974,[2] the National Labor Relations Board hereby promulgates the following amendments to its rules which it finds necessary to carry out the provisions of said Acts.

Dated, Washington, D.C., December 31, 1975.

By direction of the Board:

JOHN C. TRUESDALE,
Executive Secretary.

§ 102.117 Board materials and formal documents available for public inspection and copying; requests for identifiable records; files and records not subject to inspection; fees for copying and production; access to and amendments of records pertaining to individuals in systems of records.

* * * * *

(e) An individual will be informed whether a system of records maintained by this agency contains a record pertaining to such individual. An inquiry should be made in writing or in person during normal business hours to the official of this agency designated for that purpose and at the address set forth in a notice of a system of records published by this agency, in a Notice of Systems of Government-wide Personnel Records published by the Civil Service Commission, or in a Notice of Government-wide System of Records published by the Department of Labor. Copies of such notices, and assistance in preparing an inquiry, may be obtained from any regional office of the Board or at the Board offices at 1717 Pennsylvania Avenue, NW., Washington, D.C. 20570. The inquiry should contain sufficient information, as defined in the notice, to identify the record. Reasonable verification of identity of the inquirer, as described in subsection (i) of this section, will be required to assure that information is disclosed to the proper person. The agency shall acknowledge the inquiry in writing within 10 days (excluding Saturdays, Sundays, and legal public holidays) and, wherever practicable, the acknowledgment shall supply the information requested. If, for good cause shown, the agency cannot supply the information within 10 days, the inquirer shall within that time period be notified in writing of the reasons therefor and when it is anticipated the information will be supplied. An acknowledgment will not be provided where the information is supplied within the 10-day period. If the agency refuses to inform an individual whether a system of records contains a record pertaining to an individual, the inquirer shall be

[1] 49 Stat. 449; 29 U.S.C. 151–166, as amended by act of June 23, 1947 (61 Stat. 136; 29 U.S.C. Sup. 151–167), act of October 22, 1951 (65 Stat. 601; 29 U.S.C. 158, 159, 166), and act of September 14, 1959 (73 Stat. 519; 29 U.S.C. 141–168).

[2] 88 Stat. 1896; 5 U.S.C. section 552a(f).

notified in writing of that determination and the reasons therefor, and of the right to obtain review of that determination under the provisions of paragraph (j) of this section.

(f) An individual will be permitted access to records pertaining to such individual contained in any system of records described in the notices of systems of records published by this agency, or access to the accounting of disclosures from such records. The request for access must be made in writing or in person during normal business hours, to the person designated for that purpose and at the address set forth in the published notice of systems of records. Copies of such notices, and assistance in preparing a request for access, may be obtained from any regional office of the Board or at the Board offices at 1717 Pennsylvania Avenue NW., Washington, D.C. 20570. Reasonable verification of the identity of the requester, as described in subsection (i) of this section, shall be required to assure that records are disclosed to the proper person. A request for access to records or the accounting of disclosures from such records shall be acknowledged in writing by the agency within 10 days of receipt (excluding Saturdays, Sundays, and legal public holidays) and, wherever practicable, the acknowledgement shall inform the requester whether or not access will be granted and, if so, the time and location at which the records or accounting will be made available. If access to the record or accounting is to be granted, the record or accounting will normally be provided within 30 days (excluding Saturdays, Sundays, and legal public holidays) of the request, unless for good cause shown the agency is unable to do so, in which case the individual will be informed in writing within that 30-day period of the reasons therefor and when it is anticipated that access will be granted. An acknowledgement of a request will not be provided if the record is made available within the 10-day period. If an individual's request for access to a record or an accounting of disclosures from such a record under the provisions of this subsection is denied, the notice informing the individual of the denial shall set forth the reasons therefor and advise the individual of the right to obtain a review of that determination under the provisions of subsection (j) of this section.

(g) An individual granted access to records pertaining to such individual contained in a system of records may review all such records. For that purpose the individual may be accompanied by a person of the individual's choosing, or the record may be released to the individual's representative who has the written consent of the individual, as described in subsection (i) of this section. A first copy of any such record or information will ordinarily be provided without charge to the individual or representative in a form comprehensible to the individual. Fees for any other copies of requested records shall be assessed at the rate of $0.10 for each sheet of duplication.

(h) An individual may request amendment of a record pertaining to such individual in a system of records maintained by this agency. A request for amendment of a record must be in writing and submitted during normal business hours to the person designated for that purpose and at the address set forth in the published notice for the system of records containing the record of which amendment is sought. Copies of such notices, and assistance in preparing a request for amendment, may be obtained from any regional office of the Board or at the Board offices at 1717 Pennsylvania Avenue, NW., Washington, D.C. 20570. The requester must provide verification of identity as described in subsection (i) of this section, and the request should set forth the specific amendment requested and the reason for the requested amendment. The agency shall acknowledge in writing receipt of the request within 10 days of its receipt (excluding Saturdays, Sundays, and legal public holidays) and, wherever practicable, the acknowledgment shall advise the individual of the determination of the request. If the review of the request for amendment cannot be completed and a determination made within 10 days, the review shall be completed as soon as possible, normally within 30 days (Saturdays, Sundays, and legal public holidays excluded) of receipt of the request unless unusual circumstances preclude completing the review within that time, in which event the requester will be notified in writing within that 30-day period of the reasons for the delay and when the determination of the request may be expected. If the determination is to amend the record, the requester shall be so notified in writing and the record shall be amended in accordance with that determination. If any disclosures accountable under the provisions of 5 U.S.C. Sec. 552a(c) have been made, all previous recipients of the record which was amended shall be advised of the amendment and its substance. If it is determined that the request should not be granted, the requester shall be notified in writing of that determination and of the reasons therefor, and advised of the right to obtain review of the adverse determination under the provisions of paragraph (j) of this section.

* * * * *

(j)(1) Review may be obtained with respect to (i) a refusal, under paragraph (e) or (k) of this section, to inform an individual if a system of records contains a record concerning that individual, (ii) a refusal, under paragraph (f) or (k) of this section, to grant access to a record or an accounting of disclosures from such a record, or (iii) a refusal, under paragraph (h) of this section, to amend a record. The request for review should be made to the chairman of the Board if the system of records is maintained in the offices of a member of the Board, the office of the executive secretary, the office of the solicitor, the division of information, or the division of administrative law judges. Consonant with the provisions of section 3(d) of the National Labor Relations Act, as amended, and the delegation of authority from the Board to the general counsel, the request should be made to the general counsel if the system of records is maintained by any office of the agency other than those enumerated above. Either the chairman of the Board or the general counsel may designate in writing another officer of the agency to review the refusal of the request. Such review shall be completed within 30 days (excluding Saturdays, Sundays, and legal public holidays) from the receipt of the request for review unless the chairman of the Board or the general counsel, as the case may be, for good cause shown, shall extend such 30-day period.

* * * * *

(j)(3) If, upon review of a refusal under paragraph (f) or (k), the reviewing officer determines that access to a record or to an accounting of disclosures should be granted, the requester shall be so notified and the record or accounting shall be promptly made available to the requester. If the reviewing officer determines that the request for access was properly denied, the individual shall be so informed in writing with a brief statement of the reasons therefor, and of the right to judicial review of that determination under the provisions of 5 U.S.C. section 552a(g)(1)(B).

[FR Doc.76-444 Filed 1-7-76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75-201]

PART 157—RULES AND REGULATIONS FOR PROTECTION OF THE MARINE ENVIRONMENT RELATING TO TANK VESSELS CARRYING OIL IN DOMESTIC TRADE

Tank Vessels Carrying Oil in Domestic Trade

The purpose of these amendments to the oil pollution regulations is to add requirements for the distribution of segregated ballast in certain seagoing U.S. tankships and barges certified to carry oil in the domestic U.S. trade.

In the October 14, 1975, issue of the FEDERAL REGISTER (40 FR 48289) the Coast Guard proposed specific criteria for the distribution of segregated ballast required in section 33 CFR 157.09. In response to several requests for additional time to comment on the proposal, the comment period was extended from November 13, 1975, to December 1, 1975, by a notice published in the FEDERAL REGISTER (40 FR 54006) on November 20, 1975.

The limited issue of this rulemaking action is "What distribution of segregated ballast spaces required for new tank vessels of 70,000 DWT and over will result in the best improvement in environmental protection with no compromise of overall safety?" Safety, for the purposes of the issue of this rulemaking action, is an all inclusive term that includes environmental protection as one aspect. The rules recently issued in part

33 CFR 157 (40 FR 48280), while primarily concerned with abatement of operational pollution, also will be effective in abating pollution in accidents where the more stringent subdivision and damage stability requirements and tank size limits operate to reduce outflows of oil or prevent the total loss of a ship and its oil cargo. The distribution of required segregated ballast spaces in accordance with rules in this amendment will also reduce outflow of oil from a tanker in case of accident. Tank vessel accidents are statistically small in number involving random, unpredictable events. The number of accidents that result in spillage is even smaller, on the order of one-fourth of the accident events. Further, accident analysis shows that about 80 percent of the oil pollution outflow is caused by approximately 2 percent of the accidents. Several commenters suggested that all very large spills and accidents where the vessels ultimately sank should be withdrawn from the data base, leaving only smaller spills. This approach is not considered sound for two reasons: (1) it rests on the assumption that nothing could be done which would have altered the outcome of those events, and (2) those events by their very magnitude are most deserving of attention.

Several commenters stated that oil spilled from accidents is severely harmful to the marine environment. Because many accidents occur in near-shore areas these commenters suggested that a higher degree of built-in vessel protection against spillage is warranted. It is appropriate to review the history of where oil has been deemed to fit on the relative scale of risk posed to the general public and the port areas, to the vessel and its crew, and to the environment. The Coast Guard has regulated liquid cargo vessels for a number of years by establishing (with the assistance of the National Academy of Sciences) categories of cargo based upon the potential hazards and has required more stringent design and construction features for the vessels as the hazard category of the cargo increased. This methodology has been successful in service as is evidenced by the results shown in the joint MARAD-Coast Guard Tank Barge Study which was referred to by several commenters. The United States has been successful in having this methodology adopted internationally through the deliberations of the Inter-Governmental Maritime Consultative Organization (IMCO). The IMCO Code for the Construction and Equipment of Ships Carrying Dangerous Liquids in Bulk, IMCO Resolution A.212 (VII), recognizes four categories of bulk liquid cargoes. One category consists of substances whose hazards fall outside of the scope of the Code. A second category consists of substances that are considered dangerous, having hazards analogous to oil but of a different nature. Bulk cargoes of these substances are not required to be carried in tanks separated from the hull of the vessel. The other two categories consist of substances which present more substantial hazards than that of oil, *e.g.*, substances which are water reactive, highly toxic to humans, corrosive in the presence of water, which have extremely hazardous flammability characteristics, and which have other properties that make their release a serious safety risk. These substances are required to be transported in tanks separated from the hull because they present greater hazards to the safety of crew, the vessel, and populace in the surrounding area. The Coast Guard considers oil to be similar in hazard to the first two categories of substances described above and has developed construction standards accordingly, including these distribution of ballast requirements.

Several commenters implied that *all* new tank vessels, regardless of tonnage, should be built with defensive space for environmental protection. The Coast Guard is not requiring defensive spaces solely to provide protection against spillage in event of grounding or collision accident. As the final environmental impact statement on this subject, published August 15, 1975, pointed out, in new tank vessels of 70,000 DWT and above, segregated ballast tanks are required to eliminate the routine event of contaminating ballast water by the addition of that water to tanks which previously contained oil cargo. It is this practice, necessary to immerse the hull for the return voyage, that leads to intentional operational discharge of oily ballast water, a principal source of marine pollution. The proper distribution of these segregated ballast spaces to achieve a secondary benefit in case of accident is a logical extension of the regulations. Segregated ballast is not required on new tank vessels of less than 70,000 DWT because it would not be an effective pollution prevention measure on smaller vessels since most of these vessels carry petroleum products rather than crude oil and most wash tanks for cargo purity reasons rather than to provide space for clean ballast.

The historical data with respect to the relative frequencies of occurrences of side damaging accidents as a result of collisions and rammings versus bottom damaging accidents as a result of groundings reveal that the side damaging accidents occur 1.5 times as often as the bottom damaging accidents.

Data on spill frequency by type of accident are considered more reliable because of better reporting procedures. These data reveal that spills from the side of a vessel from collisions and rammings occur 1.4 times as often as the spills from the bottom from strandings and groundings. As a general rule, within the cargo tank length, the side shell area of a tank vessel including both sides is very nearly equal to the bottom shell area. These two factors would suggest a preference for side protection over bottom protection. The Coast Guard studied a large number of U.S. Salvage Association damage reports to determine if there were any particular areas of the cargo tank block of a tanker that were more prone to damage than other areas. The study revealed that no particular area of the tanker is immune to damage. However, one damage prone area was identified, the area of the turn of the bilge.

Information on the depth of penetration in cases of collision and grounding is extremely scarce. It must be remembered, however, that the physical phenomenon of a side damaging accident makes likely the loss to the sea of the entire contents of an injured tank. This is due to the fact that the specific gravity of most oils is less than seawater and a pressure differential is created by the breach of the hull which allows entering water to displace the oil within the tank. How fast this occurs depends, of course, on the size of the hole and whether it is at or below the waterline. This phenomenon was documented in a Coast Guard report dated May 1945 entitled, "Suggestions Concerning Tank Vessel Operation During Wartime (Based upon Experiences of 6,000 Tankermen Attacked by Submarine)." The following excerpt from that report concerning torpedo damage is of interest:

> We would find a hole in the ship's side at least large enough to drive a truck through. Let us go through the hole into the tank, we would find an interesting thing happening. Although the tank was full of cargo we would see the ocean pouring into the tank at the bottom of the hole and the crude oil cargo pouring into the ocean at the top of the hole—*i.e.*, we would see two liquids, water and oil, pouring through the same hole at the same time in opposite directions! This is a very interesting discovery for it means that all of the oil in the tank is going to be displaced by seawater very quickly and that, in a matter of minutes either the tank will be filled with seawater or what oil remains in the tank will be trapped at the top by the seawater.

This early report was further corroborated by model testing conducted by the Japanese which simulated various size holes in the side of a vessel. This information was submitted to IMCO in 1970 in document DE/25.

In the case of bottom damage, the physics are such that when a puncture of similar size to the previously mentioned side injury is made into the bottom of the cargo tank, a portion of the oil will flow out until a hydrostatic balance is achieved within the tank. This portion will tend to be increased by any dynamic pumping action due to the motion of the ship. This behavior has been demonstrated by model tests conducted at the Netherlands Ship Model Basin. It is also confirmed by the experience of the VLCC Metula where more oil was apparently lost than would have been expected owing to the unusually strong currents to which the vessel was subjected while grounded in the Straits of Magellan in late 1974.

Both of these phenomena regarding side and bottom injuries have been well understood for a number of years. In fact, they underlie the development of cargo tank size and arrangement regulations that deal with the probability of volume of outflows. It is also necessary to understand that the hypothetical damages that are imposed upon a tanker design in arriving at the assumed

outflows are severe conditions of damage. They do not necessarily represent the absolute worst case but are well up a relative scale toward the worst case. Furthermore, the hypothetical damages are not imposed randomly but are assumed to occur at the *worst location*. This means that in a large number of collisions and groundings the actual extent of damage will be considerably less than the hypothetical damage, which also means that the actual outflow will likely be less than hypothetical. A smaller degree of damage, however, does not in itself ensure a considerable outflow reduction. As already pointed out, a very small hole in the side of a tank will eventually result in the loss of the total contents of the tank, whereas a similar hole in the bottom will result in considerably less outflow.

Many spills, of course, do not approach the hypothetical limits primarily because the damage is not as severe as the damage assumptions. This would appear to favor a scheme of uniform distribution of ballast space so as to cover as much of the shell area of the tanker as possible. However, as already noted, historical data show that a small number of accidents where large amounts of oil have been spilled or where the vessel has been totally lost account for the bulk of the total spillage. This would indicate that protection is warranted in order to decrease the severity of the spillage in these cases and to ensure the survivability of the vessel. In some accidents the severity of damage will be such that no amount of protection will be effective, but there are still many accidents where the protection will be effective. The problem of whether the defensive space should be used as lump placement or as relatively thin uniform distribution leads to conflicting solutions. The amount of segregated ballast to be distributed within the cargo block of a tanker is limited, being on the order of 20 percent of the full load displacement. Uniform distribution of this ballast volume into relatively thin spaces separating cargo from shell can reduce hypothetical outflows to some extent, however, lump placement of the ballast as in staggered wing tank designs can effect a greater reduction in the hypothetical outflows associated with more serious accidents.

There is another reason entirely divorced from the spillage problems, that uniform distribution is not entirely feasible. This involves the problem of maintaining the longitudinal stress within established criteria while ensuring that segregated ballast is so distributed as to be able to meet the draft and trim requirements. The amount of segregated ballast to be distributed is not sufficient to accommodate both uniform distribution and necessary location. Therefore, the proposed segregated ballast distribution formula was developed as a compromise requiring some amount of uniform distribution of the ballast but also leaving the designer sufficient flexibility to place some of the ballast within the cargo tank length at the proper locations to ensure that the vessel remains within the strength criteria and meets the draft and trim requirements.

Several commenters suggested that the proposed formula for ballast distribution was biased in favor of side protection versus bottom protection because of accepting smaller minimum separation spaces for sides. Several commenters also criticized the .65 and .45 coefficients which were embodied in the formula as biasing the formula in favor of side protection versus bottom protection. The bias for side protection was attributable to the additional consequences that occur in cases of collisions and rammings. Often collisions and rammings of tankers penetrating the cargo tank area result in fire and explosions of serious proportions, in many cases engulfing the entire vessel with the potential for loss of life of the crew members in addition to oil outflow.

It is not necessary to have a high energy collision for this to occur. The 1975 collision of the *Edgar M. Queeny* with the moored vessel *Corinthos* in the Delaware River is a notable example. The port anchor of the *Queeny* penetrated the *Corinthos* in the cargo tank area and that was the *sole* contact between the two vessels. Yet, by this minor injury, the *Corinthos* was subsequently engulfed by explosions and fire resulting in 26 deaths, pollution, and hazarding of the nearby refinery facility and community. Notwithstanding this explanation, these regulations have been adjusted to remove the bias for side protection, recognizing that prevention of pollution is a directly relatable benefit and the additional benefits implied above are more conjectural.

Several commenters referred to the Office of Technology Assessment report on "Oil Transportation by Tankers: An Analysis of Marine Pollution and Safety Measures" (July 1975) and also an ECO, Inc., report entitled, "Economic and Environmental Aspects of the Construction and Operation of Oil Tankers," (March 1975) done for the Council on Environmental Quality. Both of these reports purported to be complete examinations of the factors involved. From their limited viewpoint of spill mitigation, the reports concluded that double bottoms and double hulls would be the most effective type of construction in respect of prevention of outflows in case of accidents. The Coast Guard must, however, appraise the subject from a broader viewpoint, including kinds of accidents that may occur, types of accidents that warrant protective emphasis, and other safety aspects of the vessel that are affected by the manner of ballast distribution. It is the Coast Guard's view that these regulations do not emphasize side protection, recognize that there is a trade-off between the amount of area covered versus the outflow reductions to be effected on a hypothetical basis, and are the best approach. The Coast Guard believes this technical approach is sound, and coupled with other considerations involved, results in a rational solution to a difficult problem.

One commenter suggested that the Coast Guard's proposed action fails to meet the mandates of the Ports and Waterways Safety Act, specifically those of Title II, in that the Coast Guard proposal does not require application of the "best available pollution prevention technology." Title II of the Ports and Waterways Safety Act, section 201(4) does not specifically require the application of the best available pollution prevention technology. The criterion in that section requires that the Coast Guard establish a need for a particular regulation. Alternative solutions must then be examined from the point of view of the extent of the improvement in safety and/or environmental protection expected by that alternative together with its practical feasibility and cost. The Coast Guard is mandated to publish as a proposed rule the selected alternative that best meets all the criteria.

One commenter suggested the deletion of paragraph 33 CFR 157.09(d)(1) since it appeared it would be redundant because the distribution of the ballast would have to be on the sides and the bottom in order to meet the formula. This is true and this paragraph has been deleted. The same commenter questioned whether the spaces along the area of the turn of the bilge of a vessel where the cargo tanks were separated would be credited as both side protection and bottom protection. This was the intent of the proposed rule because this area is prone to damage, and it is the intent in the revised wording of 33 CFR 157.09(d)(2).

The Council on Wage and Price Stability suggested that in view of the cost versus the benefits to be derived from segregated ballast, there is no justification for requiring segregated ballast and, therefore, the distribution of ballast was a moot point. The Coast Guard does not agree. The 1973 International Conference on Marine Pollution reached an agreement that segregated ballast is needed as a measure to improve the environmental quality of the oceans. The Coast Guard fully supports the Conference view, and, therefore, considers it would be a grave loss of environmental protection to set aside the requirement for segregated ballast on new tank vessels of 70,000 DWT and greater. Essentially, the argument of this commenter was that improved load-on-top procedures if strictly enforced, would achieve the same reduction of operational pollution as could be achieved by segregated ballast tanks, and that the cost would be considerably less. This argument is not persuasive for two reasons. First, the rationale for requiring segregated ballast is to eliminate as much of the source of operational pollution from these vessels as possible. The alternatives are either "built-in" protection against discharge or stricter implementation and enforcement of discharge criteria through an elaborate operational process. The second reason is the concern for the absolute amounts of oil entering the ocean from operational discharges. Even though the amounts of oil discharged from a vessel conscientiously practicing

LOT can be small, the amounts are considered unacceptable in terms of the total quantity entering the sea from all the tankers plying the oceans.

Two commenters, the Environmental Protection Agency and the Council on Environmental Quality, supported the concept of the distribution of segregated ballast space because it achieved two purposes: (1) A reduction in the hypothetical outflows and (2) defensive space over a certain portion of the hull. These two agencies also suggested, along with others, that the formula was cumbersome and not easily understood and that the coefficients and minimal separation established as protective space all militated against effective use of a formula. The formula concept has been dropped and 33 CFR 157.09(d) has been revised to embody specific goals to be achieved in the design of conventionally configured tank vessels. The present rule (33 CFR 157.09(d)) on segregated ballast space distribution is retained for vessels not of conventional configuration. It is appropriate to briefly examine what the effect of these goals will be on specific design configurations for new tank vessels. The regulations will require two things: first, a 20 percent reduction from maximum in the average of the hypothetical outflows and second, that a certain percentage of the hull must have protective space separating the cargo from the hull. Certain vessel design configurations do not meet the hull coverage criteria and these particular designs are required to achieve a greater outflow reduction in the hypothetical outflow. For these designs, the effect of the rule is that the vessels must be designed with greater internal subdivision of the cargo tanks. One commenter pointed out that he was satisfied that the amount of oil spilled would be inversely proportional to the number of cargo compartments on a tanker. This is true to the point beyond which the extent of damage to be expected becomes too great, i.e., where multiple tank boundaries become involved.

Many commenters expressed a concern with respect to the application of these rules to existing tank vessels. The Coast Guard has a working group as a subsidiary body to the National Committee for the Prevention of Marine Pollution examining all aspects of this problem. It must be emphasized that even should the study determine the desirability of retrofitting segregated ballast on existing vessels, the only apparent practical way of doing this would be to use a staggered wing tank type of design configuration.

In summary, the Coast Guard considers the revised rules as published in this document to be an improvement upon the proposed rules in that the criteria are easier to understand and apply. Yet, the revised rules are not substantially different in their effect from the previously proposed rules. The rules provide sufficient flexibility for the design of safe, efficient segregated ballast tankers. The Coast Guard believes that providing sufficient flexibility is absolutely necessary to encourage variations in design and intends in the long term to review the historical experience resulting from the application of these regulations. The review may result in revision of these rules if certain alternatives are found in practice to be superior to others.

In consideration of the foregoing, the proposed regulations that appear in the October 14, 1975, issue of the FEDERAL REGISTER (40 FR 48289) are hereby adopted subject to changes discussed in preceding paragraphs. It was Congressional intent that the regulations be effective not later than June 30, 1974, and any further delay would be contrary to the public interest. Accordingly, it is found necessary to make the regulations effective on January 8, 1976.

In consideration of the foregoing, Chapter I of Title 33, Code of Federal Regulations, is amended as follows:

1. Section 157.03 is amended by adding paragraph (aa) to read as follows:

§ 157.03 Definitions.

* * * * *

(aa) "Cargo tank length" means the length from the collision bulkhead to the forward bulkhead of the machinery spaces.

2. Section 157.08 is amended by adding paragraph (a)(4) to read as follows:

§ 157.08 Applicability.

(a) * * *

(4) The requirements in § 157.09(d) do not apply to vessels constructed under a contract awarded before January 8, 1976.

* * * * *

3. Section 157.09 is amended by revising paragraph (d) and adding paragraphs (e) through (g) to read as follows:

§ 157.09 Segregated ballast.

* * * * *

(d) Segregated ballast spaces, voids, and other noncargo-carrying spaces for a vessel of conventional form must be distributed—

(1) So that the mathematical average of the hypothetical collision (O_c) and the hypothetical stranding (O_s) outflows as determined by the application of the procedures in § 157.19 and Appendix B is 80 percent or less of the maximum allowable outflow (O_A) as determined by paragraph 157.19(b)(1); and

(2) To protect at least 45 percent of the sum of the side and bottom shell areas, based upon projected molded dimensions, within the cargo tank length. When the vessel design configuration does not provide for the spaces to be distributed to protect at least 45 percent of the side and bottom shell areas, the spaces must be distributed so that the mathematical average of the hypothetical collision (O_c) and the hypothetical stranding (O_s) outflows, determined by application of the procedures in § 157.19 and Appendix B, is a further 2 percent less than the maximum allowable outflow (O_A) for each 1 percent by which the shell area protection coverage required is not achieved.

(e) A ballast space, void or other noncargo-carrying space used to meet requirements in paragraph (d) of this section must separate the cargo tank boundaries from the shell plating of the vessel by at least 2 meters.

(f) A vessel of conventional form for application of this section has—

(1) A block coefficient of .80 or greater,

(2) A length to depth ratio between 12 and 16, and

(3) A breadth to depth ratio between 1.5 and 3.5.

(g) Segregated ballast spaces, voids, and other noncargo-carrying spaces for a vessel not of conventional form must be distributed in a configuration acceptable to the Coast Guard.

4. Section 157.24 is amended by adding new paragraph (c) to read as follows:

§ 157.24 Submission of calculations, plans and specifications.

* * * * *

(c) Calculations to substantiate compliance with the segregated ballast distribution requirements in § 157.09(d).

* * * * *

(RS 4417a(3) and (7), as amended (46 U.S.C. 391a(3) and (7); 49 CFR 1.46(n)(4))

Dated: January 2, 1976.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.76-522 Filed 1-7-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-1418]

PART 97—AMATEUR RADIO SERVICE AMATEUR EXTRA CLASS LICENSE

Amendment To Simplify Eligibility

1. The Commission intends by this Order to simplify the eligibility requirements for the Amateur Extra Class license. We are deleting that part of § 97.9(a) of the Commission's Rules requiring that each applicant for that license must have held a license for at least 1 year previously.

2. Under § 97.9(a) of the rules, an applicant for the Amateur Extra Class license must meet one of the following requirements: (1) Any time prior to receipt of his application by the Commission, he must have held for at least 1 year an amateur operator license of other than the Novice or Technician Class, issued by any agency of the U.S. Government, or he must submit proof that he held for a period of 1 year an amateur operator license at least equivalent to a General Class license issued by a foreign government, or (2) He must submit evidence of having held a valid amateur radio station or operator license issued by any agency of the U.S. Government prior to April, 1917.

3. We believe that § 97.9(a) is unduly restrictive because it prohibits otherwise qualified applicants from qualifying for the Amateur Extra Class license. The Amateur Extra Class license is the highest license available in the Amateur Service, and carries with it certain privileges not available to lower classes of licensees.

We encourage all Amateur operators to strive for this license class, and the restrictions of § 97.9(a) are inimical to that goal. No one has ever shown that the imposition of the "prior experience" requirement has had any beneficial effect on the quality of licensees advancing to Amateur Extra Class status.

4. We believe that the elimination of the "prior experience" requirement is justified and will further the Commission's continuing efforts to deregulate the Amateur Radio Service. Therefore, for the reasons cited in the preceding paragraphs we are deleting all of § 97.9(a) except that part stating that an Amateur Extra Class license is available to anyone except a representative of a foreign government.

5. Authority for this amendment appears in sections 4(i) and 303 of the Communications Act of 1934, as amended. The prior notice and public procedure provisions of the Administrative Procedure Act, 5 U.S.C. 553 are unnecessary because the Commission believes the minor amendment adopted herein will have an insignificant impact on Amateur licensees and the public at large and that no objection to such an amendment will be received. No present or future licensees in the Amateur Radio Service will be adversely affected by the removal of this restriction. Since the amendment relieves a Rule restriction the effective date of the Rule change may be immediate, pursuant to the Administrative Procedure Act.

6. In view of the foregoing, *it is ordered*, That the rule amendment as set forth below shall be adopted effective January 9, 1976.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 135, 303)

Adopted.

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

Part 97 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

Paragraph (a) of § 97.9 is revised to read as follows:

§ 97.9 Eligibility for new operator license.

* * * * *

(a) Amateur Extra Class. Anyone except a representative of a foreign government.

* * * * *

[FR Doc.76-510 Filed 1-7-76;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 69-19; Notice 12]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

This notice amends 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, to allow conformance with SAE Standard J579c, "Sealed Beam Headlamp Units for Motor Vehicles", December 1974 as an option to compliance with the presently referenced SAE Standard J579a.

On October 25, 1972, the National Highway Traffic Safety Administration proposed (37 FR 22801) as part of a comprehensive rulemaking action that SAE Standard J579a, as currently referenced in Standard No. 108, be replaced by SAE Standard J579b. Except for the increased maximum candlepower (75,000 candlepower) specified in SAE Standard J579b, the commenters generally supported this proposal. SAE Standard J579c has added a definition of H–V axis and a description of rectangular sealed beam headlighting systems; otherwise it is identical to J579b.

SAE Standard J579c provides compatibility between headlight beam positions regardless of whether the headlamp is aimed by mechanical, optical, or visual methods, unlike SAE Standard J579a, which results in different beam positions if the lamp is aimed by mechanical methods instead of optical or visual methods. Since the headlamp beam position provided by the optical and visual aim methods is higher and results in greater seeing distance for the driver, the same improvement should be afforded by mechanical aim methods.

SAE Standard J579c contains minor changes in photometrics at certain test points which also provide improved lighting, but are of such a minor technical nature that allowance of these values would be a relief of a restriction. However, this amendment of Standard No. 108 restricts the maximum candlepower output, for the present time, to 37,500. The question of allowing the SAE maximum of 75,000 candlepower was raised in the notice of October 25, 1972, and will be considered in future rulemaking actions.

§ 571.108 [Amended]

In consideration of the foregoing, the following amendments are made to 49 CFR 571.108, Motor Vehicle Safety Standard No. 108:

1. A new paragraph S4.1.1.33 is adopted to read as follows:

S4.1.1.33 Headlamps may conform to SAE Standard J579c, *Sealed Beam Headlamp Units for Motor Vehicles*, December 1974, except that:

(a) In Table I of SAE Standard J579c, the maximum candela at any test point shall not exceed 37,500;

(b) In Table II of SAE Standard J579c, the combined maximum candela at any test point shall not exceed 37,500; and

(c) At a voltage of 12.8 volts, the maximum design wattage, with an allowable tolerance of plus 7.5 percent, shall be as follows: 50 watts for Type 1 (5¾-inch); 37.5 watts for Type 2 (5¾-inch) high beam; and 60 watts for Type 2 (5¾-inch) low beam, Type 2 (7-inch) low beam, and Type 2 (7-inch) high beam.

2. Paragraph S5.1 is amended to read as follows:

S5.1 SAE Standards and Recommended Practices subreferenced by the SAE Standards and Recommended Practices included in Tables I and III and paragraphs S4.1.4 and S4.5.1 are those published in the 1970 edition of the SAE Handbook, except that the SAE Standard referred to as "J599" is J599c, *Lighting Inspection Code*, March 1973, and the subreferenced SAE Standard referred to as "J575" is J575e, *Tests for Motor Vehicle Lighting Devices and Components*, August 1970, for tail lamps, stop lamps, and turn signal lamps designed to conform to SAE Standard J585d, J586c, and J588e respectively.

Effective date: January 8, 1976. Because the amendment allows an option, relieves restrictions, and creates no additional burden on any person, it is found for good cause shown that an immediate effective date is in the public interest.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on January 5, 1976.

JAMES B. GREGORY,
Administrator.

[FR Doc.76-525 Filed 1-7-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 55; Sub-No. 20C]

PART 1002—FEES

Filing Fee for Related or Consolidated Proceedings

● **Purpose: The purpose of this notice is to inform the public that the Interstate Commerce Commission has amended the regulation governing the filing fee assessed for related or consolidated proceedings.** ●

The Interstate Commerce Commission has amended the regulations governing the schedule of fees assessed for related or consolidated proceedings. The amended fee schedule applies to applications for the transfer of operating authorities under the rules contained in 49 CFR Part 1132 which also involve directly related applications for gateway elimination and/or conversion.

The transfer rules contained in 49 CFR Part 1132 are intended for small carriers as defined in section 5(10) of the Interstate Commerce Act. The filing fee for a transfer application is $100. Where, however, an applicant seeks to tack its existing irregular route authority with irregular route rights sought to be acquired, a directly related gateway elimination application must be filed. Under the existing fee schedule, the $350 gateway elimination application filing fee, being the highest of the embraced proceeding, is assessed. If the transaction also includes a conversion application, an additional $350 is assessed. The Commission believes that filing fees of $350 and $700, the same amounts paid by large carriers in similarly embraced application proceedings, are too burdensome for small carriers. Accordingly, 49 CFR 1002.2(c) has been amended to require carriers subject to the transfer

rules contained in 49 CFR 1132 to pay only the $100 filing fee which is assessed for the basic transfer application.

The notice and public rulemaking procedure contained in 5 USC 553 are omitted as unnecessary because the change applies to a regulation governing Commission practice and procedure. The amended regulation shall become effective on March 8, 1976.

The regulation is issued under the authority of 31 USC 483a.

Issued in Washington, D.C.

ROBERT L. OSWALD,
Secretary.

49 CFR 1002.2 is amended by changing the final colon in paragraph (c)(1) to a semicolon, and adding the following phrase:

1002.2 Filing fees.

* * * * *

(c)(1) * * *; except that, directly related applications involving a transfer under section 206(a)(6) or section 212(b), and an application on Form OP-OR-9 for gateway elimination and/or a conversion, the sole fee shall be the basic fee for the transfer application.

[FR Doc.76-546 Filed 1-7-76;8:45 am]

SUBCHAPTER B—PRACTICE AND PROCEDURES

[Ex Parte No. 55 (Sub-No. 20A)]

MOTOR CARRIERS AND BROKERS

Applications for Transfer or Lease of Operating Authorities and Brokers' Licenses, and for Change in Control of Corporations or Associations Holding Brokers' Licenses

● Purpose: The purpose of this notice is to inform the public that the Interstate Commerce Commission has amended its rules and regulations governing the application procedures for transfer of operating authorities issued under sections 206, 209, and 211 of the Interstate Commerce Act. ●

The Interstate Commerce Commission has uniformly amended the rules and regulations governing the application procedures for the transfer of certain operating authorities. As amended, the procedures apply (1) to transfer (a) of motor carrier certificates and permits not subject to sections 5 and 210(b) of the Interstate Commerce Act, (b) of Certificates of Registration, and (c) of passenger and property brokers' licenses, and (2) to changes in the control of corporations and associations holding brokers' licenses. Under a related and concurrently decided proceeding (Ex Parte No. 55 (Sub-No. 20B)), the amended procedures will also apply to applications for transfer of water carrier certificates and permits to operate, and freight forwarder operating rights (permits).

Under existing procedures, a transfer application is considered by the Motor Carrier Board without opposition. Notice to the public of approval of an application is published in the FEDERAL REGISTER. Interested persons then have 20 days to petition for reconsideration. These procedures have been amended to allow interested persons to file protests against approval of a transfer application before it is considered by the Board. As amended, the procedures will enable the Motor Carrier Board to make more informed and equitable initial decisions in transfer proceedings.

The most significant procedural changes are made in 49 CFR 1132. Section 1132.2 governs applications for transfer of operating rights as defined in § 1132.1(b). As amended, paragraph (a) of § 1132.2 combines former paragraphs (a) and (c). Paragraph (b) raises from four to six the number of copies which must be filed with the original application. Under paragraph (c) the Commission will now provide notice to the public of the filing of an application by publishing a summary of the application in the FEDERAL REGISTER before the initial decision is made. An applicant should advise the Commission of errors contained in the summary as published. Under new paragraph (d) an interested person may file a protest against approval of the application within 30 days of the date of notice in the FEDERAL REGISTER. The protest may contain a request for oral hearing. A synopsis of the necessary elements of a proper protest and the method of its service and filing is included in paragraph (d).

Section 1132.4, which deals with petitions for reconsideration of an initial decision, has been amended to coincide with the changes in the application procedures. The requirement that notice of approval of a transfer application be published in the FEDERAL REGISTER has been deleted since publication will now be accomplished prior to an initial decision. A synopsis of the necessary elements of a proper petition for reconsideration is included in section 1132.4.

The form and filing of petitions for reconsdieration and replies are governed by the Special Rules of Practice contained in Rule 225 of the Commission's general rules of practice (49 CFR 1100.225). Paragraph (g) of Rule 225 has been amended to omit reference (1) to the publication of approval of a transfer application, and (2) to requests for oral hearing, since both matters will now precede an initial decision. Under paragraph (g), as amended, the time schedule for filing petitions seeking reconsideration of concurrently decided gateway elimination or conversion applications and replies will coincide with the time schedule which applies to transfer applications.

Applications for the transfer of Certificates of Registration will be processed under the amended procedures. Section 1132.12 has been amended to adopt the application procedures contained in § 1132.2. Section 1132.13, which outlines the general basis for approval and denial of applications for transfer of Certificates of Registration, has been amended to reflect the amended application procedures. Obsolete language relating to a registrant's qualification has been deleted, but the basis for approval and denial of an application remains unchanged. Petitions for reconsideration of an initial decision will also follow the amended procedures. Section 1132.14 has been amended to adopt the petition procedures contained in § 1132.4 and Rule 225.

The amended procedures will also apply to applications seeking to transfer property (49 CFR 1045) and passenger (49 CFR 1133) brokers' licenses, and to changes in the control of corporations and associations holding brokers' licenses. Section 1045.11 has been amended to combine former §§ 1045.11 and 1045.12 into paragraphs (a) and (b) respectively. Section 1133.1 has been amended to combine former §§ 1131.1 and 1133.2 into paragraphs (a) and (b) respectively. Under new paragraph (c), which has been added to both §§ 1045.11 and 1133.1, the application procedures contained in § 1132.2 are adopted. Petitions for reconsideration of initial decisions in these proceedings will also follow the amended procedure. Sections 1045.12 and 1133.2 have been amended to adopt the petition procedures contained in § 1132.4 and Rule 225.

The notice and public rulemaking procedure contained in 5 USC 553 are omitted as unnecessary because the changes apply to rules and regulations governing Commission practice and procedure. The amended rules and regulations shall become effective on March 8, 1976.

The rules and regulations are issued under the authority of 49 USC 303, 304, 306, 309, 311, and 312.

Issued in Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

49 CFR Parts 1045, 1100, 1132 and 1133 are amended as follows:

PART 1045—BROKERS OF PROPERTY

1. Section 1045.11 is revised to read as follows:

§ 1045.11 Transfer of property brokers' licenses; change in control of corporations and associations holding brokers' licenses.

(a) A license issued a broker may be transferred, if approved by the Commission, upon application and proof that the transferee is fit, willing, and able to perform the duties, and that the transfer will not be contrary to the public interest.

(b) A change in the control of a corporation or association holding a broker's license may be accomplished only with the approval of the Commission upon application and proof that the change in control will not be contrary to the public interest.

(c) The form of applications for authority under this part, the manner of filing, notice to the public, and the filing of protests by interested persons will be the same as provided under § 1132.2 of this chapter.

2. Section 1045.12 is revised to read as follows:

§ 1045.12 Petitions for reconsideration.

Petitions seeking reconsideration of an order entered pursuant to this part will be handled as provided in § 1132.4 of this chapter and Rule 225 of the Commissions General Rules of Practice (49 CFR 1100.225).

PART 1100—SPECIAL RULES OF PRACTICE

3. Section 1100.225 is amended by revising paragraph (g) to read as follows:

§ 1100.225 Special rules of practice governing the procedure of the Motor Carrier Board, the Finance Board, the Operations Boards, the Special Permission Board, the Released Rates Board, and the Tariff Rules Board (Rule 225).

* * * * *

(g) A petition seeking reconsideration or other relief of an order of the Motor Carrier Board entered pursuant to the rules and regulations governing transfers of property brokers' licenses, Part 1045 of this chapter; Passenger brokers licenses, Part 1133 of this chapter; motor carrier operating rights and certificates of registration, Part 1132 of this chapter (or pertaining to the disposition of a gateway elimination or conversion application directly related to such transfer); water carrier operating rights, Part 1141 of this chapter; and freight forwarder permits, Part 1151 of this chapter, must be filed with the Secretary of this Commission and all parties of record within 20 days of the service date of such order, or within such further period as may be authorized. In such a petition, matters claimed to have been erroneously decided and alleged errors must be specified with particularity. Within 20 days after the final date for filing such petitions with the Commission or within such further period as may be authorized, any interested person may file and serve a reply thereto.

PART 1132—TRANSFERS OF OPERATING RIGHTS

4. Section 1132.2 is revised to read as follows:

§ 1132.2 Applications.

(a) *Form.* Applications for approval of the transfer of operating rights shall be made in writing and shall be in such form and contain such information as the Commission shall prescribe. Applicants who seek approval of a transfer of operating rights for a limited term, such as a lease, shall attach to their application a written agreement covering the specific period for which the transfer is sought, the rental stated in dollars, the time and method of payment, and a provision that all the operating rights involved shall revert to the transferor at the expiration of said term or upon a discontinuance of operations thereunder by the transferee at any time prior to the expiration of said term. In case of reversion, the transferor shall give immediate notice thereof in writing to the Commission.

(b) *Filing.* An original application properly executed, and six copies thereof, each complete with any necessary attachments, shall be filed with the Secretary of the Commission, Washington, D.C. 20423. An additional copy of the complete application shall be delivered in person or by mail, to the Regional Director in each region of the Bureau of Operations in which headquarters of the parties signing such application are located, and to the board, commission or official (or to the Governor where there is no board, commission or official) having authority to regulate the business of transportation by motor vehicle of each State in which are located the headquarters of applicants. Proof of delivery of copies of the application to the appropriate Regional Directors and State authorities shall be made a part of the original application filed with the Commission.

(c) *Notice to interested persons.* (1) The Commission will provide notice of the filing of an application for the transfer of operating rights, by publishing a summary of the application in the FEDERAL REGISTER. The summary will state whether an application has or has not been filed for temporary authority under section 210 a(b) of the Act.

(2) It shall be the responsibility of applicants to promptly advise the Commission if the Summary does not properly describe the authority sought. Notice by applicant to interested persons is not required, except that applicants are not relieved from the obligation to file copies of the application on parties prescribed in the application form.

(d) *Filing of protests.* Within 30 days of the date notice of a transfer application is published in the FEDERAL REGISTER, any interested person may file a protest against approval of the application, and in such protest, may request oral hearing. A protest filed under the rules shall certify that it has been served upon applicant's representative, or applicant, if no such representative is named in the notice of filing published in the FEDERAL REGISTER. Unless otherwise specified in the public notice, the signed original and six copies of the protest shall be filed with the Commission. All Protests must specify with particularity the factual basis, 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.

5. Section 1132.4 is revised to read as follows:

§ 1132.4 Petitions for reconsideration.

(a) If a petition is timely filed seeking reconsideration or other relief from an order entered under this part, and such order has not yet become effective, then, pursuant to section 17(8) of the Interstate Commerce Act, the effective date will be stayed or postponed pending disposition of the petition.

(b) Any petition, seeking reconsideration or other relief of an order entered subject to this part, must specify with particularity the alleged errors contained in the said order, and shall cite in all cases the particular section or sections of the Act, the Commission's General Rules of Practice (Part 1100 of this Chapter), and the Rules and Regulations Governing Transfers of Rights to Operate as a Motor Carrier in Interstate or Foreign Commerce (Part 1132 of this Chapter) which are involved, and the arguments based thereon, which petitioner believes warrant a conclusion different from that set forth in the said order. The petition may be rejected for failure to cite the particular section relied upon.

(c) Petitions seeking reconsideration of an order of the Motor Carrier Board will be governed by the special rules of practice, set forth in Rule 225 of the Commission's general rules of practice (49 CFR 1100.225).

6. Section 1132.12 is revised to read as follows:

§ 1132.12 Applications.

(a) The form of applications for the transfer of Certificates of Registration, the manner of filing, as well as the notice to the public and the filing of protests by interested persons will be the same as described in § 1132.2 of this chapter.

(b) Applicants who seek transfer of a Certificate of Registration shall either attach to their application, and each copy thereof, or prior to consummation of the authorized transaction, furnish the Commission with a copy of the order of the State Board approving the transfer or lease of the corresponding State certificate to the transferee of lessee thereof. The copy furnished must be properly certified by a duly authorized official of the State as being a true copy of the State order. If the State order does not specify the terms and expiration date of leased rights, copies of the lease agreement between the parties must also be submitted. In case of reversion of the State certificate, the transferor shall give immediate notice thereof in writing to the Commission.

7. Section 1132.13 is revised to read as follows:

§ 1132.13 General bases for approval and denial.

(a) Except as may be otherwise provided in §§ 1132 to 1132.5, the proposed transfer described in any such application shall be approved if it is shown that the proposed transaction is not subject to the provisions of section 5 of the Interstate Commerce Act; that the proposed transferee will be a carrier engaged in operations solely within a single State, not controlled by, controlling, or under common control with a carrier engaged in operations outside such State; that

the Certificate of Registration has not been invalidated by the transfer of the State certificate without the interstate or foreign rights; and that the proposed transfer will not invalidate the Certificate of Registration by a transfer of such certificate of registration apart from the corresponding State certificate. Otherwise, the application will be denied.

(b) An application for transfer may be denied for any of the reasons set forth as bases for disapproval in § 1132.5 of this Part.

8. Section 1132.14 is revised to read as follows:

§ 1132.14 Petitions for reconsideration.

Petitions seeking reconsideration of an order of the Motor Carrier Board entered pursuant to this Part, will be governed by Rule 225 of the Commission's General Rules of Practice (49 CFR 1100.225) and § 1132.4 of this Part.

PART 1133—TRANSFERS OF PASSENGER BROKERS' LICENSES

9. Section 1133.1 is revised to read as follows:

§ 1133.1 Transfer of passenger brokers' licenses, change in control of corporations and associations holding brokers' licenses.

(a) A license issued a passenger broker under section 211 of the Interstate Commerce Act may be transferred, if approved by the Commission, upon application and proof that the transferee is fit, willing, and able to perform the duties, and that the transfer will not be contrary to the public interest.

(b) A change in the control of a corporation or association holding a brokers license may be accomplished only with the approval of the Commission upon application and proof that the change in control will not be contrary to the public interest.

(c) The form of application for authority under this part, the manner of filing, notice to the public, and the filing of protests will be the same as provided under § 1132.2 of this chapter.

10. Section 1133.2 is revised to read as follows:

§ 1133.2 Petitions for reconsideration.

Petitions seeking reconsideration of an order entered pursuant to this part, will be handled as provided in Rule 225 of the General Rules of Practice and § 1132.4 as set forth in this chapter.

[FR Doc.76-544 Filed 1-7-76;8:45 am]

[Ex Parte No. 55; Sub-No. 20B]

PART 1141—TRANSFERS OF CERTIFICATES AND PERMITS TO OPERATE (WATER CARRIERS)

PART 1151—TRANSFERS OF OPERATING RIGHTS (FREIGHT FORWARDER PERMITS)

Transfer of Operating Authorities Application Procedures

● Purpose: The purpose of this notice is to inform the public that the Interstate Commerce Commission has amended rules and regulations governing the application procedures for transfer of operating authorities issued under sections 309(c), 309(f), and 410(c) of the Interstate Commerce Act. ●

This notice is directly related to Ex Parte No. 55 (Sub-No. 20A), in which the Interstate Commerce Commission informed the public that it had amended rules and regulations governing the application procedures for transfer of certain operating authorities. The purpose of this notice is to inform the public that the procedures governing applications for transfer of water carrier certificates and permits to operate and freight forwarder operating rights (permits) have been amended to coincide with the changes in the application procedure announced in this Commission's previous notice.

Under existing procedures, a transfer application is considered by the Motor Carrier Board without opposition. Notice to the public of approval of an application is published in the FEDERAL REGISTER. Interested persons then have 20 days to petition for reconsideration. These procedures have been amended to allow interested persons to file protests against approval of a transfer application before it is considered by the Board. As amended, the procedures will enable the Motor Carrier Board to make more informed and equitable initial decisions in transfer proceedings.

Section 1141.6(c), which deals with procedures governing the transfer of water carrier certificates and permits to operate, has been amended to adopt the application and petition procedures described in §§ 1132.2 and 1132.4, and Rule 225 of the Commission's general rules of practice (49 CFR 1100.225), as modified by this Commission's previous notice.

Applications for the transfer of freight forwarder operating rights (permits) will also be processed under the amended procedures. Section 1151.5(c) has been amended to adopt the application procedure contained in § 1132.2. Section 1151.5(e) has been amended to adopt the petition procedure described in § 1132.4. Obsolete language relating to requests for oral hearing has been deleted from paragraphs (c) and (e) of § 1151.1, as amended, since this matter will now precede an initial decision.

The notice and public rulemaking procedure contained in 5 U.S.C. 553 are omitted as unnecessary because the changes apply to rules and regulations governing Commission practice and procedure. The amended rules and regulations shall become effective on March 8, 1976.

The rules and regulations are issued under the authority of 49 U.S.C. 5, 12, 17, 904, 912, 1003, and 1010.

Issued in Washington, D.C.

ROBERT L. OSWALD,
Secretary.

49 CFR Parts 1141 and 1151 are amended as follows:

1. Section 1141.6 is amended by revising paragraph (c) to read as follows:

§ 1141.6 Procedure.

* * * * *

(c) The notice to the public of the filing of an application and the filing of protests will be the same as provided under § 1132.2 of this chapter; and petitions seeking reconsideration of an order entered pursuant to this part will be handled as provided in Rule 225 of the general rules of practice, and § 1132.4 as set forth in this chapter.

2. Section 1151.5 is amended by revising paragraphs (c) and (e) as follows:

§ 1151.5 Procedure.

* * * * *

(c) The Notice to the public of the filing of an application, and the filing of protests will be the same as provided under § 1132.2 of this chapter.

* * * * *

(e) (1) If a petition is timely filed, seeking reconsideration or other relief from an order entered under this part, and such order has not yet become effective, then, pursuant to section 17(8) of the Interstate Commerce Act, the effective date will be postponed pending disposition of the petition.

(2) Any petition, seeking reconsideration of, or other relief from an order entered subject to this part, must specify with particularity the alleged errors contained in the said order, and shall cite in all cases the particular section or sections of the Act, the Commission's general rules of practice (Part 1100 of this chapter), and the rules and regulations governing the transfers of operating rights (Part 1151 of this chapter), which are involved, and the arguments based thereon, which petitioner believes warrant a conclusion different from that set forth in the said order. The petition may be rejected for failure to cite the particular section relied upon.

(3) Petitions seeking reconsideration of an order of the Motor Carrier Board will be governed by the special rules of practice, set forth in Rule 225 of the Commission's general rules of practice (49 CFR 1100.225).

[FR Doc.76-545 Filed 1-7-76;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 210—GENERAL ALLOCATION AND PRICE RULES

Applicability of the Antitrust Laws to Actions Taken in Compliance With the Emergency Petroleum Allocation Act of 1973

On December 22, 1975, the President signed the Energy Policy and Conservation Act (EPCA), Pub. L. 94-163, which modified the system of price controls implemented by the Federal Energy Administration (FEA) pursuant to the Emergency Petroleum Allocation Act of 1973 (EPAA). That Act had expired on December 15, 1975, and was extended,

in amended form, retroactive to that date. In addition to changes in price controls, several other amendments were made in the EPAA. Among these was the elimination of the provisions in Section 6 relating to the availability of an affirmative defense in antitrust litigation, where the alleged offense was caused by compliance with the EPAA or regulations issued thereunder. These provisions were implemented in Subpart E of Part 210, Chapter II, Title 10, Code of Federal Regulations, and it is the purpose of this rulemaking to amend Part 210 accordingly in order to conform that Part to the EPAA as amended.

I. *Revocation of Subpart E.* Under this amendment, which is effective December 15, 1975, Subpart E of Part 210 is revoked. This eliminates the statutory defense of compliance with the EPAA in antitrust litigation with respect to actions taken after December 15, 1975. Since the EPAA expired on that date, and was extended without the provisions relating to the defense, the EPCA and this amendment do not constitute a retroactive withdrawal of the defense with respect to actions taken after December 15. It should be noted that while the EPCA preserves the affirmative defense in suits relating to breach of contract (where the alleged offense is based on compliance with the EPAA), and the availability of such defense had previously been recited in Subpart E, the statutory provision is effective without regulatory implementation and deletion of such recital does not affect the statute's application.

II. *Applicability of the Federal Energy Administration Act.* Under section 7(i)(1)(B) of the Federal Energy Administration Act of 1974 (FEAA), opportunity to comment prior to the promulgation of a rule, regulation or order is protected except where requirements for opportunity to comment are waived by FEA upon a finding that strict compliance with those requirements would cause serious harm or injury to the public health, safety, or welfare. In addition, Section 7(i)(1)(C) of the FEAA guarantees an opportunity for oral presentation of views in all caess in which the rule, regulation or order concerned is likely to have a substantial impact on the national economy or on large numbers of individuals or businesses. To the maximum extent practicable, opportunity for oral presentation of views must be afforded under section 7(i)(1)(C) prior to issuance of the rule, regulation or order, but in all cases that opportunity must be afforded no later than 45 days after the issuance thereof.

The FEA hereby waives the requirements of section 7(i)(1)(B) of the FEAA for opportunity to comment prior to the issuance of the regulation amendments adopted today. The FEA also waives hereby the requirements of section 7(i)(1)(C).

However, FEA will accept written comment with respect to these amendments if received prior to January 30, 1976. Interested persons are invited to submit data, views or arguments with respect to the amendments set forth herein to Executive Communications, Room 3309, Federal Energy Administration, Box FH, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Revocation of Subpart E of Part 210". Fifteen copies should be submitted. All comments received by Friday, January 30, 1976, before 4:30 p.m., e.s.t., and all other relevant information, will be considered by the Federal Energy Administration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

The waiver of the requirements of section 7(i)(1)(B) and (C) of the FEAA is based upon the finding that solicitation of comments on whether Subpart E should be revoked would be superfluous, since no statutory authority for the affirmative defense heretofore provided by the EPAA now exists. In addition, the delay which would be occasioned by further review of this matter and further rulemaking in accordance with usual procedures would result in a degree of conflict and confusion over the availability of the defense, and possible reliance thereon in view of the EPAA's extension, such as to cause serious harm to the public welfare.

The review provisions of section 7(c)(2) of the FEAA, relating to prior comment by the Administrator of the Environmental Protection Agency do not apply since the regulation will not affect the quality of the environment.

Finally, this regulation has been reviewed in accordance with Executive Order 11821 and OMB Circular No. A-107 and has been determined not to require evaluation of its inflationary impact as provided therein.

(Energy Policy and Conservation Act, Pub. L. 94-163, Emergency Petroleum Allocation Act of 1973, as amended, Pub. L. 93-159, as amended by Pub. L. 93-511, Pub. L. 94-99 and Pub. L. 94-133; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, Part 210 of Chapter II, Title 10 Code of Federal Regulations, is amended as set forth below, effective December 15, 1975.

Issued in Washington, D.C. January 3, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

§§ 210.71–210.77 [Removed]

Part 210 is amended by revoking Subpart E, §§ 210.71 through 210.77 inclusive.

[FR Doc.76-489 Filed 1-5-76;12:28 pm]

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Notice of Change of Location of Public Hearing for Emergency Amendment Adopting Special Rule No. 6 for Subpart C

On December 31, 1975, FEA issued Special Rule No. 6 for Subpart C as an emergency amendment to Part 211 of Title 10, Code of Federal Regulations, which provided for a public hearing on said amendment to be held beginning at 9:30 a.m. on January 22, 1976, in Room 2105, 2000 M Street, N.W., Washington, D.C. (41 FR 1044; January 6, 1976).

FEA hereby gives notice that the location at which the public hearing will take place on this emergency amendment has been changed to Room 3000-A, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. No change has been made with respect to the date on which the public hearing is scheduled to take place.

Issued in Washington, D.C. on January 6, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-744 Filed 1-7-76;9:12 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—FOOD DISTRIBUTION

[Amdt. 31]

PART 250—DONATION OF FOODS FOR USE IN THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS AND AREAS UNDER ITS JURISDICTION

Processing of Federally-Donated Foods by Commercial Facilities

Notice of proposed rulemaking was published in the FEDERAL REGISTER on September 23, 1975, (40 FR 43738) setting forth a proposal to amend the regulations governing the food distribution program to (1) revise contractual, performance, and review requirements when distributing agencies, subdistributing agencies, and recipient agencies employ commercial or institutional facilities to process or repackage Federally-donated commodities, (2) clarify the fact that processing contracts are public records, and (3) disclaim liability with respect to the provisions of such contracts or performance related thereto. Interested persons were given 38 days in which to submit comments, suggestions, or objections to the proposed amendments.

Responses to the proposed amendments were received from nine parties; viz., the American Frozen Food Institute, one State Office of General Services, one State Department of Agriculture, one State Department of Agriculture and Commerce, one State Department of Finance and Control, and four State Departments of Education. An analysis of the comments and

the changes resulting therefrom, as well as any clarifying changes made, are discussed below.

1. § 250.6 *Obligations of distributing agencies.* § 250.6(m)(2)(i) *"Description of End Product and Ingredients."* Three comments were received on this subparagraph. Each expressed concern that processors might be reluctant to identify the ingredients of a secret formula developed by them which might be used in producing an end product. It was not the intent of the proposed rule to require a processing facility to disclose any secret formulas, including seasonings or flavorings. Although the ingredients of any formula can usually be analyzed by sophisticated equipment and techniques, the proportion of ingredients used and the manner in which they are blended or processed generally remain secret. However, to allay the concern expressed, the proposed rule has been modified so that distributing, subdistributing, or recipient agencies may permit processors to state the quantity of seasonings or flavorings which will be used without identifying the ingredients which are, or may be components of, seasonings or flavorings.

§ 250.6(m)(3) *"Substitution for Donated Commodities."* Only two respondents commented on this paragraph and they recommended that salad oil be added to the list of commodities for which substitution by the processor is authorized when depleted inventories of such commodities would otherwise hold up production. The recommendation will not be adopted since only peanut oil, which is not a salad oil, is being offered for use by domestic feeding programs.

§ 250.6(m)(4) *"Review and Approval of Processing Contracts and Performance Reports by Distributing Agencies."* Only one comment was received concerning this requirement. The respondent contends that distributing agencies do not have adequate staff or knowledge to analyze reports on the many varied products available under processing contracts. Commodities are made available to distributing agencies which execute with the Department an agreement which incorporates by reference or otherwise the terms and conditions set forth in food distribution regulations. Section 250.6(o) of the regulations stipulates that adequate personnel shall be provided to review distribution programs and to effect distribution in accordance with the requirements of the regulations. Therefore, this requirement shall remain.

§ 250.6(m)(6) *"Labeling of End Products."* Five comments were received on this paragraph. All agreed with the proposed amendment to eliminate the labeling legend when any authorized food is substituted. One of the respondents suggested that FNS consider eliminating labeling altogether and another qualified his recommendation to suggest that, if any section 6 foods are used in an end product, the product should be labeled "Restricted For Use in Authorized Child Nutrition Programs." One of the respondents called attention to the fact that the proposed amendments make no reference to labeling an end product which may contain foods substituted by the processor for donated commodities and which may also contain donated commodities for which no substitution is authorized by FNS. After reviewing the comments received and further considering the remarks made in recent years by interested parties regarding the added expense of labeling processed foods, the fact that the labeling legend now required by FNS is not fully comprehensive if foods are substituted for donated commodities, and the fact that contract provisions generally insure accountability of commodities and minimize possible diversion, FNS has decided to eliminate its requirement that containers of processed or repackaged commodities be labeled "Contains Commodities Donated by the United States of Agriculture—Not To Be Sold Or Exchanged." However, distributing agencies may, at their discretion, require subdistributing agencies, recipient agencies, and commercial or institutional facilities to label the containers of processed or repackaged commodities in any manner and with whatever legend the distributing agency deems appropriate to insure that commodities are distributed and used in accordance with the agreement entered into by the distributing agency and the Department.

2. § 250.10 *Miscellaneous provisions*—§ 250.10(e) *"Processing Contracts are Public Records."* Four comments were received on this subsection. One voiced no objection to processing contracts being considered public records, while three were opposed. Concern was expressed about the confidentiality of yield information, formulas, price information, trade secrets, and commercial or financial information that is confidential or privileged. One respondent qualified his objection by explaining that public disclosure of the information contained in processing agreements, other than the portions involving proprietary product formulas and processes and other confidential information, can be in the public interest. This respondent believes, too, that processing contracts will provide useful information to interested persons concurrent with the use of Federally-donated foods in meeting the needs of the Nation's school children for proper lunches. This subsection will be retained because (1) the number of respondents objecting is minimal in relation to the number of affected persons who have expressed no objection, (2) processing contracts have been treated as public information for several years, and (3) protection of any secret formula is assured by the modification being made in the provisions of § 250.6(m)(2)(i) as described above.

Therefore, the regulations for the operation of the Food Distribution Program (31 FR 14297) as amended, are further amended as set forth below.

1. In § 250.6, paragraph (m) is revised to read as follows:

§ 250.6 Obligations of distributing agencies.

* * * * *

(m) *Processing and labeling of commodities.* (1) Distributing agencies, subdistributing agencies, or recipient agencies may employ commercial or institutional facilities to process commodities by converting them into different end products or by repackaging them. Distributing agencies or subdistributing agencies may contract for the processing of commodities and pay the processing cost or may contract for the processing of commodities on behalf of one or more recipient agencies, each of which either pays the processor directly or pays the distributing agency for the processed end product it receives. Where the recipient agency will pay the processor, the agreement of the recipient agency may be obtained by making that agency a party to the processing contract or separate contracts may be entered into between the recipient agency and the processor and the recipient agency and the distributing or subdistributing agency. Distributing or subdistributing agencies shall require recipient agencies which employ commercial or institutional facilities to process commodities to enter into written contracts with such facilities.

(2) Contracts with processing facilities shall be in writing. The distributing, subdistributing or recipient agency (contracting agency) should have an attorney prepare or review the contracts which it intends to sign to insure that such contracts conform to the requirements of local law. These processing contracts shall include the cost to the contracting agency and provide, as a minimum, that the processing facility shall (i) describe each end product to be produced and the quantity of each ingredient which is needed to yield a specific number of each end product, except that distributing, subdistributing, or recipient agencies may permit processors to specify the total quantity of any flavorings or seasonings which may be used without identifying the ingredients which are, or may be components of, seasonings or flavorings (ii) fully account for the commodities delivered into its possession by production of an appropriate number of units of end products or packages, (iii) return all commodities not so accounted for or pay the value of any such commodities which cannot be returned, (iv) use or dispose of the containers in which the commodities are received in accordance with the instructions of the distributing, subdistributing, or recipient agency, (v) apply as a credit against contract cost any funds received from the sale of containers of commodities and obliterate or remove all restrictive markings if the containers are sold for commercial reuse, (vi) apply as a credit against contract costs the market value or the price received from the sale of any by-products derived from the processing of commodities, including substituted foods which are used by the proc-

essor, and (vii) maintain records and submit reports to the distributing, subdistributing, or recipient agency pertaining to the performance of the contract.

(3) The processing contract may provide that the processor may substitute for the commodities a like quantity of the same foods of equal or better quality whenever depleted inventories of commodities would otherwise hold up production. The contract shall specify the commodities which may be substituted. Only butter, flour, rice, rolled oats, rolled wheat, nonfat dry milk, shortening, cornmeal, dried peas, lentils, dried beans, cheese, orange juice, peanut butter, raisins, and such other foods as FNS specifically approves may be substituted.

(4) Distributing agencies shall review and approve processing contracts entered into by subdistributing agencies and recipient agencies prior to the delivery of commodities for processing under such contracts. The distributing agency which enters into or approves a processing contract shall provide a copy to each of the parties to the contract, forward a copy to the appropriate FNS Regional Office, and retain a copy for its files. Distributing agencies shall review and analyze reports submitted by processors to insure that performance under such contracts is in accordance with the provisions set forth in this section.

(5) When donated meat or poultry products are processed, all of the processing shall be performed in a plant or plants under continuous Federal meat or poultry inspection, or continuous State meat or poultry inspection in States certified to have programs at least equal to the Federal inspection program.

(6) Distributing agencies may, at their discretion, require subdistributing agencies, recipient agencies, and commercial or institutional facilities which process or repackage commodities to label the containers of processed or repackaged commodities in any manner and with whatever legend the distributing agency deems appropriate to comply with the agreement it has entered into with the Department under this part. Any labeling requirement imposed by a distributing agency should be specified in written contracts with processors which distributing agencies are required to review and approve.

(7) If the distributing agency which enters into or approves a contract for the processing of commodities for use in a child nutrition program does not also administer such programs, it shall (i) collaborate with the State agency which administers the child nutrition programs and have that agency provide technical assistance to determine whether end products to be provided under the terms of the processing contracts meet required nutritional standards for reimbursement under the regulations governing the child nutrition programs (7 CFR Parts 210, 220, and 225), (ii) furnish that agency with reports, as requested, on the number of approved processing contracts, the donated foods utilized, and the identity of the processing companies, and (iii) furnish that agency with such performance reports as are needed by that agency to assist it in evaluating use of end products by the recipient agencies.

2. In § 250.10, a new paragraph (e) is added as follows:

§ 250.10 Miscellaneous provisions.

* * * * *

(e) *Processing contracts.* Processing contracts entered into in accordance with § 250.6(m) of this part are public records and FNS will provide copies of such contracts to any person upon request. FNS also may use copies of such contracts in developing informational releases pertaining to the processing of commodities by commercial or institutional facilities. FNS Regional Offices shall retain copies of processing contracts submitted by distributing agencies for a period of three years from the close of the Federal fiscal year to which they pertain and may review such contracts for the purpose of advising and counseling distributing agencies with respect to the provisions of such contracts. However, FNS assumes no liability with regard to the provisions of processing contracts or performance related thereto since FNS is not a party to such contracts and the contracts are not subject to FNS' approval.

* * * * *

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

(Catalog of Federal Domestic Assistance Program No. 10.550, National Archives Reference Services)

Effective date. This amendment shall become effective on January 8, 1976.

Dated: December 31, 1975.

JOHN DAMGARD,
Assistant Secretary.

[FR Doc.76-536 Filed 1-7-76;8:45 am]

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

[Navel Orange Regulation 361]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period Jan. 9–15, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.661 Navel Orange Regulation 361.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is slow as the market continues dull. Prices f.o.b. averaged $4.09 a carton on a reported sales volume of 494 carlots last week, compared with an average f.o.b. price of $4.35 per carton and sales of 1,071 carlots a week earlier. Track and rolling supplies at 329 cars were down 9 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open

meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 6, 1976.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 9, 1976, through January 15, 1976. are hereby fixed as follows:

(i) District 1: 980,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 20,000 cartons."

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

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

Dated: January 7, 1976.

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

[FR Doc.76–758 Filed 1–7–76;11:38 a.m.]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 442.1]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart A—Community Facility Loans

MISCELLANEOUS AMENDMENTS

Subpart A of Part 1823, Title 7, Code of Federal Regulations (38 FR 29026; 39 FR 12729; 39 FR 17971; 40 FR 24517) is amended by the deletion of § 1823.2 (a) (2) and the revision of § 1823.3(b) pertaining to the use of community facility loans for electric and telephone facilities.

These changes are being published without notice of proposed rulemaking because such publication is unnecessary. The Secretary of Agriculture has recently redelegated authority to the Administrator, Farmers Home Administration, for administration of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) except (i) financing under section 306(a) (1) of any rural electrification or telephone systems or facilities other than supplemental or supporting structures such as headquarters and office buildings, storage facilities, and maintenance shops and only in such cases if they are not eligible for Rural Electrification Administration financing. These regulations merely implement the cited redelegation of authority. Interested persons are invited, however, to submit written comments, suggestions, or objections regarding this amendment to the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before February 9, 1976. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch, during regular business hours (8:15 a.m.–4:45 p.m.).

Part 1823 is amended as follows:

§ 1823.2 [Amended]

1. § 1823.2(a) (2) is deleted.

2. § 1823.3(b) is revised to read as follows:

§ 1823.3 Eligible loan purposes.

* * * * *

(b) To construct, enlarge, extend, or otherwise improve community facilities providing essential service to rural residents. Such facilities include but are not limited to those providing or supporting overall community development such as fire and rescue services; transportation; traffic control; community, social, cultural, and recreational benefits; supplemental and supporting structures for rural electrification or telephone systems or facilities such as headquarters and office buildings, storage facilities, and maintenance shops only when they are not eligible for Rural Electrification Administration financing; industrial parks including utilities and access ways but not improvements erected on the land such as business industrial buildings.

* * * * *

(7 U.S.C. 1989; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Effective date. This amendment shall be effective on January 8, 1976.

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

Dated: December 17, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.76–537 Filed 1–6–76;8:45 am]

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATION

[FmHA Instruction 465.2]

PART 1872—REAL ESTATE SECURITY

Subpart C—Management and Sale of Acquired Real Estate

MISCELLANEOUS AMENDMENTS

Section 1872.63 (h) and (i) of Subpart C of Part 1872, Title 7, Code of Federal Regulations (38 FR 19204) are amended. The purpose of these amendments are: To revise paragraph (h) of this section to eliminate authority to pay taxes on property that is acquired under Title V of the Housing Act and to clarify when taxes may be paid on property acquired under the Consolidated Farm and Rural Development Act, and to revise paragraph (i) of this section to delete references to State Rural Rehabilitation Corporation (SRRC) property since the United States no longer holds any SRRC property in trust.

It is unnecessary to publish notice of proposed rulemaking in the FEDERAL REGISTER since changes being made are to conform to existing policy and law regarding taxes under Title V of the Housing Act and the Consolidated Farm and Rural Development Act, and in as much as all SRRC funds and property have been returned to the State Rural Rehabilitation Corporations or their successor agencies, Farmers Home Administration is no longer involved.

Paragraphs (h) and (i) of § 1872.63 are revised to read as follows:

§ 1872.63 Management of acquired real estate.

* * * * *

(h) *Taxes.* Property acquired by the Government is not subject to taxation by a State, territory, district, or local political subdivision unless such taxation is consented to by a Federal statute and the taxing authority does not specifically exempt Government property from taxation. Taxes on property acquired by FmHA will be handled as follows:

(1) Acquired property which was security only for a loan or loans made pursuant to Title V of the Housing Act of 1949 is not subject to state or local taxes. When property which secured only a 502 RH, 504 RH, RCH, RRH, LH, or RHS loan, or any combination thereof, is taken into inventory, the County Supervisor will notify the appropriate taxing authority in writing that the property is now owned by the Government, is not subject to state or local taxes, and should be removed from the tax rolls. Except that cases involving property which was security for RCH, RRH, LH, and RHS loans and which was acquired by voluntary conveyance will be referred to the National Office for a determination of its taxable status if—

(i) The value of the property acquired is less than the indebtedness owed, and

(ii) The borrower is released from personal liability.

(2) Acquired property which was security for a loan made pursuant to the

Consolidated Farm and Rural Development Act may be subject to state or local taxes even if it is also security for another type FmHA loan. A State Instruction will be issued, with the advice of OGC, setting forth whether the state or any local taxing authorities within the state specifically exempt Government property from taxation.

(i) If the acquired property is located in a taxing jurisdiction which exempts Government property from taxation, the County Supervisor will notify the appropriate authority in writing that the property is now owned by the Government and should be removed from the tax rolls.

(ii) If the acquired property is located in a taxing jurisdiction which does not exempt Government property from taxation, the County Supervisor will notify the appropriate taxing authority in writing that title to the real estate has been acquired by the Government and that claims for taxes during the Government's ownership should be billed to FmHA at the County Office address. If taxes become due and payable during the period of the Government's ownership, the County Supervisor will pay the taxes by voucher unless the taxes are paid by a prior lienholder.

(3) When any acquired property is sold, either in whole or in part, the County Supervisor will advise the taxing authority of the sale and the purchaser's name, and provide a description of the parcel sold.

(i) *Insurance.* Insurance on acquired real estate will not be maintained by the Government after the date it is acquired. Any insurance in force at the time the property is acquired by the Government will not be cancelled. However, no additional premium will be paid. The original insurance policy may be returned to the insuring company if notification of cancellation is received. If title to real estate is acquired subject to a prior lien, the lienholder will be advised that the Government will not carry insurance on the property. If the lienholder pays insurance as an advance under his lien, such insurance premiums may be included in payments made by the Government to the lienholder.

* * * * *

(7 U.S.C. 1989, 42 U.S.C. 1480, 42 U.S.C. 2942, 5 U.S.C. 301, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70, delegations of authority by Director, Office of Economic Opportunity 29 FR 14764, 33 FR 9850.)

Effective date. This document shall become effective on January 8, 1976.

Dated: December 23, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-559 Filed 1-7-76;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED [1965–]

Limitations on the Recovery of Incorrect Payments Made to Beneficiaries and Providers of Services

On April 18, 1974, there was published in the FEDERAL REGISTER (39 FR 13897) a Notice of Proposed Rule Making with proposed amendments to Subparts B, C, F, and P of Regulations No. 5. The proposed amendments revise the present regulations to implement section 281 of the Social Security Amendments of 1972 (Public Law 92–603) which limits the recovery of incorrect payments from beneficiaries, providers of services, physicians, and suppliers who were without fault in causing such incorrect payments. In addition, with respect to the assignment of claims for supplementary medical insurance benefits and in connection with the provider agreement for participation in the Medicare program, providers, physicians, and suppliers are precluded under certain circumstances from charging for items or services where a determination is made more than 3 years after the year in which notice of payment was sent that such items or services were not medically necessary or constituted custodial care.

Interested persons were given the opportunity to submit within 30 days, comments, views, or arguments with regard to the proposed amendments. Comments and suggestions received with regard to the Notice of Proposed Rule Making, responses thereto and changes in the proposed regulations are summarized below.

1. A comment was received requesting clarification of § 405.355 of the proposed regulations. That section deals with conditions for waiver of title XVIII overpayments. The comment pointed out that whereas paragraph (a) of § 405.355 uses the term "overpayment," paragraph (b) refers to "incorrect payment." In both paragraphs the reference is to a payment of more than the correct amount under title XVIII or a payment under the "guarantee of payment" provision (§ 405.350(b)). To avoid misunderstanding we believe a uniform terminology should be used in paragraphs (a) and (b) of § 405.355. Since the term "incorrect payment" (rather than "overpayment") is used in section 1870(c) of the Social Security Act (42 U.S.C. 1395 gg(c)), we have substituted "incorrect payment" for overpayment in § 405.355 (a) and § 405.352.

The commenter also suggested that the term "against equity and good conscience" be defined in this section. We are not adopting this suggestion because that term is already defined in §§ 404.509 and 404.512 of this chapter which are applicable to payments under title XVIII of the Act as well as payments under title II of the Act. We are, however, adding to § 405.355(a) a reference to §§ 404.509 and 404.512.

The commenter further suggested that the regulations should contain a provision that, after a prescribed period of time, there would be no recovery from an incorrectly paid provider. We feel that this comment does not warrant any change in the proposed regulations since the proposed § 405.350(c) already provides that where the Secretary determines subsequent to the third year after the year notice of payment was sent that more than the correct amount was paid, the provider will be deemed to be without fault in the absence of evidence to the contrary, and therefore relieved of liability for the incorrect payment.

2. A recommendation was received that the proposed regulations be modified to include a definitive statement that the provider may charge patients for noncovered services without fear of recovery from the Medicare program if the provider, within such time as permitted by law and regulations, notifies the patient or a responsible party representing the patient that the services are not covered and constitute a liability of the patient. We have not adopted this suggestion because the nature and extent of the patient's liability for the noncovered services are set forth in the proposed regulations (see § 405.607(a)(4)) in accordance with § 1866(a)(1)(B) of the Act.

In addition to the changes reflecting comments received in response to the Notice of Proposed Rule Making, § 405.251(b)(4)(iv)(C) is revised by substituting "the carrier, the intermediary, or the Social Security Administration" for "the carrier or the Administration." There are situations where the intermediary makes the payments referred to in this section. For purposes of improved clarity, § 405.350(c) is revised by substituting "the determination of the carrier, the intermediary, or the Social Security Administration" for "the Secretary's determination." Also, § 405.607(a)(4)(ii) is revised by substituting "the carrier, the intermediary, or the Social Security Administration" for "the intermediary or the Administration." There are situations where the carrier makes the payments referred to in this section.

Section 405.355(b) is revised to include a reference to §§ 405.330–405.332 which deal with payment for items or services furnished after October 30, 1972, which constitute custodial care or which are not medically reasonable and necessary. Section 405.355(b) is further revised to provide that recovery from a beneficiary

who was without fault, will be deemed to be against equity and good conscience in any case where the payment was determined by the Secretary to be incorrect subsequent to the third year after the year in which notice of payment was sent. The Notice of Proposed Rule Making provided for deeming recovery to be against equity and good conscience in such cases only if the overpayment was caused by medically unnecessary services or custodial care. The effect of this change is to provide parallel relief to providers and beneficiaries where the Secretary determines that a payment was incorrect subsequent to the third year after the year of payment.

The statute (section 1870 of the act) provides that there will be no recovery from an overpaid provider or other person who was without fault with respect to the overpayment, and that a provider or other person will be deemed without fault in any case where the Secretary determined that the payment was incorrect subsequent to the third year after the year of payment. The statute also provides that recovery from a beneficiary will be deemed to be against equity and good conscience where a payment is determined by the Secretary to be incorrect subsequent to the third year after the year of payment but only where the incorrect payment was for medically unnecessary services or custodial care. The revision in § 405.355(b), to provide that recovery from a beneficiary who was without fault will be deemed against equity and good conscience in any case where the overpayment was determined to exist subsequent to the third year after the year in which notice of payment was sent, equalizes the relief given providers and beneficiaries.

This change is not inconsistent with the provisions of section 1870. The statute sets forth circumstances in which recovery or adjustment of an overpayment must be deemed against equity and good conscience. However, this does not preclude the Secretary from setting out what constitutes against equity and good conscience in circumstances other than those addressed by section 1870. The Secretary has authority pursuant to sections 1102 and 1871 of the act to prescribe such regulations as may be necessary to define situations arising under title XVIII in which recovery will be against equity and good conscience, quite apart from those situations so deemed by statute.

The new section 405.355(b) is not being published as a Notice of Proposed Rule Making, the Secretary having found such notice to be unnecessary and not in the public interest. The change made in section 405.355(b) extends relief granted program beneficiaries pursuant to section 281 of P.L. 92-603 by creating a presumption that recovery would be against equity and good conscience in all cases where a determination of incorrect payment is not timely made (as set forth in section 281). The public interest would not be served by further delay of this liberalized waiver provision. For this reason, good cause exists to dispense with the notice of proposed rule making as to this change from the proposed regulation.

Accordingly, with the addition of a reference to §§ 404.509 and 404.512 of this chapter in § 405.355(a), the substitution of "incorrect payment" for "overpayment" in §§ 405.355(a) and 405.352, the substitution of "the carrier, the intermediary, or the Social Security Administration" for "the carrier or the Administration" in § 405.251(b)(4)(iv)(C), the substitution of "the determination of the carrier, the intermediary, or the Social Security Administration" for "the Secretary's determination" in § 405.350(c), the addition of a reference to §§ 405.330–405.332 in § 405.355(b) and the modification of § 405.355(b) to provide that recovery from an individual who was without fault will be deemed to be against equity and good conscience in any case where the overpayment was determined by the Secretary to be incorrect subsequent to the third year after the year in which notice of payment was sent, and the substitution of "the carrier, the intermediary, or the Social Security Administration" for "the intermediary or the Administration" in § 405.607(a)(4)(ii) the proposed amendments are adopted as set forth below.

(Secs. 1102, 1842, 1862, 1866, 1870, and 1871 of the Social Security Act, as amended; 49 Stat. 647, as amended; 79 Stat. 309, 325, 327, and 331, as amended; 42 U.S.C. 1302, 1395u, 1395y, 1395cc, 1395gg, and 1395hh)

Effective date. These amendments shall be effective February 9, 1976.

(Catalog of Federal Domestic Assistance Program Nos. 13.800, Health Insurance for the Aged—Hospital Insurance; and 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: November 3, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: December 29, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of the Code of Federal Regulations is further amended as follows:

Subpart B—Supplementary Medical Insurance Benefits, Enrollment, Coverage, Exclusions, and Payments

1. In § 405.251(b), subparagraph (4) is amended by revising subdivisions (ii) and (iii) and adding thereto a new subdivision (iv) to read as follows:

§ 405.251 Procedures for payment, medical and other health services furnished by other than a participating provider.

* * * * *

(b) *Payment to the person who furnished the services.* * * *

(4) The person or organization to whom such assignment has been made: * * *

(ii) Agrees that the reasonable charge for such services shall be the full charge for such services;

(iii) Agrees to charge the individual not more than the amount of any unpaid annual deductible (see § 405.245), if any, the blood deductible (see § 405.246), if applicable, plus 20 percent of the difference between the deductibles and the reasonable charge (as determined in subdivision (ii) of this subparagraph); and

(iv) Where payment has already been made under this paragraph and such payment has been determined to be incorrect, agrees not to charge for items and services for which such individual was not entitled to have payment made under this part if:

(A) Such payment is incorrect by reason of paragraph (k) of § 405.310:

(B) The individual was without fault in incurring the expenses for such items or services; and

(C) The determination of the carrier, the intermediary, or the Social Security Administration, as appropriate, that the payment was incorrect was made subsequent to the third year following the year in which the payment notice was sent to the individual.

Subpart C—Exclusions, Recovery of Overpayment, Liability of a Certifying Officer, and Suspension of Payment

2. Section 405.350 is revised to read as follows:

§ 405.350 Individual's liability for payments made to providers and other persons for items and services furnished the individual.

Any payment made under title XVIII of the Act to any provider of services or other person with respect to any item or service furnished an individual shall be regarded as a payment to the individual, and adjustment shall be made pursuant to §§ 405.352–405.356, where:

(a) More than the correct amount is paid to a provider of services or other person and the Secretary determines that: (1) Within a reasonable period of time, the excess over the correct amount cannot be recouped from the provider of services or other person, or (2) the provider of services or other person was without fault with respect to the payment of such excess over the correct amount, or

(b) A payment has been made under the provisions described in section 1814(e) of the Act, to a provider of services for items and services furnished the individual.

(c) For purposes of paragraph (a)(2) of this section, a provider of services or other person shall, in the absence of evidence to the contrary, be deemed to be without fault if the determination of the carrier, the intermediary, or the Social Security Administration that more than the correct amount was paid was made subsequent to the third year following the year in which notice was sent to such individual that such amount had been paid.

3. In § 405.352, the material preceding paragraph (a) is revised to read as follows:

§ 405.352 Adjustment of title XVIII incorrect payments.

Where an individual is liable for an incorrect payment (i.e., a payment made under § 405.350(a) or § 405.350(b)) adjustment is made (to the extent of such liability) by:

* * * * *

4. Section 405.355 is revised to read as follows:

§ 405.355 Waiver of adjustment or recovery.

(a) The provisions of § 405.352 may not be applied and there may be no adjustment or recovery of an incorrect payment (i.e., a payment made under § 405.350(a) or § 405.350(b)) in any case where such incorrect payment has been made with respect to an individual who is without fault, or where such adjustment or recovery would be made by decreasing payments to which another person who is without fault is entitled as provided in section 1870(b) of the Act where such adjustment or recovery would defeat the purpose of title II or title XVIII of the Act or would be against equity and good conscience. (See §§ 404. 509 and 404.512 of this chapter)

(b) Adjustment or recovery of an incorrect payment (or only such part of an incorrect payment as may be determined to be inconsistent with the purposes of title XVIII of the Act) against an individual who is without fault shall be deemed to be against equity and good conscience if the determination that such payment was incorrect was made subsequent to the third year following the year in which notice of such payment was sent to such individual. (See §§ 405. 330–405.332 for conditions under which payment may be made for items or services furnished after October 30, 1972 which are noncovered by reasons of § 405.310 (g) and (k).)

Subpart F—Agreements, Elections, Contracts, Nominations, and Notices

5. In § 405.607, paragraph (a) is amended by revising subparagraph (3) and adding a new subparagraph (4) to read as follows:

§ 405.607 Essentials of agreements with providers of services.

Under the terms of the agreement (see § 405.606) the provider agrees:

(a) Not to charge any individual or other person (except as described in § § 405.608–405.610): * * *

(3) For inpatient hospital services furnished an individual who exhausted his benefits under Subpart A of this part, if the provider is reimbursed by the Secretary as discussed in § 405.161; or

(4) For items and services for which the individual is not entitled to have payment made under this part by reason of paragraphs (g) or (k) of § 405.310, but only if:

(i) The individual was without fault in incurring the expenses for such items and services; and

(ii) The determination of the carrier, the intermediary or the Social Security Administration as appropriate, that payment for such items and services was incorrect was made subsequent to the third year following the year in which the payment notice was sent to the individual;

* * * * *

Subpart P—Certification and Recertification; Requests for Payment

6. Paragraph (a)(1) of § 405.1675 is revised to read as follows:

§ 405.1675 Assignment of right to receive payment under the supplementary medical insurance benefits plan.

(a)(1) When an individual is furnished covered medical or other health services (other than physicians' and ambulance services furnished outside the United States and emergency outpatient services) for which he may receive direct payment of supplementary medical insurance benefits on the basis of reasonable charges (see § 405.1672(b)), he may assign the rights to such payment to the physician or other person who furnished the services, if such physician or other person agrees to the assignment. (See § 405.1680 concerning payment of assigned benefits to an employer, facility, or health care delivery system with which the physician or other person furnishing the service has a contractual arrangement.) The claim must be completed in accordance with the instructions prescribed by the Social Security Administration (see § 405.1678). In accepting assignment the physician or other person agrees to the following:

(i) The reasonable charge, as determined by the carrier or the Social Security Administration, as appropriate, shall be his full charge for the service and, aside from the benefit payment, he will not charge or collect from the individual or any other source an amount in excess of the applicable unmet deductible (see §§ 405.245 and 405.246) applied to the reasonable charge and 20 percent of the remaining reasonable charge; and

(ii) Where payment has already been made under this paragraph and such payment has been determined to be incorrect, he will not charge for items and services for which such individual was not entitled to have payment made under this part if:

(A) Such payment is incorrect by reason of paragraph (k) of § 405.310; and

(B) The individual was without fault in incurring the expenses for such items or services; and

(C) The determination of the carrier or the Social Security Administration, as appropriate, that payment was incorrect was made subsequent to the third year following the year in which the payment notice was sent to the individual.

* * * * *

[FR Doc.76-149 Filed 1-7-76;8:45 am]

CHAPTER VIII—JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

PART 903—ACCESS TO RECORDS

Subpart A—Records Pertaining to Individuals

On September 30, 1975, there was published in the FEDERAL REGISTER (40 FR 45113), a notice of proposed rulemaking setting forth proposed regulations to implement the Privacy Act of 1974 (5 U.S.C. 552a). The proposed regulations prescribed the means by which any individual may learn whether records pertaining to such individual are being maintained by the Joint Board for the Enrollment of Actuaries and limitations on access to such records by anyone, including the individual to whom they pertain; provided for annual publication in the FEDERAL REGISTER of notices concerning the existence of, and nature of information contained in, systems of such records and the intended uses of such information; provided procedures by which an individual may gain access to such records which pertain to him, procedures for the resolution of disputes when a request for amendment of such records is denied; set forth a schedule of fees for the copying of such records; and designated the persons responsible for making determinations concerning notification, access and requests for amendment of records. All comments on the proposed regulations were given due consideration.

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

1. Section 903.4 *Procedures for access to records regarding individuals* is amended to include procedures whereby an individual can gain access to accountings of disclosures from his or her record.

2. Section 903.5(e)(5) *Procedures for amendment of records regarding individual—format, agency review and appeal from initial adverse agency determination* is amended to provide for distribution of corrections and statements of disagreement to those persons or agencies who received the disputed record prior to such correction or filing of such statement of disagreement.

Accordingly 20 CFR, Part 903, is adopted as set forth below.

Effective date. This regulation shall become effective on January 8, 1976.

Adopted by the Joint Board for the Enrollment of Actuaries on the 8th day of January, 1976.

DONALD S. GRUBBS, Jr.,
Chairman, Joint Board for the Enrollment of Actuaries.

Subpart A—Records Pertaining to Individuals

Sec.
903.1 Purpose and scope of regulations.
903.2 Definitions.
903.3 Procedures for notification with respect to records regarding individuals.
903.4 Procedures for access to records regarding individuals.
903.5 Procedures for amendment of records regarding individuals-format, agency review and appeal from initial adverse agency determination.
903.6 Fees.
903.7 Guardianship.
903.8 Exemptions.

AUTHORITY: (5 U.S.C. 552)a.

Subpart A—Records Pertaining to Individuals

§ 903.1 Purpose and scope of regulations.

The regulations in this subpart are issued to implement the provisions of the

Privacy Act of 1974 (5 U.S.C. 552a). The regulations relate to all records maintained by the Joint Board for the Enrollment of Actuaries (Joint Board) which are identifiable by individual name or identifier and all systems of such records which are retrievable by name or other identifier. They do not relate to personnel records of Government employees, which are under the jurisdiction of the Civil Service Commission, and, thus, subject to regulations issued by such Commission. The regulations set forth the procedures by which individuals may request notification of whether the Joint Board maintains or has disclosed a record pertaining to them or may seek access to such records maintained in any non-exempt system of records, request amendment of such records, and appeal any initial adverse determination with respect to any such request.

§ 903.2 Definitions.

(a) The term "agency" includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency (see 5 U.S.C. 552(e));

(b) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(c) The term "maintain" includes maintain, use, collect or disseminate;

(d) The term "record" means any item, collection, or grouping of information about an individual that is maintained by the Joint Board, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual such as a finger or voice print or a photograph;

(e) The term "system of records" means a group of any records under the control of the Joint Board from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(f) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 903.3 Procedures for notification with respect to records regarding individuals.

(a) *Procedures for notification.* The systems of records maintained by the Joint Board are listed annually as required by the Privacy Act of 1974. Any individual, who wishes to know whether a system of records contains a record regarding him, may write to the Executive Director, Joint Board for the Enrollment of Actuaries, c/o U.S. Department of the Treasury, Washington, D.C. 20220. Requests may also be delivered personally to the Executive Director, Joint Board for the Enrollment of Actuaries, 2401 E Street, NW., Suite 1537, Washington, D.C. between the hours of 9 a.m. and 5 p.m. on workdays. Any such inquiry will be acknowledged in writing within 10 days (excluding Saturdays, Sundays and legal public holidays) of receipt of the request.

(b) *Requests.* A request for notification of whether a record exists shall:

(1) Be made in writing and signed by the person making the request, who must be the individual about whom the record is maintained, or his duly authorized representative (see § 903.7);

(2) State that it is made pursuant to the Privacy Act, 5 U.S.C. 552a, or the regulations contained in this Part;

(3) Furnish the name of the system of records with respect to which notification is sought, as specified in the systems notices published in the FEDERAL REGISTER, Volume 40, No. 167;

(4) Mark "Privacy Act Request" on the request and on the envelope in which the request is contained;

(5) Be addressed as specified in paragraph (a) of this section, unless personally delivered; and

(6) Meet the requirements set forth in paragraph (c) of this section.

(c) *Verification of identity.* Notification of the existence of records in certain systems maintained by the Joint Board will not be made unless the individual requester's identity is verified. Where applicable, requirements for verification of identity are specified in the notices of systems published in the FEDERAL REGISTER, Volume 40, No. 167.

(d) *Date of receipt of request.* A request for notification with respect to records shall be considered to have been received on the date on which the requirements of paragraphs (a), (b) and (c) of this section have been satisfied. Requests for notification shall be stamped with the date of receipt by the Office of the Executive Director.

(e) *Exemptions.* The procedures prescribed under paragraphs (a), (b) and (c) of this section shall not apply to: (1) Systems of records exempted pursuant to 5 U.S.C. 552a(k); (2) information compiled in reasonable anticipation of a civil action or proceeding (see 5 U.S.C. 552a(d)(5)); or (3) information regarding an individual which is contained in, and inseparable from, another individual's record.

(f) *Notification of determination.*—(1) *In general.* The Executive Director shall, except as otherwise provided in this paragraph, notify an individual requester as to whether or not a system of records contains a record regarding such individual. Such notification shall be made within 30 days (excluding Saturdays, Sundays and legal public holidays) after the date of receipt of the request, as determined in accordance with paragraph (d) of this section. If it is not possible to respond within 30 days, the Executive Director will inform the requester, stating the reasons for the delay (e.g., volume of records involved, need to consult other agencies, or the difficulty of the legal issues involved) and when a response will be dispatched.

(2) *Denial of request.* When it is determined that a request for notification with respect to records will be denied (whether in whole or in part or subject to conditions or exceptions), the person making the request shall be so notified by mail in accordance with paragraph (f)(1) of this section. The letter of notification shall set forth the name and title or position of the responsible official.

(3) *Records exempt in whole or in part.* (i) When an individual requests notification with respect to records concerning himself which have been compiled in reasonable anticipation of a civil action or proceeding either in a court or before an administrative tribunal, the Executive Director will neither confirm nor deny the existence of the record but shall advise the individual only that no record with respect to the existence of which he is entitled to be notified pursuant to the Privacy Act of 1974 has been identified.

(ii) Requests for records which have been exempted from the requirement of notification pursuant to 5 U.S.C. 552a(k)(2) shall be responded to in the manner provided in paragraph (f)(3)(i) of this section.

§ 903.4 Procedures for access to records and accountings of disclosures from records, regarding individuals.

(a) *Access.* The Executive Director of the Joint Board shall, upon request by any individual to gain access to a record regarding him which is contained in a system of records maintained by the Joint Board, or to an accounting of a disclosure from such record made pursuant to 5 USC 552a(c)(1), permit that individual and, upon his/her request, a person he/she chooses to accompany him/her, to review the record or any such accounting and have a copy made of all or any portion thereof in a form comprehensible to the individual, except that the Executive Director may require the individual to furnish a written statement authorizing discussion of that individual's record in the accompanying person's presence. Such request may be addressed to the Executive Director, Joint Board for the Enrollment of Actuaries, c/o U.S. Department of the Treasury, Washington, D.C. 20220. Requests may also be delivered personally to the Executive Director, Joint Board for the Enrollment of Actuaries, 2401 E Street, NW., Suite 1537, Washington, D.C., between the hours of 9 a.m. and 5 p.m. on workdays. Any such inquiry will be acknowledged in writing within 10 days (excluding Saturdays, Sundays and legal public holidays) of receipt of the request (see paragraph (e) of this section).

(b) *Requests.* A request for access to records or accountings of disclosure from records, shall:

(1) Be signed in writing by the person making the request, who must be the individual about whom the record is

maintained, or his duly authorized representative (see § 903.7);

(2) State that it is made pursuant to the Privacy Act, 5 U.S.C. 552a, or the regulations contained in this Part;

(3) Furnish the name of the system of records to which access is sought, or the name of the system for a disclosure from which an accounting is sought, as specified in the systems notices published in the FEDERAL REGISTER, Volume 40, No. 167;

(4) Mark "Privacy Act Request" on the request and on the envelope in which the request is contained;

(5) Be addressed as specified in paragraph (a) of this section, unless personally delivered;

(6) State whether the requester wishes to inspect the records and/or accountings of disclosures therefrom, or desires to have a copy made and furnished without inspecting them;

(7) State, if the requester desires to have a copy made, the requester's agreement to pay the fees for duplication as ultimately determined in accordance with § 903.6; and

(8) Meet the requirements set forth in paragraph (c) of this section.

(c) *Verification of identity.* Access to records contained in certain systems maintained by the Joint Board and/or accountings of disclosures from such records, will not be granted unless the individual requester's identity is verified. Where applicable, requirements for verification of identity are specified in the notices of systems published in the FEDERAL REGISTER, Volume 40, No. 167.

(d) *Exemptions.* The procedures specified in paragraphs (a), (b) and (c) of this section shall not apply to: (1) Systems of records exempted pursuant to 5 U.S.C. 552a(k); (2) information compiled in reasonable anticipation of a civil action or proceeding (see 5 U.S.C. 552a (d)(5)); or (3) information regarding an individual which is contained in, and inseparable from, another individual's record.

(e) *Date of receipt of request.* A request for access to records and/or accountings shall be considered to have been received on the date on which the requirements of paragraphs (a), (b) and (c) of this section have been satisfied. Requests for access, and any separate agreement to pay, shall be stamped with the date of receipt by the Office of the Executive Director. The latest of such stamped dates will be deemed to be the date of receipt of the request.

(f) *Notification of determination*—(1) *In general.* Notification of determinations as to whether to grant access to records and/or accountings requested will be made by the Executive Director of the Joint Board. The notification of the determination shall be made within 30 days (excluding Saturdays, Sundays and legal public holidays) after the date of receipt of the request, as determined in accordance with paragraph (g) of this section. If it is not possible to respond within 30 days, the Executive Director will inform the requester, stating the reason(s) for the delay (e.g., volume of records requested, need to consult other agencies, or the difficulty of the legal issues involved) and when a response will be dispatched (See 5 U.S.C. 552a (d) and (f)).

(2) *Granting of access.* (i) When it has been determined that the request for access will be granted—(A) and a copy requested; such copy in a form comprehensible to him shall be furnished promptly, together with a statement of the applicable fees for duplication as set forth elsewhere in these regulations (See § 903.6); and (B) and the right to inspect has been requested, the requester shall be promptly notified in writing of the determination, and when and where the requested records and/or accountings may be inspected. (ii) An individual seeking to inspect records concerning himself and/or accountings of disclosure from such records may be accompanied by another individual of his own choosing. The individual seeking access shall be required to sign the required form indicating that the Joint Board is authorized to discuss the contents of the subject record in the accompanying person's presence. If, after making the inspection, the individual making the request desires a copy of all or portion of the requested records, such copy in a form comprehensible to him shall be furnished upon payment of the applicable fees for duplication as prescribed by § 903.6. Fees shall not be charged where they would amount, in the aggregate, to less than $53.00. (See 5 U.S.C. 552a (d) and (f)):

(3) *Denial of request.* (i) When it is determined that the request for access to records will be denied (whether in whole or in part or subject to conditions or exceptions), the person making the request shall be so notified by mail in accordance with paragraph (f)(1) of this section. The letter of notification shall contain a statement of the reasons for not granting the request as made, set forth the name and title or position of the responsible official and advise the individual making the request of the right to file suit in accordance with 5 U.S.C. 552a(g)(1)(B).

(ii) When it is determined that a request for access to accountings will be denied, the person making the request shall be so notified by mail in accordance with paragraph (f)(1)(4)(iii) of this section.

(4) *Records exempt in whole or in part.* (i) When an individual requests records concerning himself which have been compiled in reasonable anticipation of a civil action or proceeding either in a court or before an administrative tribunal, the Executive Director will neither confirm nor deny the existence of the record but shall advise the individual only that no record available to him pursuant to the Privacy Act of 1974 has been identified.

(ii) Requests for records which have been exempted from disclosure pursuant to 5 U.S.C. 552a(k)(2) shall be responded to in the manner provided in paragraph (f)(4)(i) of this section unless a review of the information indicates that the information has been used or is being used to deny the individual any right, privilege or benefit for which he is eligible or to which he would otherwise be entitled under federal law. In that event, the individual shall be advised of the existence of the information but such information as would identify a confidential source shall be extracted or summarized in a manner which protects the source to the maximum degree possible and the summary extract shall be provided to the requesting individual.

(iii) When an individual requests access to acountings of disclosure from records concerning himself which have been compiled in reasonable anticipation of a civil action or proceeding, either in a court or before an administrative tribunal, or which have been exempted from disclosure pursuant to 5 USC 552a (k)(2), the Executive Director will neither confirm nor deny the existence of the record or accountings of disclosure therefrom, but shall advise the individual that no accounting available to him pursuant to the Privacy Act of 1974 has been identified.

§ 903.5 Procedures for amendment of records regarding individual—format, agency review and appeal from initial adverse agency determination.

(a) *In general.* Subject to the application of exemptions promulgated by the Joint Board, in accordance with 5 U.S.C. 552a(k), the Executive Director shall, in conformance with 5 U.S.C. 552a(d)(2), permit an individual to request amendment of a record pertaining to him. Any such request shall be addressed to the Executive Director, Joint Board for the Enrollment of Actuaries, U.S. Department of the Treasury, Washington, D.C. 20220 or delivered personally to the Executive Director, Joint Board for the Enrollment of Actuaries, 2401 E Street, N.W., Suite 1537, Washington, D.C. Any request for amendment of records or any appeal from the initial denial of a request which does not fully comply with the requirements of this section will not be deemed subject to the time constraints of paragraph (e) of this section, unless and until amended so as to comply. However, the Executive Director shall forthwith advise the requester in what respect the request or appeal is deficient so that it may be resubmitted or amended. (See 5 U.S.C. 552a (d) and (f)).

(b) *Form of request to amend records.* In order to be subject to the provisions of this section, a request to amend records shall:

(1) Be made in writing and signed by the person making the request, who must be the individual about whom the record is maintained, or his duly authorized representative. (See § 903.7);

(2) State that it is made pursuant to the Privacy Act, 5 U.S.C. 552a or these regulations;

(3) Mark "Privacy Act Amendment Request" on the request and on the envelope; and

(4) Reasonably describe the records which the individual desires to have amended, including, to the best of the re-

quester's knowledge, dates of letters requesting access to such records previously and dates of letters in which notification concerning access was made, if any, and the individual's documentation justifying the correction. (See 5 U.S.C. 552a (d) and (f)).

(c) *Date of receipt of request.* A request for amendment of records pertaining to an individual shall be deemed to have been received for purposes of this subpart when the requirements of paragraphs (a) and (b) of this section have been satisfied. The Office of the Executive Director shall stamp the date of receipt of the request thereon. (See 5 U.S.C. 552a (d) and (f)).

(d) *Review of requests to amend records.* The Executive Director shall:

(1) Not later than 10 days (excluding Saturdays, Sundays, and legal public holidays) after the date of receipt of such request, acknowledge in writing such receipt; and

(2) Promptly, either—(i) make any correction of any portion of a record which the individual believes and the Executive Director agrees is not accurate, relevant, timely, or complete; or (ii) inform the individual of the refusal to amend the record in accordance with his request, the reason for the refusal, and that he may request that the Joint Board review such refusal. (See 5 U.S.C. 552a (d) and (f)).

(e) *Administrative appeal.*—(1) *In general.* The Joint Board shall permit individuals to request a review of initial decisions made under paragraph (d) of this section when an individual disagrees with a refusal to amend his record. (See 5 U.S.C. 552a(d), and (g)(1)).

(2) *Form of request for administrative review of refusal to amend record.* At any time within 35 days after the date of the notification of the initial decision described in paragraph (d)(2)(ii) of this section, the requester may submit a request for review of such refusal to the official specified in the notification of the initial decision. The appeal shall:

(i) Be made in writing stating any arguments in support thereof and be signed by the person to whom the record pertains, or his duly authorized representative (See § 903.7);

(ii) Within 35 days of the date of the initial decision: (A) be addressed and mailed to the Joint Board for the Enrollment of Actuaries, c/o U.S. Department of the Treasury, Washington, D.C. 20220; or (B) be personally delivered to the Executive Director, Joint Board for the Enrollment of Actuaries, 2401 E Street, N.W., Suite 1537, Washington, D.C. on workdays between the hours of 9 a.m. and 5 p.m.;

(iii) Have clearly marked on the appeal and on the envelope, "Privacy Act Amendment Appeal";

(iv) Reasonably describe the records requested to be amended; and

(v) Specify the date of the initial request to amend records, and the date of the letter giving notification that the request was denied. (See 5 U.S.C. 552a (d) and (f)).

(3) *Date of Receipt.* Appeals shall be promptly stamped with the date of their receipt by the Office of the Executive Director and such stamped date will be deemed to be the date of receipt for all purposes of this section. The receipt of the appeal shall be acknowledged within 10 days from the date of receipt (unless the determination on appeal is dispatched in 10 days, in which case, no acknowledgment is required) by the Joint Board and the requester is advised of the date of receipt established by the foregoing and when a response is due in accordance with this paragraph. (See 5 U.S.C. 552a (d) and (f)).

(4) *Review of administrative appeals from denial of requests to amend records.* The Joint Board shall complete the review and notify the requester of the final agency decision within 30 days (exclusive of Saturdays, Sundays and legal public holidays) after the date of receipt of such appeal, unless it extends the time for good cause shown. If such final agency decision is to refuse to amend the record, in whole or in part, the requester shall also be advised of his right; (i) to file a concise "Statement of Disagreement" setting forth the reasons for his disagreement with the decision which shall be filed within 35 days of the date of the notification of the final agency decision and (ii) to seek judicial review of the final agency decision under 5 U.S.C. 552a(g)(1)(A). (See 5 U.S.C. 552a (d), (f) and (g)(1)).

(5) *Notation on record and distribution of statements of disagreement.* (i) The Executive Director is responsible, in any disclosure containing information about which an individual has filed a "Statement of Disagreement," occurring after the filing of the statement under (4) above, for clearly noting any portion of the record which is disputed and providing copies of the statement and, if deemed appropriate, a concise statement of the Joint Board's reasons for not making the amendments requested, to persons or other agencies to whom the disputed record has been disclosed. (See 5 U.S.C. 552a(d)(4)).

(ii) In addition, when a "Statement of Disagreement" is filed regarding information previously disclosed to a person or other agency and when, for such disclosure, an accounting was made pursuant to 5 U.S.C. 552(c)(1), then the Executive Director shall provide such person or other agency with the following:

(A) Copy of the "Statement of Disagreement";

(B) Copy of the portion of the previously disclosed in dispute clearly noted as disputed and;

(C) If deemed appropriate, a concise statement of the Joint Board's reasons for not making requested amendments.

(f) *Records not subject to correction.* The following records are not subject to correction or amendment by individuals:

(i) Transcripts or written statements made under oath;

(ii) Transcripts of Grand Jury proceedings, judicial or quasi-judicial proceedings which form the official record of those proceedings;

(iii) Pre-sentence reports comprising the property of the courts but maintained in agency files;

(iv) Records pertaining to the determination, the collection and the payment of federal taxes; and

(v) Records duly exempted from correction by notice published in the FEDERAL REGISTER.

§ 903.6 Fees.

Charges for copies of records made pursuant to part 903 of this chapter will be at the rate of $0.10 per copy. For records not susceptible to photocopying, e.g., over-size materials, photographs, etc., the amount charged will be the actual cost of copying. Only one copy of each record requested will be provided. No charge will be made unless the charge as computed above would exceed $3 for each request or related series of requests. If a fee in excess of $25 is required, the requester will be notified that the fee must be tendered before the records will be copied.

§ 903.7 Guardianship.

The guardian of a person judicially determined to be incompetent shall, in addition to establishing the identity of the person he represents, establish his own guardianship by furnishing a copy of a court order establishing the guardianship and may thereafter act on behalf of such individual. (See 5 U.S.C. 552a(h)).

§ 903.8 Exemptions.

(a) *Names of systems:* (1) JBEA—Enrollment Files.

(2) JBEA—Application Files.

(3) JBEA—General Information.

(4) JBEA—Charge Case Inventory Files.

(5) JBEA—Suspension and Termination Files.

(b) *Provisions from which exempted:* These systems contain records described in 5 U.S.C. 552a(k), the Privacy Act of 1974. Exemption will be claimed for such records only where appropriate from the following provisions: subsections (c)(3), (d)(1), (2), (3) and (4), (e)(1), (c)(4)(G), (H) and (I), and (f)(1), (2), (3), (4) and (5) of 5 U.S.C. 552a.

(c) *Reasons for claimed exemptions:* (1) The Privacy Act of 1974 creates several methods by which individuals may learn of and obtain records containing information on such individuals and consisting of investigatory material compiled for law enforcement purposes. These methods are as follows: subsection (c)(3) allows individuals to discover if other agencies are investigating such individuals; subsections (d)(1), (e)(4)(H) and (f)(2), (3) and (5) establish the ability of individuals to gain access to investigatory material compiled on such individuals; subsections (d)(2), (3) and (4), (e)(4)(H) and (f)(4) presuppose access and enable individuals to contest the contents of investigatory material compiled on these individuals;

and subsections (e)(4)(G) and (f)(1) allow individuals to determine whether or not they are under investigation. Because these subsections are variations upon the individual's ability to ascertain whether his civil or criminal misconduct has been discovered, these subsections have been grouped together for purposes of this notice.

(2) (i) The Joint Board believes that imposition of the requirements of subsection (c)(3), which requires that accountings of disclosures be made available to individuals, would impair the ability of the Joint Board and other investigative entities to conduct investigations of alleged or suspected violations of the regulations governing the performance of actuarial services with respect to plans to which the Employee Retirement Income Security Act (ERISA) applies, and of civil or criminal laws. Making the accountings of disclosures available to individuals enables such individuals to identify entities investigating them and thereby to determine the nature of the violations of which they are suspected. With such knowledge, individuals would be able to alter their illegal activities, destroy or alter evidence of such activities and seriously impair the successful completion of investigations. For these reasons, the Joint Board seeks exemption from the requirements of subsection (c)(3).

(ii) With respect to subsections (d)(1), (e)(4)(H), and (f)(2), (3) and (5), the Joint Board believes that access to investigatory material would prevent the successful completion of investigations. Individuals who gain access to investigatory material involving them discover the nature and extent of the violations of regulations, and of civil and criminal laws, of which they are suspected. By gaining access, such individuals also learn the facts developed during investigations. Knowledge of these matters enables these individuals to destroy or alter evidence which would otherwise have been used against them. In addition, knowledge of the facts and suspected violations gives individuals, who are committing ongoing violations, or who are about to commit violations of regulations, or of civil or criminal laws, the opportunity to temporarily postpone the commission of the violations or to effectively disguise the commission of these violations. Material compiled on investigated individuals reveals investigative techniques and procedures, disclosure of which enables such individuals to structure their illegal activities so as to escape detection. Further, such material may contain, or by its very nature reveal, the identity of confidential sources. When the identities of confidential sources are revealed, they may be subjected to various forms of reprisal. If confidential sources of information are subjected to actual reprisals or fear thereof, they may become reluctant to provide information necessary to identify or prove the guilt of persons who violate regulations, or civil or criminal laws. Further, the protections afforded by the above-referenced subsections are unnecessary because the Joint Board may not deny enrollment or suspend or terminate the enrollment of an individual to perform actuarial services until it has provided such individual with due process safeguards. For the reasons stated in this subparagraph, the Joint Board seeks exemptions from the requirements of subsections (d)(1), (e)(4)(H), and (f)(2), (3) and (5).

(iii) With respect to subsections (d)(2), (3) and (4), (e)(4)(H), and (f)(4), the Joint Board believes that the imposition of these requirements, which presuppose access and provide for amending records, would impair the ability to conduct investigations and would be unnecessary for the same reasons stated in the preceding subparagraph (2)(B). These reasons herein are incorporated by reference. Therefore, the Joint Board seeks exemption from the requirements of subsections (d)(2), (3) and (4), (e)(4)(H), and (f)(4).

(iv) With respect to subsections (e)(4)(G) and (f)(1), the Joint Board believes that informing individuals that they are the subjects of a particular system or systems of records would impair the ability of the Joint Board and its agents to successfully complete investigations of suspected or alleged violators of the regulations governing the performance of actuarial services with respect to plans to which ERISA applies. Individuals who learn that they are suspected of violating said regulations are given the opportunity to destroy or alter evidence needed to prove the alleged violations. Such individuals may also be able to impair investigations by temporarily suspending or restructuring the activities which place them in violation of said regulations. Further, as noted in preceding subparagraph (2)(B) and incorporated by reference herein, the procedural requirements imposed on the Joint Board by ERISA make the protections afforded by subsections (c)(4)(G) and (f)(1) unnecessary. For these reasons, the Joint Board seeks exemptions from the requirements of subsections (c)(4)(G) and (f)(1).

(v) Subsection (e)(1) of the Privacy Act of 1974 requires that the Joint Board maintain in its records only information that is relevant and necessary to accomplish a purpose of the Office required to be accomplished by statute or by executive order of the President. The Joint Board believes that imposition of said requirement would seriously impair its ability, and the abilities of its agents and other investigative entities to effectively investigate suspected or alleged violations of regulations and of civil or criminal laws. The Joint Board does not initiate inquiries into individuals' conduct unless it receives information evidencing violation by such individuals of the regulations governing performance of actuarial services with respect to plans to which ERISA applies. Sources of such information may be unfamiliar with the Joint Board's interpretations of said regulations and, therefore, may not always provide only relevant and necessary information. Therefore, it may often be impossible to determine whether or not information is relevant and necessary. For these reasons, the Joint Board seeks exemptions from the requirement of subsection (e)(1).

(vi) Subsection (e)(4)(I) of the Privacy Act of 1974 requires the publication of the categories of sources of records in each system of records. The Joint Board believes that imposition of said requirement would seriously impair its ability to obtain information from such sources for the following reasons. Revealing such categories of sources could disclose investigative techniques and procedures and could cause sources to decline to provide information because of fear of reprisal, or fear of breaches of promises of confidentiality. For these reasons, the Joint Board seeks exemptions from the requirement of subsection (e)(4)(I).

[FR Doc.76-496 Filed 1-7-76;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 JUSTICE

Drug Enforcement Administration

[21 CFR Part 1304]

RECORDS AND REPORTS OF REGISTRANTS

Records for Manufacturers

Regulations of the Drug Enforcement Administration require, in § 1304.22 of Title 21 of the Code of Federal Regulations, that manufacturers of controlled substances maintain records which show the quantity of controlled substances actually manufactured or actually used, to be used, or capable of use in manufacturing controlled or non-controlled substances.

These records, while revealing the theoretical and actual yield of controlled substances produced by the manufacturing process, as determined by the manufacturer, fail to provide DEA with any information upon which it can independently determine such yields.

Lacking this information, DEA cannot establish whether amounts of controlled substances produced in fact are more than what is reported to DEA as the actual yield.

Such discrepancies could occur with DEA unaware of the existence of any such unreported amounts of controlled substances produced, or their disposition. That such amounts could exist and be diverted is a real possibility which requires DEA, in its effort to identify diversion, to establish some means for determining that the yield of a controlled substance manufacturing process corresponds with the theoretical yield, which the process and the materials used therein, are designed to produce.

Therefore, in view of the foregoing, and pursuant to the authority vested in the Attorney General by sections 301 and 501(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821, 871(b)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations (See 38 FR 18380, July 2, 1973), and redelegated to the Deputy Administrator of the Drug Enforcement Administration by 28 CFR 0.104 [Appendix to Subpart R] Sec. 6(g), the Deputy Administrator of the Drug Enforcement Administration hereby proposes that Part 1304 of Title 21 of the Code of Federal Regulations be amended as follows:

Existing paragraphs (a) (2) through (9) are to be renumbered as paragraphs (a) (3) through (10), and a new paragraph (a)(2) is to be added, to read as set forth below.

§ 1304.22 Records for manufacturers.

(a) * * *

(2) For each batch, the identity, amount, and percent purity of each ingredient used in manufacturing each controlled substance;

* * * * *

All interested parties are invited to submit their comments and objections in writing regarding this proposal. Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative and must be received no later than February 11, 1976.

Dated: December 24, 1975.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-557 Filed 1-7-76;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 12]

SPECIAL CLASSES OF MERCHANDISE

Importation of Motor Vehicles and Motor Vehicle Equipment; Extension of Time

Correction

In FR Doc. 75-35040, appearing at page 59745, in the issue for Tuesday, December 30, 1975, the second paragraph should read as set out below:

"Requests have been received for an extension of the time for the submission of comments. Therefore, the period for submission of data, views, or arguments with respect to the cited amendments is extended to January 22, 1976.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 338, 339, 340]

[Docket No. 75-N-0244]

OVER-THE-COUNTER DRUGS

Proposal To Establish Monographs for OTC Nighttime Sleep-Aid, Daytime Sedative, and Stimulant Products

Correction

In FR Doc. 75-32774, appearing on page 59447 in the issue of Monday, December 8, 1975 make the following changes:

1. On page 57298, the second column, in the first complete paragraph, the second word in the eighth line should read "extracellular".

2. On page 57298, the third column, the sixth complete paragraph; in the third line the word "and" should have read "an", and in the fourth line the word "Larges" should have read "Larger".

3. On page 57299, in the first column, the second complete paragraph, the ninth line should have read "logical tests showed that 44 percent (6 subjects)".

4. On page 57300, in the third column, paragraph "b.", the first word in each of the third and fourth lines was mispelled. The correct spelling is "hydrobromide".

5. On page 57301, in the third column, the fifth paragraph, in the tenth line the fourth word should have been spelled "medullary".

6. On page 57302, in the third column, second paragraph, in the second line the last word should have been preceded with an "s".

7. On page 57305, in the second column, the first whole paragraph, the second word in the sixteenth line should have read "of".

8. On page 57307, in the second column, the sixth paragraph should have read: "(15) Cappe, B. E. and I. M. Tallin, "Recent Advances In Obstetric Analgesia,", *"Journal of the American Medical Association*, 154: 377-379, 1954."

9. On page 57309, the third column; in the first complete paragraph, eleventh line, the first word should have read "hydramine". In the third complete paragraph, the seventh word in the first sentence should have read "effects".

10. On page 57310, the second column, after the heading "References", the first word in the second line should have read "Antihistaminic".

11. On page 57312, the second column, the second paragraph after the heading "References", in the first line the word "Propandiol" was misspelled. In the third column the last line should have read "Methoxybenzyl-N-Dimethyl-aminoethyl al-".

12. On page 57316, in the second column, fifth line, the fourth word should have read "as".

13. On page 57324, in the first column, under "REFERENCES" the footnote to "(1)" should have read "3" and refers to the note on page 57310.

14. On page 57325, in the 36th line the fourth word was misspelled, it should have read "incidence".

15. On page 57327, in the third column, 16th line the second word should have read "an".

16. On page 57328, the first column, in the last line of the "Authority" the first number should have read "553".

17. On page 57328, the second column, the last line of § 339.3 should have read "sional simple nervous tension.".

Social Security Administration

[20 CFR Part 405]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Conditions of Participation; Skilled Nursing Facilities; Withdrawal of Notice of Proposed Rule Making

On February 11, 1975, there was published in the FEDERAL REGISTER (40 FR 6369) a Notice of Proposed Rule Making which set forth a proposed technical amendment to Subpart K of Regulations No. 5 relating to the conditions of participation for skilled nursing facilities. The proposed amendment would have effected a technical change in the Medicare regulations to correspond to a proposed revision of Part 249 of the Social and Rehabilitation Service regulations (45 CFR Part 249) which was also published on February 11, 1975, (40 FR 6368). The proposed Medicare regulation would have provided that, with respect to skilled nursing facilities participating only in the Medicaid program, the Secretary of Health, Education, and Welfare (rather than the State survey agency as at present) would grant waivers of specific provisions of the standards of the American National Standards Institute regarding the usability of facilities by handicapped persons and would permit variations in the standards regarding room size and the number of patients per room.

Under the proposed amendment, the Secretary would thus have had the authority to grant waivers where the skilled nursing facility is participating in the Medicare program, the Medicaid program, or both.

Interested parties were given 30 days within which to submit data, views, and arguments. Three comments were received in response to the notice of proposed rule making. Two comments were in favor of the State agency's retaining the waiver authority. The third comment favored transfer of waiver authority to the Secretary.

Since many of the comments received in response to the proposed amendment to 45 CFR Part 249 published at 40 FR 6368 were unfavorable, it was withdrawn (see 40 FR 51474, November 5, 1975). Accordingly, the proposed amendment to 20 CFR Part 405 published at 40 FR 6369, which was primarily for the purpose of consistency, is hereby withdrawn. The proposed amendment and the withdrawal thereof will have no effect on skilled nursing facilities participating under title XVIII or both under title XVIII and title XIX, since for both categories, the Secretary has the authority under existing regulations to issue the subject waivers (see 20 CFR 405.1134 (c) and (e)).

(Secs. 1102 and 1871 of the Social Security Act, 49 Stat. 647, as amended, 79 Stat. 331; 42 U.S.C. 1302 and 1395 hh.)

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged and Disabled—Hospital Insurance.)

Dated: December 11, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 2, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

[FR Doc.76-521 Filed 1-7-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1905]

[Docket No. R-76-367]

NATIONAL INSURANCE DEVELOPMENT PROGRAM

Notice of Proposed Rule Making

Pursuant to Title XI and Title XII of the National Housing Act (added by the Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749 bbb–1749 bbb–21), 5 U.S.C. 553, as amended by the National Insurance Development Act of 1975 (Pub. L. 94–13, 89 Stat. 68, 12 U.S.C. 1749 bbb Note), and delegation of authority by the Secretary of Housing and Urban Development (34 FR 2680, February 27, 1969), the Federal Insurance Administrator is considering the revision of Part 1905 as set forth below. The revision is a result of a recent examination, by the Department, of its own role in consumer protection activities and follows the spirit of President Ford's April 17, 1975, letter to the Congress stressing the importance of assuring that consumer interests "receive full consideration in all Government actions." The President directed that each agency and Department undertake a review of its policies and procedures as they affect consumer representation in agency decisionmaking and this revision is in furtherance of the Department's commitment to a primary goal to assure that the rights and interests of consumers are fully considered and duly respected.

Section 1102 of the Urban Property Protection and Reinsurance Act of 1968 has, as its purpose, "to encourage and assist the various State insurance authorities and the property insurance industry to develop and carry out statewide programs which will make necessary property insurance coverage against the fire, crime, and other perils more readily available for residential, business, and other properties meeting reasonable underwriting standards," which purpose is carried out through statewide plans requiring insurance industry cooperation in all-industry insurance placement facilities to assure Fair Access to Insurance Requirements (FAIR Plans) pursuant to Sections 1211 et seq. of the National Insurance Development Program.

Interested persons are invited to participate in the making of the proposed rule by submitting such written comments or suggestions as they may desire. Communications should identify the subject matter by the above title and area affected and should be submitted to the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 10245, 451 Seventh Street SW., Washington, D.C. 20410.

All communications received on or before February 9, 1976, will be considered by the Administrator before taking action on the proposal. The proposals in this notice may be changed in the light of the comments received. A copy of each submission will be available for public inspection during business hours at the above address.

Accordingly, in furtherance of the goals of such FAIR Plans and in order to implement the Department's consumer goals, Subchapter A of Chapter X of Title 24 of the Code of Federal Regulations is proposed to be amended as follows:

PART 1905—STATEWIDE "FAIR" PLANS

1. § 1905.13 is added to read as follows:

§ 1905.13 Notice to policyholders.

(a) Each participating or cooperating insurer offering insurance pursuant to this program (12 U.S.C. 1749bbb–1749bbb–21) shall provide a notice to all FAIR Plan policies issued or renewed on and after April 1, 1976, containing the following information:

(1) Authority for issuance of policy.

(2) FAIR Plan name, address, and telephone numbers.

(3) State Insurance Department addresses and telephone numbers.

(4) Federal Insurance Administrator's address and telephone number.

(b) Compliance with the requirements of paragraph (a) above will be satisfied provided the participating or cooperating insurer complies with a format of notice as designated by the Administrator; such notices shall, as a minimum, include the following information employing the same terms or substantially similar terms subject to prior approval by the Administrator.

Dear Policyholder: The attached FAIR Plan Insurance Policy, or renewal thereof, has been issued to you by the FAIR Plan in cooperation with your State Insurance Authority and the Federal Insurance Administration of the United States Department of Housing and Urban Development. The policy is serviced generally by the statewide FAIR Plan, as listed at the end of this Notice. The FAIR Plan or your insurance agent will assist you if you need to report a loss or if you have any questions pertaining to the premium charged or the scope of the coverage afforded under the policy. In addition, your State Insurance Department and the Federal Insurance Administration (FIA) is ready to be of assistance to you in these matters, if the FAIR Plan or agent cannot help you. Moreover, since the FAIR Plan Program is intended to provide you with the highest caliber of service, FIA would welcome any suggestions you may have for improving the program. Please do not hesitate to write, for assistance, to:

(1) FAIR Plan: [Name, Address, Telephone Number].

(2) State Insurance Department [Name, Address, Telephone Number].

(3) Federal Insurance Administrator, Department of Housing and Urban Development, Washington, D.C. (202) 755–6580.

(Sec. 7(d), 79 Stat. 670 (42 U.S.C. 3535d); sec. 1103, 82 Stat. 566 (12 U.S.C. 1749bbb–17))

Issued: January 7, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–497 Filed 1–7–76;8:45 am]

[24 CFR Part 1912]

[Docket No. R–76–366]

NATIONAL FLOOD INSURANCE PROGRAM

Notice of Proposed Rule Making

Pursuant to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), 42 U.S.C. 4001–4128, effective January 28, 1969 (33 FR. 17804, November 28, 1968), as amended by Sections 408–410 of the Housing and Urban Development Act of 1969 (Pub. L. 91–152, December 24, 1969), the Flood Disaster Protection Act of 1973 (87 Stat. 980), Section 816 of the Housing and Community Development Act of 1974 (87 Stat. 975), and the Secretary's Delegation of Authority to the Federal Insurance Administrator dated February 27, 1969 (34 FR 2680), as amended January 24, 1974 (39 FR 2787), the Federal Insurance Administrator is considering the revision of Part 1912 as set forth below. The revision is a result of a recent examination, by the Department, of its own role in consumer protection activities and follows the spirit of President Ford's April 17, 1975, letter to the Congress stressing the importance of assuring that consumer interests "receive full consideration in all Government actions." The President directed that each agency and Department undertake a review of its policies and procedures as they affect consumer representation in agency decisionmaking and this revision is in furtherance of the Department's commitment to a primary goal to assure that the rights and interests of consumers are fully considered and duly respected.

Section 1304 of the National Flood Insurance Act of 1968 requires the Secretary to establish and carry out a National Flood Insurance Program and, to the maximum extent possible, among other things, to encourage and arrange for appropriate participation on other than a risk-sharing basis, by insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations in accordance with the provisions of the 1968 Act relating to the Administration of the program, including the services to be provided by the insurance industry.

Interested persons are invited to participate in the making of the proposed rule by submitting such written comments or suggestions as they may desire. Communications should identify the subject matter by the above title and area affected and should be submitted to the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 10245, 451 Seventh Street SW., Washington, D.C. 20410.

All communications received on or before February 9, 1976, will be considered by the Administrator before taking action on the proposal. The proposals in this notice may be changed in the light of the comments received. A copy of each submission will be available for public inspection during business hours at the above address.

Accordingly, in order to implement the Department's consumer goals and with the assistance of the insurance industry pool servicing the flood insurance program, Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is proposed to be amended as follows:

PART 1912—SALE OF INSURANCE AND ADJUSTMENT OF CLAIMS

1. § 1912.6 is added to read as follows:

§ 1912.6 Notice to policyholders.

(a) Each participating or cooperating insurer offering flood insurance pursuant to this National Flood Insurance Program (42 U.S.C. §§ 4001–4128) shall provide a notice in all flood insurance policies issued and renewed as of April 1, 1976, containing the following information:

(1) Authority for issuance of policy.

(2) Servicing Company's name, address and toll free telephone number.

(3) Federal Insurance Administrator's address and toll free telephone number.

(b) Compliance with the requirements of paragraph (a) above will be satisfied provided the participating or cooperating insurer complies with a format of notice as designated by the Administrator; such notice shall, as a minimum, include the following information employing the same terms or substantially similar terms subject to prior approval by the Administrator:

Dear Policyholder: The attached Standard Flood Insurance Policy, or renewal thereof, has been issued pursuant to the National Flood Insurance Act of 1968, as amended (42 U.S.C. §§ 4001–4128) by the National Flood Insurers Association in cooperation with the Federal Insurance Administration of the United States Department of Housing and Urban Development and is generally serviced by the ----------.
Name

The ---------- or your insurance agent
Name

will assist you if you need to report a loss or if you have any questions pertaining to the premium charged or the scope of the coverage afforded under the policy. In addition, the Federal Insurance Administration (FIA) is ready to be of assistance to you in these matters, if we or your agent cannot help you. Moreover, since the National Flood Insurance Program is intended to provide you with the highest caliber of service, FIA would welcome any suggestions you may have for improving the program.

Please do not hesitate to write, for assistance to:

Federal Insurance Administrator, Department of Housing and Urban Development, Washington, D.C. 20410. Telephone No. (202) 800–424–8872 or 424–8873.

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

Issued: January 7, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–498 Filed 1–7–76;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[PSDR–43B; Docket No. 27417]

DOMESTIC LOAD-FACTOR STANDARDS

Statements of General Policy; Supplemental Advance Notice of Proposed Rulemaking

JANUARY 5, 1976.

By motion filed December 23, 1975, the Bureau of Economics contends that the results of the prehearing conference held on December 19, 1975, in this matter require a change in the currently effective procedural dates.[1] The Bureau requests that a time schedule be fixed running from the date it makes a composite tape of daily load-factor data available to interested persons.[2] The Bureau also suggests that the establishment of the new procedural dates would be facilitated if the responsibility were delegated to the administrative law judge.

Upon consideration of the matter, we have decided to grant the substance of the Bureau's motion. The procedural dates established in PSDR–43A, November 21, 1975, are hereby postponed until further notice. The new procedural dates shall be set by the administrative law judge. We shall not adopt the time schedule proposed by the Bureau, leaving that matter to the discretion of the administrative law judge in light of our desire to expedite the hearing.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.76–532 Filed 1–7–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR—Part 73]

[Docket No. 19824; RM–2060]

FM BROADCAST STATIONS, IDAHO

Table of Assignments; Order Extending Time for Filing Supplemental Information

1. An August 14, 1975, the Commission adopted a Memorandum Opinion and

[1] Direct exhibits and exhibits in rebuttal of the Bureau's exhibits are due January 12, 1976. All other rebuttal exhibits are due March 1, 1976. PSDR–43A, November 21, 1975, 40 FR 54812 (1975).

[2] The Bureau's proposal would require that all interested persons, including the Bureau, be required to submit direct exhibits 75 days after the Bureau makes available a tape of composite daily load-factor data and that rebuttal exhibits be served 45 days after the service of direct exhibits. Hearing would be held four weeks thereafter.

Order in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on August 28, 1975, 40 FR 39529. Interested parties were given until January 2, 1976, to file the supplemental information requested in the above-mentioned document.

2. On December 23, 1975, counsel for Leisure Time Communication, Inc. and Sun Valley Radio, Inc., jointly filed a request seeking an extension until March 1, 1976, in which to file the supplemental information asked for in the Commission's Memorandum Opinion and Order. Counsel state that the information sought is not readily available from usual sources, and therefore must be gathered and compiled locally. The time necessary for the gathering and compilation of this data has turned out to be longer than originally anticipated, thus necessitating the requested extension.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *It it ordered,* That the date for filing the supplemental information is extended to and including March 1, 1976.

4. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and Sections 0.281 and 1.46 of the Commission's Rules.

Adopted: December 29, 1975.

Released: January 2, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-511 Filed 1-7-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20645]

STANDARD BROADCAST STATIONS WITH DIRECTIONAL ANTENNAS

Design and Measurement of Radiation Patterns; Order Extending Time for Filing Comments and Reply Comments

1. On November 12, 1975, the Commission adopted a notice of proposed rulemaking in the above-entitled proceeding. Publication was made in the FEDERAL REGISTER on November 26, 1975, 40 FR 54826. The dates for filing comments and reply comments are presently December 29, 1975, and January 9, 1976, respectively.

2. On December 22, 1975, the Association of Federal Communications Consulting Engineers (AFCCE), proponent in this proceeding, requested that the time for filing comments and reply comments be extended to January 29, 1976, and February 9, 1976, respectively. AFCCE states that the additional time is needed due to the press of other business before the Commission, particularly with respect to Docket 20418, and the usual distractions of the holiday season, which has prevented the AFCCE members who have been charged with preparing its comments from being able to devote the necessary time to this proceeding.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *it is ordered,* That the dates for filing comments and reply comments are extended to and including January 29, 1976, and Februray 9, 1976, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's rules.

Adopted: December 29, 1975.

Released: January 2, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-512 Filed 1-7-76;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 450]

ADVERTISING FOR OVER-THE-COUNTER DRUGS

Extension of Time To Propose Disputed Issues of Fact on Proposed Trade Regulation Rule

Notice of opportunity to propose disputed issues of fact regarding the proposed Trade Regulation Rule concerning the Advertising for Over-the-Counter Drugs was published in the FEDERAL REGISTER on November 11, 1975 (40 FR 52631). The Notice also sets forth the text of the proposed Rule and a statement of reasons for the proposed rule.

In response to a petition on behalf of certain industry members, the Presiding Officer has determined, pursuant to the authority of § 1.13(6)(1) of the Commission's Procedures and Rules of Practice, to extend the time for proposing disputed issues of fact for a period of sixty days beyond the original closing date of January 12, 1976. Accordingly, the record will remain open for that purpose until no later than March 12, 1976.

Proposed disputed issues of fact concerning the proposed Rule should be filed with the Special Assistant Director for Rulemaking, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

Issued: January 5, 1976.

ROGER J. FITZPATRICK,
Presiding Officer.

[FR Doc.76-528 Filed 1-7-76;8:45 am]

notices

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

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES FOR THE EIGHTH NATIONAL BANK REGION

Notice of Meeting

A meeting of the Advisory Committee on Banking Policies and Practices for the Eighth National Bank Region will be held January 26, 1976, at the Grand Hotel, Point Clear, Alabama. The meeting will start at 9 a.m. and will be open to the public. Interested members of the public will be admitted on a first come basis.

Topics will include discussions on CBCTs, payment of interest on demand deposits, the FINE Study, the Controller's Study of High Performing Community Banks, the Short-Form Examination Report, and the assessment fees for National Banks.

Dated: January 6, 1976.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.76-629 Filed 1-7-76;8:45 am]

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document issued jointly by the Comptroller of the Currency, Department of the Treasury; the Federal Deposit Insurance Corporation; and the Federal Reserve System on the subject of a joint call for a report of conditions of insured banks, see FR Doc. 76-5138 appearing in the notices section of this issue under the Federal Deposit Insurance Corporation.

Office of the Secretary

PRIMARY LEAD METAL FROM CANADA AND AUSTRALIA

Receipt and Referral of Petition for Revocation of Dumping Finding

The Treasury Department received a petition on February 4, 1975, on behalf of several large United States consumers of lead metal requesting a revocation of the dumping findings on primary lead metal from Canada (T.D. 74-127, April 17, 1974) and Australia (T.D. 74-128, April 17, 1974). The petition made no allegations relevant to Treasury's determination of sales at less than fair value, but was concerned solely with alleged changes in circumstances claimed to affect the earlier injury determination by the Tariff Commission (now the International Trade Commission).

In a letter of April 9, 1975, the Treasury Department referred the petition to the Commission. The petition was referred back to the Treasury Department pursuant to a notice published by the Commission in the Federal Register of July 24, 1975 (40 FR 31042) which contained a Treasury letter of July 15, 1975, and cancelled a scheduled hearing on the matter, so that Treasury might gather more price information on this product.

The gathering and analysis of additional price information having been completed, the Treasury Department, in the following letter, is referring the matter back to the International Trade Commission for whatever review it deems appropriate:

DEAR MR. CHAIRMAN: As you recall, on April 9, 1975, the Treasury Department forwarded to the U.S. International Trade Commission a petition which solely on injury grounds requested revocation of the dumping findings on primary lead metal from Australia and Canada (T.D. 74-127 and T.D. 74-128). On July 15, and pursuant to discussions with the Commission, I forwarded to the U.S.I.T.C. a letter which described the procedures Treasury was willing to undertake to obtain the pricing information that the Commission felt was necessary to reconsider the injury determinations. In response to my letter the Commission returned the Customs file to Treasury and cancelled a scheduled hearing on the matter.

We have received, to the extent possible, the pricing information requested by the Commission. After analysis, we are again forwarding the case to the Commission for such review as it deems appropriate.

One Canadian exporter submitted data through July, 1975, while the other exporter presented data through September, 1975. For one Australian firm, information was presented through August, 1975. These data appear to indicate that had the dumping findings not been in effect, export prices to the United States would have been at the prevailing U.S. price. In fact, actual Canadian sales in the U.S. have been at such prices. There have been no lead imports from Australia since the dumping finding.

Canadian home market prices through the first three quarters of 1975 have been slightly lower than U.S. prices. Representatives of the Canadian firms, however, have asserted that absent the dumping finding, the Canadian home market price would have been roughly equivalent to the U.S. price. On the other hand, representatives of the petitioner have asserted that without the finding of dumping, the prevailing U.S. price would have fallen to the Canadian level. Accordingly, regardless of which assertion actually would have resulted, technically sales at less than fair value would have existed when the statutorily required deductions for transportation costs and U.S. duties were made to export prices to the U.S. Although, we certainly cannot be precise in a hypothetical estimation of what LTFV margins might have been, from the information submitted, it appears that LTFV margins on Canadian sales would have been in the range of 5-10 percent.

With respect to Australia, we would estimate that LTFV margins of roughly 2.5 to 10 percent might have occurred. Again, the margins would appear to be caused technically due to the deduction of transportation costs and duties required by statute.

During Treasury's fair value investigation which covered the latter portion of 1972 and the first quarter of 1973, the weighted average of LTFV margin was 14 percent.

Enclosed for the Commission's use is the information received as the result of our inquiries, as well as the Customs's case file. Since some of the data enclosed is regarded to be of a confidential nature, the Commission is requested to consider all information contained therein for its official use, and not to be disclosed to others without prior clearance by the U.S. Treasury Department.

Sincerely yours,

PETER O. SUCHMAN,
Deputy Assistant Secretary
(Tariff Affairs).

Dated: January 2, 1976.

PETER O. SUCHMAN,
Acting Assistant Secretary
of the Treasury.

[FR Doc.76-494 Filed 1-7-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee will hold a closed meeting on February 10-11, 1976, at the Pentagon, Washington, D.C. The sessions will commence at 9:00 a.m. and terminate at 5:30 p.m. daily.

The agenda will consist of matters required by Executive Order to be kept secret in the interest of national defense, including presentations on ocean surveillance, strategic systems, foreign naval operations, security programs, advanced and specialized technology, and long-range Navy plans. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in sec-

tion 552(b)(1) of Title 5, *United States Code.*

Dated: December 30, 1975.

LARRY G. PARKS,
Captain, JAGC, U.S. Navy, Assistant Judge Advocate General (Civil Law).

[FR Doc.76-454 Filed 1-7-76;8:45 am]

SECRETARY OF THE NAVY'S ADVISORY BOARD ON EDUCATION AND TRAINING (SABET)

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given of an open meeting of the Secretary of the Navy's Advisory Board on Education and Training, to commence at 8:15 a.m. on Monday, February 2, 1976, and continuing through Wednesday, February 4, 1976. The board will meet in the management information center at the Headquarters of the Chief of Naval Education and Training, Pensacola, Florida.

The board will receive a series of briefings on training requirements and training technology, technical training, education and training support, the Defense Activity for Nontraditional Education Support, education programs, and the Navy Campus for Achievement. The board will then consider the impact of the changing roles of women in the Navy and preparation for making maximum utilization of their potential, the extent and means by which education and training programs might be conducted in the operational environment rather than in the schoolhouse, and the current scope and adequacy of the Navy Campus for Achievement to provide the variety of educational and training opportunities necessary to meet the Navy needs of the future as well as the desires of the individual.

Dated: December 31, 1975.

LARRY G. PARKS,
Captain, JAGC, U.S. Navy, Assistant Judge Advocate General (Civil Law).

[FR Doc.76-453 Filed 1-7-76;8:45 am]

DEPARTMENT OF JUSTICE

VOTING RIGHTS ACT AMENDMENTS OF 1975

Partial List of Determinations Pursuant to Votings Rights Act of 1965, as Amended

Correction

In FR Doc. 76-185, appearing at page 783 in the issue for Monday, January 5, 1976, the following changes should be made:

1. The citation at the end of the first paragraph on page 784 should read, "42 U.S.C. 1973b(3)".

2. Between the two dates following the Attorney General's signature, another signature should appear, reading, "Vincent P. Barabba, Director, Bureau of the Census".

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A 9275]

ARIZONA

Proposed Withdrawal and Reservation of Lands

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number A 9275, for the withdrawal of the lands described below from location and entry under the general mining laws, but not the mineral leasing laws, subject to existing valid rights.

The Forest Service wants to use the lands as a Research Natural Area for the purpose of conducting scientific studies on natural trends in vegetation change following the removal of domestic livestock. Disturbance of the raea for purposes other than research would adversely affect its value for research.

On or before February 9, 1976 all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

CORONADO NATIONAL FOREST

Elgin Research Natural Area

T. 21 S., R. 18 E.,
Sec. 26; W½W½E½NE¼, W½NE¼, E½NW¼, E½SW¼, E½SE¼SW¼SW¼, W½W½NE¼SE¼, W½SE¼.

The areas described aggregate 355 acres in Santa Cruz County, Arizona.

Dated: December 29, 1975.

ROBERT O. BUFFINGTON,
State Director.

[FR Doc.76-455 Filed 1-7-76;8:45 am]

[N-12392]

NEVADA

Proposed Withdrawal and Reservation of Lands

DECEMBER 31, 1975.

The Bureau of Land Management has filed the above application for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not the mineral leasing laws.

The applicant desires the lands so as to protect them from the filling of applications and location of claims pending completion of an environmental impact statement on the use of the lands as a site for Sierra Pacific Power Company's proposed Valmy power generating plant. This temporary segregation will be terminated December 8, 1980.

On or before February 9, 1976, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 300 Booth Street, Reno, Nevada 89509.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 34 N., R. 42 E.,
Sec. 12, NE¼;
T. 34 N., R. 43 E.,
Sec. 8, All;
Sec. 18, NE¼;
Sec. 20, NE¼;
T. 35 N., R. 43 E.,
Secs. 20, 22, 28, All;
Sec. 32, N½N½, S½NE¼.

The areas described aggregate 3,280 acres.

A. JOHN HILLSAMER,
Acting Chief, Division of Technical Services.

[FR Doc.76-490 Filed 1-7-76;8:45 am]

National Park Service

CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with Public Law 92–463 that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, January 23, 1976, at 1:30 p.m., at the Headquarters Building, Cape Cod National Seashore, Marconi Station Area, South Wellfleet, Massachusetts.

The Commission was established by Public Law 87–126 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The purpose of the meeting is to consider the following Agenda items: (1) Hanggliding, (2) Proposed improvements at the Provincetown Airport, (3) Alterations/improvements of "improved property," (4) Tenure of Advisory Commission and (5) 1976 Oversand vehicle operations/regulations. The Superintendent will give a progress report covering current problems and items of interest, which will be reviewed and discussed.

The meeting is open to the public. It is expected that 15 persons will be able to attend the session in addition to Commission members. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Lawrence C. Hadley, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663 (telephone: 617–349–3785). Minutes of the meeting will be available for public inspection and copying four weeks after the meeting at the office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

Dated: December 15, 1975.

JERRY D. WAGERS,
Regional Director,
North Atlantic Region.

[FR Doc.76–508 Filed 1–7–76;8:45 am]

Office of the Secretary

NATIONAL PETROLEUM COUNCIL

Notice of Subcommittee and Task Groups Meetings

Notice is hereby given for the following meeting:

There will be a joint meeting of the Technical Subcommittee, the Technology Task Group, and the Economic Conditions Task Group of the National Petroleum Council's Committee on Enhanced Recovery Techniques for Oil and Gas in the United States on Monday, January 26, 1976 and Tuesday, January 27, 1976 at 10:00 a.m. in the Cafe D'Or Room, Sheraton Dallas Hotel, Live Oak and Olive Streets, Dallas, Texas.

The agenda includes the following items for discussion:

1. An outline for a study in response to the Assistant Secretary of the Interior's request for an analysis of enhanced recovery techniques for oil and gas in the United States.

2. An organizational structure for the Technical Subcommittee, Technology Task Group, and Economic Conditions Task Group.

3. A timetable for completion of the study.

4. Any other matters pertinent to the overall assignment of the Subcommittee and Task Groups.

The purpose of the National Petroleum Council is to provide to the Secretary of the Interior, upon request, advice, information, and recommendations upon any matter relating to petroleum or the petroleum industry.

The meeting will be open to the public to the extent that space and facilities permit. Any member of the public may file a written statement with the Council either before or after the meeting. Interested persons who wish to speak at the meeting must apply to the Council and obtain approval in accordance with its established procedures.

Further information about the meetings may be obtained from Ben Tafoya, Office of the Assistant Secretary-Energy and Minerals, Department of the Interior, Washington, D.C. (telephone number 343–6226).

Dated: January 5, 1976.

WILLIAM L. FISHER,
Deputy Assistant Secretary
of the Interior.

[FR Doc.76–509 Filed 1–7–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

OREGON DUNES NATIONAL RECREATION AREA ADVISORY COUNCIL

Notice of Meeting

The Oregon Dunes National Recreation Area Advisory Council will meet on Thursday and Friday, January 22 and 23, 1976, for a two-day session. The session will start on Thursday, January 22, at 9:00 a.m. with a tour by Council members of proposed boundary adjustments in the National Recreation Area. On Friday, January 23, the Council will meet from 10:00 a.m. to noon, and from 1:30 p.m. to 5:00 p.m. in the NRA Headquarters Conference Room at 855 Highway Avenue, Reedsport, Oregon.

The purposes of the meeting on Friday morning will be to discuss the Management Plan developments and implementation and on Friday afternoon, to review the proposed boundary adjustments.

The meetings will be open to the public. Persons who wish to attend should notify Marne Irwin, 855 Highway Avenue, Reedsport, Oregon 97467. The telephone number is 503–271–3611. Written statements may be filed with the Council before or after the meetings.

The Council has established the following rules for public participation. Any member of the public who wishes to speak must be recognized by the Council Chairman. The Chairman will decide the time when public participation will take place.

ROLF D. ANDERSON,
Area Ranger.

JANUARY 2, 1976.

[FR Doc.76–527 Filed 1–7–76;8:45 am]

Soil Conservation Service

ELK TWOMILE CREEK WATERSHED PROJECT, WEST VIRGINIA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part Service Guidelines (39 FR 19651) June 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for work remaining to be done in the Elk Twomile Creek Watershed Project, Kanawha County, West Virginia.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. James S. Bennett, State Conservationist, Soil Conservation Service, USDA, Federal Building, High Street, Morgantown, West Virginia 26505, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the Negative Declaration include conservation land treatment supplemented by four single-purpose floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, Federal Building, High Street, Morgantown, West Virginia 26505.

Requests for the Negative Declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until January 22, 1976.

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

Dated: December 30, 1975.

JAMES W. MITCHELL,
Acting Deputy Administrator
for Water Resources, Soil
Conservation Service.

[FR Doc.76–449 Filed 1–7–76;8:45 am]

FERRON WATERSHED PROJECT, UTAH

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of

1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651), June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental statement is not being prepared for the Ferron Watershed project, Emery and Sanpete Counties, Utah.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. A. W. Hamelstrom, State Conservationist, Soil Conservation Service, USDA, 125 South State Street, Room 4012, Salt Lake City, Utah 84138, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection, flood prevention, recreation, and irrigation water management. The planned works of improvement as described in the negative declaration include conservation land treatment supplemented by reconstruction of an existing irrigation dam and reservoir for use as a fishery.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 4012 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

Requests for a single copy of the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until January 22, 1976.

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

Dated: December 30, 1975.

JAMES W. MITCHELL,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-450 Filed 1-7-76;8:45 am]

LITTLE ELM AND LATERALS (TRINITY RIVER) WATERSHED PROJECT, TEXAS

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Little Elm and Laterals (Trinity River) Watershed Project, Denton, Collin, and Grayson Counties, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. George C. Marks, State Conservationist, Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by four single purpose floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501.

Requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until January 22, 1976.

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

Dated: December 30, 1975.

JAMES W. MITCHELL,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-451 Filed 1-7-76;8:45 am]

NEWTOWN-HOFFMAN CREEKS WATERSHED PROJECT, NEW YORK

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the Newtown-Hoffman Creeks Watershed Project, Schuyler and Chemung Counties, New York.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. Robert L. Hilliard, State Conservationist, Soil Conservation Service, USDA, Room 400, Midtown Plaza, 700 East Water Street, Syracuse, New York 13210, has determined that the preparation and review of an environmental impact statement is not needed for this portion of the project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement as described in the negative declaration include conservation land treatment supplemented by one single purpose floodwater retarding structure.

The environmental assessment file is available for inspection during regular working hours at the following location:

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

Individual copies of the negative declaration are available upon request.

Requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until January 22, 1976.

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

Dated: December 30, 1975.

JAMES W. MITCHELL,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-452 Filed 1-7-76;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

SHAWMUT BANK OF BOSTON, N.A.

Notice of Change of Name of Approved Trustee

Notice is hereby given that effective as of the close of business on March 31, 1975, The National Shawmut Bank of Boston changed its name to Shawmut Bank of Boston, N.A.

Dated: December 18, 1975.

BURT KYLE,
Director, Office of Domestic Shipping.

[FR Doc.76-556 Filed 1-7-76;8:45 am]

SS UNITED STATES

Amended Notice of Invitation for Bids for Sale and Operation of the Vessel

Notice is hereby given that Invitation for Bids No. PD-X-999, dated August 7, 1975, inviting sealed bids from citizens of the United States for purchase of the SS *United States*, Official No. 263934, Notice of which was published in the FEDERAL REGISTER of August 11, 1975 (40 F.R. 33696) as amended by Amendment No. 2, dated October 7, 1975, so as to extend the time for receipt of bids from November 5, 1975 to December 9, 1975, and as amended by Amendment No. 3, dated November 20, 1975, so as to extend the time for receipt of bids from December 9, 1975 to January 13, 1976, has been further amended by Amendment No. 4, dated January 2, 1976, so as to extend further the time for receipt of bids from January 13, 1976 to January 27, 1976, to provide for public opening of such bids at

2:15 P.M. EST on said date at the office of the Maritime Administration, Room 3708, Commerce Building, 14th Street between E and Constitution Avenue, N.W., Washington, D.C. 20230.

Copies of Amendment No. 4 (dated January 2, 1976) to the Invitation for Bids No. PD–X–999, dated August 7, 1975, may be obtained from the Contracting Officer, Burton T. Kyle, Director, Office of Domestic Shipping, Maritime Administration, Washington, D.C. 20230.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

Dated: January 5, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76–554 Filed 1–7–76;8:45 am]

National Oceanic and Atmospheric Administration

MARINE PETROLEUM AND MINERALS ADVISORY COMMITTEE, DEEP OCEAN MINING ENVIRONMENTAL STUDY ADVISORY PANEL

Notice of Open Meeting

The Marine Petroleum and Minerals Advisory Committee's Deep Ocean Mining Environmental Study Advisory Panel (the "Advisory Panel") will meet from 9:30 a.m. until 4:30 p.m. on February 12, 1976 and from 9:00 a.m. until approximately 4:30 p.m. on February 13, 1976 in Room 5230 of the Department of Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. The meeting will be open for public observation.

The Advisory Panel was established as a subcommittee of the Marine Petroleum and Minerals Advisory Committee (the "Committee") for the purpose of advising Department of Commerce officials on the planning for and conduct of the National Oceanic and Atmospheric Administration's Deep Ocean Mining Environmental Study (DOMES) Program and to develop, when necessary, recommendations to the Secretary regarding the DOMES Program. The Panel members represent environmental, industrial, and academic sectors concerned with determining the possible environmental effects of deep ocean mining.

The purposes of the meeting are to complete business and the development of recommendations regarding the DOMES Program and to consider and develop planning guidance for the second phase of the DOMES Program. The Advisory Panel began these efforts at an open meeting held on December 16, 1975, in Seattle, Washington. It is anticipated that the Advisory Panel will work on the recommendations, which will be considered by the Committee at its February 24 and 25, 1976, meeting, during the morning of February 5 and spend the remainder of the meeting on the second phase of the DOMES Program.

The notice of the December 16 meeting (FEDERAL REGISTER, Vol. 40, No. 220, Page 52877, November 13, 1975) alerted the public that because of the nature of the work being performed by the Advisory Panel, it might be necessary to call another meeting of the Panel before the February 24 and 25, 1976, meeting of the Committee without there being adequate time to provide advance notice as prescribed by the U.S. District Court for the District of Columbia in Civil Action No. 1838–73. In accordance with the procedure given in the November 13 notice, the public in attendance at the December 16 meeting was informed that the Panel would meet again on one of three sets of alternate dates in Washington, D.C., that the agenda would include the matters described above, and that this notice would be published as soon as possible after meeting arrangements could be confirmed.

Approximately 15 seats will be available for the public on a first-come, first-served basis. Written statements from interested persons will be accepted before or after the meeting either directly or by mail. Inquiries or statements should be addressed to: Charles Gunnerson (or alternatively Edward Altouney), DOMES Advisory Panel Secretariat, NOAA Environmental Research Laboratories (Rx5), Boulder, Colorado 80302, Telephone: (303) 499–1000, Extension 6551.

Dated: January 2, 1976.

R. L. CARRAHAN,

T. P. GLEITER,
Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc.76–495 Filed 1–7–76;8:45 am]

Office of the Secretary

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 15—COMPUTER SYSTEMS SECURITY

Notice of Renewal

In accordance with the provisions of the Federal Advisory Committee Act (P.L. 92–463) and OMB/Justice Department guidelines on the Act, and after consultation with the Office of Management and Budget, it has been determined that the renewal of the Federal Information Processing Standards Task Group 15—Computer Systems Security is in the public interest in connection with the performance of duties imposed on the Department of Commerce by law.

The Committee was established on January 4, 1974. Its current charter expires on January 4, 1976. Its original purpose was to advise the Secretary of Commerce through the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) on matters relating to protecting and controlling access to the data and services of computer systems. The Group functioned solely as an advisory body, and in compliance with the requirements of P.L. 92–463. It functioned under the Department's National Bureau of Standards and reported to FIPSCAC.

As initially established (38 F.R. 32961, 11–29–73), Task Group 15 will consist of up to 40 members selected on the basis of their specialized knowledge of the technical aspects of computer systems security. Members will be selected by the Assistant Secretary of Commerce for Science and Technology from Federal agencies and other public and private organizations.

Task Group 15's revised charter will be filed under P.L. 92–463, fifteen days from the date of this notice.

Inquiries or comments may be made to Mr. Harry S. White, Office of ADP Standards Management, Room B–226, Building 225, National Bureau of Standards, Washington, D.C. 20234.

Dated: January 5, 1976.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.76–502 Filed 1–7–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

EDUCATION PROFESSIONS DEVELOPMENT

Notice of Correction

In the notice of closing date for receipt of applications under the Education Professions Development Act, published at 40 F.R., 60106, (December 31, 1975), the following corrections are made.

Paragraph A(4)

(4) "Applications for new awards under the Vocational Education Leadership Development Program, from institutions of higher education for approval of their graduate programs of vocational education leadership development, must be submitted through the State board for vocational education in the States in which the institutions are located, to the Commissioner of Education for approval. These applications, and the recommendations from State boards regarding their approval must be received in the U.S. Office of Education Application Control Center in Washington, D.C., on or before *February 5, 1976.*"

Paragraph C (1) (a)

"If the document was sent by registered or certified mail (a) not later than *February 2, 1976,* for institutional applications under the Bilingual Education Training, Teachers for Indian children, and Urban/Rural School Development Programs, and for applications and recommendations under the Vocational Education Leadership Development Program, due on or before February 5, 1976;"

(20 U.S.C. 1091, 1119–1119a, 1119c–1119c–3)

Dated: January 5, 1976.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.76–629 Filed 1–7–76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON THE HANDICAPPED

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the National Advisory Committee on the Handicapped will be held on January 19-21, 1976, 8:30 a.m., at the Crystal City Marriott Hotel, 1999 Jefferson Davis Highway, Arlington, Va.

The National Advisory Committee on the Handicapped is established under (20 U.S.C. 1233g) section 448(b) of the General Education Provisions Act. The Committee is established to review the administration and operation of programs for the handicapped in the Office of Education, and make recommendations for their improvement.

The meeting of the Committee shall be open to the public. The proposed agenda includes a review of BEH Programs for the Severely Handicapped; reports from subcommittees; and discussions regarding the Committee's 1976 Annual Report. Records shall be kept of all Committee proceedings and shall be available for public inspection at the Office of the Deputy Commissioner, Bureau of Education for the Handicapped, located in Room 2100, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. 20202.

Signed at Washington, D.C. on December 30, 1975.

LEROY V. GOODMAN,
Executive Secretary, Bureau of Education for the Handicapped.

[FR Doc.76-458 Filed 1-7-76;8:45 am]

PRESIDENT'S BIOMEDICAL RESEARCH PANEL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the President's Biomedical Research Panel on February 8, and 9, 1976, in the Belmont Conference Center in Elkridge, Maryland.

Substantive program information will be provided by Dr. Charles Lowe, Executive Director of the Panel (202-634-1907) Suite 3100, 2401 E Street, NW., Washington, D.C. 20506.

Conference participants and the public must be registered by session, in advance, to obtain entry to the Conference Room. Consequently, the public is requested to notify Ms. Rosemarie Lazo at the above address as to which session or sessions they wish to attend. Attendance will be limited to space available. The meeting will be open to the public from 9 a.m. to 12 noon and from 5:00 p.m. to 7:00 p.m. on Sunday, February 8, and from 9 a.m. to 3 p.m. on Monday, February 9. Meals for the public cannot be obtained at the Conference Center but can be obtained in nearby Elkridge.

All requests for information should be directed to Ms. Rosemarie Lazo.

Dated: December 31, 1975.

CHARLES U. LOWE,
Executive Director.

[FR Doc.76-460 Filed 1-7-76;8:45 am]

Rehabilitation Services Administration

REHABILITATION SERVICES NATIONAL ADVISORY COMMITTEE

Meeting

The Rehabilitation Services National Advisory Committee was established by the Secretary of Health, Education, and Welfare (Charter, September 3, 1974) for the purpose of advising the Secretary and the Commissioner, Rehabilitation Services Administration with respect to objectives, priorities, implementation activities, short-term and long-term training and research, and other matters in the Act of 1973, as amended.

Notice is hereby given pursuant to Pub. L. 92-463 that a meeting preceeded by orientation briefings by Rehabilitation Services Administration staff will be held at the HEW-Switzer Building, 330 C Street SW., Washington, D.C. On January 21, beginning at 1:00 p.m., in Room 3065, committee members will consult with committee staff and receive appropriate orientation briefings. On January 22 from 9:00 a.m. to 5:00 p.m., a regular meeting of the Committee will be held in Room 3065. Since this is the initial meeting of the Committee, the agenda will consist of a review of the policies and programs of Rehabilitation Services Administration and the development of issues of concerns upon which the Committee desires to focus in subsequent meetings. Committee members will be officially sworn-in on January 22.

Further informtaion on the Committee may be obtained from: Harry Hall, Confidential Assistant to the Commissioner, Rehabilitation Services Administration, 330 C Street SW., Washington, D.C. 20201, Telephone (202) 245-8492.

HARRY L. HALL,
Staff to the Committee, Rehabilitation Services Administration.

[FR Doc.76-748 Filed 1-7-76;10:51 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-492-DR; NFD-317]

WASHINGTON

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Washington, dated December 13, 1975, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 13, 1975:

The counties of:

Benton	Mason
Cowlitz	Thurston
Kittitas	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: December 19, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.76-542 Filed 1-7-76;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-76-471]

LAKE CREEK SUBDIVISION

Notice of Proceedings and Opportunity for Hearing

In the matter of Lake Creek Subdivision, Land Sales Enforcement Division File No. 75-302 IS.

Notice is hereby given that: On or about November 15, 1974, The Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Salmon Syndicate Trust at the last known address listed in the filing, P.O. Box 907, Phoenix, Arizona 85001, a notice entitled "Submission of Property Reports and Contracts," which notice required certain revisions in those instruments. Though service of notice by certified mail was attempted, it was not possible since the addressee could not be located. On or about October 20, 1975 another attempt to notify the developer was made at the following address, 1001 North Central Avenue, Phoenix, Arizona 85001 which is the address of the authorized agent and service of notice by certified mail was not possible since the addressee could not be located. Accordingly, pursuant to 15 USC 1706(d) and 24 CFR 1710.45(b)(1) a Notice of Proceeding and Opportunity for Hearing is being issued as follows:

I. The Secretary, in administering the Interstate Land Sales Full Disclosure Act of 1968, 15 U.S.C. 1701, et seq. and Regulations, finds the public files disclose that:

A. Respondent is a trust organized under the laws of the State of Idaho and has its principal office in Phoenix, Arizona.

B. Ronald E. Glenn, is the Executive Vice President of Imperial Trust which is the authorized agent of the developer.

C. The last known mailing address of the Respondent is Salmon Syndicate Trust, P.O. Box 907, Phoenix, Arizona 85001.

D. The last known mailing address of the authorized agent of the developer is Imperial Trust, 1001 North Central Avenue, Phoenix, Arizona 85001.

E. The Respondent, Salmon Syndicate Trust filed a Statement of Record and Property Report for Lake Creek Subdivision, located in the County of Lemhi, State of Idaho, which became effective on March 23, 1972 and is still effective.

II. The Office of Interstate Land Sales Registration (OILSR) from its records or from other sources has obtained information which tends to show, and it so alleges, that the Statement of Record and Property Report of the subdivision captioned above include untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make statements therein not misleading, to wit:

A. Respondent has failed to amend his Statement of Record and Property Report, to reflect that a material change has occurred, e.g., that he has had a change of address, as required by 24 CFR 1710.23, 1710.105 and 1710.110, Part A.1.

B. Respondent has failed to revise his contract or agreement to advise purchasers of certain rights, e.g., the lengthened period for rescission, and to amend his Statement of Record to reflect this change, both as required by 24 CFR 1710.105, Part VI.C.1. or in the States of California, Florida, Hawaii, and New York, Section 1710.120, Part 1, Sec. II. B.

C. Respondent has failed to revise the first page of the Property Report or the State Property Report disclaimer as required by 24 CFR 1710.110, Part A and Part B 2, 4, 5 and 6, or, in the States of California. Florida. Hawaii and New York, Section 1710.115.

The Regulatory Sections listed in B. and C. above (except Part B 2, 5 and 6 in Section C), were amended pursuant to amendments made in the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701 et seq.) by subsection 812(c) (1) of the Housing and Community Development Act of 1974 (P.L. 93-383) which subsection became effective October 21, 1974.

III. In view of the allegations contained in Part I above, the Secretary will provide an opportunity for a public hearing to determine:

A. Whether the allegations set forth in Part II are true and in connection therewith to afford Respondent an opportunity to establish any defenses to such allegation; and

B. What, if any, remedial action is appropriate in the public interest and for the protection of purchasers pursuant to the Interstate Land Sales Full Disclosure Act.

IV. If the Respondent desires a hearing, he shall file a request for hearing accompanied by an answer within fifteen days after service of this Notice of Proceedings. Respondent is hereby notified that if he fails to file an answer, motion or other appropriate response within 15 days after service of this Notice of Proceedings, Respondent shall be deemed in default, and the proceedings shall be determined against him, the allegations of which shall be determined to be true, and an order suspending the Statement of Record and Property Report hereinabove identified shall be issued pursuant to 24 CFR 1710.45(b)(1) and 24 CFR 1720.160(c). Such order shall remain in effect until the Statement of Record and Property Report have been amended in accordance therewith, and thereupon the Order shall cease to be effective.

V. Any request for hearing, answer, motion, amendment to pleadings, offer of settlement or correspondence forwarded during the pendency of this proceedings shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10150, HUD Building, 451 Seventh Street, S.W., Washington, D.C. 20410. All such papers shall clearly identify the type of matter and the docket number as set forth in this Notice of Proceedings.

VI. It is hereby ordered that upon request of the Respondent, a public hearing for the purpose of taking evidence on the questions set forth in Part III hereof be held before Administrative Law Judge James W. Mast or such other Judge as may be designated, in Room 7146, HUD Building, 451 Seventh Street, S.W., Washington, D.C. 20410, at 10 a.m. on the 30th day after receipt of the answer or at such other time as the Secretary or his designee may fix by further order.

This Notice of Proceedings shall be served upon the Respondent pursuant to 44 U.S.C. 1508.

Issued at Washington, D.C., January 2, 1976.

JOHN R. MCDOWELL,
Interstate Land Sales Administrator (Acting).

[FR Doc.76-543 Filed 1-7-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX74-2; Notice 4]

CARROZZERIA ZAGATO

Petition for Temporary Exemption From Motor Vehicle Safety Standards

This notice grants Carrozzeria Zagato of Milan, Italy, a 1-year renewal of the temporary exemption granted its Elcar passenger car from certain safety standards on grounds that exemption would facilitate the development and field evaluation of a low-emission motor vehicle. The company had previously applied for (39 FR 25969) and received (39 FR 32774) a 1-year exemption from Motor Vehicle Safety Standards Nos. 103, 114, 206, and 208. Notice of the extension was published on October 24, 1975 (40 FR 49815), and an opportunity afforded for comment.

Elcar is a corporation engaged in the importation and marketing of an electrically-powered two-passenger vehicle manufactured by Zagato. The vehicle, currently sold abroad as the "Zele," is marketed under the name "Elcar" in the United States. Elcar requested an extension for 1 year only and does not intend to import more than 2,500 vehicles during this time.

The extension that it requested would allow it to continue to manufacture vehicles without defrosting/defogging systems (Standard No. 103), key-lock warning systems (Standard No. 114), and conforming door latches and hinges (Standard No. 206). The year provided by the extension would allow further time for design and tooling of non-standard components necessary for lightweight electric vehicles. The Elcar cannot comply currently with Standard No. 103 as presently available electric defrosting systems are allegedly unsuitable, and SAE test procedures incorporated in Standard No. 103 require idling, a physical impossibility for electric vehicles. Concerning Standard No. 114, the design of its "key insertion area is not compatible to facilitate additional electric circuits capable of accommodating an alarm system at this time." Its problems with Standard No. 206 stem from the fact that the hinge load requirements specified are in its opinion more appropriate for heavier weight vehicles.

The company's arguments that a 1-year exemption will not unreasonably degrade the safety of the vehicle may be summarized as follows: Standard No. 103: The sliding windows in the doors will alleviate fogging conditions and Elcar anticipates major market areas for the cars in the Southern, Western, and Southwestern states "that do not require defrosting and heater systems." Standard No. 114: The steering wheel lock requirement of the Standard is met, and "it is practically impossible to short circuit the entirely-closed encasements containing the circulatory system for starting." Standard No. 206: The vehicle has such a low top speed (25 mph for one model, 35 mph for another) that it is less likely that impacts will occur such as could throw occupants from the vehicle. Further, the hinges have steel reinforcements embedded in the fiberglass body structure.

One comment was received in response to the petition, from Consumers Union (CU), which opposed it. CU repeated the views expressed in *Consumer Reports* for October 1975, that the Elcar has

> * * * [D]eficiencies with respect to chassis and suspension integrity, handling, brakes, windshield wipers, bumpers, seatbelts, fuel system integrity and controls; as well as defrosting, keylock warning and door hardware systems for which extension of FMVSS exemption is petitioned.

CU questioned the Elcar's compliance with Standards Nos. 214 and 216 as well: "Side door strength and roof crash resistance appear to be marginal at best". It suggested problems with Standard No. 204 as "there appear to be no energy absorbing mechanism in the steering column". The Elcar's compliance with the strength requirements of Standards Nos. 207 and 210 also came under CU's scrutiny "although we have not tested the seatbelt and seat anchorages". Finally it asked whether there is any evidence that progress towards compliance has been

made since the exemption went into effect.

In granting renewals of exemptions, the Administrator must make the same findings that sustained the original exemption. This means that it must be found that the temporary exemption for Elcar would facilitate the development or field evaluation of a low emission motor vehicle and would not unreasonably degrade the safety of the vehicle, and that it is consistent with the public interest and the objectives of the National Traffic and Motor Vehicle Safety Act.

The allegations by CU of nonconformity are serious. However, at this point they are not supported by that organization's testing to verify conformance with the Federal standards. The Elcar is certified by its manufacturer as meeting all standards (except the ones from which it is exempted) that apply to it. Although CU experienced mechanical problems with its vehicles, this agency has received no complaints or reports of safety-related defects from any owner of the approximately 145 vehicles that had been sold in the United States and its territories as of September 15, 1975.

With respect to its efforts to conform while the current exemption has been in effect, "Zagato has incorporated instrument board windshield ducts and electric switches" in all Elcars shipped to the United States since December 1974, "making them readily adaptable to a defrosting and defogging system." Contracts have been made with two corporations in the United States that are developing system suitable for electric vehicles. As for its efforts to meet Standard No. 114, "a manual key removal steering locking system has been installed." The company continues to believe that the load requirements of Standard No. 206 are inappropriate for a vehicle of its size and construction.

The NHTSA therefore finds that a renewal of the exemption is in the public interest, and will contribute to the development and field evaluation of a low-emission motor vehicle by allowing continued sale of electric vehicles to be operated under a variety of terrain, weather, temperature, and other operating conditions. Because of the low top speed of the vehicles the exemptions should not substantially degrade the overall safety of the vehicle.

In consideration of the foregoing, NHTSA Exemption No. 74–2 is hereby renewed for a period ending December 1, 1976.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410), delegation of authority at 49 CFR 1.50)

Issued on January 2, 1976.

JAMES B. GREGORY,
Administrator.

[FR Doc.76–524 Filed 1–7–76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27573; Agreements C.A.B. 25171, C.A.B. 25185, C.A.B. 25202, R–1 through R–13; C.A.B. 25256, R–1 through R–9; Order 75–12–147]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

North Atlantic Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of December, 1975.

In the matter of agreements adopted by the Joint Traffic Conferences of the International Air Transport Association relating to North Atlantic cargo rates.

In FR Doc. 76–152, published at 41 FR 807, January 5, 1976, the last line of footnote 8 should read as follows:

"deferred by Order 75–12–146, December 30, 1975."

By the Civil Aeronautics Board.

Dated: December 31, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.76–533 Filed 1–7–76;8:45 am]

PAN AMERICAN WORLD AIRWAYS, INC., ET AL.

[Docket 28332; Order 76–1–10]

North Atlantic Cargo Rates; Order of Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of January, 1976.

By Order 75–10–113, October 28, 1975, the Board rejected tariff revisions filed September 25, 1975 for effectiveness October 29, 1975, by Trans World Airlines, Inc. (TWA), Pan American World Airways, Inc. (Pan American) and various foreign carriers, to revise their rules governing intermediate application of transatlantic specific commodity rates so as to restrict such intermediate application only to cities which are intermediate to New York or Montreal. Currently, intermediate application of commodity rates applies to all points which are intermediate to Boston, New York, Philadelphia, Baltimore, Washington, Cleveland, Detroit or Chicago.[1]

The tariffs of the IATA carriers had provided for the intermediate application of specific commodity rates at cities intermediate to the above U.S. points other than New York (the Seven Cities) following implementation of the Board's decision in Docket 20522, *Agreements Adopted by IATA Relating to North Atlantic Cargo Rates*. In this proceeding, the Board found that the IATA rate structure on the North Atlantic unduly preferred New York and unduly prejudiced the Seven Cities and concluded that such preference and prejudice should be corrected by placing the Seven Cities upon an equal per-mile basis with New York.

Prior to the Board's decision in Docket 20522, the IATA North Atlantic cargo rate resolutions specified rates only to/from New York and Montreal; subsequent to the Docket 20522 decision the IATA carriers also specified rates between Europe and the Seven Cities.[2]

TWA, in the justification accompanying its tariff filing, stated that although it believes that intermediate application based on specified rates at the Seven Cities should be allowed, it was obligated to cancel such application to conform to a recent decision by the IATA Breaches Commissioner that only points intermediate to New York or Montreal may use the intermediate-point rule.

Pan American, which requested the interpretation of the IATA Commissioner, opposes intermediate application over the Seven Cities, and has filed a petition requesting reconsideration of Order 75–10–113, and permission to refile the tariffs rejected therein. Scandinavian Airlines System (SAS) has submitted an answer in support of Pan American's petition, and Trans World Airlines, Inc. (TWA), Milwaukee County and the Metropolitan Milwaukee Association of Commerce (Milwaukee), the City of Memphis and the Memphis Area Chamber of Commerce (Memphis), and the Indianapolis Airport Authority (Indianapolis) have each filed an answer in opposition.

Pan American submits that the Board's interpretation of Resolution 590 is inconsistent with the literal language of the resolution and the interpretation given it by the carriers; that although the Board allegedly indicates it is willing to accept the carriers' interpretation, the Board essentially relies on TWA's interpretation which was rejected by an overwhelming majority of carriers at the Nice Cargo Conference who were forced to match TWA's filing permitting intermediate application out of competitive necessity; that the Board totally ignores the injurious impact on Pan American and other transatlantic carriers who lack the U.S. domestic route authority enjoyed by TWA;[3] and that what the Board has done, in effect, is to impose a condition on Resolution 590, and that it would be much less destructive were the Board to require that rates to intermediate cities be established on a mileage basis.

SAS generally supports Pan American's arguments, and emphasizes that TWA's

[1] The intermediate application provisions adopted by the carrier members of the International Air Transport Association (IATA), and approved by the Board, permit a specific commodity rate to apply to a point intermediate to a specified point if the under −45 kg. general cargo rate for the "intermediate" point is equal to or lower than the comparable rate for the specified point. For instance, specific commodity rates between New York and London may also be applied for carriage between Hartford and London because the under −45 kg. general cargo rate between Hartford and London is equal to the under −45 kg. rate between New York and London. It is not necessary that the intermediate point be situated geographically between the specified origin and destination points, e.g., St. Louis and Kansas City are intermediate to Chicago under the IATA definition.

[2] See Order 73–2–24, February 6, 1973; Order 73–7–9, July 5, 1973; and Order 74–8–54, August 13, 1974. The Board permitted deviations from the per-mile formula to allow common-rating of Baltimore and Washington, and to maintain common-rating or other historical relationships among European points.

[3] Here Pan American alleges it will suffer an annual revenue loss of $1.5 million under the rate reductions resulting from the Board's action.

interpretation was rejected by an overwhelming majority of carriers at the Nice Conference; that the Board has deviated from its own established principles by, in effect, requiring common-rating of gateway and nongateway points; and that the Board has erred further in rejecting the tariffs without finding them unlawful, unreasonable, unjustified or not in the public interest. Finally, SAS believes that, rather than establishing rates to/from intermediate points on a mileage basis, they should be the lesser of the sum of the sector rates applicable (1) between such cities and either (a) an interior gateway city or (b) New York, on the one hand; and (2) between either (a) said interior gateway city and Europe or (b) New York and Europe, on the other hand.

TWA assets that Pan American's petition, which allegedly centers on the Board's failure to fully consider the Breaches Commissioner's interpretation, advances no new arguments or points not previously considered and rejected by the Board; that the Breaches Commissioner's report noted that the interpretation of Resolution 590 was not free from doubt; that none of the carriers who matched TWA's intermediate point filing submitted complaints against TWA's tariff; that the Board's fundamental decision that intermediate application based on rates at the Seven Cities should continue until proper steps are taken within IATA to rationalize any anomalies, is sound; and that Pan American's contentions regarding prorates are irrelevant, as the prorate requirements of the domestic carriers are not at issue and will not change.

Milwaukee submits that the IATA Commissioner himself acknowledged the ambiguity of Resolution 590; that the filing of tariffs based on intermediacy to the Seven Cities constituted an effective interpretation by the carriers to resolve that ambiguity, and it is immaterial whether some carriers filed to match TWA only for competitive reasons; that there were no complaints filed against TWA's intermediate point rule; and that Pan American's allegation of a $1.5 million revenue loss, which in any event is irrelevant, is pure speculation as it is unsupported by any data and relates to future rather than past operations.

Memphis contends that it would be prejudiced by the rejected tariffs Pan American seeks to file; that an internal IATA interpretation of the ambiguous Resolution 590 language is insufficient justification for Pan American's proposed action which would, allegedly, violate the principles enunciated in Docket 20522; and that the IATA Commissioner's construing of the Board's decisions in Docket 20522 as supporting the type of differentiation between gateway and nongateway points proposed by Pan American, has no basis in the record.

Indianapolis asserts that, contrary to Pan American's contentions, Order 75–10–113 depends not on the Board's interpretation of Resolution 590, but rather on the carriers' own interpretation through currently effective tariffs on file with the Board; that the Board found the present intermediate application rules lawful in Order 74–8–54, and the carriers cannot now, in concert, abrogate those rules without the benefit of an IATA agreement approved by the Board; and that Pan American's proposed action, which would increase transatlantic rates to/from Indianapolis substantially, could well force a reduction of Indianapolis' all-cargo service.

Upon full consideration of Pan American's petition, the answers thereto, and all other relevant matters, the Board has concluded that the petition should be denied. The thrust of Pan American's argument is that the Board's action rejecting the tariffs was predicated on our own interpretation of Resolution 590 rather than the carriers', most of whom oppose intermediate application other than at New York and Montreal, and thus it was incorrect to characterize the tariff revisions as a de facto amendment to the resolution. We do not find these arguments persuasive. If Pan American and other carriers objected to TWA's 1974 tariff filing permitting intermediate application at the Seven Cities on the grounds that it violated Resolution 590, or for any other reason, they were free to file a complaint with the Board. No such complaints were filed. Although the minutes of the Nice Cargo Conference indicate that a proposal to consider U.S. points other than New York as base points for the intermediate rule was defeated, this only means that there was a lack of unanimity among the IATA carriers on this issue. In this situation, the only effective interpretation of the resolution was that found in the carriers' tariffs on file with the Board. If it is true, as Pan American alleges, that these tariffs were filed only for competitive reasons to match TWA, nevertheless the other carriers should have submitted complaints when TWA first filed its intermediate point rule. In the absence of such complaints, it was not unreasonable to regard these tariffs as the practical application of Resolution 590 as interpreted by the carriers.

As noted in Order 75–10–113, the present application of the intermediate rule does create certain anomalies due to IATA's particular definition of intermediacy,[4] and the Board believes that it is well within the carriers' power to amend the intermediate rule in such a manner as to remove these anomalies without creating undue preference and prejudice. Until such time as a new intermediate rule is approved by the Board, however, we have determined that the present tariff provisions should remain in effect.

Accordingly, it is ordered that:

The petition of Pan American World Airways, Inc. for reconsideration of Order 75–10–113 be and hereby is denied.

[4] Cf. fn. 1 supra.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.76–534 Filed 1–7–76;8:45 am]

[Docket 27868, Agreements CAB 5044, 16874, 25312, 5044–A182, 16874–A45, 12075–A6; Order 76–1–11]

TRAVEL AGENTS' PROCEDURAL RULES AND PRACTICES

ATC Agreements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of January, 1976.

Request for comments concerning the measure of procedural fairness accorded travel agents pursuant to certain ATC procedures established in its Agency Resolution, Sales Agency Agreement, and Area Settlement Plan; Application of the members of ATC for prior Board approval of agreements to establish the Office of Travel Agent Commissioner.

By order 75–6–49, dated June 10, 1975, the Board approved under section 412 of the Federal Aviation Act the bylaws of the Air Traffic Conference of America (ATC), subject to certain conditions. During the course of that proceeding, issues were raised concerning the measure of procedural fairness accorded travel agents through ATC's administration of its travel agent program. These issues were not resolved by the Board's opinion since they were outside the scope of the *ATC Bylaws Investigation.*[1] However, the Board determined that these questions warranted its consideration and would be handled in ancillary proceedings. Consistent with that decision, the Board is issuing the instant order inviting comments on the issues delineated below. The Board noted in its opinion in the *Bylaws Investigation* that the record in such proceedings provides a substantial basis for further review of the measure of procedural fairness accorded travel agents by ATC's agent program. Accordingly, no further hearings on these matters are presently contemplated. Relevant material contained in the record of the *Bylaws Investigation*, docket 23542, which is submitted in support of comments filed herein will be considered.

ATC has filed agreements with the Board for prior approval under section 412 of the Act which substantially address many areas of concern noted in the *Bylaws Investigation*. These agree-

[1] Order 71–6–127, June 24, 1971, instituting the *Bylaws Investigation*, stated: "We do not intend in this proceeding to reexamine our approval of any prior resolution adopted by ATC and approved by the Board, since the status of such resolutions under section 412 has already been examined and determined. To the extent the outcome of the *Investigation* affects any extant resolution, we shall consider such matters subsequent to the conclusion of the *Investigation.*"

ments would establish an Office of Travel Agent Commissioner and transfer to the Commissioner the review functions presently exercised by ATC's compliance panels and Agency Committee. Some pertinent details of those agreements are given below. Since the travel agent due process review directed by the Board in the *Bylaws Investigation* and the Travel Agent Commissioner agreements involve substantially similar issues and parties, the Board believes that the consolidation of these two matters in this docket will be conducive to the proper dispatch of the Board's business and to the ends of justice and will not unduly delay the proceedings.

The Board outlined two areas of concern relating to the agency program in the *Bylaws Investigation*.[2]

One area of concern pertained to the method and manner by which ATC assures agent compliance with the rules and regulations of the *Sales Agency Agreement* (Res. 80.15) and the *Agency Resolution* (Res. 80.10). The travel agent parties complained that ATC procedures before the compliance panels and Agency Committee, which pass judgment on alleged violations of those resolutions, do not provide agents with a fair hearing. A travel agent has no right of personal appearance before those bodies, no opportunity to be represented or accompanied by counsel, no opportunity to cross-examine any witness. It was stated that ATC's compliance panels "meet in secret, maintain no transcript, keep no minutes of their deliberations, and make no findings."[3]

Another area of concern pertained to ATC's administration of remittance procedures pursuant to the *Area Settlement Plan*. The travel agent parties complained that "ATC procedures regarding remittances do not provide travel agents with adequate notice and hearing when penalties are either contemplated or actually imposed."[4] The Area Settlement Plan provides that an agent must submit the receipts from tickets sold to a designated area settlement bank. The procedures used to bring a matter before a compliance panel or the Agency Committee and those used to administer the late remittance provision of the Area Settlement Plan are detailed below.

EXISTING ATC TRAVEL AGENT PROCEDURES

Since the end of World War II, the major domestic certificated scheduled air carriers have determined their rules for the selection, retention, and compensation of travel agents on a joint basis, through ATC.[5] The agreement establishing the ATC travel agent program (primarily ATC Resolutions 80.10 and 80.15, as amended by 80.1 and 80.1B, Agreements CAB 5044 and 16874) has been approved by the Board, and more than 200 amendments to the agreement have been acted on by the Board. The Board earlier conducted a comprehensive investigation of the substantive and procedural resolutions and procedures of the ATC agent program—the *ATC Agency Resolution Investigation*, 29 C.A.B. 258 (1959) and 30 C.A.B. 570 (1960)—which resulted in several Board-ordered amendments to the substantive and procedural aspects of that program including a requirement for *de novo* arbitration.[6]

At the present time, persons desiring to become travel agents authorized to sell air transportation on behalf of the ATC member air carriers are furnished by ATC staff with information, including applications to be submitted to the Executive Secretary of ATC. The Executive Secretary notifies the members of ATC of the receipt of each application, and institutes an investigation as prescribed by the ATC Agency Committee to determine if each applicant meets the requirements for approval. Within 30 days after receipt of each application, if no problems are presented by the application, the Executive Secretary enters into an ATC standard form Sales Agency Agreement with the applicant, places the name of the applicant on the ATC Agency List, and notifies all members of these facts. After receipt of such notice, any ATC member may deliver its airline identification plates to the new agent for use in validating airline tickets. Each airline can withdraw its plates from any agent at any time.

The approval by ATC of an agent gives that agent the right to represent all ATC members. However, if an ATC member or members so notify the agent and the Executive Secretary, that agent cannot represent or sell any air transportation on that carrier or carriers.

If an application or investigation reveals to the Executive Secretary that there are material misrepresentations or inaccuracies in the application or that the applicant does not meet certain substantive criteria, that application is placed on the agenda for the next meeting of the ATC Agency Committee taking place not less than 45 days thereafter for review by the committee.[7] The Agency Committee meets at least twice each year to conduct such reviews. The applicant being reviewed is also given at least 45 days' notice of the meeting and the reason or reasons for review of the application, and is given an opportunity to submit additional written information to show qualifications. A two-thirds favorable vote by the Agency Committee is needed for approval of an application which is referred to it. If the Agency Committee disapproves the application, the Executive Secretary of ATC records the reasons for such action and informs the applicant.

Disapproved applicants may, within 30 days of notice of rejection of their application, notify the Executive Secretary of their desire for review of such rejection by an arbitral tribunal, name one arbiter, and enclose $100 as a deposit towards the applicant's share of the expenses of arbitration. Within 10 days after that, the Executive Secretary names an arbiter and so notifies the applicant. Within 20 days after that, the two arbiters designate a third arbiter, who acts as chairman, or if they cannot do so within 90 days, the third arbiter is designated by the American Arbitration Association. The tribunal sets the matter for hearing within 30 days after selection of the chairman and notifies the applicant and the Executive Secretary of the time and place of the hearing.[8]

The arbitration proceedings are governed by the rules and procedures of the American Arbitration Association. The decision of a majority of the arbiters is final and binding. Expenses of arbitration are shared equally by the applicant and ATC.

The ATC Agency Resolution also provides procedures for the removal of agents from the Agency List. The ATC Agency Committee may, on its own initiative or upon the complaint of any interested person, review the eligibility of any travel agent to remain as such, and may remove an agent by a two-thirds vote of those committee members present and voting. In such reviews, the Agency Committee considers the same factors as would be considered in acting on an original application, as well as the agent's record with ATC and its members. Forty-five days' notice of such reviews is given to each ATC member and the affected agent.[9] Affected agents are

[2] Order 75–6–49, pp. 38–40.

[3] Order 75–6–49, p. 39 and oral argument transcript of docket 23542 at p. 43.

[4] Order 75–6–49, p. 39.

[5] The original ATC Agency Resolution (Agreement CAB 149) was filed with the Board in 1940, but before the Board acted on it ATC superseded it by filing Agreement CAB 182, which was approved by order 983, Apr. 18, 1941. This agreement was suspended during World War II. In 1944 ATC filed a new agency agreement (Agreement CAB 309), which was superseded before Board action on it, by Agreement CAB 403, approved by order 4057, Sept. 27, 1945. The present ATC agency program resolutions (Agreement CAB 5044) were filed in 1940 and approved by order E–5685, Sept. 7, 1951.

[6] The *de novo* requirement was imposed to ensure that rejected applicants and removed agents would obtain the substance and not merely the illusion of review of committee action. *De novo* arbitration was viewed as a reasonable method of guarding against arbitrary action.

[7] There is one instance in which the Executive Secretary submits an application to the ATC members for mail vote, instead of referring it to the next meeting of the ATC Agency Committee. See ATC Resolution 80.10, sec. IV, D, 2.

[8] The applicant may request a postponement of the arbitration until after the next meeting of the Agency Committee to permit it to reconsider that application.

[9] Only 10 days' notice is given in certain circumstances. See ATC Resolution 80.10 sec. IV, I, 3.

given the opportunity to submit written rebuttal evidence. If the committee disapproves an agent, the reasons for such action are recorded and the agent is informed of them. Disapproved agents are removed from the ATC Agency List, and their Sales Agency Agreements are terminated.

Removal of agents by the ATC Agency Committee is subject to appeal to arbitral tribunals, using the same procedures as described above for rejected applicants. Removed agents who are appealing such action must post a bond in order to continue their business as usual.[10] If the agent does not post this bond, the airline plates and ticket stock of that agency are withdrawn, and the agent must use envelope-type Air Transportation Exchange Orders, which require full remittance to the airlines before tickets are issued, during the arbitration period. If the agent wins the arbitration, or if the Agency Committee reconsiders and reinstates the agent, the airlines pay retroactive commissions for sales made using envelope-type Exchange Orders. Otherwise, no commissions are paid.

The ATC Agency Committee is permitted to direct suspension of an agent for 90 days instead of removal. A two-thirds vote is required, and the same notice, recordation of reasons, and arbitration procedures are applicable. Suspension entails removal of airline plates and ticket stock.

If an agent fails to maintain the bond required of agents by ATC, the Executive Secretary of ATC immediately terminates the Sales Agency Agreement with that agent. If an agent's bond is canceled, the Executive Secretary can reinstate the agent if a new bond is obtained within 30 days.

If an agent fails to remit in full to the designated area bank,[11] within 10 days after the close of each report period, the Executive Secretary informs the agent to immediately cease the sale of air transportation. Airlines plates and ticket stock are then removed. If, within 30 days, such an agent pays all money due all airlines, and is fully bonded, the plates and ticket stock are returned. Otherwise, 30 days after receipt of the default notice, the Sales Agency Agreement with that agent is terminated, and there is no appeal to arbitration. The same procedures are followed if an agent's check is dishonored by the applicable bank, except that the agent must correct the deficiency by certified check.

The Executive Secretary circulates to ATC members a list of agents who remitted late each reporting period, and of agents whose checks were dishonored (which counts for two appearances on the list). If an agent appears on this list four times in any 12 months, the agent is so informed, told of the reinstatement procedures, placed on the agenda for Agency Committee review, and airline plates and ticket stock are withdrawn. An agent can be reinstated by so requesting of the Executive Secretary, who transmits to the ATC members such request, accompanied by the agent's written explanation for each late remittance, the measures taken to avoid recurrence, and justification for prompt reinstatement. Reinstatement is granted in 15 days unless any ATC member requests that the agent be reviewed by the Agency Committee. Reinstatement by mail leaves the agent charged with three late remittances, while reinstatement by Agency Committee review expunges all prior later remittance charges.

The resolution also provides that the Executive Secretary notify the International Air Transport Association (IATA) where an agent fails to remit or has a remittance check dishonored. If the Executive Secretary receives such notification from IATA, that information is sent to all ATC members, and airline plates and ticket stock are removed from the agent and the agent must use envelope-type Exchange Orders to buy airline tickets. Such agents are reinstated when IATA informs the Executive Secretary that the agent has been restored to good standing or after ATC Agency Committee review.

If an ATC audit or investigation of an agent reveals irregularities, such as failure to report all tickets sold, false reporting of types of sales or missing ticket stock, under circumstances which lead the Executive Secretary or another ATC officer to believe that an agent is knowingly or through gross negligence attempting to circumvent the reporting and remitting requirements, or that there is serious jeopardy to the ATC members' ability to collect for tickets sold, airline plates and ticket stock are withdrawn and the Executive Secretary files a complaint with a Compliance Panel, as described below.

In all cases of termination of Sales Agency Agreements, such action takes place 5 days after mailing of notification.

ATC Resolution 80.80 gives the Director of the ATC Enforcement Office and his staff the authority to represent ATC members for purposes of inspecting the books and records of travel agents.[12] ATC forcement staff seeks to determine if agents are acting in compliance with the ATC Agency Agreement and whether the air carriers are acting in compliance with ATC resolutions concerning the agency program. The Director of the ATC Enforcement Office reports to the ATC Executive Secretary whenever an investigation indicates the failure of an agent to comply with the Sales Agency Agreement. If the report of the ATC Enforcement Director indicates a probable violation by an agent of certain listed categories of violations, such as rebating, misrepresentation, or failure to maintain ethical standards of business, the Executive Secretary brings a formal written complaint against the agent before an ATC Compliance Panel.[13] This complaint is sent to the agent and all ATC members, and the agent can then submit a written answer to the complaint within 30 days. The compliance panels, consisting of three airline officials or attorneys selected on a rotating basis, make written decisions on whether or not violations have been committed, and if so, whether the agent involved should be reprimanded, suspended, or removed from the ATC Agency List.[14] Compliance panel decisions can be appealed to arbitral tribunals using the same procedures as described above.

The Travel Agent Commissioner Proposal

The Travel Agent Commissioner resolution would amend many present procedures. The Commissioner would be appointed for 5 years and could be reappointed. He would be an employee of the Air Transport Association of America (ATA), the parent organization of ATC, but would act independently of ATA and ATC. The President of ATA would appoint the Commissioner from a list of at least four names prepared by ATC from which the four major travel agency organizations could strike all but two names. The Commissioner could be removed by the President of ATA if guilty of serious misfeasance or malfeasance in office.

The Commissioner Resolution and related amendments would change the procedures followed with regard to applicants desiring approval as travel agents and to the review of existing agents. The Executive Secretary would disapprove, rather than refer to the Agency Committee, applicants who, it was decided, failed to meet the substantive requirements. The Executive Secretary would inform the disapproved applicant of the reasons for such action, and the applicant could appeal to the Travel Agent Commissioner within 30 days. Appeals from the Commissioner's decisions would be taken to arbitration. Such arbitration would follow the rules now in effect, except that the scope of review would be appellate; that is, the arbitral tribunal would be required to affirm the Commissioner's decision unless it found that decision deficient in certain listed respects, such as not being supported by sufficient evidence, containing errors of law, or being arbitrary or capricious. The arbitral tribunal could direct action or remand a case to the Commissioner.

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[10] This bond amount is equal to the highest monthly total of air transportation sales in the 12 preceding months.

[11] The ATC Area Settlement Plan prescribes procedures for agents to remit money collected for all ATC member air carriers, and other participating airlines, to the area settlement bank three times a month or weekly, depending on locations. See ATC Resolutions 80.1 and 80.1B, Agreement CAB 16874.

[12] The ATC Sales Agency Agreement provides that the books and records of agents are open to inspection by each carrier or representatives of ATC.

[13] For violations other than those listed in ATC Resolution 80.80, the matter is referred to the Agency Committee for review.

[14] Lifting of suspensions may be conditional on restitution of money involved.

The Commissioner would also receive complaints by the Executive Secretary against agents and conduct reviews. In the case of complaints which are now directed to compliance panels, the Director of ATC's Office of Enforcement would file complaints directly with the Commissioner, rather than first reporting to the Executive Secretary. Also, the Enforcement Director could bring a case before the Commissioner for any alleged agent violation of the ATC Sales Agency Agreement rather than the present procedure of having violations other than those specifically listed in Resolution 80.80 referred to the Agency Committee by the Executive Secretary.

In proceedings before the Commissioner, each party would have, at a minimum, the right to move for dismissal or summary judgment, to submit written information it deems appropriate, to appear personally or through counsel and present evidence and arguments in support of its position, to hear the evidence and arguments of the other party, and to cross-examine the other party. In reviewing disapproved applicants and agents under review, the Commissioner would conduct a *de novo* review, that is, without placing any weight on the Executive Secretary's previous disapproval of the applicant or other action. If the Commissioner determined that an agent failed to maintain the standards and qualifications required by applicable ATC resolutions, or that an agent suspended for having four late remittance listings (see above) cannot be relied upon to adhere to the terms of the Sales Agency Agreement, the Commissioner shall direct the Executive Secretary to remove the agent from the ATC Agency List. If the Commissioner decided that a charge brought by the ATC Enforcement Director is well-founded, various penalties ranging up to removal from the Agency List could be imposed, so long as an agent is suspended or put on a gross cash basis (including use of envelope Exchange Orders) until restitution is made of any money owed to members of ATC or participants in the Area Settlement Plan. The Commissioner would be bound by applicable ATC resolutions in reaching decisions, and such decisions would constitute binding precedents in interpreting the applicable resolution.

Attached to this order, as Appendix A, is an outline of the major differences between present procedures and the procedures contemplated under the Travel Agent Commissioner Agreements.

Comments on the proposed Travel Agent Commissioner agreements were made by three major travel agent organizations, namely, the American Automobile Association (AAA), the Association of Retail Travel Agents (ARTA), and the American Society of Travel Agents (ASTA). Those comments are outlined below.

ATC's initial comments indicated the significant changes to existing practices which would be made by the Commissioner agreements. ATC's supplementary comments in support of its application, which were filed after the decision and order of the Board in the *ATC Bylaws Investigation* was issued on June 10, 1975, presented the view that the instant agreements substantially address the areas of concern noted by the Board in the *Bylaws* decision, and that approval of these agreements will moot any further proceedings on this subject.

AAA endorses the concept of an office of Travel Agent Commissioner. AAA criticizes the present agreements for failing to provide for any significant travel agent input and for failing to provide for the issuance of advisory opinions relating to interpretations of ATC resolutions. AAA suggests that there should be equal travel agent-ATC funding for the program and that there be a joint agent-ATC board to oversee the office. Further objections were made to the requirement that the agency organization submit its objections to nominees for Commissioner within 15 days and unanimously. AAA also objects to the loss of *de novo* review in arbitration, but suggests that if agents are permitted more participation in the selection, funding, and operation of the Commissioner's office, then appellate arbitration, conditioned to include an absolute right to present additional evidence, would be more acceptable. AAA recommends that approval of these agreements be deferred pending a joint ATC-travel agent study followed by a review of the study by a joint dialogue and a reconsideration of the proposals by the full Air Traffic Conference.

ARTA supports the concept of a Commissioner but opposes these agreements. ARTA strongly objects to the loss of *de novo* arbitration and asserts that more agent participation in the selection of the Commissioner is essential to guarantee impartiality. It, therefore, proposes a joint Board of Governors.

ASTA endorses the concept of the Commissioner as set forth in the agreements and urges approval subject to two conditions: (1) absolute veto power by the agency groups participating in dialogue sessions over nominees for Commissioner; and (2) joint funding. They also asert that the Commissioner should be enabled to issue advisory opinions interpreting ATC agency resolutions which would be binding on ATC. ASTA also urges that only attorneys be eligible for nominations to the Commissioner position.

Due to the fact that the Commissioner agreements were filed before the Board's decision was issued in the *Bylaws Investigation* and as we have decided to consolidate our consideration of these agreements with our review of the due process accorded travel agents, we will allow any interested persons an additional opportunity to comment on the merits of the Travel Agent Commissioner agreements under consideration herein.

The basic issues to be resolved are:

1. Whether and to what extent the Travel Agent Commissioner proposal in its present form alleviates the lack of procedural fairness complained of with regard to the operations of the ATC compliance panels and the Agency Committee as provided in the ATC Agency Resolution and Sales Agency Agreement.

2. If the Travel Agent Commissioner proposal in its present form does not alleviate the lack of procedural fairness complained of, what further action is required? Should the agreements be approved, disapproved, or approved subject to conidtions under section 412 of the Act? If the agreements should be approved subject to conditions, what conditions should be imposed?

3. Whether ATC procedures regarding remittances under the Area Settlement Plan provide travel agents with adequate notice and hearing when penalties are either contemplated or actually imposed.[15]

All interested persons will be given 30 days following the service of this order to submit comments on the issues to be resolved in this proceeding. Rebuttal comments will be due 15 days thereafter.[16] Comments should be directed to the specific issues set forth herein and supported with detailed reasoning. Vague, general, or unsupported comments will be given little weight.[17]

Accordingly it is ordered That:

1. This further review of the measure of procedural fairness accorded travel agents as ordered in docket 23542 be and hereby is consolidated with consideration of ATC's application for prior Board approval of an agreement to establish the Office of Travel Agent Commissioner and related amendments to other ATC resolutions;

2. All interested persons will be given 30 days following the service of this order to submit in docket 27868 comments regarding the issues set forth above. Rebuttal comments will be due 15 days thereafter, and may be filed by any person filing initial comments; and

3. This order will be served on ATC and its member air carriers, the American Society of Travel Agents, Inc., the Association of Retail Travel Agents, the American Automobile Association, the Association of Bank Travel Bureaus, the

[15] We note that ATC has filed an agreement with the Board for prior approval under sec. 412 of the Act (CAB 16874–A46, docket 28218) which defines circumstances in which a late remittance should be excused because it is caused by an action or event beyond the control of the agent. While mitigating the effects of the literal application of the late remittance provisions of Res. 80.10, that agreement does not directly address the area of concern noted by the Board with respect to notice and hearing procedures. Therefore, the agreement will be processed independently of this proceeding.

[16] All filings to date in docket 27868 will be considered as comments in this consolidated proceeding. Persons who made such filings may file additional comments as detailed herein.

[17] Filings in other dockets, including testimony, exhibits, and briefs in the *ATC Bylaws Investigation*, may be reproduced and submitted with comments thereon. Such items should not be incorporated by reference.

Travel Agents' Legal Action Committee, the National Passenger Traffic Association, the Aviation Consumer Action Project, and the United States Departments of Justice, Transportation, and Commerce.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A

Type of proceeding	Action presently taken	Action to be taken under Commissioner agreements
1. Application to become an agent pursuant to Res. 80.10, Agency Resolution.	Initially submitted to Executive Secretary. If approved, agent placed on Agency list not more than 90 d after receipt of application. If applicant does not, in the opinion of Executive Secretary, meet criteria, the application is scheduled for review by Agency Committee. Applicants receive at least 45 d notice of meeting, plus reasons for review, and may submit additional written information to support application. A ⅔ vote of the Committee is necessary for approval. An agent disapproved by the Agency Committee may appeal to an arbitral tribunal within 30 d after notice of disapproval. Such arbitration is de novo.	Initially submitted to Executive Secretary who will then review application and approve or disapprove it. An applicant is notified of the disapproval, with reasons therefor, by the Executive Secretary. An applicant may request review of the disapproval by the Commissioner within 30 d after notification. An agent disapproved by the Commissioner may appeal to an arbitral tribunal within 30 d of notice of disapproval. Such arbitration is appellate.
2. Review of agent's continued eligibility pursuant to Res. 80.10, Agency Resolution.	Take by Agency Committee on its own initiative or complaint of any interested person. Notice of Agency Committee Review given to members and agents at least 45 d prior to review. Agent may be suspended or removed by ⅔ vote of Committee. Suspension or removal by Agency Committee may be appealed to arbitral tribunal within 30 d after notice of removal. Such arbitration is de novo.	Taken by Commissioner upon complaint of Executive Secretary. Notice of Commissioner review given to members and agents at least 30 d prior to review. Commissioner has discretion with respect to proper penalty to be imposed. Commissioner's decision may be appealed on same terms given above.
3. Failure to maintain bond required by pt. 5A of Sales Agency Agreement (see Res. 80.10).	Determination of failure made by Agency Committee or any member who then notifies Executive Secretary of such failure. Executive Secretary notifies all members and terminates Sales Agency Agreement. Agent may be reinstated if proper bonding reacquired within 30 d of prior bond cancellation.	Determination is made by Executive Secretary. No other change.
4. (a) Defaults, (b) late remittances, and (c) financial irregularities (see Res. 80.10).	(a) Failure to make full payment to Area Settlement Bank within 10 d after end of report period results in removal of ticket stock and airline plates by Executive Secretary. If agency pays all money owed within 30 d, stock and plates are returned. If agent fails to pay within 30 d of default notice Agency Agreement is terminated. No appeal to arbitration is provided. Dishonored remittance checks are treated the same as failure to make full payment. The procedures outlined above apply except that an agent must correct the deficiency by certified check. A dishonored check which is made good by such payment, and thus does not result in default, is counted as 2 late remittances charges.	(a) No change.
	(b) Failure to make timely payment to Area Settlement Bank results in a late charge. 4 late charges in 1 yr results in notification of this fact to the agent, and notification of the reinstatement procedures. The agent is placed on the agenda for Agency Committee review and airline plates and ticket stock are removed. An agent can be reinstated by the Agency Committee after review, or by a request for reinstatement with accompanying justification circulated by mail to ATC members. If such request is not objected to by any member within 15 d, the agent is reinstated. Notice of Agency Committee review must be given to members at least 45 d prior to such review. Appeal to an arbitral tribunal from an adverse decision of the Agency Committee is available as a matter of practice. Reinstatement by the Agency Committee expunges all prior outstanding late remittance charges. Reinstatement by mail leaves the agent charged with 3 most recent late charges.[1]	(b) The procedures remain the same except that the Commissioner, rather than the Agency Committee, will review the agent's eligibility. Notice of Commissioner review must be given to members at least 21 d prior to such review. Reinstatement by mail is not affected. Reinstatement by the Commissioner expunges all prior late remittance charges unless the Commissioner directs otherwise. The Commissioner had discretion to impose an appropriate penalty where the agent is ordered reinstated to the agency list. (Also see 4(c) below for possible mandatory penalties.)

APPENDIX A—Continued

Type of proceeding	Action presently taken	Action to be taken under Commissioner agreements
	(c) Sec. VII, I. of Res. 80.10 lists 9 other financial irregularities which may be revealed by audit or investigation. When the Executive Secretary concludes that these irregularities have occurred under circumstances which indicate an agent is knowingly or through gross negligence attempting to circumvent the reporting and remittance requirements or that there is serious jeopardy to ATC members' ability to collect for tickets sold, airline plates and ticket stock are removed and the Executive Secretary files a complaint with a compliance panel. Compliance panels may direct reprimand, suspension, or removal from the Agency list. Appeals from compliance panel decisions can be taken to an arbitral tribunal for de novo review. If ticket stock has been withdrawn, an agent can continue to write tickets with envelope exchange orders during pendency of the complaint.	(c) The same procedures remain except that the Director of the Office of Enforcement will file a complaint based on such irregularities directly with the Commissioner for review. The Commissioner's decision is subject to appellate review by an arbitral tribunal. If the Commissioner finds than an agent has improperly withheld money from an ATC member or participant in the area settlement plan or has otherwise improperly obtained funds belonging to any carrier, he shall, in addition to the penalty he otherwise imposes, either suspend or place the agent on a gross cash basis, including use of envelope exchange orders, until full restitution is made.[2]
5. Security of ticket stock and airline plates (Res. 80.15, par. 17a).	Failure to maintain minimum safeguards to protect airline ticket stock, MCO's, identification plates, and other standard ticket forms contained in schedule B to Res. 80.15 constitutes a breach of the Sales Agency Agreement and will subject the agent to review by a compliance panel. Agents are informed of the exact provisions of Schedule B allegedly violated and specific details of the alleged violations in connection with the review. (See CAB Order 74-3-88.)	Same except that the agent will be reviewed by the Commissioner. Appeal of the Commissioner's decision by an arbitral tribunal is available.
6. Late remittances under Res. 80.1B, The Mechanized Reporting System to the Area Settlement Plan.	The procedures are the same as those described in 4.b above.	Same as 4.b above in that the Commissioner will review the agent's eligibility. However, notice will still be given to members 45 d in advance of review rather than 21 d prior.
7. Notification of or from IATA that an agent failed to remit or has a remittance check dishonored (pursuant to Res. 80.10, sec. VII,F), under the Area Settlement Plan, Res. 80.1, or the Mechanized Reporting System, Res. 80.1B.	When Executive Secretary is notified by IATA of such failures, ATC members are then notified and ticket stock and airline plates are removed until IATA notifies him the agent has been restored to good standing or until Agency Committee has reviewed the agent's eligibility as outlined in 4.b above. The agent can continue to write tickets during this period with envelope exchange orders.	Same except that the review will be by the Commissioner rather than Agency Committee. The Commissioner's decision is, as always, appealable to an arbitral tribunal.
8. Inspection of books and records of travel agents pursuant to Res. 80.80 by the ATC Enforcement Office.	The Director of the ATC Enforcement Office reports to the Executive Secretary where an investigation reveals an agent has failed to comply with certain listed conditions of the Sales Agency Agreement (see Res. 80.80B for list). The Executive Secretary then files a formal written complaint with an ATC compliance panel. The complaint must be sent to the named agent within 10 d by registered mail together with a notice to the agent of his right to submit a written answer to the complaint within 30 d from the date the complaint is received. The decision of the compliance panel is subject to de novo arbitration. If a violation other than those enumerated in the list given in Res. 80.80B is indicated the matter is referred to the Agency Committee for review and action.	The Director of the Office of Enforcement will file a formal written complaint directly with the Commissioner if an investigation reveals a probable violation of the Sales Agency Agreement, including, but not limited to those violations enumerated in Res. 80.80B. Those sections dealing with notice to the agent by the Executive Secretary are deleted. The Commissioner's decision is subject to arbitration.
9. Arbitration.....	Scope of review is de novo. During pendency of an agent's appeal to arbitration he must post a bond equal to the highest monthly total of air transportation sales in the 12 preceding months in order to continue to do business as usual. If the bond is not posted, the airline plates and ticket stock are withdrawn and the agent may use envelope-type exchange orders during the arbitration period.	Scope of review is appellate. The tribunal shall affirm the decision of the Commissioner unless it is deficient in 1 or more of the following respects: (1) It is not supported by substantial evidence; (2) new evidence is available to the tribunal which for good cause was not presented to the Commissioner; (3) it contains errors of applicable law; (4) it is arbitrary or capricious; or (5) it is not in accordance with the terms of the Agency Resolution, Sales Agency Agreement or Travel Agent Commissioner Agreement.[2] There is an additional ground for finding deficiency where the Commissioner has imposed a penalty for a violation of the Sales Agency Agreement, and that is where the arbitral tribunal finds the penalty inappropriate, inadequate, or excessive. No change in bonding requirements is made under the Commissioner agreements.

[1] Although nothing in the travel agent's handbook or other material indicates that actions other than terminations are arbitrable, testimony of record in the ATC bylaws investigation indicates that as a matter of practice any claim or controversy stemming from any action of the Agency Committee or a compliance panel is arbitrable. (Tr. at p. 2234.)

[2] The penalties which the Commissioner is authorized to impose in his discretion are: (1) Removal from the Agency list; (2) suspension from the Agency list for not more than 90 d; (3) placement on a net cash basis, including use of envelope exchange orders, for not more than 90 d; (4) a fine of not more than $1,000 payable to ATA, as the Commissioner shall direct; (5) a fine in the form of requiring an agent to remit in gross or at a reduced level of commission for not more than 90 d; (6) loss of reduced rate privileges in whole or in part for not more than 1 yr; (7) reprimand; or (8) a combination of the above.

This outline has not attempted to specify *every* detail which is changed by the Commissioner's proposal. In general, substantive criteria for reviewing agent's eligibility, for establishing in-plant locations, and for approving transfer, assignment, or change of name or address of an agent's business remain the same. However, the decisions made concerning these issues will all be reviewable by the Commissioner at the aggrieved agent's request and any claim or controversy arising out of, or relating to, *any* action of the Commissioner shall be settled by arbitration.

[FR Doc.76-535 Filed 1-7-76;8:45 am]

[Docket 27592; Agreement C.A.B. 25605; Order 75-12-119]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements on Currency Matters

Correction

In FR Doc. 75-35057 appearing on page 59772 in the issue of December 30, 1975 make the following changes:

1. The heading should have appeared as set forth above.

2. The first sentence of the text was inadvertently omitted. It should have read "Issued under Delegated authority December 22, 1975.".

[Docket 27573; Agreement C.A.B. 25432, R-2 and R-3, Agreement C.A.B. 25433, R-5, Agreement C.A.B. 25437, R-3, Agreement C.A.B. 25509, Agreement C.A.B. 25510, Agreement C.A.B. 25546, R-1 and R-2; Order 75-12-108]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements on Commodity Rates

Correction

In FR Doc. 75-35028 appearing on page 59772 in the issue of Tuesday, December 30, 1975 make the following changes:

1. The heading should have appeared as set forth above.

2. In the third column, 29th line the final two words were inadvertently dropped. The 29th line should have read "to the public interest and in violation of the Act.".

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Wednesday, January 28, 1976. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E. Street, NW., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.76-457 Filed 1-7-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 786]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

DECEMBER 29, 1975.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act of 1934) or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning any of these applications within 30 days of the date of this notice.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

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

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21054-CD-P-76 Telephone Answering Bureau, Inc. (NEW) C. P. for a new 1-way station to operate on 152.24 MHz to be located on Pleasant Mountain, 1.25 miles SW of Graniteville near Williamstown, Vermont.

21055-CD-AL-(2)-76 Sierra Communications, Inc. Consent to Assignment of License from Sierra Communications, Inc., ASSIGNOR to Cook's Communications Corp., ASSIGNEE. Stations: KOP244 & KFH673, Reno, Nevada.

21056-CD-P-76 Northwestern Bell Telephone Company (NEW) C. P. for a new 1-way station to operate on 152.84 MHz to be located at 421 Main Street, Williston, North Dakota.

21057-CD-P-(3)-76 Delta Valley Radiotelephone Co., Inc. (KRM983) C. P. for additional facilities to operate base facilities on 152.24 MHz to be located at a new site described as Loc. #2: 1,800 feet W. of Calif. Hwy. 49, 3.5 miles S. of Eldorado, California; additional control facilities to operate on 72.50 MHz at a new site described as Loc. #3: 3502 Kroy Way, Sacramento, California; and additional control facilities to operate on 72.50 MHz at a new site described as Loc. #4: 2171 Ralph Avenue, Stockton, California.

21058-CD-P-76 South Central Bell Telephone Company (KKI455) C. P. to change antenna system operating on 152.57 MHz located 3 miles South of Erath, Louisiana.

21059-CD-P-76 Mobilfone Service, Inc. (KLF558) C. P. to replace transmitter, change antenna system and relocate facilities operating on 454.200 MHz to be located at 1204 12th Street, N. W., Ardmore, Oklahoma.

21060-CD-P-76 Sioux Valley Telephone Company (NEW) C. P. for a new station to operate on 152.81 MHz to be located 4.5 miles West of Dell Rapids, South Dakota.

21061-CD-P-(2)-76 Radio Dispatch Company (NEW) C. P. for a new station to operate on 152.12 & 152.15 MHz to be located 2.2 miles NW Manahawkin city center, Manahawkin, New Jersey.

21062-CD-P-(4)-76 King Communications, Inc. (KQD310) C. P. to change antenna system operating on 152.03 454.225 & 454.325 MHz and change antenna system & relocate facilities operating on 152.15 MHz all located at Loc. #1: 1795 Tittabawasee, Saginaw, Michigan.

21063-CD-P-76 Central Mobile Radio Phone Service (KUO557) C. P. for additional facilities to operate on 505 Jefferson Avenue, Toledo, Ohio.

MAJOR AMENDMENT:

20880-CD-P-(2)-76 Mt. Shasta Radiotelephone, Inc. (KUS379) Amend to change frequency from 159.05 to 459.05 MHz for auxillary test facility. All other particulars remain as reported in PN #783 dated December 8, 1975.

RURAL RADIO SERVICE

60246-CR-P-76 RCA Alaska Communications, Inc. (NEW) C.P. for a new rural subscriber station to operate on 157.86 MHz to be located at Village 20 miles SE of Tok, Alaska, Tetlin Village, Alaska.

60247–CR–P–76 RCA Alaska Communications, Inc. (NEW) C.P. for a new central office station to operate on 152.60 MHz to be located at Slana Ave. & East First Street, Tok, Alaska.

60248–CR–P–76 RCA Alaska Communications, Inc. (NEW) C.P. for a new inter office station to operate on 152.69 MHz to be located 0.3 miles NW of Thorne Bay Village, Thorne Bay, Alaska.

60249–CR–P–76 RCA Alaska Communications, Inc. (NEW) C.P. for a new inter office station to operate on 157.95 MHz to be located on Lot 1 at South End of Meyers Chuck, Alaska.

60250–CR–P/L–76 Salinas Valley Radio Telephone Company (NEW) C.P. and License to operate on 158.49 158.52 158.61 & 518.64 MHz located at any temporary-fixed location within the territory of the grantee.

POINT-TO-POINT MICROWAVE RADIO SERVICE

1382–CF–P/L–76 RCA Alaska Communications, Inc. (New) Dillingham FAA, Dillingham, Alaska. Lat. 59 00 02 N.-Long 158 32 42 W. C.P. and License for a new station on 2116H MHz towards Dillingham, Alaska on azimuth 48.1 degrees.

1383–CF–P/ML–76 Same (WOE75) Dillingham, Alaska. Lat. 59 02 30 N.-Long. 158 27 22 W. C.P. and Mod. of License to add 2166H MHz towards a new point of communication at Dillingham FAA, Alaska on azimuth 228.1 degrees; move antenna on 2178V MHz towards Muklung Hills, Alaska on azimuth 33.6 degrees; 2162V MHz towards Tuklung Mountain, Alaska on azimuth 251 degrees.

1379–CF–P–76 Puerto Rico Telephone Company (WQP81) State Road #2, Km 30, Hm 7 Vega Alta, Puerto Rico. Lat. 18 24 57 N.-Long. 66 19 43 W. C.P. to change station location resulting in a change of coordinates as shown above; replace and remove antenna on 10715.0H MHz towards Bajura on azimuth 237.4 degrees.

2302–CF–AL–(19)–76 Continental Telephone Company of Utah Consent to Assignment of License from Continental Telephone Company of Utah, ASSIGNOR to Continental Telephone Company of the West, ASSIGNEE; for station KPC53– Abajo Peak, Utah; KPC54– Monticello, Utah; KPC55– Mexican Hat, Utah; KPN73– Bald Mesa, Utah; KPT20– NW of Helper, Utah; KPX20– Blanding, Utah; KPY77– Moab, Utah; WOE34– SE of Escalante, Utah; WOE35– NW of Mexican Hat, Utah; WOE36– NNE of Mexican Hat, Utah; WOE37– SW of Monticello, Utah; KEZ82– Any temporary fixed location within the territory of the grantee; KFI82– Hall's Crossing, Utah; WAH452– LaSal, Utah; KGC92– Fullmore, Utah; KPS97– 6 miles ENE of Promontory, Utah; KVU95– North Delta, Utah; KZA55– 5.3 miles SE of Delta, Utah; KZS73– Tremonton, Utah.

2341–CF–AL–(6)–76 Idaho Telephone Company Consent to Assignment of License from Idaho Telephone Company, ASSIGNOR; to Continental Telephone Company of the West, ASSIGNEE for station WSM67– Horseshoe Bend, Idaho; KPQ35– McCall, Idaho; KPQ36– No Business Mountain, Idaho; KPY78– Brundage Mountain, Idaho; KYO98– Iron Mountain, Idaho and KYO99– Elk City, Idaho.

2412–CF–AL–(1)–76 Montana Telephone Company Consent to Assignment of License from Montana Telephone Company, ASSIGNOR; to Continental Telephone Company of the West, ASSIGNEE; for station WJK79– Big Sky, Montana.

1389–CF–P–76 United Video, Inc. (KSV40) 5.0 Miles North of Streator, Illinois. Lat. 41 08 35 N.—Long. 88 49 45 W. C.P. (a) to change four (4) existing frequencies to 6226.9H MHz, 6286.2H MHz, 6345.5H and 6404.8H MHz toward Pontiac, Michigan, on azimuth 151.6 degrees and (b) to replace four (4) existing transmitters toward Pontiac.

1387–CF–P–76 United Video, Inc. (KSV41) 3.0 Miles North of Peru, Illinois. Lat. 41 20 34 N.—Long. 89 06 42 W. C.P. (a) to change four (4) existing frequencies to 11265H MHz, 11425H MHz, 11505H MHz and 11585H MHz toward Mendota, Illinois, on azimuth 358.5 degrees and (b) to change two (2) existing frequencies to 11265H MHz and 11425H MHz toward Amboy, Illinois, on azimuth 329.2 degrees.

1388–CF–P–76 United Video, Inc. (KSV42) 6.0 Miles South of Amboy, Illinois. Lat. 41 37 40 N.—Long. 89 20 17 W. C.P. to replace two (2) existing transmitters on frequencies 5945.2V MHz and 6004.5V MHz toward Sterling, Illinois, on azimuth 299.9 degrees.

1384–CF–P–76 United Video, Inc. (KSP97) 0.5 Mile South of Vandalia, Illinois. Lat. 38 57 01 N.—Long. 89 06 02 W. C.P. (a) to correct station coordinates to foregoing; (b) to change two (2) existing frequencies to 5960.0V MHz and 6019.3V MHz toward Effingham, Illinois, on azimuth 68.6 degrees; and (c) to replace two (2) existing transmitters toward Effingham.

1385–CF–P–76 United Video, Inc. (KSP98) 0.9 Mile East of Effingham, Illinois. Lat. 39 07 35 N.—Long. 88 31 06 W. C.P. to replace two (2) existing transmitters on frequencies 6212.0H MHz and 6301.0H MHz toward Olney, Illinois, on azimuth 138.6 degrees.

1386–CF–P–76 United Video, Inc. (KYO25) 0.5 Mile North of Olney, Illinois. Lat 38 44 18 N.—Long. 88 04 55 W. C.P. to replace one (1) existing transmitter on frequency 6108.3V MHz toward Robinson, Illinois, on azimuth 41.1 degrees.

[FR Doc.76–517 Filed 1–7–76;8:45 am]

[Report No. 787]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

JANUARY 5, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act of 1934) or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning any of these applications within 30 days of the date of this notice.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See §§ 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

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

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20863–CD–MP–(12)–76, General Telephone Company of Florida (KRS647), C.P. for additional facilities to operate on 454.575, 454.600, 454.625, and 454.650 MHz at Loc. #1: Cleveland Ave. and Betty Lane, Clearwater, Florida; change antenna system operating on 454.575, 454.600, 454.625, and 454.650 MHz at Loc. #2: 3240 54th Avenue South, St. Petersburg, and Loc. #3: 2 Blocks West of Intersection of Gunn Hwy. and Florida Hwy. 54, Odessa, Florida.

20864–CD–MP–(12)–76, General Telephone Company of Florida (KIY397), C. P. for additional facilities to operate on 454.575, 454.600, 454.625 and 454.650 MHz at Loc. #1: Corner of Pine Place and Bamboo Lane, Sarasota; change antenna system operating on 454.575, 454.600, 454.625, 454.650 MHz at Loc. #2: 1.8 Miles 11 degrees NE from Laurel, Nokomis; and Loc. #3: 716 49th Street East, Palmetto, Florida.

21084–CD–P–76, The Lincoln Telephone & Telegraph Co. (KAA689), C. P. to change antenna system operating on 454.575 and 454.600 MHz at Loc. #1: 1440 M Street, Lincoln, Nebraska.

21085–CD–P–(3)–76, Pacific Northwest Bell Telephone Company (KOA246), C. P. to change antenna system of existing base facilities operating on 454.60 and 454.65 MHz and for additional base facility to operate on 454.55 MHz. All to be located at Sentinel Hill near S.W. Fairmount Boulevard, Portland, Oregon.

21086–CD–P–76, Euclid Telecommunications, Inc. (KQC880), C. P. to relocate facilities operating on 152.21 MHz to 5949 Mayfield Road, Mayfield Heights, Ohio.

21087–CD–MP–76, Radiofone of Georgia, Inc. (KUS411), C. P. to change antenna system operating on 152.24 MHz located at 600 North Lee Street, Valdosta, Georgia.

21088–CD–P–76, General Telephone Company of Wisconsin (KSA622), C. P. to change antenna system operating on 152.570 MHz located 3 miles South Southwest of Jct. U.S. 51 and State Trunk Highway 29, Rio Mountain, Wisconsin.

21089–CD–P–(2)–76. Mt. Shasta Radiotelephone, Inc. (KUS379), C. P. for additional facilities to operate on 152.06 MHz and 454.05 MHz at Loc. #1: KC Road 0.25 Miles East of Mt. Shasta Boulevard, Mt. Shasta, California.

21090–CD–R–76, The Bell Telephone Company of Pennsylvania (KCI268) (Developmental) (Pa.) Renewal of License expiring 10–31–75. Term: 10–31–75 to 10–31–76.

21091–CD–R–76, The C & P Telephone Company of Maryland (KGI270) (Developmental (Md.) Renewal of License expiring 10–31–75. Term: 10–31–75 to 10–31–76.

21092–CD–R–76, The C & P Telephone Company of Maryland (KGI271) (Developmental) (Md.) Renewal of License expiring 10–31–75. Term: 10–31–75 to 10–31–76.

21093–CD–R–76, The C & P Telephone Company of Maryland (KGI272) (Developmental) (Md.) Renewal of License expiring 10–31–75. Term: 10–31–75 to 10–31–76.

21094–CD–R–76, The C & P Telephone Company of Maryland (KGI273) (Developmental) (Md.), Renewal of License expiring 10–31–75. Term: 10–31–75 to 10–31–76.

21095–CD–R–76, The Diamond State Telephone Company (KGI269) (Developmental) (Delaware), Renewal of License expiring 10–31–75. Term: 10–31–75 to 10–31–76.

21096–CD–R–76, New Jersey Bell Telephone Company (KEK270) (Developmental) (N.J.), Renewal of License expiring 10–31–75. Term: 10–31–75 to 10–31–76.

21097–CD–R–76, New Jersey Bell Telephone Company (KEK271) (Developmental) (N.J.), Renewal of License expiring 10–31–75. Term: 10–31–75 to 10–31–76.

21098–CD–R–76, New Jersey Bell Telephone Company (KEK272) (Developmental) (N.J.), Renewal of License expiring 10–31–75 Term: 10–31–75 to 10–31–76.

Major amendment

20773–CD–P–76, American Communication Systems, Inc. (KIG300), Amend to change the base frequency to 43.58 MHz. All other particulars are to remain as reported on PN #780 dated 11–17–75.

APPLICATIONS ACCEPTED FOR FILING

Rural Radio

60251–CR–P/L–76, Continental Telephone Company of California (NEW), C.P. for a new rural subscriber station to operate on 157.86 MHz. located at 40892 Harper Lake Road, Hinkley, California.

POINT-TO-POINT MICROWAVE RADIO SERVICE

1391–CF–P–76, American Telephone and Telegraph Company (KAO47), 2 miles SSE of Aurora, Kansas. Lat. 39°25'14" N., Long. 97°31'00" W. C.P. to change polarization from Vertical to Horizontal on frequencies 3750, 3830, and from Horizontal to Vertical on 3770, 3850, 3930, 4010, 4090, and 4170 MHz toward Minneapolis, Kansas on azimuth 217°27'.

1392–CF–P–76, Same (KAO46), 6.5 miles West of Minneapolis, Kansas. Lat. 39°06'39" N., Long. 97°49'07" W. C.P. to change polarization from Vertical to Horizontal on frequencies 3710, 3790, and from Horizontal to Vertical on 3730, 3810, 3890, 3970, 4050, and 4130 MHz toward Aurora, Kansas on azimuth 37°16'.

1393–CF–P–76, Same (KTF90), 1 mile NE of Dermott, Texas. Lat. 32°58'01" N., Long. 100°54'23" W. C.P. to change polarization from Horizontal to Vertical on frequencies 3710, 4110, and from Vertical to Horizontal on 3730, 3810, 3890, 3970, 4050, and 4130 MHz toward Post, Texas on azimuth 305°59'.

1394–CF–P–76, Same (KTF89), 4.5 miles East of Post, Texas Lat. 33°11'55" N. Long. 101°17'23" W. C.P. to change polarization from Vertical to Horizontal on frequencies 3770, 3850, 3930, 4010, 4090, and 4170 MHz toward Dermott, Texas on azimuth 125°47'.

1395–CF–P–76, Same (KLS90), 9 miles WNW of Graford, Texas. Lat. 32°59'25" N. Long. 98°23'24" W. C.P. to change polarization from Horizontal to Vertical on frequencies 3710, 3790, 3870, 4030, 4110, and from Vertical to Horizontal on 3730, 3810, 3890, 3970, 4050, and 4130 MHz toward Perrin, Texas on azimuth 84°37'.

1396–CF–P–76, Same (KLS89), 5.5 miles ESE of Perrin, Texas. Lat 33°01'21" N. Long. 97°58'32" W. C P. to change polarization from Horizontal to Vertical on frequencies 3750, 3830, 3910, 3990, 4070, 4150, and from Vertical to Horizontal on 3770, 3850, 3930, 4010, 4090, and 4170 MHz toward Graford, Texas on azimuth 264°50'.

1397–CF–P–76, Same (KPV21), C.P. to install an amplifier at the passive repeater at 111 West Monroe Street, Phoenix, Arizona. Lat. 33°27'00" N. Long. 112°04'30" W. Frequencies 3750H, 3770V, 3830H, 3850V, 3910H, 3930V, 3990H, 4010V, 4070H, 4090V, 4150H, 4170V, and 4190H MHz on azimuth 64.5°.

1400–CF–P–76, The Rye Telephone Company, Inc. (New), Beckwith Drive at Valverde Circle, Colorado City, Colorado. Lat. 37°56'42" N. Long. 104°50'17" W. C. P. for a new station on frequency 2128V MHz towards Colorado City, passive reflector on azimuth 266.1°, and from passive reflector to Greenhorn, Colorado on azimuth 119.4°.

1401–CF–P–76, Idaho Telephone Company (New), Pharmacy Hill, 0.6 mile NW of Jordan Valley, Oregon. Lat. 42°58'55" N. Long 117°03'43" W. C.P. for a new station on frequency 2118.4V MHz towards a new station at War Eagle Mountain, Idaho on azimuth 84.4°.

1402–CF–P–76, Same (New), War Eagle Mountain, 1.6 miles SE of Silver City, Idaho. Lat. 43°00'25" N. Long. 116°42'14" W. C.P. for a new station on frequencies 2168.4V MHz towards a new station at Pharmacy Hill, Arizona on azimuth 264.7°, and 2178.0H MHz towards Boise, Idaho on azimuth 31.0°.

1414–CF–P–76, Southwestern Bell Telephone Company (KLV29), Amarillo Junction, 10th and Jackson Streets, Amarillo, Texas. Lat. 35°13'25" N. Long. 101°50'21" W. C.P. to add freqs. 5960.0V, 6078.6V MHz towards John Ray, Texas on azimuth 350.8°; change freq. 5989.6V to 5989.7H MHz and change polarization from V to H on 6108.3 MHz towards John Ray; replace transmitters on 5989.7V, 6049.0H, 6108.3H, and 6167.6H MHz, add and replace antenna towards John Ray.

1415–CF–P–76, Same (KLV30), John Ray, 24 miles North of Amarillo, Texas. Lat. 35°-33'53" N. Long. 101°54'25" W. C.P. to add freqs. 6212.0H, 6330.7H MHz towards Amarillo Junction, Texas on azimuth 170.7°; 6360.3V MHz towards Sanford, Texas on azimuth 75.6°; 6286.2V MHz towards Dumas, Texas on azimuth 349.3°; change freq. 6360.4V to 6360.3V MHz and polarity from Horizontal to Vertical on 6301.0 and 6419.6 MHz toward Amarillo Junction; replace transmitters on 6241.7V, 6360.3V, 6301.0V, and 6419.6V MHz, add and replace antennas toward Amarillo Junction.

1416–CF–P–76, Same (WAY31), 142' SW of 9th and Porter Streets, Dumas, Texas. Lat. 35°51'22" N. Long. 101°58'29" W. C.P. to add frequency 6034.2H MHz toward John Ray, Texas on azimuth 169.2°.

1417–CF–P–76, Same (KLV34), 4.5 miles SE of Sanford, Texas. Lat. 35°39'16" N. Long. 101°28'31" W. C.P. to increase antenna structure height and add frequencies 6108.3V MHz toward John Ray, Texas on azimuth 255.9°, and 6078.6H MHz toward Borger, Texas on azimuth 74.1°.

1418–CF–P–76, Same (KLV31), SW Corner of Brain and 9th Streets, Borger, Texas. Lat. 35°40'31" N. Long. 101°23'07" W. C.P. to add frequency 6330.7H MHz toward Sanford, Texas on azimuth 254.2°.

1427–CF–P–76, RCA Alaska Communications, Inc. (WAS451), Pump Station No. 6, Yukon River Valley, 90 miles NW of Fairbanks, Alaska. Lat. 65°51'16" N. Long. 149°44'05" W. C.P. to replace transmitters and increase power output for frequency 2112.4V MHz toward Hamlin, Alaska on azimuth 304.7°.

1428–CF–P–76, Same (KFJ63), Hamlin, 3911, 128 miles NW of Fairbanks, Alaska. Lat. 66°08'33" N. Long. 150°46'24" W. C.P. to replace transmitters and increase power output for frequencies 2162.4V MHz toward Pump Station No. 6, Alaska on azimuth 123.7°, and 2174.8V MHz toward West, Alaska on azimuth 133.6°.

1430–CF–P–76, New York Telephone Company (KEH95), Developmental. Any fixed location within the territory of the Grantee. C.P. to delete (4) RCA, TVT–1A, and (4) RCA, TVT–3B transmitters, increase power output power and add (5) Farinon, FV6P–01 and (8) Farinon, FV11P–01 transmitters.

1426–CF–P–76, Southwestern Bell Telephone Company (KKB26), 1.6 miles NNW of Silsbee, Texas. Lat. 30°22'37" N. Long. 94°12'-02" W. C.P. to add 4090V MHz toward Beaumont, Texas, on azimuth 163.2°.

1429–CF–P–76, Hi-Desert Microwave, Inc. (KPN78), Pine Mountain, 5.0 miles of Millican, Oregon. Lat. 43°48'36" N. Long. 120°52'36" W. C.P. to change frequencies to 5930.0V MHz, 6019.3V MHz, 6078.6V MHz, and 6137.9V MHz toward Glass Butte, Oregon, on azimuth 113.0°.

Major amendment

1202–CF–P–76, Microwave Transmission Corporation (WQR44), application amended to change frequencies to 11305H MHz and 11385H MHz toward Williams Hill, California. Station Location: Escrito, California. Lat. 36°24'22" N. Long. 121°29'26" W. All other particulars remain same as reported by public notice dated November 10, 1975.

[FR Doc.76–518 Filed 1–7–76;8:45 am]

FM BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to section 1.573(d) of the Commission's rules, that on February 2, 1976, the FM broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to section 1.227(b)(1) and section 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on January 30, 1976, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on January 30, 1976. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and

applications appearing in previous notices published pursuant to § 1.573(d) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending FM broadcast applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: December 12, 1975.

Released: December 18, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS, *Secretary.*

APPENDIX

BPH-8677 New, Nampa, Idaho.
Nampa Broadcasting Co.
Req: 96.9 MHz; Channel No. 245C.
ERP: 44 kW; HAAT: 2503 ft.

BPH-9370 New, Walla Walla, Wash.
Stl. Inc.
Req: 97.1 MHz; Channel No. 246C.
ERP: 50 kW; HAAT: 1330 ft.

BPH-9412 New, Port Sulphurs, La.
River Bend Broadcasting Company, Inc.
Req: 106.7 MHz; Channel No. 294C.
ERP: 100 kW; HAAT: 442 ft.

BPH-9438 New, Liberty, Ky.
Carlos Wesley TR/AS Radio Station WKDO.
Req: 105.5 MHz; Channel No. 288A.
ERP: 3 kW; HAAT: 204 ft.

BPH-9475 New, Melbourne, Fla.
First Baptist Church of Melbourne, Fla.
Req: 106.3 MHz; Channel No. 292A.
ERP: 3 kW; HAAT: 212 ft.

BPH-9476 New, Sullivan, Ind.
Radio Sullivan.
Req: 95.3 MHz; Channel No. 237A.
ERP: 3 kW; HAAT: 300 ft.

BPH-9536 New, Hollister, Calif.
Vernon Miller.
Req: 93.5 MHz; Channel No. 228A.
ERP: 3 kW; HAAT: −216 ft.

BPH-9542 New, Shafter, Calif.
Combined Communications Broadcast Group.
Req: 97.7 MHz; Channel No. 249A.
ERP: 3 kW; HAAT: 300 ft.
(Allocated to Wasco, Calif.)

BPH-9549 New, Anchorage, Alaska.
Christian Voice of Alaska.
Req: 100.5 MHz; Channel No. 263C.
ERP: 25 kW; HAAT: 307.5 ft.

BPH-9651 New, Batesville, Ind.
Batesville Broadcasting Co.
Req: 103.9 MHz; Channel No. 280A.
ERP: 3 kW; HAAT: 300 ft.

BPH-9561 New, Jensen Beach, Fla.
HLG, Inc.
Req: 107.1 MHz; Channel No. 296A.
ERP: 3 kW; HAAT: 300 ft.

BPH-9563 New, Tuscaloosa, Ala.
Radio South, Inc.
Req: 92.7 MHz; Channel No. 224A.
ERP: 1.26 kW; HAAT: 430 ft.

BPH-9564 New, Weatherford, Okla.
KWEY, Inc.
Req: 97.3 MHz; Channel No. 247C.
ERP: 69.4 kW; HAAT: 383 ft.

BPH-9568 New, Dodge City, Kans.
Cattle Country Broadcasting.
Req: 93.9 MHz: Channel No. 230C.
ERP: 59.5 kW; HAAT: 313 ft.

BPH-9569 New, Ridgecrest, Calif.
Space/Time Broadcasting Co.
Req: 92.7 MHz; Channel No. 224A.
ERP: 3 kW; HAAT: 120 ft.

BPH-9570 New, Seward, Nebr.
Tricounty Broadcasting Co.
Req: 96.9 MHz; Channel No. 245C.
ERP: 100 kW; HAAT: 610 ft.

BPH-9571 KXOA, Sacramento, Calif.
KXOA-FM, Inc.
Has: 107.9 MHz; Channel No. 300B.
ERP: 49 kW; HAAT: 140 ft. (Lic.).
Req: 107.9 MHz; Channel No. 300B.
ERP: 27.4 kW; HAAT: 418 ft.

BPH-9573 WIVK-FM, Knoxville, Tenn.
Dick Broadcasting Co., Inc. of Tennessee
Has: 107.7 MHz; Channel No. 299C.
ERP: 100 kW; HAAT: 390 ft. (Lic.).
Req: 107.7 MHz; Channel No. 299C.
ERP: 100 kW; HAAT: 1000 ft.

BPH-9574 WFAW-FM, Fort Atkinson, Wis.
Goetz Broadcasting Corp.
Has: 107.3 MHz; Channel No. 297B.
ERP: 50 kW; HAAT: 210 ft. (Lic.).
Req: 107.3 MHz; Channel No. 297B.
ERP: 50 kW; HAAT: 500 ft.

BPH-9576 New, Sheridan, Wyo.
Sheridan Communications Co.
Req: 94.9 MHz; Channel No. 235C.
ERP: 25 kW; HAAT: 44 ft.

BPH-9577 New, Montrose, Colo.
Woodland Broadcasting Co.
Req: 94.1 MHz; Channel No. 231C.
ERP: 32 kW; HAAT: 1754 ft.

BPH-9578 New, Germantown, Tenn.
OMNI Broadcasting.
Req: 94.3 MHz; Channel No. 232A.
ERP: 3 kW; HAAT: 300 ft.

BPH-9579 WBZA-FM, Glens Falls, N.Y.
Pathfinder Communications Corp.
Has: 107.1 MHz; Channel No. 296A.
ERP: 3 kW; HAAT: −14 ft. (Lic.).
Req: 107.1 MHz; Channel No. 296A.
ERP: .275 kW; HAAT: 840 ft.

BPH-9580 New, Many, La.
WLV-TV, Inc.
Req: 107.1 MHz; Channel No. 296A.
ERP: 3 kW; HAAT: 300.6 ft.

BPH-9582 New, Altoona, Pa.
Altoona Trans-Audio Corp., Inc.
Req: 104.9 MHz; Channel No. 285A.
ERP: .234 kW; HAAT: 889 ft.

BPH-9583 New, Naples, Fla.
Sterling Communications Corp.
Req: 92.1 MHz; Channel No. 221A.
ERP: 4 kW; HAAT: 300 ft.

BPH-9586 WNHV-FM, White River Junction, Vt.
New Hampshire - Vermont Broadcasting Corp.
Has: 95.3 MHz; Channel No. 237A.
ERP: 3 kW; HAAT: −77 ft. (Lic.).
Req: 95.3 MHz; Channel No. 237A.
ERP: 3 kW; HAAT: 245 ft.

BPH-9587 New, Springfield, Ill.
Group 76, Inc.
Req: 98.7 MHz; Channel No. 254B.
ERP: 50 kW; HAAT: 500 ft.

BPH-9588 KPWD, Plentywood, Mont.
BCT Broadcasting, Inc.
Has: 100.1 MHz; Channel No. 261A.
ERP: .88 kW; HAAT: 34 ft. (Lic.).
Req: 100.1 MHz; Channel No. 261A.
ERP: 3 kW; HAAT: 34 ft.

BPH-9589 New, Valdosta, Ga.
EV-CO Broadcasters, Inc.
Req: 95.9 MHz; Channel No. 240A.
ERP: 3 kW; HAAT: 300 ft.

BPH-9590 New, Starke, Fla.
Sanders Enterprises, Inc.
Req: 106.3 MHz; Channel No. 292A.
ERP: 3 kW; HAAT: 120.2 ft.

BPH-9593 New, Mandan, N. Dak.
Central Dakota Enterprises, Inc.
Req: 104.9 MHz; Channel No. 285A.
ERP: 3 kW; HAAT: 287 ft.

BPH-9594 New, Sparks, Nev.
Pendor Communications.
Req: 98.3 MHz; Channel No. 252A.
ERP: 1 kW; HAAT: 434 ft.

BPH-9602 New, Meredith, N.H.
Lakes Region Broadcasting, Inc.
Req: 105.3 MHz; Channel No. 287C.
ERP: 91 kW; HAAT: 2050 ft.
(Allocated to Plymouth, N.H.)

BPH-9603 New, Lampasas, Tex.
Lampasas Broadcasting Co.
Req: 99.3 MHz; Channel No. 257A.
ERP: 3 kW; HAAT: 178 ft.

BPH-9609 New, Jackson, Ky.
Intermountain Broadcasting Co., Inc.
Req: 97.7 MHz; Channel No. 249A.
ERP: .580 kW; HAAT: 608 ft.

BPH-9614 WOFM, Greenville, Tenn.
Radio Greenville, Inc.
Has: 94.9 MHz; Channel No. 235C.
ERP: 26.5 kW; HAAT: 245 ft. (Lic.).
Req: 94.9 MHz; Channel No. 235C.
ERP: 100 kW; HAAT: 315 ft.

BPH-9618 New, Riverton, Wyo.
Riverton Broadcasting Co., Inc.
Req: 93.5 MHz; Channel No. 228A.
ERP: 3 kW; HAAT: 278 ft.

BPH-9619 New, Kenai, Alaska.
KSRM, Inc.
Req: 100.1 MHz; Channel No. 261A.
ERP: 3 kW; HAAT: 193.7 ft.

BPH-9624 New, Prattville, Ala.
Fountain City Broadcasting Corp.
Req: 95.3 MHz; Channel No. 237A.

BPH–9625 New, Eldon, Mo.
Triple K Broadcasting, Inc.
Req: 92.7 MHz; Channel No. 224A.
ERP: 2.44 kW; HAAT: 303.5 ft.

BPH–9632 New, Springfield, Ill.
Midwest Broadcasting Co.
Req: 98.7 MHz; Channel No. 254B.
ERP: 50 kW; HAAT: 500 ft.

BPH–9634 New, Beaverton, Oreg.
Columbia Willamette Broadcasting Co.
Req: 103.3 MHz; Channel No. 277C.
ERP: 100 kW; HAAT: 940 ft.
(Allocated to Portland, Oreg.)

BPH–9636 New, Aberdeen, S. Dak.
Aberdeen Broadcasting Co.
Req: 94.1 MHz; Channel No. 231C.
ERP: 100 kW; HAAT: 211 ft.

BPH–9638 New, Springfield, Ill.
Lincoln-Douglas Communications.
Req: 98.7 MHz; Channel No. 254B.
ERP: 50 kW; HAAT: 500 ft.

BPH–9639 New, Bardstown, Ky.
Old Kentucky Home Broadcasting, Inc.
Req: 96.7 MHz; Channel No. 244A.
ERP: 3 kW; HAAT: 232 ft.

BPH–9640 New, Plainwell, Mich.
Robert B. Taylor.
Req: 100.9 MHz; Channel No. 265A.
ERP: 3 kW; HAAT: 300 ft.
(Allocated to Otsego, Mich.)

BPH–9642 New, Warrenton, Va.
Goldcup Broadcasting, Inc.
Req: 94.3 MHz; Channel No. 232A.
ERP: 3 kW; HAAT: 300 ft.

BPH–9648 New, Alexandria, La.
United Communications, Inc.
Req: 93.1 MHz; Channel No. 226C.
ERP: 99.7 kW; HAAT: 806 ft.

BPH–9649 New, Sonora, Tex.
Sonora Broadcasting Co., Inc.
Req: 92.1 MHz; Channel No. 221A.
ERP: 3 kW; HAAT: 28 ft.

BPH–9650 New, Morton, Ill.
Morton-Washington Broadcasting Co.
Req: 102.3 MHz; Channel No. 272A.
ERP: 3 kW; HAAT: 300 ft.

BPH–9657 KJLH, Compton, Calif.
John Lamar Hill.
Has: 102.3 MHz; Channel No. 272A.
ERP: 3 kW; HAAT: 300 ft. (Lic.).
Req: 102.3 MHz; Channel No. 272A.
ERP: 3 kW; HAAT: 300 ft.

BPH–9658 New, Marlin, Tex.
The Midwestern Broadcasting Corp.
Req: 96.7 MHz; Channel No. 244A.
ERP: 1.25 kW; HAAT: 200 ft.

BPH–9663 New, Lake City, S.C.
Coastline Broadcasting Co., Inc.
Req: 100.1 MHz; Channel No. 261A.
ERP: 3 kW; HAAT: 196 ft.

BPH–9664 New, Missoula, Mont.
Rex K. Jensen.
Req: 93.3 MHz; Channel No. 227C.
ERP: 45 kW; HAAT: 2,480 ft.

BPH–9667 New, Cheraw, S.C.
Cheraw Broadcasting Co., Inc.
Req: 103.1 MHz; Channel No. 276A.
ERP: 3 kW; HAAT: 300 ft.

BMPH–14557 KDOM–FM, Windom, Minn.
Schneider Broadcasting.
Has: 94.3 MHz; Channel No. 232A.
ERP: 3 kW; HAAT: 95 ft. (CP).
Req: 94.3 MHz; Channel No. 232A.
ERP: 2.85 kW; HAAT: 310 ft.

BMPH–14558 KFAT, Gilroy, Calif.
Entertainment Radio Inc.
Has: 94.3 MHz; Channel No. 232A.
ERP: .09 kW; HAAT: 1350 ft. (Lic.).
Has: 94.5 MHz; Channel No. 233B.
ERP: 4.5 kW; HAAT: 1320 ft. (CP.).
Req: 94.5 MHz; Channel No. 233B.
ERP: .800 kW; HAAT: 2578 ft.

BMPH–14583 KSUE–FM Susanville, Calif.
Radio Lassen.
Has: 92.7 MHz; Channel No. 224A.
ERP: 2.75 kW; HAAT: —750 ft. (CP.).
Req: 92.7 MHz; Channel No. 224A.
ERP: .160 kW; HAAT: 1050 ft.

BMPH–14600 KCHI–FM Chillicothe, Mo.
Rontedick, Inc.
Has: 103.9 MHz; Channel No. 280A.
ERP: 1.85 kW; HAAT: 160 ft. (CP.).
Req: 103.9 MHz; Channel No. 280A.
ERP: 1.55 kW; HAAT: 400 ft.

BMPH–14602 KJNA Jena, La.
LaSalle Broadcasters.
Has: 99.3 MHz; Channel No. 257A.
ERP: 3 kW; HAAT: 73 ft. (CP.).
Req: 99.3 MHz; Channel No. 257A.
ERP: 3 kW; HAAT: 300 ft.

BPED–1748 New, St. Louis, Mo.
Double Helix Corp.
Req: 88.1 MHz; Channel No. 201C.
ERP: 50 kW; HAAT: 980 ft. (mutually exclusive with renewal of KHRU, Clayton, Mo.).

BPED–1961 New, Chicago, Ill.
Illinois Institute of Technology.
Req: 88.9 MHz; Channel No. 205D.
TPO: .01 kW; HAAT.

BPED–2007 WNAZ–FM Nashville, Tenn.
Trevecca Nazarene College, Inc.
Has: 88.9 MHz; Channel No. 205D.
TPO: .01 kW; HAAT: ft. (lic.).
REQ: 89.1 MHz; Channel No. 206A.
ERP: 1 kW; HAAT: 145.6 ft.

BPED–2015 WFAM Jacksonville, Fla.
Jones College.
Has: 91.1 MHz; Channel No. 216D.
ERP: .037 kW; HAAT: 460 ft. (lic.).
Req: 91.1 MHz; Channel No. 216A.
ERP: 925 kW; HAAT: 463 ft.

BPED–2033 New, Holliston, Mass.
Holliston High School.
Req: 91.5 MHz; Channel No. 218D.
TPO: .01 kW; HAAT.

BPED–2034 New, San Jose, Calif.
San Jose Unified School District.
Req: 89.3 MHz; Channel No. 207D.
TPO: .01 kW; HAAT.

BPED–2038 New, Novi, Mich.
Board of Education Novi Community School District.
Req: 89.5 MHz; Channel No. 208D.
TPO: .01 kW; HAAT.

BPED–2062 WNUB–FM Northfield, Vt.
The Trustees of the Norwich University.
Has: 89.1 MHz; Channel No. 206D.
TPO: .01 kW; HAAT.
Req: 89.5 MHz; Channel No. 208D.
TPO: .01 kW; HAAT.

BPED–2070 New, Memphis, Tenn.
Memphis State University.
Req: 89.9 MHz; Channel No. 210D.
TPO: .01 kW; HAAT.

BPED–2072 New, Fort Wayne, Ind.
The Fort Wayne Luthern Assn.
Req: 88.3 MHz; Channel No. 202D.
TPO: .01 kW; HAAT.

BPED–2073 New, Ethete, Wyo.
The Wind River Indian Education Association.
Req: 89.7 MHz; Channel No. 209D.
TPO: .01 kW; HAAT.

BPED–2074 New, West Des Moines, Iowa.
W. Des Moines Community School District.
Req: 88.9 MHz; Channel No. 205D.
TPO: .01 kW; HAAT.

BPED–2082 KTXT–FM Lubbock, Tex.
Texas Tech University.
Has: 91.9 MHz; Channel No. 220D.
TPO: .01 kW; HAAT: ft. (Lic.).
Req: 88.1 MHz; Channel No. 201C.
ERP: 18.5 kW; HAAT: 341 ft.

BPED–2086 New Marshall, Tex.
Wiley College.
Req: 91.1 MHz; Channel No. 216D.
TPO: .01 kW; HAAT.

BPED–2087 New, Bellaire, Ohio.
Board of Education of the Bellaire City Schools.
Req: 88.7 MHz; Channel No. 204D.
TPO: .01 kW; HAAT.

BPED–2089 New, Erockton, Mass.
Massasoit Community College.
Req: 90.5 MHz; Channel No. 213D.
TPO: .01 kW; HAAT.

BPED–2091 New, Poughkeepsie, N.Y.
Vassar College.
Req: 91.3 MHz; Channel No. 217D.
TPO: .01 kW; HAAT.

BPED–2093 New, Kettering, Ohio.
Broadcast Workshop, Inc.
Req: 88.7 MHz; Channel No. 204D.
TPO: .01 kW; HAAT.

BPED–2094 New, Dayton, Ohio.
Wright State University.
Req: 88.5 MHz; Channel No. 203D.
TPO: .01 kW; HAAT.

BPED–2095 New, West Chester, Ohio.
Lakota Local School District.
Req: 89.9 MHz; Channel No. 210D.
TPO: .01 kW; HAAT.

BPED–2097 New, Cullowhee, N.C.
Western Carolina University.
Req: 91.7 MHz; Channel No. 219D.
TPO: .01 kW; HAAT.

BPED–2099 WSMH–FM Lancaster, N.Y.
St. Mary's High School.
Has: 91.3 MHz; Channel No. 217D.
TPO: .01 kW; HAAT.
Req. 89.9 MHz; Channel No. 210D.
TPO: .01 kW; HAAT.

BPED–2101 New, Albuquerque, N. Mex.
Christian Broadcasting Academy, Inc.
Req: 88.3 MHz; Channel No. 202C.
ERP: 3.36 kW; HAAT: −397 ft.

BPED–2102 New, Tallahassee, Fla.
Florida A. & M. University.
Req: 90.5 MHz; Channel No. 213D.
TPO: .01 kW; HAAT.

BPED–2104 New, Chesterton, Ind.
Duneland School Corp.
Req: 89.1 MHz; Channel No. 206D.
TPO: .01 kW; HAAT.

BPED–2107 WCWM, Williamsburg, Va.
The College of William & Mary in Virginia.
Has: 89.1 MHz; Channel No. 206A.
ERP: .077 kW; HAAT; 125 ft. (Lic.).
Req: 89.1 MHz; Channel No. 206A.
ERP: 1.59 kW; HAAT: 127 ft.

BPED–2108 New, Tacoma, Wash.
University of Puget Sound.
Req: 90.1 MHz; Channel No. 211D.
TPO: .01 kW; HAAT.

BPED–2110 New, Cottage Grove, Minn.
Independent School District No. 833.
Req: 88.1 MHz; Channel No. 201D.
TPO: .01 kW; HAAT.

BPED–2117 New, San Antonio, Tex.
Yanaguana Radio Station Inc.
Req: 89.1 MHz; Channel No. 206C.
ERP: 78.3 kW; HAAT: 421.5 ft.

BPED–2119 New, Austin, Tex.
Austin Community Radio.
Req: 88.7 MHz; Channel No. 204C.
ERP: .13 kW; HAAT: 1118 ft.

BMPED–1209 KUHF, Houston, Tex.
University of Houston.
Has: 88.7 MHz; Channel No. 204C.
ERP: 12 kW; HAAT: 110 ft. (Lic.).
Has: 88.7 MHz; Channel No. 204C.
ERP: 20 kW; HAAT: 110 ft. (CP).
Req: 88.7 MHz; Channel No. 204C.
ERP: 27 kW; HAAT: 967 ft.

BMPED–1311 WRCJ, Reading, Ohio.
Reading Community City Schools.
Has: 89.3 MHz; Channel No. 207D.
TPO: .01 kW; HAAT.
Has: 89.3 MHz; Channel No. 207A.
ERP: 2 kW; HAAT: 135 ft. (CP).
Req: 89.3 MHz; Channel No. 207A.
ERP: .333 kW; HAAT: 125 ft.

BMPED–1330 WLYX, Memphis, Tenn.
Southwestern at Memphis.
Has: 89.3 MHz; Channel No. 207A.
ERP: 1.1 kW; HAAT: 150 ft. (Lic.).
Has: 89.3 MHz; Channel No. 207A.
ERP: 2.75 kW; HAAT: 195 ft. (CP).
Req: 89.3 MHz; Channel No. 207A.
ERP: 37.2 kW; HAAT: 182 ft.

BMLED–99 WHLA, Lacrosse, Wis.
State of Wisconsin—Educational Communications Board.
Has: 90.3 MHz; Channel No. 212C.
ERP: 57 kW; HAAT: 1010 ft. (Lic.). (Holmen, Wis.)
Req: 90.3 MHz; Channel No. 212C.
ERP: 57 kW; HAAT: 1010 ft. (Lacrosse, Wis.)

BMLED–100 WHWC, Menomonie, Wis.
State of Wisconsin—Educational Communications Board.
Has: 88.3 MHz; Channel No. 202C.
ERP: 10 kW; HAAT: 1050 ft. (Lic.).
(Colfax, Wis.)
Req: 88.3 MHz; Channel No. 202C.
ERP: 10 kW; HAAT: 1050 ft. (Menomonie, Wis.)

[FR Doc.76–379 Filed 1–7–76;8:45 am]

[Docket No. 20657; CSC–125; (KS0037); FCC 75–1372]

IOLA CABLE TV, INC.

Order To Show Cause

1. Mid-Continent Telecasting, Inc., licensee of Station KOAM–TV (NBC, Channel 7), Pittsburg, Kansas, filed the above-captioned petition requesting the Commission to order Iola Cable TV, Inc., Iola, Kansas, operator of a cable television system at Iola, Kansas, to show cause why Iola Cable should not be directed to cease and desist from violating the Commission's Rules. Specifically, KOAM–TV alleges that the Iola cable system is in violation of §§ 76.92 and 76.94 of the Commission's Rules by failing to provide KOAM–TV with network program nonduplication protection vis-a-vis the signal of Station WDAF–TV (NBC, Channel 4), Kansas City, Missouri. The petition is unopposed.[1]

2. In support of the petition, KOAM–TV asserts that: (a) Iola, Kansas, is located within 55 miles of Pittsburg, Kansas, KOAM–TV's city of license, which is part of the Pittsburg, Kansas-Joplin, Missouri smaller television market, and as a smaller market television station, KOAM–TV is entitled to network program nonduplication protection vis-a-vis the signal of WDAF–TV which is licensed to Kansas City, Missouri, a major television market located more than 55 miles from Iola; (b) KOAM–TV has consistently requested network program nonduplication protection on the Iola system in accordance with Section 76.94 of the Rules[2] but Iola Cable has refused to provide the requested protection. In this regard KOAM–TV asserts that on June 25, 1975 Mr. Lou Martin, Vice President of programming for KOAM–TV received a call from Mr. Robert Livingston, District Manager for Iola Cable, at which time Mr. Livingston allegedly informed KOAM–TV that it was not receiving nonduplication protection, and would not receive such protection until it was determined that KOAM–TV was entitled to such protection; and (c) Iola Cable with approximately 3,820 subscribers is an important element in the Pittsburg-Joplin smaller television market, and because of Iola Cable's undisputed disregard for the Commission's Rules an order to show cause should issue.

3. We note that General Communications, parent company of Iola Cable is aware of the fact tht KOAM–TV has filed the instant request for order to show cause but has failed to file a responsive pleading. Therefore, in light of the allegations and documents submitted by KOAM–TV to demonstrate compliance with the requirements of Sections 76.92 and 76.94 of the Commission's Rules, and Iola Cable's lack of response to these allegations in addition to its apparent failure to provide KOAM–TV with the requested protection, we believe an order to show cause should issue.

Accordingly, it is ordered, That pursuant to Section 312(b) and (c) of the Communications Act of 1934, as amended, 47 U.S.C. 312(b) and (c), Iola Cable TV, Inc., is directed to show cause why it should not be ordered to cease and desist from further violations of Section 76.92 et seq. of the Commission's Rules and Regulations on its cable television system at Iola, Kansas.

It is further ordered, That Iola Cable TV, Inc., is directed to appear and give evidence with respect to the matters described above at a hearing to be held at Washington, D.C. at a time and place and before an Administrative Law Judge to be specified by subsequent order, unless the hearing is waived, in which event a written statement may be submitted.

It is further ordered, That Mid-Continent Telecasting, Inc., and the Chief, Cable Television Bureau, are made parties to this proceeding.

It is further ordered, That the Secretary of the Federal Communications

[1] On September 8, 1975, General Communications, Inc., parent company of Iola Cable TV, Inc., by its counsel filed a "Motion for Extension of Time" within which to respond to KOAM–TV's petition. General Communications asserted that "discussions have been initiated between the parties relating to the subject matter of the above-captioned pleading and may moot the issue in controversy." Additionally, General Communications indicated that counsel for KOAM–TV had consented to the requested extension of time. Similarly, on October 1, 1975, General Communications requested a further extension of time until November 1, 1975, based on the same grounds, and again indicating the consent to the request by KOAM–TV's counsel. Both requests for extension of time were unopposed. No further communications have been received from General Communications and the time for filing responsive pleadings in this matter has since passed.

[2] A copy of one such notice has been submitted with the petition.

Commission shall send copies of this Order by certified mail to Iola Cable TV, Inc.

Adopted: December 16, 1975.

Released: December 31, 1975.

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

[FR Doc.76-513 Filed 1-7-76;8:45 am]

[Docket No. 20658; File No. BP-19759; FCC 75-1375]

MONTEREY BROADCASTING CO.

Application for Construction Permit

Commissioner Hooks concurring in the result.

1. The Commission has before it the above-captioned application to provide new standard broadcast service to Monterey, Tennessee, filed by Monterey Broadcastnig Company [MBC], Monterey, Tennessee. Also before the Commission are a petition to deny, filed by WHUB, Inc. [WHUB], licensee of stations WHUB and WHUB-FM, Cookeville, Tennessee, and related pleadings in opposition and reply thereto.

2. The petitioner is the licensee of two broadcast stations located in Cookeville, Tennessee, some 16 miles from Monterey, the proposed community of license of the MBC facility. As a grant of the application would result in direct competition between the applicant and petitioner for audience and revenue, WHUB has demonstrated the requisite standing under section 309(d)(1) of the Communications Act of 1934, as amended, and section 1.580 (i) of the rules. *Sanders Brothers Radio Station* v. *Federal Communications Commission*, 309 U.S. 470, 9 RR 2008 (1940).

3. The petition challenges the MBC application on several bases: that the application involves prohibited overlap with the petitioner's second adjacent channel operation; that the application is not substantially complete; that the applicant is not financially qualified; and that the application is but one of a series of substantially identical proposals tendered by or on behalf of the applicant.[1] Each of these alleged deficiencies will be discussed below.

4. WHUB asserts that the proposed operation would result in overlap of the 2 mV/m and 25 mV/m contours of the MBC facility and WHUB, to the extent of 0.17 miles, computed in accordance with FCC Figure M-3. In addition, the petitioner submits that the proposal would cause objectionable interference to the normally protected service area of WHUB. The applicant contends that no overlap of the pertinent contours would obtain from operation as proposed, nor would its facility cause interference to WHUB as alleged. Each party has supported its claims with corresponding engineering documentation.

5. Our analysis reveals that there is no 2 mV/m and 25 mV/m overlap as regards MBC and WHUB. Using FCC Figure M-3 conductivities, the respective contours are tangent. In addition, to rebut petitioner's assertions, the applicant has submitted actual field intensity measurements made on WHUB's operation which clearly establish that there would be no 2 mV/m and 25 mV/m overlap in either direction, and further, that the application is in full compliance with the overlap criteria of section 73.37(a) of the rules.

6. The petitioner argues that these actual measurements submitted by MBC should not be allowed, as the only available measurements were made on WHUB, while none were made from the proposed site. In effect, WHUB proposes to apply the same criteria to both the existing and proposed operations as the only manner by which to arrive at a "valid comparison." However, as noted by the applicant, section 73.153 of the rules states that "* * * groundwave field intensity measurements will take precedence over theoretical values." Therefore, the applicant's measurement data on WHUB must be used to establish the extent of the pertinent WHUB contours, and FCC Figure M-3 conductivity values, in the absence of actual measurements, must be used to establish the extent of the pertinent contours of the proposed station. As noted, these data document that no overlap of the 2 mV/m and 25 mV/m contours will obtain from operation of the applicant's facility as proposed.

7. As to the petitioner's allegations that the proposal would cause objectionable interference within the normally protected service area of WHUB, the petition advances such claims based on reliance upon superseded rules. Instead of relying upon a demnostration of 2 mV/m and 25 mV/m contour overlap, which is the present standard for determination of whether two second adjacent channel operations are too closely spaced in a geographic sense, WHUB cites now-defunct rules, adopted in 1939, which provided for a 1:10 ratio (and later a 1:30 ratio) for determining second adjacent channel interference within a station's 0.5 mV/m contour. Utilizing these former criteria, there would be interference to WHUB. However, the last of these criteria—the 1:30 ratio—was eliminated in 1964. *AM Station Assignment Standards (Docket 15084)*, 45 FCC 1515, 2 RR 2d 1658 (1964). At that time, we concluded that the 1:30 ratio should be abolished and noted that:

> * * * [T]he new prohibitive overlap rules should be based only on prohibitive overlap of 2 mV/m and 25 mV/m contours for second adjacent channel stations * * * [W]e do not feel that elimination of the 1:30 ratio will result in any substantial loss of service to the public.

Id. at 1525, 2 RR 2d at 1669. Thus, second adjacent channel stations are not protected from interference per se.

8. By way of explanation, when the 2 mV/m and 25 mV/m proscription was initially adopted in Docket 8089, 12 FR 3893 (1947), three reasons were given for the promulgation of the rule: poor selectivity of receivers, avoidance of external cross-modulation, and avoidance of internal cross-modulation. At that time, the 1:30 ratio was also in existence, and the 2 mV/m and the 25 mV/m overlap prohibition was instituted solely to prevent the anomalous occurrence of two second adjacent channel stations occupying the same site, not in violation of the 1:30 ratio. For this single reason, the overlay proscription and the 1:30 ratio ran in tandem until 1964, at which time the latter was abolished. The effect of this action was to eliminate the concept of interference caused to second adjacent channel stations and, as a result, the normally protected 0.5 mV/m contour was no longer protected from such interference.

9. The remaining basis for the prohibition of 2 mV/m and 25 mV/m overlap—avoidance of cross-modulation—does not result, when it occurs, in interference to either of the two stations involved, but rather results in interference at the sum and difference of the frequencies of the stations. As there is no overlap of these pertinent contours, no interference results. Even if it did occur, however, it would not be interference to WHUB's frequency, but interference of the sum and difference frequencies.

10. The petitioner cites the language of section 73.182(w) which states that "as a practical matter, serious interference problems may arise when two or more stations with the same general service area are operated on channels 10, 20, and 30 kilohertz apart. [Emphasis added]." WHUB proceeds from this acknowledgment of potential problems to the conclusion that objectionable interference will be caused to its service area. As indicated supra, the 2 mV/m and 25 mV/m overlap prohibition is designed to avoid cross-modulation rather than interference to the two second-adjacent channel stations. Thus, the application of this provision of the rules is inapposite to the subject proposal.

11. Similarly misplaced is the petitioner's reliance upon the designation order in *Nebraska Rural Radio Association*, FCC 65-54, released January 29, 1965, 4 RR 2d 239, wherein an issue was specified regarding interference based on the 1:30 ratio between second adjacent channel stations. Although the applications were designated for hearing sub-

[1] Edward M. Johnson is the sole owner of Cumberland Television Company, applicant for a new commercial television station in Crossville, Tennessee (File No. BPCT-4832), in addition to his full interest in the instant application. Further, he has a 49 percent interest in the following: Rhea County Broadcasting Co., applicant for a new standard broadcast station in Dayton, Tennessee (File No. BP-18000); Newport Broadcasting Co., applicant for a new standard broadcast station in Newport, Tennessee (File No. BP-19855); Cumberland County Broadcasting Co., permittee of standard broadcast station WKYR, Burkesville, Kentucky, and WCSV, Inc., licensee of standard broadcast station WCSV, Crossville, Tennessee. He also has a one-third interest in Kingston Broadcasting Co., applicant for a new standard broadcast station in Kingston, Tennessee (not yet accepted for filing), Bedford Broadcasting Company, proposed assignee of stations WHAL and WHAL-FM, Shelbyville, Tennessee (File Nos. BAL-8435 and BALH-2148), and a recently tendered application for a new FM station in Kingston, Tennessee.

sequent to the effective date of the elimination of the 1:30 ratio, they were tendered for filing prior to that date, and were held to comply with the standards in effect at the time of acceptance. *Nebraska Rural Radio Association*, FCC 65R–158, released May 4, 1965, 5 RR 2d 42, at par. 3. The MBC application was accepted approximately ten years after the abolition of the 1:30 ratio, and is clearly distinguishable from the petitioner's precedent.

12. Finally, WHUB contends that, as the 1:30 ratio (and its predecessor, the 1:10 ratio), was used in some 94 percent of the existing AM allocations,[2] it is reasonable to continue the use of this standard to determine interference. "If these standards were in error certainly twenty-five years of operating experience would have exposed the error," notes the petitioner. However, this appeal neglects to consider the advances in the state of the art in receiver design which have occurred since the promulgation, in 1939, of the desired:undesired signal ratios, and the resulting improvement in receiver selectivity. Utilization of the ratio to afford protection from second adjacent channel stations, was made unnecessary by these advances, and the use of the 1:30 ratio was accordingly discarded in 1964.

13. Therefore, WHUB's contentions that objectionable interference would be caused to it by the proposed operation are denied, and no further inquiry into this matter is warranted.

14. WHUB notes that the sole-owner of the applicant, with interests in numerous broadcast applications, permits and licenses for communities in the Tennessee-Kentucky area,[3] has failed to include all of these interests in his application, or to amend the application to reflect subsequent changes in his broadcasting interests. In opposition, the applicant avers that this failure was the result of oversight and lack of legal counsel, and contends that the full disclosure of all broadcast interests in each subsequent application demonstrates the absence of any intent to conceal or deceive either the Commission or the public. Moreover, the MBC application has been amended on at least two occasions to list and then update these diverse and previously undisclosed broadcast interests.

15. Despite the petitioner's protestations, we are persuaded that the applicant's negligence in this matter as regards other broadcast activity is not of decisional significance and does not appear to be motivated by an intent to conceal or mislead. This instance is not substantially distinct from similar cases of this nature in the past, wherein no further inquiry was undertaken, see, e.g., *Jerry J. Collins*, 50 FCC 2d 715, 32 RR 2d 649 (1975); *Vogel-Ellington Corp.*, 41 FCC 2d 1005, 27 RR 2d 1685 (Rev. Bd., 1973). Therefore, no issue concerning these allegations is merited.

16. The petition further questions MBC's financial qualifications, alleging that the loan commitment letters in the Crossville and Monterey applications are from the same bank, the First National Bank of Crossville, and require the personal endorsement of Mr. Johnson. From this, WHUB intimates that these loans may not be fully independent of each other, and that the bank may not be willing to loan the applicant a total of $175,000. In rebuttal, MBC emphasizes that each letter is wholly indepndent and the transaction thereby contemplated is fully described by each letter of credit.

17. We will not specify an issue concerning these letters of credit. As the Review Board recently noted, where no basis is presented for assuming that the financial institution is unaware of the applicant's other contingent liabilities, as here, the mere fact that the applicant may have such liabilities is insufficient to warrant an inquiry as requested by WHUB. *Teche Broadcasting Corporation*, FCC 75R–395 at par. 10, released October 24, 1975. Although the applicant herein does have extensive existing and potential interests in numerous broadcast facilities in Tennessee and Kentucky, each application still outstanding appears to be independently financed, with no overlap or double commitment of collateral, and WHUB has failed to advance information to the effect that none of the financial institutions were aware of the applicant's other contingent liabilities at the time the loans were negotiated. This is especially true in the case at present, for the same bank has extended credit to Mr. Johnson on two separate occasions. WHUB's assertions would have us believe that the bank is incapable of cross-referencing its own files, an assumption which we will not make.

18. Other aspects of the petitioner's financial objections, however, are more substantive and troubling. WHUB alleges that the applicant has underestimated its operating costs, specifically those associated with its proposed news operation. The breakdown of estimated cost of operation, submitted with the application, indicates that a total of $4,600 has been allocated to the "news department," a figure which would appear to include both salaries and equipment. Elsewhere in the application (Ex. IV–4), MBC describes the news operation of its proposed facility; the proposal would involve a "full staff, round the clock local news operation," with a fulltime news director, two staff reporters, community stringers, a "fully equipped news mobil unit,"[4] several cassette tape recorders and finally, broadcast wire service from both of the national services. Although the applicant simply contends that the indicated figure is sufficient to provide those services proposed, the petitioner suggests that this estimate is " * * * so low and unrealistic on [its] face that further support and justification of those estimates is clearly required."

19. The cost estimates advanced by MBC have been studied in detail, for, as noted infra, the applications for facilities in Dayton, Monterey, and Newport, Tennessee, as well as that for Burkesville, Kentucky, all utilize the identical cost estimates. While the applicant appears to possess sufficient funding, in the form of a bank loan, to meet its stated costs of construction and estimates of operation for the first year, there is a question as to whether the estimates advanced by MBC are in fact the result of true study and analysis of the proposed stations' requirements and the local economy. The broad classifications used by MBC in its estimates, while not objectionable per se. *Dubois County Broadcasting*, 53 FCC 2d 828, 34 RR 2d 10 (1975), do not afford us the opportunity to determine what portion of the applicant's allotment in each category is for salaries and what portion for other overhead items, such as equipment. The specific deficiency emphasized by WHUB is but one example of the applicant's failure to justify, by clear documentation of the elements of each proposal, the bases for its cost estimates. We addressed this point long ago, *Ultravision Standard for Financial Qualifications*, 9 FCC 2d 26, 10 RR 2d 1757 (1967), and noted that when "* * * the estimate of operating costs is unrealistic, or if it is contested, * * * a detailed breakdown of the estimate will be required." Id. at 28, n. 2, 10 RR 2d 1760. Since the applicant has not provided such a breakdown, we are unable to determine whether its estimates are valid, and thus we cannot conclude that MBC has adequately demonstrated its financial qualifications. Accordingly, an appropriate issue will be specified.

20. The petitioner's final objection concerns the numerous instances of duplicated material in several of the applications (Burkesville, Kentucky, and Monterey, Dayton, Crossville, and Newport, Tennessee), which are now or were recently pending before us and in which the applicant herein has a significant interest. WHUB contends that in response to the following portions of the application form, three or more of these applications duplicate word-for-word the information contained in the others: estimates of operating costs and revenues; bank loan terms; staffing plans; programming plans; and the extent of the proposed news service. Of course, some of the instances of duplication are of little consequence; for example, that the bank loan commitments are no more than "boilerplate" letters is not a reflection upon the applicant's qualifications, nor does the fact that the same individuals will ultimately be responsible for the formulation of station policy in each case trouble us. However, where the descriptions of programming content, format, percentages and the asserted contribution to overall diversity of broadcast services in the service area are all identical and appear to be mere photocopies of the same printed text, serious questions are posed. We have in the past

[2] This figure was submitted by WHUB without apparent factual documentation, and is therefore understood to be a rough estimate.

[3] See note 1, supra.

[4] MBC indicates this will be " * * * [a] late model automobile [which] will have complete, powerful remote pickup equipment * * *."

specified issues to inquire in such cases as to whether the application proposes programs to meet the needs and problems revealed in the ascertainment process, or rather imposed a predetermined framework on the operation of the facility. In *Vernon Broadcasting Co.*, 12 FCC 2d 946, 13 RR 2d 245 (1968), we indicated that "[i]t has long been Commission policy to question whether the programming proposals have been tailored to meet the needs of the proposed service area, where * * * the applicant has submitted nearly identical programming proposals for different communities." Id. at 950, 13 RR 2d 251. The applicant's opposition to the petition herein—that "the method of meeting the various [ascertained] needs [by each station] will *perhaps* be very different [emphasis supplied]"—does not convince us that the petitioner's allegations are without merit. As noted in connection with the discussion of the petitioner's financial objections to the application, the duplication of the estimated operating costs in each application was a significant factor in the specification of an issue regarding the applicant's financial qualifications. Similarly, we will inquire into these duplications of programming information within the scope of an ascertainment issue.

21. In addition, study by the Commission's staff has revealed further deficiencies in MBC's application. Despite an explicit request in a letter from the staff for additional interviews with community leaders in other towns within the proposed service area (see questions and answers 6 and 7 of the Primer on the *Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971)), the applicant has failed to consult with leaders representing several communities with larger populations than Monterey which will be served by the proposed station. As this deficiency may be examined within the scope of the issue specified in the preceding paragraph, no additional issue is warranted.

22. In light of the foregoing, it is ordered, that the petition to deny, filed herein by WHUB, is granted to the extent indicated and is denied in all other respects, and that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application of MBC is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to the application of Monterey Broadcasting Company:

(a) Whether sufficient, valid estimates of the costs of operation of the proposed facility for the first year have been submitted; and

(b) Whether, in light of the evidence adduced pursuant to (a), above, MBC is financially qualified to construct and operate its proposed facility.

2. To determine the efforts made by MBC to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

23. It is further ordered, That WHUB, Inc., licensee of stations WHUB and WHUB–FM, Cookeville, Tennessee, is made a party to this proceeding.

24. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

25. It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Adopted: December 16, 1975.

Released: December 31, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.76–514 Filed 1–7–76;8:45 am]

[Docket No. 19660; RM 690; FCC 75–1431]

INTERNATIONAL RECORD CARRIERS

Scope of Operations in the Continental United States

In the matter of International Record Carriers' scope of operations in the Continental United States, including possible revisions to the formula prescribed under Section 222 of the Communications Act.

1. By Report and Order and Notice of Proposed Rulemaking in the above-captioned proceeding released this day, FCC 75–1430, — FCC 2d —, which is incorporated herein by reference, we repealed, effective March 1, 1976, the formula prescribed by the Commission in 1943 governing distribution of outbound, unrouted international message telegraph traffic (international formula). In connection therewith, we considered a request by Comsat General Corporation that we institute an investigation into the formula prescribed by the Commission in 1943 as Appendix 2 to the international formula which governs distribution of outbound, unrouted message telegraph traffic destined to ships at sea (Maritime formula). See FCC 75–1430 at paragraph 61.

2. None of the parties to the international formula inquiry opposed a grant of Comsat General's request. Further, we noted that the anticompetitive features of the maritime formula are in conflict with the policy we announced with respect to the international formula and should therefore be examined. However, inasmuch as the maritime formula was not among the issues under consideration in the formula inquiry, we conclude that the most expeditious course will be to continue the present maritime formula in effect and to institute a separate investigation into its continued reasonableness under present conditions.

3. Accordingly, it is ordered, Pursuant to Sections 4(i), 4(j), 201, 222(e)(3), and 403 of the Communications Act of 1934, as amended, that an investigation is hereby instituted to determine whether the distribution of outbound, unrouted Marine (Shore to Ship) message telegraph traffic presently being made by The Western Union Telegraph Company among mobile service carriers under the formula for such traffic prescribed by the Commission in 1943 pursuant to 47 U.S.C. § 222(e)(1) (1971) (maritime formula) is or will be unjust, unreasonable, inequitable, or not in the public interest and, if so, the measures which the Commission should prescribe to remove such conditions.

4. It is further ordered, That without in any way limiting the scope thereof, the maritime formula investigation shall include the following issues:

(1) The manner in which distribution of traffic is presently being made;

(2) The present defects in the maritime formula;

(3) Specific amendments which should be made to the maritime formula to remove each such defect;

(4) What changes, if any, should be made to the maritime formula to accommodate the introduction of the maritime satellite communications system; and

(5) Should the maritime fromula be replaced by a method of distribution based on required customer routings and appropriate carrier interconnection and if so, what economic, operational and legal considerations must be taken into account in implementing any such method.

5. It is further ordered, That any interested common carrier or other member of the public intending to participate in the maritime formula investigation shall, on or before March 1, 1976, file a notice of intention to participate; the Commission will then issue a Public Notice, stating the names of participants upon whom copies of the comments, responses and replies shall be served; and

6. It is further ordered, That any interested person may participate in the maritime formula investigation by filing comments, responses, and replies in accordance with the following schedule: Comments are to be filed on or before April 12, 1976; Responses to those Comments may be filed on or before May 14, 1976; and Replies may be filed on or be-

[5] Commissioner Hooks concurring in the result.

fore May 28, 1976; persons participating in this investigation shall submit to the Commission an original and 11 copies of all comments, responses, replies and other pleadings which may be called for hereafter.

Adopted: December 22, 1975.

Released: January 7, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-516 Filed 1-7-76;8:45 am]

[Docket Nos. 20591, 20592; File Nos. BR-4792, BL-13657; FCC 75R-479]

WWLE, INC. AND MECHANICVILLE BROADCASTING CO.

New and Renewal License Applications

1. By Memorandum Opinion and Order, 40 FR 33873, published September 30, 1975, the Commission designated the application of WWLE, Incorporated (WWLE) for hearing on issues to determine whether WWLE engaged in reporting violations, misrepresentation, and unauthorized transfers of control.[1] Now before the Review Board is a petition to enlarge issues, filed October 15, 1975, by WWLE, seeking the addition of a meritorious programming issue.[2]

2. The Board is satisfied that, consistent with past precedent, WWLE should be afforded an opportunity to show meritorious programmings in mitigation of such adverse findings as may be made under the issues relating to the past operation of its facilities. See *Norjud Broadcasting, Incorporated*, FCC 75R-362, — FCC 2d —, released September 30, 1975; and *Friendly Broadcasting Company*, 35 FCC 2d 611, 24 RR 2d 712 (1972).[3] In this regard, however, we agree with the Broadcast Bureau that it would be inappropriate to permit the evidence of meritorious programming to be used to mitigate adverse findings under the misrepresentation issue (issue 4).[4] *KFPW Broadcasting*, supra. Finally, we note that a showing of meritorious programming must be limited to the licensee's performance prior to the time it learned that its license was in jeopardy[5] and that addition of the issue will not preclude the parties from arguing the weight which should be accorded such evidence. See *Cosmopolitan Broadcasting Corp.*, 39 FCC 2d 698, 26 RR 2d 1172 (1973).

3. Accordingly, it is ordered, That the petition to enlarge issues, filed October 15, 1975, by WWLE, Incorporated is granted, and that the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether the programming of Station WWLE has been meritorious, particularly with regard to public service programs.

4. It is further ordered, That the burdens of proceeding and proof under the issue added herein shall be on WWLE, Incorporated.

Adopted: December 29, 1975.

Released: December 31, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-515 Filed 1-7-76;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817 (a)(3)), each insured bank is required to make a Report of Condition as of the close of business December 31, 1975, to the appropriate agency designated herein, within ten days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form CC-8022-05—Call No. 496[1], and shall send the same to the Comptroller of the Currency and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call No. 218[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition and one copy thereof on FDIC Form 64—Call No. 114[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for Preparation of Consolidated Reports of Condition by National Banking Associations," dated November 1972 and any amendments thereto[1]. The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated January 1973 and any amendments thereto[1]. The original Report of Condition and the copy thereof required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 by Insured State Banks Not Members of the Federal Reserve System," dated December 1970, and any amendments thereto[1].

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition and one copy thereof on FDIC Form 64 (Savings)[1], prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income on Form 73 (Savings) by Insured Mutual Savings Banks," dated December 1971, and any amendments thereto[1], and shall send the

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[1] Commissioner Hooks issued a separate statement attached to Report and Order and Notice of Proposed Rulemaking (FCC 75-1430).

[1] A misrepresentation issue was also specified against Mechanicville Broadcasting Co. (issue 7).

[2] The Broadcast Bureau filed comments on the petition on October 30, 1975.

[3] The Board is cognizant of the fact that the rule violations and unauthorized transfers of control alleged in this proceeding could involve possible misrepresentation, but we concur with the Broadcast Bureau that such acts do not necessarily involve the degree of culpable conduct which renders consideration of past programming inappropriate. *Cf. Hertz Broadcasting of Birmingham, Inc.*, 45 FCC 2d 479, 29 RR 2d 921 (1974). In this connection, however, it is important to note that any mitigating effect of the evidence adduced pursuant to the added issue herein shall be limited to those issues which are not ultimately resolved against the applicant because of misrepresentation or other acts involving moral turpitude directly relating to the operation of a broadcast station. *KFPW Broadcasting Co.*, 40 FCC 2d 126, 26 RR 2d 1633 (1973).

[4] With regard to the Bureau's contention relating to the other misrepresentation issue (issue 7), the Board notes that that issue is not included in the foregoing discussion since the issue was designated against Mechanicville Broadcasting Co. See note 1, supra.

[5] Evidence of programming after the expiration of the license period in question will also not be admissible. See *Norjud Broadcasting, Incorporated*, supra. Although petitioner contends that it did not know its license was "in jeopardy" until the release of the designation Memorandum Opinion and Order, the Board agrees with the Bureau that the question of when the licensee first received such notice should be resolved by the presiding judge in the first instance. *Chesapeake-Portsmouth Broadcasting Corp.*, 42 FCC 2d 1030, 28 RR 2d 703 (1973).

[6] Review Board Member Zias absent.

[1] Filed as part of original document.

same to the Federal Deposit Insurance Corporation.

[SEAL] FRANK WILLE,
Chairman, Federal Deposit Insurance Corporation.
ROBERT BLOOM,
Acting Comptroller of the Currency.
GEORGE W. MITCHELL,
Vice Chairman, Board of Governors of the Federal Reserve System.

[FR Doc.76-538 Filed 1-7-76;8:45 am]

INSURED MUTUAL SAVINGS BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM

Call for Annual Report of Income

Pursuant to the provisions of section 7(a) of the Federal Deposit Insurance Act each insured mutual savings bank not a member of the Federal Reserve System is required to make a Report of Income for the calendar year 1975 on FDIC Form 73 (Savings), revised December 1971, to the Federal Deposit Insurance Corporation within 30 days after December 31, 1975. Said Report of Income shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income on Form 73 (Savings)," dated December 1971 and any amendments thereto.

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

[FR Doc.76-539 Filed 1-7-76;8:45 am]

INSURED STATE BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM EXCEPT BANKS IN THE DISTRICT OF COLUMBIA AND MUTUAL SAVINGS BANKS

Call for Annual Report of Income

Pursuant to the provisions of section 7(a) of the Federal Deposit Insurance Act each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, is required to make a Report of Income for the calendar year 1975 on FDIC Form 73 (revised December 1969) to the Federal Deposit Insurance Corporation within 30 days after December 31, 1975. Said Report of Income shall be prepared in accordance with "Instructions for the Preparation of Report of Income on Form 73," dated December 1970 and any amendments thereto.

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

[FR Doc.76-540 Filed 1-7-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

NATIONAL OFFICE OF EXCEPTIONS AND APPEALS

Cases Filed

Notice is hereby given that during the week of December 12 to December 19, 1975, the appeals and applications for exception or other relief listed in the Appendix to this notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,
General Counsel.

JANUARY 2, 1976.

APPENDIX—*List of cases received by the Office of Exceptions and Appeals, Dec. 12 to 19, 1975*

Date	Name of applicant	Case No.	Location	Type of submission
Dec. 12, 1975	Skelly Oil Co. (If granted: FEA Region VI's Nov. 24, 1975, remedial order would be rescinded and Skelly Oil Co. would not be required to refund its solvent purchasers from May 1, 1974, through Jan. 16, 1975, for alleged overcharges.)	FEA-0686	Tulsa, Okla	Appeal of FEA Region VI's remedial order.
Dec. 15, 1975	Ameropan Oil Corp. (If granted: Ameropan Oil Corp. would receive an additional import allocation of residual fuel oil.)	FPI-0080	Syosset, L.I., N.Y.	Exception to base fee requirements.
Do	Major Brands Distributing Co. (If granted: FEA's June 27, 1975 decision and order would be modified to permit importation of finished products on a fee-exempt basis into District V as well as into District II through IV.	FPI-0081	Washington, D.C.	Modification of FEA's June 27, 1975 decision and order.
Do	R.G. Berry Co. (If granted: Crude oil produced from the Carmichael lease would be sold at exempt prices.)	FEE-2121	Tulsa, Okla	Price exception (sec. 212.72).
Do	Saveway Gas & Appliance, Inc. (If granted: Saveway Gas & Appliance, Inc. would be assigned a new, lower priced supplier of propane to replace its base period supplier, NGL Supply, Inc.)	FEE-2122	Dexter, Mo	Exception to change suppliers.
Do	Sunland Refining Corp. (If granted: Sunland Refining Corp. would receive an extension of the entitlement exception relief granted in FEA's Dec. 5, 1975 decision and order.)	FEE-2123	Los Angeles, Calif.	Extension of FEA's entitlement exception relief, Sunland Refining Corp., 3 FEA Par.—(Dec. 5, 1975).
Dec. 16, 1975	International Trading & Transport, Ltd. (If granted: The FEA would review the regulation governing resellers which function as brokers to determine the appropriateness of their regulation.)	FSG-0016	New Orleans, La.	Application for special redress.
Do	Mar-Low Corp. (If granted: Crude oil produced from the West Tepetate Field would be sold at exempt prices.)	FEE-2105	Lafayette, La.	Price exception (sec. 212.72).
Do	San Joaquin Refining Co. (If granted: FEA's Nov. 26, 1975 decision and order would be rescinded and San Joaquin Refining Co. would receive a stay of the requirements of the entitlement program pending final determination of its exception request.)	FEA-0687	Oildale, Calif.	Appeal of FEA's Nov. 26, 1975 decision and order, San Joaquin Refining Co., 3 FEA Par. 80, 506 (Nov. 26, 1975).
Dec. 17, 1975	Continental Oil Co. (If granted: Continental Oil Co. would be permitted to prospectively pass through the cash discounts which its customers received during the months September, 1974 through January, 1975	FEE-2124	Houston, Tex.	Price exception (sec. 212.83).
Do	Mohawk Petroleum Corp., Inc. (If granted: Mohawk Petroleum Corp. would be permitted to import license fee-free an additional 2,182,590 barrels of crude oil on the level permitted in a decision of the Director of Oil Imports.)	FPI-0082	Bakersfield, Calif.	Appeal of base fee requirement.
Do	New England Petroleum Corp. (If granted: FEA's Nov. 17, 1975 decision and order would be rescinded and New England Petroleum Corp. would receive an extension of the entitlement exception relief granted in FEA's May 2, 1975 decision and order.)	FEA-0688	Washington, D.C.	Appeal of FEA's exception decision and order, New England Petroleum Corp., 3 FEA Par. 83,015 (Nov. 17, 1975).
Dec. 19, 1975	Atlantic Richfield Co. (If granted: FEA Region IX's Nov. 11, 1975 Interpretation would be rescinded and Gordon H. Wallace would not be classified as a wholesale purchaser/reseller.)	FEA-0691	Los Angeles, Calif.	Appeal of Region IX's interpretation.
Do	D&R Distributors, Inc. (If granted: FEA Region III's modification of a remedial order issued Nov. 28, 1975 would be rescinded.)	FEE-0690 FES-0690	Kingswood, W. Va.	Appeal of Region III's modification of remedial order; stay requested.
Do	Nestle Co., Inc. (If granted: The Nestle Company would be permitted to convert one of its boilers from coal to fuel oil.)	FEE-2126	White Plains, N.Y.	Exception to part 215.
Do	Northwest Propane, Inc. (If granted: Northwest Propane, Inc. would be assigned a new, lower priced supplier of propane to replace its base period supplier, Petroiane Gas Co.)	FEE-2125	Farmington, Mich.	Exception to change suppliers.
Do	Sound Oil Co.	FEA-0689	Northport, L.I. N.Y.	Appeal of FEA's exception decision and order, Sound Oil Co., 3 FEA Par. 83, 011 (Nov. 21, 1975).

[FR Doc.76-311 Filed 1-2-76;12:46 pm]

NATIONAL OFFICE OF EXCEPTIONS AND APPEALS

Cases Filed

Notice is hereby given that during the week of December 19 to December 26, 1975, the appeals and applications for exception or other relief listed in the Appendix to this notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,
General Counsel.

JANUARY 2, 1976.

List of cases received by the Office of Exceptions And Appeals, Dec. 19 to 26, 1975

Date	Name of applicant	Case No.	Location	Type of submission
Dec. 9,1975	Louisiana Land & Exploration Co. (If granted: FEA's Oct. 22, 1975 decision and order would be modified so that Lousiana Land & Exploration would receive Jay crude oil ratter than crude oil on the buy/sell list.)	FEA-0695	New Orleans, La	Appeal of FEA's Oct. 22, 1975 decision and order.
Dec. 22,1975	Cox, Edwin L. (If granted: The current cumulative crude oil deficiency with respect to the M-35936 Texas lease would be eliminated.)	FEE-2092	Dallas, Tex	Price exception (sec. 212.72).
Do	D.C. Curtis, Inc. (If granted: D.C. Curtis, Inc. would be permitted to increase its selling price of No. 2 fuel oil above its maximum allowable selling price under the mandatory petroleum regulations.)	FEE-2127	Lee Hall, Va	Prince exception (sec. 212.93).
Do	Eagle Oil Co. (If granted: Eagle Oil Co. would be assigned a new, lower priced supplier of petroleum products retroactive to September 1975.)	FEE-2130	Columbus, Ohio	Exception to change suppliers.
Do	Kaibab Industries, Inc. (If granted: FEA's Oct. 30, 1975 decision and order would be rescinded and Kaibab Industries would be permitted to increase its prices for motor oil.)	FMR-0032	Phoenix, Ariz	Modification of FEA's Oct. 30, 1975 decision and order, Kaibab Industries, Inc., 2 FEA Par. 80, 720 (Oct. 30, 1975).
Do	Kerr-McGee Corp. (If granted: FEA's Nov. 14, 1975 decision and order would be modified to make the relief granted retroactive to March 1974.)	FEA-0694	Okla. City, Okla	Appeal of FEA's exception decision and order, Kerr-McGee Corp., 2 FEA Par. 83, 002 (Nov. 14, 1975).
Do	Naph-Sol Refining Co. (If granted:Naph-Sol Refining Co. would be assigned a new, lower priced supplier of motor gasoline and fuel oil to replace its base period suppliers, Koch Refining Co. and Osceola Refining Co.)	FEE-2132	Muskegon, Mich	Exception to change suppliers.
Do	Oil Supply Co., Inc. (If granted: Oil Supply Co., Inc. would be permitted to increase its selling price for fuel oil above its maximum allowable selling price under the mandatory petroleum price regulations.)	FEE-2128	Norfolk, Va	Price exception (Sec. 212.93).
Do	Petrochemical Energy Group (If granted: FEA's Nov. 14, 1975 assignment order granting a base period use for synthetic natural gas "feedstocks" would be rescinded.)	FEA-0693	Philadelphia, Pa	Appeal of FEA's Nov. 14, 1975 order issued by regulatory programs.
Do	Petroleum Management, Inc. (If granted: Crude oil produced from the W. A. Jackson Lease, Bach Lease, Clark Lease, South Oeser Lease, and North Oeser Lease could be sold at exempt prices.)	FEE-2129	Wichita, Kans	Price exception (Sec. 212.72).
Do	Point Landing, Inc. (If granted: A Notice of probable violation issued to Point Landing on Oct. 28, 1975 would be revoked and FEA remedial action would be initiated against a major integrated oil company.)	FSG-0017	New Orleans, La	Petition for special redress.
Do	South Alabama General Aviation, Inc. (If granted: FEA's Nov. 13, 1975 decision and order would be rescinded and South Alabama General would receive retroactive price relief.)	FEA-0692	Mobile, Ala	Appeal of FEA's exception decision and order, South Alabama General Aviation, 2 FEA Par. 83,007 (Nov. 13, 1975).
Do	Utopia Oil Industries, Inc. (If granted: Utopia Oil Industries, Inc. would be assigned a new, lower priced supplier of motor gasoline to replace its base period supplier, Time Oil Co.)	FEE-2131	Richland, Wash	Exception to change suppliers.
Dec. 23, 1975	C & H Refining, Inc. (If granted: FEA's Dec. 18, 1975 remedial order would be rescinded and C & H Refining, Inc. would not be required to purchase entitlements for its receipts of old oil in excess of the adjusted national old oil supply ratio.)	FEA-0697	Tulsa, Okla	Appeal of FEA's Dec. 18, 1975, remedial order.
Do	C & H Refining, Inc. (If granted: FEA's Dec. 15, 1975 decision and order issued to C & H Refining, Inc. would be modified and retroactive relief would be awarded to refiner.)	FMR-0033	Tulsa, Okla	Request for modification of FEA's decision and order, C & H Refining, Inc., 3 FEA Par. — (Dec. 15, 1975).
Do	North American Petroleum Corp. (If granted: North American Petroleum Corp. would receive an extension of the entitlement exception relief granted in FEA's Dec. 5, 1975 decision and order.)	FEE-2133	Abilene, Tex	Extension of FEA's entitlement exception relief, North American Petroleum Corp., 3 FEA Par. — (Dec. 5, 1975).
Do	Standard Oil Co. (KY80) (If granted: FEA's Oct. 14, 1975 decision and order which was issued to Colonial Oil Co. would be rescinded and Standard Oil Co. of Kentucky would not be required to supply Colonial Oil Co. with motor gasoline.)	FEA-0698	Washington, D.C	Appeal of FEA's Oct. 15, 1975, decision and order, Colonial Oil Co., 2 FEA Par. 80,704 (Oct. 14, 1975).
Do	TAC Air Services, Inc. (If granted: FEA's Nov. 21, 1975 decision and order would be rescinded and the firm would receive retroactive price relief.)	FEA-0696	Pittsburgh, Pa	Appeal of FEA's exception decision and order, TAC Air Services, Inc., 2 FEA Par. 83,017 (Nov. 21, 1975).
Dec. 24, 1975	Tidewater Metro Transit (If granted: Tidewater Metro Transit would be supplied diesel fuel by Exxon Co. rather than both Exxon and American Oil Co.)	FEE-2134	Norfolk, Va	Exception to change suppliers.

[FR Doc.76-312 Filed 1-2-76;12:46 pm]

FEDERAL HOME LOAN BANK BOARD

[No. AC–6]

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF FRESNO, FRESNO, CALIFORNIA

Notice of Approval of Conversion; Notice of Final Action

Correction

In FR Doc. 75–34705, appearing on page 59481 in the issue of Wednesday, December 24, 1975, the heading should have appeared as set forth above.

[No. AC–4]

STANDARD FEDERAL SAVINGS AND LOAN ASSOCIATION, GAITHERSBURG, MARYLAND

Notice of Approval of Conversion; Notice of Final Action

Correction

In FR Doc. 75–34707 appearing on page 59482 in the issue of December 24, 1975, the heading should have appeared as set forth above.

FEDERAL POWER COMMISSION

[Docket Nos. ER76–321 and E–7775, et al.]

APPALACHIAN POWER CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, etc.

DECEMBER 24, 1975.

On November 26, 1975, Appalachian Power Company (Appalachian) tendered for filing two supplements to its F.P.C. Rate Schedule No. 27 and a letter dated November 25, 1975 to the Mayor of the City of Martinsville, Virginia in which Appalachian notified Martinsville of its intention to serve the city on an after January 1, 1976 on a day-to-day basis.

Appalachian states that the filing of the First Supplement is made in order to place Martinsville on the same Rate Schedule which is applicable to those of its customers whom the Commission has determined are not under fixed rate-fixed-term contracts. Appalachian states further that notice to continue service to Martinsville after December 31, 1975, on a day to day basis was given to Martinsville on December 29, 1972.

Appalachian states that this supplement would place service to Martinsville under Rate Schedule WS which is the same rate schedule presently under consideration in Docket No. E–7775. Appalachian requests therefore that the Commission permit it to incorporate by reference the comparative billing analysis contained in the cost-of-service study dated June 20, 1975 and filed in Docket Nos. E–7775 and E–9101. Appalachian contends that the comparative billing analysis reveals that for the 12 months ended December 1974, if the rates, terms and conditions of Rate Schedule WS had been in effect and applicable to the City of Martinsville, the increased rates paid by the city would have been $165,552, or an increase of 7.03 percent.

The second supplement filed by Appalachian would amend the fuel adjustment clause contained in Rate Schedule WS in purported compliance with Order No. 517 and is in the identical form as the fuel clauses filed by Appalachian in Docket No. ER76–24, as the fuel clause to be contained in its Rate Schedule WS.

Appalachian requests that the Commission permit the supplements to become effective January 1, 1976.

Notice of Appalachian's filing was issued December 10, 1975 with all protests, petitions to intervene or comments to be filed on or before December 19, 1975.

On December 19, 1975, the City of Martinsville (Martinsville) filed a petition to intervene and a protest to Appalachian's filing. Martinsville's first objection to Appalachian's filing is based on Appalachian's intent to continue service only on a day to day basis on and after January 1, 1976. Martinsville requests that the Commission require Appalachian to file testimony or other evidence to support its position that it is in the public interest to serve Martinsville on a day to day basis. Martinsville further requests the Commission to direct Appalachian to submit a curtailment plan with the Commission to inform the Commission and the public of the priorities of service on its system.

Upon consideration we shall grant Martinsville's request directing Appalachian to file testimony in this proceeding on its justification of continuing service to Martinsville on a day to day basis. We shall further treat this change in service as an issue in this proceeding and require Appalachian to carry forth its statutory burden of proof showing the change in service to be just and reasonable. In accordance with this directive we shall amend the previously established procedural dates in this proceeding as hereinafter ordered.

We note further that pursuant to Section 35.15 of our Regulations Under the Federal Power Act, Appalachian must give this Commission at least thirty days' notice prior to any termination or cancellation of service to Martinsville. Martinsville's second basis of protest is that acceptance of Appalachian's filing would result in an extension of two contractual terms upon which Martinsville is unable to agree. Specifically, the expiring contract provides that Appalachian be permitted to continue to serve six industrial customers within the City of Martinsville[1] and that Martinsville will grant to Appalachian permits for any facilities necessary to serve these six industrial customers.[2] Martinsville contends that the Federal Power Commission does not have the authority to extend the effectiveness of these terms since such issues are of purely local concern and the authority over the grants lies with the City Council. Martinsville therefore requests that the Commission summarily reject Appalachian's attempt to extend Sections 11 and 12 of the expired service agreement beyond the expiration of the service agreement. In its letter of November 25, 1975 to the Mayor of the City of Martinsville, Appalachian informed the City of its intention, on and after January 1, 1976, to serve Martinsville on a day to day basis and that such service "will be provided to Martinsville under the terms, rates and conditions of our F.P.C. Rate Schedule No. 27, as heretofore amended and as further amended by this letter and by the supplements to this letter which incorporate "Rate Schedule WS." Upon consideration of this statement of Appalachian's intent to serve Martinsville under the terms and conditions of the expired contract and upon consideration of the fact that the parties have not entered a new contract we are of the opinion that the issue of the just and reasonable terms and conditions of service for Appalachian to Martinsville should be subjected to the evidentiary proceeding in this docket and considered therein. We shall therefore deny Martinsville's request for a summary disposition of this issue.

Our review of Appalachian's filing and the issues raised therein and by Martinsville's pleading indicates that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly, we shall accept the tendered filing but shall suspend the proposed changes for one day. The proposed rate for Martinsville will therefore be permitted to become effective January 2, 1976 subject to refund.

Since proposed rates proposed by Appalachian for Martinsville are the same as those which are the subject of Docket No. E–7775, administrative efficiency and convenience dictate that Docket No. ER76–321 be consolidated with Docket No. E–7775.

As requested by Appalachian, we shall order that the comparative billing analysis contained in the cost-of-service study dated June 20, 1975 and filed by Appalachian in Docket Nos. E–7775 and E–9101 be deemed to have been incorporated by reference in the present filing.

The Commission finds: (1) The proposed rate increase tendered by Appala-

proposed rate increase tendered by Appa-

[1] Section 11 of F.P.C. Rate Schedule No. 27 provides that "the Company shall continue to serve its six industrial customers located within the present Martinsville city limits; namely, Sale Knitting Co., Inc.—Franklin Street Plant, W. M. Basset Furniture Company, Hooker Furniture Company, Lester Lumber Company, Continental Can Company, and Morris Novelty Furniture Company."

[2] Section 12 of F.P.C. Rate Schedule No. 27 provides that "the Customer will grant to Company such permits for its poles and facilities located within the present Martinsville city limits as are necessary for the Company to supply service to the aforesaid six industrial customers and to its present and future customers located outside of the Martinsville city limits."

lachian in Docket No. ER76–321 should be accepted for filing and suspended one day to become effective January 2, 1976 subject to refund.

(2) The proceeding in Docket No. ER76–321 should be consolidated with the proceedings in Docket No. E–7775, *et al.*

(3) The comparative billing analysis contained in the cost-of-service study dated July 20, 1975 and filed by Appalachian in Docket Nos. E–7775 and E–9101 should be deemed incorporated by reference in Appalachian's filing.

(4) Good cause does not exist to grant Martinsville's motion for summary disposition.

(5) Good cause does exist to grant Martinsville's request that Appalachian be directed to file evidence justifying its change in service to Martinsville.

(6) Good cause exists to grant Martinsville's petition to intervene.

(7) The procedural schedule in this docket should be extended as hereinbelow ordered.

The Commission orders: (A) The rate increase tendered in Docket No. ER76–321 is hereby accepted for filing and suspended one day to become effective January 2, 1976, subject to refund.

(B) The proceeding in Docket No. ER76–321 is hereby consolidated with the proceedings in Docket No. E–7775, *et al.*

(C) The comparative billing analysis contained in the cost-of-service study dated July 20, 1975 and filed by Appalachian in Docket Nos. E–7775 and E–9101 is hereby deemed to be incorporated by reference in the filing herein.

(D) Martinsville's request for summary disposition is hereby denied.

(E) Martinsville's request that Appalachian be directed to file evidence justifying its change in service to Martinsville is hereby granted.

(F) Martinsville's petition to intervene is hereby granted.

(G) The procedural schedule in this docket is hereby amended as follows: Additional evidence on behalf of Appalachian shall be filed on or before February 17, 1976; Staff and Intervenor evidence shall be filed on or before March 9, 1976; Rebuttal evidence shall be filed on or before March 23, 1976; the hearing shall be held April 13, 1976.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76–471 Filed 1–7–76;8:45 am]

[Docket No. CP76–186]

COLUMBIA GAS TRANSMISSION CORP.
Notice of Application

DECEMBER 23, 1975.

Take notice that on December 4, 1975, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP76–186 an application pursuant to Section 7(c) of the Natural Gas Act, as implemented by Section 157.7(c) of the Regulations thereunder (18 CFR 157.7(c)), for a certificate of public convenience and necessity authorizing the miscellaneous rearrangements of various gas sales and transportation facilities during the twelve-month period commencing March 1, 1976, and operation of said facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the purpose of the proposed rearrangements and operation is to augment Applicant's abiilty to act with reasonable dispatch in making miscellaneous rearrangements which will not result in any material change in service.

Applicant states that the total cost of the proposed facilities would not exceed $300,000, which would be financed by funds generated from internal sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 12, 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 the 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 hearings 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.76–468 Filed 1–7–76;8:45 am]

[Docket No. CP76–183]

COLUMBIA GAS TRANSMISSION CORP.
Notice of Application

DECEMBER 23, 1975.

Take notice that on December 3, 1975, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, Charleston, West Virginia 25314, filed in Docket No. CP76–183 an application pursuant to Sections 7(b) and (c) of the Natural Gas Act, as implemented by Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)), for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon, for the twelve-month period commencing March 1, 1976, and the operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed facilities, construction and abandonment would not exceed $3,000,000, nor would the cost of any single project exceed $500,000, which would be financed by funds generated from internal sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 13, 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 Commissions' 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 and permission and approval for the proposed abandonment are required by the public convenience

and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-467 Filed 1-7-76;8:45 am]

[Docket No. RP76-24]

FLORIDA GAS TRANSMISSION CO.

Order Granting Timely and Untimely Petitions To Intervene

DECEMBER 22, 1975.

On October 15, 1975, Florida Gas Transmission Company tendered for filing proposed changes in its FPC Gas Tariff, Original Volume Nos. 1 and 2, to become effective on November 15, 1975. Notice of said filing was issued on October 24, 1975, with protests and petitions to intervene due on or before November 14, 1975.

Timely petitions to intervene were filed by Sun Oil Company on November 3, 1975, by Florida Power & Light Company on November 6, 1975, by the City of Sunrise, Florida, on November 7, 1975, by Florida Power Corporation on November 7, 1975, by Florida Public Utilities Company on November 10, 1975, by Southern Gas Company, Division of Donovan Companies, Inc., on November 13, 1975, by Gulf Natural Gas Corporation on November 14, 1975, and by Gainesville Gas Company on November 14, 1975. An untimely petition to intervene was filed by City Gas Company of Florida on November 18, 1975. Having reviewed said petitions, we believe that the petitioners have an interest in this proceeding which is sufficient to warrant their intervention herein.

The Commission finds: It is desirable and in the public interest to permit Sun Oil Company; Florida Power & Light Company; the City of Sunrise, Florida; Florida Power Corporation; Florida Public Utilities Company; Southern Gas Company, Division of Donovan Companies, Inc.; Gulf Natural Gas Corporation; Gainesville Gas Company and City Gas Company of Florida to intervene in the above-referenced proceeding, provided such intervention is conditioned as hereinafter ordered.

The Commission orders: (A) Sun Oil Company; Florida Power & Light Company; the City of Sunrise, Florida; Florida Power Corporation; Florida Public Utilities Company; Southern Gas Company, Division of Donovan Companies, Inc.; Gulf Natural Gas Corporation; Gainesville Gas Company and City Gas Company of Florida are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-466 Filed 1-7-76;8:45 am]

[Docket Nos. E-9296 and E-9297]

IOWA PUBLIC SERVICE CO.

Order Granting Motion To Dismiss

DECEMBER 22, 1975.

On November 17, 1975, Iowa Public Service Company (IPS) filed a Motion to Dismiss the proceedings in the captioned dockets. IPS states that these dockets relate to sales under agreements which have expired by their own terms. By order issued herein on May 5, 1975, we consolidated the captioned dockets and instituted an investigation under Section 206 of the Federal Power Act.

On December 2, 1975, the Commission Staff filed an answer to IPS' motion, supporting IPS' Motion to Dismiss. No other response to the motion has been received. Insofar as no useful purpose would be served by the continuation of the investigation of these now completed sales, we shall grant IPS' motion.

The Commission finds: Good cause exists to grant IPS' Motion to Dismiss the instant proceedings.

The Commission orders: (A) The Section 206 investigation instituted by our order of May 5, 1975 is hereby dismissed and the instant dockets are terminated.

(B) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-462 Filed 1-7-76;8:45 am]

[Docket Nos. RP73-102, RP75-96 (AP76-1)]

MICHIGAN-WISCONSIN PIPE LINE CO.

Order Rejecting Proposed Tariff Sheets and Granting Intervention

DECEMBER 22, 1975.

On October 30, 1975, Michigan Wisconsin Pipe Line Company (Mich-Wis) tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1[1] which reflects a 1.06¢ per Mcf increase in its rates to recover the carrying charges related to additional advance payments for exploration and development in the lower 48 states and advance payments to EXXON Company, U.S.A. for exploration and development in the Prudhoe Bay Field, Alaska. Mich-Wis states that the instant filing is made pursuant to the provisions of the Stipulation and Agreement in Docket No. RP73-102[2] which states in part that "Michigan Wisconsin may increase and shall decrease its rates to reflect changes in advance payments . . ." Mich-Wis requests a proposed effective date of January 1, 1976 and further requests waiver of the requirements of Part 154 of the Commission's Regulations under the Natural Gas Act to the extent such waiver is necessary to permit the filing to be made effective January 1, 1976. Notice of Mich-Wis' October 30, 1975 filing was issued November 19, 1975 with all comments, protests or petitions to intervene due on or before December 1, 1975. On November 28, 1975 a notice of intervention and protest was filed on behalf of the People of the State of California and the Public Utilities Commission of the State of California (California PUC). A petition to intervene was filed on behalf of Southern Natural Gas Company. California PUC protests that portion of Mich-Wis' filing which relates to advance payments made to EXXON with respect to its share of the Prudhoe Bay reserves. In support of its protest California PUC points out that the advance payments to EXXON merely represent a change in the form of agreement betwen the two parties which had previously provided that Mich-Wis pay EXXON imputed interest on producer loans. Since the Commission required Mich-Wis to file revised tariff sheets reflecting the elimination of the rate impact of those costs based on the conclusion that EXXON did not need capital in order to produce its share of the reserves[3] California PUC argues that the Commission here should likewise reject Mich-Wis' filing.

In reviewing Mich-Wis' filing we note that by order issued October 31, 1975 in Docket No. RP75-96 we rejected proposed revised tariff sheets tendered for filing by Mich-Wis' which reflected in part increases in advance payments made to producers over the levels included in its suspended rates in that docket. In rejecting the tariff sheet reflecting that portion of Mich-Wis requested increase we found, due to the filing of a superseding rate increase, that Mich-Wis' tracking authority emanating from the Stipulation and Agreement approved in Docket No. RP73-102 expired on October 31, 1975. We therein found that a request to track advances effective November 1, 1975 was untimely and should be rejected.

[1] Eleventh Revised Sheet No. 27F.

[2] The Stipulation and Agreement was approved by Commission order issued June 26, 1974.

[3] Michigan Wisconsin Pipe Line Company, Docket No. RP75-96, orders issued May 19, 1975 and July 11, 1975.

Mich-Wis presently tendered tracking filing requests an effective date beyond the date its tracking authority for advance payments terminates. Mich-Wis' request for a waiver of all requirements under our Regulations necessary to permit and effective date of January 1, 1976 is therefore a request for an extension in its advance payment tracking authority. This Commission has consistently refused to extend tracking authority for advance payments beyond the expiration of the provisions of the settlement agreement embodying such tracking authority when the next major change becomes effective.[4] In Mich-Wis' case the expiration of the authority to track advance payments expired on October 31, 1975. We perceive no basis for departing from our consistent policy and will not permit Mich-Wis to track the advance payments contained in its instant filing beyond October 31, 1975.

Since Mich-Wis no longer has the requisite authority to track advance payments made to producers we shall reject the proposed tariff sheet tendered on October 31, 1975. Since we are rejecting the proposed tariff sheet on this basis we need not reach the merits of California PUC's arguments for rejection or suspension of Mich-Wis' filing.

The Commission finds: (1) Good cause does not exist to accept for filing Mich-Wis' Eleventh Revised Sheet No. 27F to its FPC Gas Tariff Second Revised Volume No. 1 tendered on October 31, 1975.

(2) Good cause exists to grant intervention to the above-named petitioners.

The Commission orders: (A) Mich-Wis' Eleventh Revised Sheet No. 27F to its FPC Gas Tariff Second Revised Volume No. 1 tendered on October 31, 1975 is hereby rejected.

(B) The above-named petitioners are hereby permitted to intervene in this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-465 Filed 1-7-76;8:45 am]

[4] Order No. 499, 50 FPC 2111, issued December 29, 1973, in Docket No. RM74-4; Southern Natural Gas Company, —— FPC ——, issued April 13, 1973, in Docket No. RP72-91, et al.; rehearing denied —— FPC ——, issued June 8, 1973; Northern Natural Gas Company, —— FPC ——, issued May 20, 1974, in Docket No. RP74-80; rehearing denied in pertinent part, —— FPC ——, issued July 15, 1974; Florida Gas Transmission Company, —— FPC ——, issued May 29, 1974, in Docket No. RP74-80; Columbia Gas Transmission Corporation, —— FPC ——, issued March 24, 1975, in Docket No. RP74-82; Columbia Gas Transmission Corporation, et al., —— FPC ——, issued July 14, 1975, in Docket Nos. RP75-106, et al.; Transcontinental Gas Pipe Line Corporation, —— FPC ——, issued November 28, 1975, in Docket Nos. RP74-48, RP75-3, AP76-4; Panhandle Eastern Pipe Line Company, —— FPC ——, issued November 28, 1975, in Docket No. RP75-102.

[Docket No. ER76-97]

NEW ENGLAND POWER POOL

Order Accepting for Filing and Making Effective Amendment to Power Pool Agreement and Granting Waiver

DECEMBER 24, 1975.

On September 2, 1975, the New England Power Pool (NEPOOL) filed an Agreement Amending NEPOOL Power Pool Agreement (Amendment), dated June 1, 1975 which proposed to modify certain provisions of the New England Power Agreement, dated September 1, 1971. The proposed Amendment, requested to become effective on October 1, 1975, provides for revision of the Capability Responsibility adjustment charges and of the Capability Responsibility deficiency charge computations and charges to be made after October 31, 1975 for Capability Periods commencing May 1, 1975 and ending October 31, 1977.

The filing advised the Commission that the NEPOOL Executive Committee had waived all Capability Responsibility deficiency charges incurred under the present terms of the NEPOOL Agreement for the period specified above.

The proposed changes are the result of a determination by the NEPOOL participants that the presently forecasted aggregate coincidental adjusted load of the participants for the Capability Periods commencing May 1, 1975 and ending October 31, 1977 are significantly lower than the forecasted loads which had been used as the basis for computations of the NEPOOL Objective Capability for each of those Capability Periods. The Amendment is intended to assure a more equitable distribution of the Capability Responsibility obligations among the various participants during those periods.

Notice of the NEPOOL Executive Committee filing was issued on September 10, 1975 with protests and comments due on or before September 22, 1975. No comments or protests were received.

By letter dated October 1, 1975, NEPOOL was advised by the Commission Secretary that (1) its proposed waiver of incurred charges constituted a change in rate requiring an appropriate request for waiver of notice requirements and revenue data and (2) that its filing of the proposed amendment to the NEPOOL Agreement was deficient with respect to the requirements of the Commission's Regulations under the Federal Power Act. NEPOOL replied by letter dated November 21, 1975.

Based upon review of both the original filing and the Executive Committee's response to the Commission's letter, we shall accept the proposed Amendment to the NEPOOL Agreement effective October 1, 1975 as requested.

However, the proposed waiver of charges already incurred for the period from May 1, 1975 to October 1, 1975, under the filed rates should be construed as a change in rate schedule on file with this Commission requiring a filing of notice of change in rates under Section 205 of the Federal Power Act and not as a simple exercise of the Executive Committee's rights under Section 9.4(d) of the agreement. Insofar as we believe the change sought is appropriate for the period May 1, 1975 through October 1, 1975, and since the filing herein encompasses the period May 1, 1975 through October 31, 1977, we shall grant waiver of the notice requirement and permit this change to be effective during that time period.

NEPOOL also stated in the instant filing that it had, as of March 31, 1975, waived all past and then existing deficiency charges under the agreement. In its November 21 response, it stated that this grant of waiver was also pursuant to Section 9.4(d) of the NEPOOL agreement and does not require a filing of a notice of change in rates and a showing of good cause for waiver of our Regulations. We disagree, insofar as the waiver, while it may be contractually permissible under the agreement, nonetheless represents a change in rates on file with this Commission. Our review of the reasons stated by NEPOOL for this waiver indicate that we should grant waiver of the notice requirements and permit the change in the deficiency charge prior to May 1, 1975, to be effective.

The Commission finds: (1) The revised charges under the proposed Amendment to the NEPOOL Agreement contained in the instant filing are just and reasonable and the Amendment should be permitted to be effective as of October 1, 1975.

(2) Good cause exists to grant waiver of the requirement of filing of notice of change in rates to permit the waiver of the charges granted by the NEPOOL Executive Committee to be effective for the period May 1 through October 1, 1975, the effective date of the instant filing.

(3) Good cause exists to grant waiver to permit NEPOOL to waive its deficiency charges for periods prior to May 1, 1975.

The Commission orders: (A) The Amendment to the NEPOOL Agreement filed on September 2, 1975 is accepted for filing and permitted to become effective October 1, 1975, for charges during the Capability Periods commencing May 1, 1975 and ending October 31, 1977.

(B) Waiver of the requirement of filing of notice of change in rates to permit the waiver of the charges granted by the NEPOOL Executive Committee to be effective for the period May 1 through October 1, 1975, is hereby granted as proposed in the instant filing and waiver to permit these changes for periods prior to May 1, 1975, is also granted.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-472 Filed 1-7-76;8:45 am]

[Docket No. ER76-291]

NEW ENGLAND POWER POOL AGREEMENT

Order Accepting for Filing, etc.

DECEMBER 24, 1975.

On November 24, 1975, the New England Power Pool (NEPOOL) Executive Committee tendered for filing on behalf of the jurisdictional NEPOOL Participants an amendment to the NEPOOL Agreement[1] providing for uniform rules for calculating Lower Voltage PTF (LV PTF)[2] costs of the NEPOOL Participants. The NEPOOL Executive Committee requests waiver of the Commission's notice requirements and an effective date of June 14, 1975, in order to permit payment for LV PTF transmission service rendered since that date.

Notice of the filing was issued on December 12, 1975, with comments, protests, and petitions to intervene due on or before December 23, 1975. None have been received to date.

We note that the EHV PTF Cost Rules are currently under investigation in New England Power Pool Agreement No. E-7690 (PTF Cost Rules). The EHV PTF Cost Rules contain cost principles similar to the rate schedule materials filed in this docket and is currently before a Presiding Administrative Law Judge. We shall assign the investigation to be ordered herein to him for the purpose of convening a conference and establishing procedural dates for the service of such additional evidence as may be deemed necessary.

Our review of the tendered filing indicates that the proposed rates, charges, terms and conditions of service of the proposed rate schedule have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall accept the submittal for filing and shall institute an investigation into the lawfulness of the proposed rates pursuant to the Commission's authority under Section 206 of the Federal Power Act.

This amended agreement was not filed with the Commission until over five months after the commencement date for the service. Under the provisions of the Federal Power Act and the Regulations thereunder, public utilities are required to file rate schedules at least thirty days prior to the date on which service under such schedules is to commence. This notice requirement can be waived for good cause shown. However, under circumstances when a public utility files a proposed initial rate schedule approximately five months after service commences and prevents a thorough examination of such rate schedule, our ability to protect the consumer against what may be unjust, unreasonable, unduly discriminatory or otherwise unlawful rates and charges is jeopardized.[3] Consequently, we shall deny waiver of the notice requirements of our Regulations and shall assign the submittal an effective date of December 24, 1975, 30 days after filing. Pursuant to our authority in Section 309 of the Federal Power Act, we shall also make such filing subject to refund of any amounts found to be excessive after the hearing which will be ordered hereinafter. Moreover, we shall require the NEPOOL Participants to refund all amounts collected under this amended agreement prior to December 24, 1975, without prejudice to their filing within fifteen days of the issuance of this order, a request that we accept the agreement to become effective as of June 14, 1975, the proposed effective date, based upon an agreement by the NEPOOL Participants that the rates charges under this amended agreement shall be subject to refund pending final disposition following the conclusion of the hearing to be held in this proceeding. After receipt of the NEPOOL Participants' response, if any, we shall issue a further order taking appropriate action.

The Commission finds:

(1) The requested waiver of Section 35.3 of the Commission's Regulations should be denied.

(2) The proposed amended agreement filed by the NEPOOL Participants on November 24, 1975, should be accepted for filing to become effective, subject to refund, on December 24, 1975, thirty days after the filing.

(3) Good cause exists to require the NEPOOL Participants to refund all amounts collected under the amended agreement prior to December 24, 1975, without prejudice to their filing with the Commission within fifteen days of the issuance of this order a request that the Commission accept the submittal to be effective as of June 14, 1975, the proposed effective date, based upon an agreement by the NEPOOL Participants that the rates charged under the amended agreement shall be subject to refund as of that effective date, pending final disposition following the conclusion of the hearing hereinafter ordered.

(4) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act, that the Commission institute a Section 206 investigation and hearing concerning the lawfulness of the initial rate schedule tendered herein and that such rate schedule be accepted for filing.

The Commission orders:

(A) The requested waiver of Section 35.3 of the Commission's Regulations is hereby denied.

(B) The proposed amended cost rules filed by the NEPOOL Executive Committee on November 24, 1975, is accepted for filing to become effective December 24, 1975, thirty days after filing, subject to refund.

(C) NEPOOL's Participants shall refund all amounts collected under the amended agreement prior to December 24, 1975, without prejudice to their filing with the Commission within fifteen days of the issuance of this order, a request that the Commission accept the submittal to be effective as of June 14, 1975, their proposed effective date, based on an agreement by the NEPOOL Participants that the rates charged under the agreement will be subject to refund as of that effective date pending final disposition following the conclusion of the hearing ordered.

(D) Pursuant to the authority of the Federal Power Act, particularly Section 206 thereof, and the Commission's Rules and Regulations, an investigation concerning the lawfulness and reasonableness, of the instant submittal is hereby initiated.

(E) The Presiding Administrative Law Judge in the proceeding in Docket No. E-7690 (PTF Cost Rules) shall schedule a conference for the purpose of establishing procedural dates for the service of such additional evidence as may be deemed necessary.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-473 Filed 1-7-76;8:45 am]

[Docket No. E-9379]

NIAGARA MOHAWK POWER CORP.

Order Denying Application for Stay

DECEMBER 22, 1975.

On November 26, 1975, Niagara Mohawk Power Corporation (Niagara) filed its application for stay of two Commission orders in order to pursue judicial review of those orders as provided in 16 U.S.C. § 825 L (Section 313 of The Federal Power Act). Those subject orders are our November 13, 1975, Order Denying Rehearing and Modifying Procedural Dates and our September 25, 1975, Order Denying Motion to Dismiss Investigation.

Niagara states that it requests such stay upon the ground that the procedural dates established in Ordering Paragraph (B) of our November 13, 1975, order requires compliance with the subject orders before judicial review may be had, which Niagara contends prejudices them and renders judicial review ineffective. Niagara states no grounds for seeking judicial review, but refers us to its application for rehearing of our September 25, 1975, order, which we denied by order issued November 26, 1975.

By an errata notice issued December 2, 1975 to the notice of extension of procedural dates issued November 26, 1975, the Secretary established the following procedural dates in this proceeding:

Service of Intervenor Testimony, December 29, 1975; Service of Staff Testimony, January 19, 1976; Service of Com-

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[1] Designated as: NEPOOL, Supplement No. 9 to Rate Schedule FPC No. 2.

[2] PTF is defined as pool transmission facilities rated 69 kV or above owned by the Participants and required in order to allow power and energy to move freely on the New England network. PTF is further classified as PTF-EHV (230 kV and above) or Lower Voltage PTF.

[3] *Northeast Utilities Company*, issued May 31, 1974, in Docket Nos. E-8756, *et al.*

pany Rebuttal, February 9, 1976; Hearing, March 1, 1976 (10:00 a.m., EST).

On December 3, 1975, the Town of Massena, New York (Massena) filed a "memorandum" opposing Niagara's motion for stay. Massena contends that Niagara's motion ought to be rejected for failing to allege or establish facts sufficient to satisfy the criteria for a stay of proceedings *pendante lite* established in *Virginia Jobbers*.[1]

In particular, Massena states that Niagara has failed to show that it has a likelihood of success on the merits of the appeal, that it will suffer irreparable harm if the orders are not stayed, that the issuance of a stay would not substantially harm other parties and that the issuance of a stay is in the public interest. Furthermore, Massena states that Niagara has not yet filed for review with the Court of Appeals making Niagara's application here premature. Massena maintains that for failure to comply with *Virginia Jobbers* and to state reasons in support of its application, that Niagara's motion for stay ought to be denied.

Niagara filed a reply to Massena's memorandum on December 11, 1975, stating that it had petitioned for review of our orders and that it believes we can stay our own order in order to prevent irreparable injury to Niagara.

We agree with Massena. In its Application, Niagara adduces no reasons to warrant grant of its Application. Similarly, nothing contained in Niagara's Application for Rehearing of our September 25 order or in its December 11 Reply to Massena persuade us to stay our orders. Accordingly, we shall deny Niagara's application for stay of our previous orders in this proceeding.

The Commission finds:

Good cause exists to deny Niagara's application for stay of our November 13, 1975, order.

The Commission orders:

(A) Niagara's application for stay of our order issued November 13, 1975, in this proceeding is denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.76-464 Filed 1-7-76;8:45 am]

[Docket Nos. RP71-107 (Phase II) (PGA76-1) and RP72-127 (R&D 76-1)]

NORTHERN NATURAL GAS CO.

Order Accepting for Filing, Etc.

DECEMBER 24, 1975.

On October 24, 1975, Northern Natural Gas Company (Northern) filed a 3.08¢ per Mcf rate increase reflecting (1) an increase of 4.56¢ per Mcf in the cost of purchased gas (2) a reduction of 1.43¢ per Mcf (from 1.79¢ to 0.36¢) in the surcharge to recoup the balance in the Deferred Purchase Gas Account and (3) a reduction of 0.05¢ per Mcf for reduced Research and Development (R&D) expenses. The proposed effective date is December 27, 1975.

In response to the notice issued for Northern's filing, petitions to intervene was received from Michigan Wisconsin Pipe Line Company, Iowa Southern Utilities Company, and Wisconsin Gas Company.

Our review of the R&D portion of Northern's October 24, 1975, filing indicates that there are costs associated with the Vincent, Iowa Storage Project, the Canadian Arctic Study, Northern Border Study, and the Conoco Methanation Project Study; all of which have been approved previously by this Commission for R&D treatment.[1] Accordingly, it is appropriate that the costs related to these projects contained in the instant filing also be approved.

The R&D portion of Northern's filing also contains costs related to the Coal Gasification Study and the Coal Slagging Gasifier Project which are currently the subject of hearing procedures in Docket No. RP72-127 (R&D 75-1). Accordingly, we shall permit costs related to these projects to be collected, subject to refund, after a one day suspension, pending final Commission determination of the appropriateness of treating these items as R&D for rate purposes in Docket No. RP72-127 (R&D 75-1).

Finally, Northern's filing contains costs related to a project which Northern alleges is R&D and which costs have not previously been reflected in Northern's rates. The new project is Northern's annual payment to the CoGas Development Company.[2] The CoGas Development Company is organized to perform R&D studies on a bench scale and pilot plant scale to determine the feasibility of a new method of coal gasification using coal char to produce pipeline quality gas. Our review of this project indicates that it is within the definition of R&D expenditures as promulgated by Order No. 483 and is acceptable for rate treatment.

Our review of the purchased gas portion of Northern's filing indicates that it is based in part on small producer and emergency purchases in excess of the rate levels prescribed in Opinion Nos. 742 and 699-H respectively. Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept for filing Northern's filing and suspend it for one day until December 28, 1975, when it shall become effective subject to refund, as hereinafter ordered and conditioned.

With regard to the issue of small producer purchases, other than those small producer purchases made pursuant to the Commission's 60 day emergency sales regulation, we shall establish hearing procedures to determine the just and reasonable rate levels of those small producer purchases to be included in Northern's filing in excess of the rate levels resulting from use of the "130% formula" prescribed in Opinion No. 742.[3] In this connection, we believe it appropriate to make the small producers involved respondents so that they may present evidence to show that the rates charged by them to Northern are just and reasonable. Although the small producers are not required to make refunds, we believe it appropriate to institute a Section 5 investigation against the small producers involved so that the just and reasonable small producer rate determination in this proceeding can be applied respectively.

Within 15 days of the date of this order, Northern shall file a list with addresses of the small producers, other than small producers making 60 day emergency purchases, making sales reflected in the instant filing in excess of the "130% formula" rates in order that they may be made respondents to this proceeding.

Cost evidence relating to the small producer sales which are the subject of the hearing ordered herein can clearly provide the basis for "just and reasonable" rate findings. *F.P.C. v. Texaco, Inc.*, 417 U.S. 380 (1974). Accordingly, we shall require the small producer respondents to submit cost evidence in order that we may determine the justness and reasonableness of Northern's rates and make appropriate prospective adjustments, if found necessary, to the small producer rate pursuant to our authority under Section 5 of the Natural Gas Act.

Northern must show that the rate paid by it to the small producer is just and reasonable by presenting evidence considering all relevant factors including *inter alia*, (1) the pipeline's need for gas, (2) the availability of other gas suppliers, (3) the amount of gas dedicated under the contract, (4) the rates of other recent small producer sales previously approved for flow through and (5) comparison with appropriate market prices.[4]

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to the subject small producer sales are just and reasonable.

With regard to the 60-day emergency purchases the Commission noted in Opinion No. 699-B [5] that a pipeline would

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[1] *Virginia Petroleum Jobbers Association* v. *Federal Power Commission*, 259 F. 2d 921 (D.C. Cir. 1958, per curiam).

[1] *Northern Natural Gas Company*, 51 FPC 49 (1974); *Northern Natural Gas Company*, ____ FPC ____ issued December 26, 1974, in Docket Nos. RP71-107 (Phase II), *et al.*

[2] CoGas Development Company was organized as a joint venture of several companies, including Northern, Tennessee Gas Pipeline Company, Panhandle Eastern Pipeline Company and Consolidated Gas Supply Corporation, and the FMC Corporation with the support of the Department of Interior's Office of Coal Research.

[3] ____ FPC ____ issued August 28, 1975, in Docket No. R-393.

[4] Opinion No. 742 (mimeo, p. 13, paragraph (1)).

[5] ____ FPC ____ issued September 9, 1975, in Docket No. R-389-B.

be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances." Accordingly, we believe it appropriate to establish hearing procedures to determine the appropriate rate level of those 60-day emergency purchases included in the filing which are in excess of the rate levels prescribed in the Opinion No. 699–H for sellers other than small producers and in excess of the Opinion No. 742 rate for small producers.

Our review of such emergency purchases will consider all of the relevant factors of such purchases including *inter alia* (1) the pipeline's need for gas, (2) the availability of other gas supplies, (3) the amount of gas dedicated to the purchase, (4) comparison of the price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. If the need for such emergency purchases is established and the conditions of the purchase are prudent, the pipeline company will have no refund obligations associated with that purchase.

We note further that Northern's proposed rates are over the level of its RP75–89 suspended rates, as revised, which became effective October 27, 1975, but which were subsequently reduced pursuant to Commission order issued October 31, 1975, at RP75–89. Accordingly, Northern's proposed rates herein should also be reduced to reflect that action. Furthermore, Northern has filed increased rates for emergency service under Rate Schedule E–1 and temporary storage service under Rate Schedule TSS–1. The E–1 rate schedule was rejected by the October 31st order while the rate under Rate Schedule TSS–1 which became effective November 27, 1975, is keyed to the RP75–89 rate levels by Commission order issued November 26, 1975, at CP76–40. Therefore, the E–1 rate schedule should be eliminated and the TSS–1 rate should be reduced to reflect the revised rate levels which became effective, subject to refund, in Docket No. RP75–89.

Our review of those claimed increased costs contained in Northern's filing, other than a) those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels prescribed by the "130% formula" in Opinion No. 742, b) with that portion of the 60-day emergency purchases from sellers other than small producers in excess of the rate levels prescribed in Opinion No. 699–H, c) those R&D costs associated with the Coal Gasification Study and the Coal Slagging Gasifier Project and d) those costs required to be eliminated to reflect: the rejection of Rate Schedule E–1, the revised underlying rates in Docket No. RP75–89, and the revised rate for temporary storage service under Rate Schedule TSS–1, are in conformance with the standards set forth in Docket No. R–406 and Order 483.

The Commission finds:

(1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures be established, as hereinafter ordered and conditioned, and that Northern's October 24, 1975, filing be accepted for filing, suspended and permitted to become effective December 28, 1975, subject to refund as hereinafter ordered and conditioned.

(2) The claimed increased costs, other than those associated with that a) portion of small producer and emergency purchases in excess of the rate levels established in Opinion No. 742 and Opinion No. 699–H as appropriate, b) those costs associated with the Coal Gasification Study and the Coal Slagging Gasifier Project and c) those costs required to be eliminated to reflect the rejection of Rate Schedule E–1, the revised underlying rates in Docket No. RP75–89, and the revised rate for temporary storage service under Rate Schedule TSS–1, are in conformance with the standards set forth in Docket No. R–406 and Order 483.

(3) Participation in this proceeding by Michigan Wisconsin may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 14 and 16 thereof, a public hearing shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, to determine the lawfulness of Northern's proposed PGA rates filed on November 14, 1975, insofar as those proposed rates reflect (1) small producer purchases in excess of the "130% formula" prescribed in Opinion No. 742 and (2) 60 day emergency purchases from sellers other than small producers in excess of the rate levels prescribed in Opinion No. 699–H.

(B) Within 15 days of the date of this order, Northern shall file with the Commission list, including addresses, of the small producers other than small producers under emergency purchases sales, from whom it purchased at rates in excess of the rate level provided for by Opinion No. 742. Following receipt of this list, we shall make the small producers parties respondents to this investigation for the purposes discussed in the body of this order.

(C) Pursuant to Section 5 of the Natural Gas Act, we hereby institute an investigation into the just and reasonable rates to be charged by the small producers making sales to Northern in excess of the rates resulting from the "130% formula" prescribed in Opinion No. 742 and consolidate this investigation with the hearing ordered in Ordering Paragraph (A) above for purposes of hearing and decision. These consolidated hearings will be docketed as RP1–107 (Phase II) (PGA76–1).

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of authority, 18 CFR 3.5(d)), shall preside at an initial conference in this proceeding on February 13, 1976, at 10:00 A.M., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates for this proceeding and to rule upon all motions, except petitions to intervene.

(E) Northern's Rate Schedule E–1 is rejected.

(F) Northern's October 24, 1975, filing is accepted for filing and suspended for one day until December 28, 1975, subject to the condition of Northern, within 15 days of the date of issuance of this order, file revised tariff sheets reflecting a) rejection of Rate Schedule E–1, b) the revised underlying rates in Docket No. RP75–89, and c) the revised rate for temporary storage service under Rate Schedule TSS–1.

(G) Within 15 days of the date of issuance of this order, Northern may file revised tariff sheets to become effective December 27, 1975, which reflect those claimed increased purchased gas costs contained in Northern's PGA adjustment other than those claimed increased costs associated with a) that portion of small producer purchases in excess of the rate levels resulting from the "130% formula" prescribed by Opinion No. 742 and b) that portion of the 60-day emergency purchases in excess of the rate levels prescribed in Opinion No. 699–H and Opinion No. 742, as appropriate c) those costs associated with the Coal Gasification Study and the Coal Slagging Gasifier Project d) those costs required to be eliminated to reflect the rejection of Rate Schedule E–1 as well as those costs required to be eliminated to reflect the revised underlying rates in Docket No. RP75–89 and the revised rate for storage service under Rate Schedule TSS–1.

(H) The rate treatment of cost related to the Coal Gasification Study and the Coal Slagging Gasifier Project in this filing are hereby made subject to the outcome of the proceedings in Docket No. RP72–127 (R&D 75–1).

(I) The above-named petitioners are permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* that the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions for leave to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in these proceedings.

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

By the Commission.

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

[FR Doc.76–474 Filed 1–7–76;8:45 am]

[Docket No. E-9148]

NORTHERN STATES POWER CO. (MINNESOTA)

Notice of Further Extension of Procedural Dates

DECEMBER 22, 1975.

On December 10, 1975, Northern States Power Company filed a motion to extend the procedural dates fixed by order issued December 31, 1974, as most recently modified by notice issued September 8, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Company Rebuttal, January 20, 1976; Hearing, February 17, 1976. (10:00 a.m., EST).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-463 Filed 1-7-76;8:45 am]

[Docket No. ER76-83]

OHIO POWER CO.

Order Denying Motions To Reject and Requests for Summary Disposition

DECEMBER 22, 1975.

We issued on November 14, 1975 an Order Accepting For Filing and Suspending Proposed Tariff Changes, Granting Intervention, Denying Motion to Reject and Establishing Procedural Dates in this proceeding. The Ohio Wholesale Municipal Customers[1] have filed a Petition for Clarification of our order "[i]n view of the fact that based on established Commission precedent 72% of OP's claimed increase is on its face without basis or merit." The Municipals also ask that we consider their Motion to Reject, and for Summary Disposition, Protest and Petition to Intervene filed on November 11, 1975.

Municipals motion to reject is based in part on its allegation that Ohio Power Company's filing does not meet the filing requirements prescribed in Order No. 537 which requires the filing of information relating to rate design. We note that Ohio's filing was completed as of October 17, 1975, and thus would not be subject to Order No. 537 which only governs electric rate filings made 30 days *following* October 9, 1975, the issue date of Order No. 537.

Municipals also argue that Ohio has not met the requirements of Section 35.14(a)(7) of the Regulations which covers the reasonableness of fuel costs from company-owned and controlled fuel sources. Specifically, Municipals argue that while the company has generally discussed the fact that coal from company-controlled and company-owned sources is used in the calculation of its base cost of fuel it has not specifically broken down the sources and amounts of such coal. Our review of Ohio's filing indicates that the filing sufficiently describes the fact that company-controlled and company-owned coal is used in the calculation of the cost of fuel so as to meet the *filing* requirements of Section 35.14(a)(7) of the Regulations. The issue of the reasonableness of the costs of the coal from company-owned and company-controlled sources may be raised by interested parties in the proceeding instituted by our November 14, 1975, order.

Municipals further argue *inter alia*, that: the proposed rate of return is excessive and discriminatory; the federal income taxes are improperly calculated; the deferred fuel expense and unbilled revenues are improperly calculated; that the fuel costs are improperly calculated and that the rate schedules contain discriminatory and anti-competitive provisions. We find that these issues are not appropriate bases for summary disposition or for the granting of a motion to reject Ohio's filing in whole or in part. However, certain of the issues raised by Municipals may require development in the evidentiary proceeding ordered herein.

Finally, Municipals raise the "price squeeze" issue citing the *Conway* case.[2] We properly disposed of this issue in our November 14, 1975, order and therefore it needs no further discussion herein.

For the foregoing reasons, we shall deny Municipals requests for summary disposition and their motions to reject Ohio's filing.

The Commission finds:

Good cause exists to deny Municipals' motions to reject and requests for summary disposition set forth in their November 11, 1975 and November 19, 1975, pleadings in this proceeding.

The Commission orders:

(A) The motions to reject and requests for summary disposition set forth in their November 11, 1975 and November 19, 1975, pleadings are hereby denied.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-461 Filed 1-7-76;8:45 am]

[Docket No. CP76-189]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

DECEMBER 23, 1975.

Take notice that on December 5, 1975, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, jointly Applicants, filed in Docket No. CP76-189 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants state that by letter amendment dated November 24, 1975, to an existing exchange agreement they have agreed to exchange natural gas in order to assist Transco in taking new supplies of natural gas into its system from the Southwest Bird Island Field Area, Kleberg County, Texas. Transco would deliver or cause to be delivered to Texas Eastern up to 6,000 Mcf of natural gas per day, at a mutually agreeable point on Texas Eastern's 12-inch pipeline crossing the Laguna Madre, Kleberg County. Texas Eastern would contemporaneously return equivalent volumes of natural gas to Transco at a mutually agreeable existing authorized interconnection.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 14, 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-470 Filed 1-7-76;8:45 am]

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[1] Villages of Arcadie, Bloomdale, Carey, Bygnet, Greenwich, Ohio City, Plymouth, Republic, Shiloh, St. Clarisville, Sycamore, Wapukoneta and Wharton, Ohio.

[2] *Conway Corp. v. F.P.C.*, 510 F.2d 1264 (D.C. Cir. 1975).

[Docket No. CP76–168]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

DECEMBER 23, 1975.

Take notice that on November 20, 1975, Transcontinental Gas Pipe Line Corporation (Applicant), P. O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76–168 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for the Celotex Corporation (Celotex), all as more fully set forth in the application on file with the Commision and open to public inspection.

Applicant alleges that Celotex has agreed to purchase natural gas from The South Coast Corporation through its agent, Exchange Oil & Gas Corporation (Exchange), pursuant to a gas purchase agreement dated August 18, 1975, produced from Vermilion Block 16 (state waters), Vermilion Parish, Louisiana. The gas to be produced is estimated at 500 Mcf per day at 15.025 psia and would be delivered to Applicant at an existing interconnection on Applicant's Central Louisiana Gathering system in Block 16. It is indicated that Celotex would pay Exchange $1.50 per million Btu plus tax reimbursement.

Applicant would redeliver such volumes, less 4.4 percent of the gas accepted as line loss and compressor fuel, to Pennsylvania Gas & Water Company (PG&W) at existing Saylor Avenue and Wyoming Monument delivery points for the account of Celotex. Applicant would charge Celotex 22.0 cents at 14.73 psia per Mcf transported. PG&W would deliver such gas to Celotex's plant located in Pittston, Pennsylvania, and would charge Celotex 16.5 cents per Mcf transported at 14.73 psia. The proposed transportation would continue for a period of twelve months from the initial delivery of natural gas by Exchange to Applicant for the account of Celotex.

The gas proposed to be transported for Celotex by Applicant alleged to be for priority 3 end-use as set forth in Section 2.78 of the Commission's General Policy and Interpretations (18 CFR 2.78) and particularly would be used to dry mineral acoustical tile by the direct fire method. This process is stated to be limited by current technology to the use of propane as an alternative fuel. It is stated that Celotex requires approximately 500 Mcf per day of natural gas for its Pittston plant. The application indicates that total deliveries of natural gas to Celotex have been curtailed, that Celotex is presently using propane, and that the cost of propane is approximately four times that of natural gas.

Applicant states that the volumes to be transported under this and any similar arrangements with customers of the distributors, when added to the volumes being transported for the distributors themselves and the distribution customers' scheduled daily deliveries, would not exceed the contract entitlement of the distributors from Applicant. Applicant alleges that the proposed transportation service would not have an impact on Applicant's ability to provide system-wide deliveries to its priority 1 markets.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 14, 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 Commmission'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.76–469 Filed 1–7–76;8:45 am]

[Docket No. RP76–15]

ALGONQUIN GAS TRANSMISSION

Order Granting Untimely Petition To Intervene

DECEMBER 22, 1975.

On September 24, 1975 Algonquin Gas Transmission Company (Algonquin) tendered for filing four proposed tariff sheets[1] to its FPC Gas Tariff, First Revised Volume No. 1. Algonquin tendered for filing substitute Ninth Revised Sheet No. 10 on October 3, 1975. Notice of Algonquin's initial filing was issued on October 6, 1975 with comments, protests or petitions to intervene due on or before October 10, 1975. Notice of the Substitute Sheet was issued on October 20, 1975 with comments, protests or petitions to intervene due on or before October 28, 1975.

By order issued October 24, 1975, the Commission accepted for filing and suspended the proposed tariff sheets, granted waiver and granted interventions.

On November 28, 1975 the Rhode Island Consumers' Council filed an untimely petition to intervene. The Council states that it is a statutory agency whose principal responsibility is to appear before local, state and federal commissions in matters affecting consumers. Rhode Island General Laws, 1956, as amended, Section 42–42–5. The Council indicates that Rhode Island consumers are affected by Algonquin's filing because nearly all natural gas supplied to Rhode Island is received by companies who purchase from Algonquin. Our review indicates that the Council has a sufficient interest in this proceeding to warrant intervention.

The Commission finds. The Council's participation in this proceeding may be in the public interest.

The Commission orders. (A) The Council is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided,* further, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The late intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76–483 Filed 1–7–76;8:45 am]

[Docket No. RP75–106; Docket No. RP75–105]

COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GULF TRANSMISSION CO.

Further Extension of Procedural Dates

DECEMBER 29, 1975.

On December 22, 1975, Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company filed a motion to extend the procedural dates fixed by order issued July 14, 1975, as most recently modified by notice issued December 10, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

[1] Original Sheet No. 20–A, Original Sheet No. 20–B, Original Sheet No. 20–C, Ninth Revised Sheet No. 10.

Service of Intervenor Testimony, February 12, 1976.
Service of Company Rebuttal, February 26, 1976.
Hearing, March 11, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-477 Filed 1-7-76;8:45 am]

[Docket Nos. RP75-106 and RP75-105, (Consolidated Taxes)]

COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GULF TRANSMISSION CO.

Extension of Procedural Dates

DECEMBER 29, 1975.

On December 22, 1975, Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company filed a motion to extend the procedural dates fixed by order issued December 1, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Company Testimony, February 6, 1976.
Service of Staff Testimony, April 2, 1976.
Service of Intervenor Testimony, April 16, 1976.
Service of Company Rebuttal, April 30, 1976.

Hearing, May 13, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-478 Filed 1-7-76;8:45 am]

[Docket No. RP75-114]

EAST TENNESSEE NATURAL GAS CO.

Motion To Place Revised Tariff Sheets in Effect

DECEMBER 29, 1975.

Take notice that on December 15, 1975, East Tennessee Natural Gas Company (East Tennessee) filed certain revised tariff sheets together with a motion to place said revised tariff sheets in effect as of January 15, 1976. East Tennessee states that said sheets reflect certain changes ordered by the Commission in its order issued in the above-referenced proceeding on August 14, 1975, the average cost of purchased gas, the flow-through of demand charge credits, and the assignment of 75 percent of East Tennessee's fixed costs to the commodity rate.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 12, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.70-479 Filed 1-7-76;8:45 am]

[Docket No. E-9091]

GEORGIA POWER CO.

Order Accepting Compliance Filing

DECEMBER 24, 1975.

On October 31, 1974, Georgia Power Company (Georgia Power) tendered for filing a $42,981,351 rate increase in jurisdictional sales based upon a test period consisting of the twelve months ending December 31, 1975. The submittal was accepted for filing and suspended by order issued December 26, 1974.

On August 5, 1975, the Commission issued an order requiring Georgia Power to file revised tariff sheets reflecting the exclusion of construction work in progress from rate base and further requiring Georgia Power to make refunds of the amounts collected attributable to the inclusion of CWIP in rate base. On August 22, 1975, the Company applied for rehearing and a stay of the Commission's August 5, order, which the Commission denied by order issued September 19, 1975. On September 24, 1975, Georgia Power filed a petition for review of the Commission's Order of August 5, 1975, with the United States Court of Appeals for the District of Columbia Circuit. Pending review, Georgia Power requested the Court of Appeals to stay the Commission's Order requiring it to refund any revenues already collected. By order dated October 3, 1975, the Court of Appeals denied Georgia Power's request for stay.

By letter dated October 6, 1975, Georgia Power submitted revised tariff sheets[1] reflecting the exclusion of CWIP from its rate base. The filing was completed on November 25, 1975, when additional data was received from Georgia Power.

Notice of the tendered filing was issued on October 15, 1975, with responses due on or before October 31, 1975.

On October 30, 1975, Oglethorpe Electric Membership Corporation (Oglethorpe) filed a response to the notice and a motion to compel Georgia Power's compliance with the August 5, 1975 order. Oglethorpe contends that in filing to exclude CWIP from the rate base, Georgia Power improperly revised its class allocation of federal and state income taxes from the amounts originally used in the initial WR-8 rate filing. The alleged revision in the allocation of federal and state taxes by Georgia Power has caused the refund from the WR-8 revised rate to Oglethorp to be approximately $400,000 less than it would have been, had Georgia Power used a proper application of the allocation formula, according to Oglethorpe. Oglethorpe requests that the Commission order Georgia Power to file revised tariff sheet reflecting a different allocation of taxes to wholesale customers.

On October 31, 1975, the Cities of Acworth, Georgia, et al., and Electric Cities of Georgia (the Cities) filed a protest and motion to enforce compliance with the order issued August 5. The Cities content that Georgia Power incorrectly computed refunds due its wholesale customers as a result of excluding CWIP from its rate base. According to the Cities, Georgia Power's claimed refunds to the jurisdictional customers are deficient by $1,591,514. The Cities attribute Georgia Power's alleged error to an apparent reallocation of "pre-rate change" income taxes between its original filing and its purported compliance filing made pursuant to our August 5, 1975 order. The Cities ask that the Commission order Georgia Power to file a revised tariff sheet consistent with the Cities recalculation of the gross revenues to be derived under the originally filed WR-8 and, accordingly, to refund with interest additional amounts of money to its wholesale customers for the period during which Georgia Power included CWIP in its rate base under the WR-8 rate.

On October 31, 1975, the City of Dalton, Georgia (Dalton) filed to join in the Cities' protest and motion to enforce compliance with the Commission's August 5, 1975 order.

On November 14, 1975, Georgia Power filed a response to the intervenors' protests and motions regarding compliance with the Commission's order issued August 5, 1975. According to Georgia Power, the difference in the CWIP revenue calculation made by Georgia Power and that made by the intervenors rests solely in the methodology employed in the allocation of income taxes to the various customers. The Company contends it used the identical tax allocation procedure in removing CWIP revenues as it did in originally designing the rates which produced such revenues. The Company concludes that it has complied with the August 5, 1975 order and, further, that the issue of the propriety of the Company's tax allocation procedure should be determined following a hearing on the merits. Accordingly, Georgia Power requests that the intervenors' motions to enforce compliance with the August 5 order be denied.

Our review of Georgia Power's initial and compliance filings and the above-described responses by the intervenors indicates that Georgia Power's revised tariff sheets tendered October 6, 1975 and November 25, 1975 are in compliance with our August 5 order. Georgia Power's revised income tax computation reflecting the exclusion of CWIP from rate base is consistent with the methodology used by the Company in its original filing in this proceeding. Accordingly,

[1] Designated as: Georgia Power Company, Fourth Revised Sheet No. 23 to FPC Electric Tariff Original Volume No. 1 (Supersedes Third Revised Sheet No. 23).

Georgia Power's tendered revised tariff sheets reflecting the exclusion of CWIP from the rate base will be accepted for filing and made effective as of April 1, 1975, subject to refund; and the intervenors' motions will be denied as hereinafter ordered.

The Commission finds. (1) Good cause exists to accept for filing Georgia Power's revised tariff sheets reflecting the exclusion of CWIP from rate base and to make those sheets effective as of April 1, 1975, subject to refund.

(2) Good cause exists to deny the intervenors' motion filed herein.

The Commission orders. (A) Georgia Power's revised tariff sheets reflecting the exclusion of CWIP from the rate base tendered for filing on October 6, 1975, as supplemented on November 25, 1975, are found to be in compliance with our order issued August 5, 1975 in this proceeding and are hereby accepted for filing and made effective as of April 1, 1975, subject to refund.

(B) Intervenors' motion filed herein are hereby denied.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.76-487 Filed 1-7-76;8:45 am]

[Docket No. ER76-352]

KANSAS POWER AND LIGHT CO.

Renewal Contract

DECEMBER 23, 1975.

Take notice that on December 10, 1975 The Kansas Power and Light Company (KPL) tendered for filing a Renewal Contract dated October 1, 1975 to its contract with the City of Enterprise, Kansas, designated as KPL's Rate Schedule FPC No. 85.

KPL requests waiver of the notice requirement to permit the Renewal Contract to become effective October 1, 1975. KPL states there are no changes in conditions from the original contract and the applicable rate schedule, WSM-75, was made effective October 1, 1975, subject to refund, pending decision in Docket No. ER76-39.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-484 Filed 1-7-76;8:45 am]

[Docket No. ER76-353]

KANSAS POWER AND LIGHT CO.

Renewal Contract

DECEMBER 23, 1975.

Take notice that on December 10, 1975 The Kansas Power and Light Company (KPL) tendered for filing a Renewal Contract, dated October 14, 1975, to its contract with the City of Chapman, Kansas for wholesale electric service, designated as KPL's Schedule FPC No. 87.

KPL requests waiver of the notice requirement in order to allow the Renewal Contract to become effective on November 1, 1975. KPL states that there are no changes in conditions of service and that the applicable rate schedule, WSM-75, was ordered to be effective October 1, 1975, subject to refund, pending decision in Docket No. ER76-39.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-485 Filed 1-7-76;8:45 am]

PENNSYLVANIA ELECTRIC CO.

[Docket No. ER76-301]

Order Accepting Proposed Tariff Sheets for Filing, Suspending Use Thereof, Providing for Hearing, Granting Intervention and Establishing Procedures

DECEMBER 24, 1975.

On November 26, 1975, Pennsylvania Electric Company (Penelec) tendered for filing proposed changes in its FPC Electric Tariff, Original Volume No. 1.[1] The proposed tariff sheets provide for an increased rate "RP" and for various changes in the service to Penelec's all-requirements wholesale customers at primary voltage. The customers affected by these proposed changes are six Pennsylvania municipal customers (the Boroughs of Berlin, East Conemaugh, Girard, Hooversville, Smithport and Summerhill) and six investor-owned utilities (Rockingham Light, Heat & Power Company, Eckland Electric Company, Waterford Electric Light Company, Wellsborough Electric Company, Windber Electric Corporation and West Penn Power Company). Also tendered for filing were increased rates for partial requirements and wheeling service to Allegheny Electric Cooperative, Inc. (Allegheny).[2] Included in the changes proposed by Penelec were revised fuel cost adjustment clauses for its all-requirements service and its partial-requirements service to Allegheny.

Penelec states that the proposed rate increases are intended to recover sharp increases in cost over the 1972 costs underlying the present all-requirements wholesale rates, and the 1971 costs used to derive rates for service to Allegheny. Penelec states further that the increase is overdue and that without immediate rate relief it will be unable to meet coverage requirements to issue bonds by mid-1976. We note that the proposed rates would produce $1,854,542 in additional revenues from its all-requirements customers on the basis of the 12 month test period ending June 30, 1976 (Period II). This increase represents an increase in the demand charge from $2.50 per kw to $4.26 per kw, as well as an increase in the energy charges from 1.40 cents per kwh to 2.70 cents per kwh for the first 200 hours' use block, from 1.10 cents per kwh to 2.10 cents per kwh for the next 200 hours' use block, and from 0.85 cents per kwh to 1.50 cents per kwh for the tail block. Under the terms of the proposed rate increase the additional revenues from Allegheny would amount to $7,557,472 for the same 12 month test period ending June 30, 1976 (Period II). This increase represents an increase in the demand charge from $1.78 per kw to $3.05 per kw, an increase in the energy charge from 1 cent per kwh to 2.3 cents per kwh. and an increase in the wheeling charge from $1.62 per kw per month to $3.25 per kw per month. The proposed rates would thus increase revenues for the 12 months ending June 30, 1976 by approximately $9,412,064, or 61%. Penelec indicates that the proposed increase would result in an overall earned return of 9.58% with a return on common equity of 14.50%.

In addition to the proposed increases in its rates, Penelec has proposed a change in the notice period for termination in the tariff from two to three years.

[1] Penelec's proposed tariff sheets are designated Third Revised Sheet No. 4, First Revised Sheet No. 7, First Revised Sheet No. 9, Second Revised Sheet No. 11, Second Revised Sheet No. 13, Second Revised Sheet No. 14, and Fourth Revised Sheet No. 15.

[2] These proposed changes were designated Supplement Nos. 7, 8 and 9 to Rate Schedule FPC No. 70.

The contracts under which Penelec serves its all-requirements customers do not permit Penelec to unilaterally change the notice provision until the present contracts are terminated. Accordingly, Penelec has indicated that it intends to give notice of termination of the contracts and, upon termination, to offer service to each affected customer under a contract with identical terms and conditions, except for the lengthened notice period. Penelec claims that the increase in the notice period for termination is required to adjust system capacity for the attendant loss in load.

Penelec also proposes a revision to the late payment charge which would replace the presently effective one-time only late payment charge of 1% on amounts not paid within 15 days from the billing date with a monthly late payment charge of 1% per month on amounts not paid within 15 days. Penelec states that the proposed provision would permit the collection of more reasonable compensation for payments which are substantially delayed.

Finally, Penelec has proposed revised fuel adjustment clauses for service to both its rate "RP" customers and to Allegheny. Both of these fuel clauses include Gross Receipts Tax adjustment factors. Penelec states that the changes are being made to conform the fuel clauses with Order No. 517 issued November 13, 1974.

Public notice of Penelec's filing was issued on December 10, 1975, with comments, protests and petitions to intervene due on or before December 22, 1975. Several timely protests filed.[3] Pursuant to Section 1.10 of our Rules of Practice and Procedure, 18 CFR 1.10, these protests will be placed into a public file associated with, but not part of the record upon which the Commission's decision is made, and will be available for such further exploration of the substantive matters raised therein by the Commission Staff and the other parties as may be appropriate. As set forth in Section 1.10 the filing of a protest does not make the protestant a party to the proceeding; a separate petition to intervene is required for this purpose.

Also filed with the Commission was a joint Protest and Petition To Intervene by Allegheny and several of Penelec's municipal distributor customers.[4] In protesting the proposed increase for all-requirements service, the Boroughs allege that the increase would seriously impede the operation of their systems by impairing their ability to compete with Penelec for new industrial retail customers. Allegheny alleges that the proposed increase in Penelec's wheeling rates would force Allegheny to increase its purchase of supplemental power from Penelec and Metropolitan Edison Company (Met-Ed) at a substantially greater cost. Allegheny therefore concludes that the proposed increase in wheeling rates is anti-competitive and is an apparent violation of the Sherman Act and the Clayton Act.

Further objections by Allegheny and the Boroughs include allegations that (1) the 14.50% rate of return on common equity and the 9.74% overall return are excessive; (2) the allowance for funds used during construction have been capitalized at an inordinately high rate; (3) Penelec's cost of service study fails to reflect the income tax savings resulting from tax deductions for interest payable on its debt; (4) improper treatment has been accorded deferred income taxes on construction overhead items; (5) compensating bank balances have been improperly included as a component of working capital; and (6) that Penelec has improperly allocated its primary distribution facilities. Allegheny and the Boroughs therefore request that they be allowed to intervene in this proceeding, that the proposed increase be suspended for five months and that a hearing be held on the lawfulness of the proposed rates.

Our review of Penelec's filing and the pleadings filed to date in this docket indicate that several issues may require development in an evidentiary hearing. Moreover, the proposed increase in rates and charges has not been shown to be just and reasonable and may be unjust, unreasonable or otherwise unlawful. We shall therefore suspend the proposed rate increase for two months and direct that a hearing be held on the justness and reasonableness of the rates proposed therein. Allegheny and the Boroughs will be allowed to intervene in these proceedings.

The Commission must utilize a cost plus fair return standard for establishing the justness and reasonableness of wholesale rates and does not have the authority under the Federal Power Act to set wholesale rates predicated upon retail rates over which we have no jurisdiction.[5] We shall therefore limit this proceeding so as to exclude consideration of the price squeeze issue raised by the Boroughs. We are aware of the decision by the United States Court of Appeals for the District of Columbia Circuit in *Conway Corporation* v. *FPC*, 510 F2d 1264 (1975). However, the court in *Conway* stayed its mandate pending appeal by the Commission and a writ of *certiorari* has subsequently been issued by the Supreme Court.[6] Accordingly, the Boroughs may renew their price squeeze allegations when and if the Conway decision becomes final.

Evidence relevant to the remaining issues raised by the instant filing should be submitted by all parties including the Commission Staff. Without limiting their right to present such further evidence as they deem relevant and material, the parties and our Staff should present evidence which considers in addition to the issues set forth above, the following: (1) reduction of rate base by the amount of accumulated provision for deferred federal income taxes (Account Nos. 281 and 283); (2) separation of transmission function into various subfunctions reflecting voltage or service levels for allocation purposes; (3) deferral of fuel costs in Period I and no apparent matching of fuel costs with revenues in Period II; (4) increase in the notice period for termination from two to three years; and (5) revision of the late payment charge.

The Commission further finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of Penelec's rate increase filed in Docket No. ER76-301, and that such increase be accepted for filing, suspended and the use thereof deferred as hereinafter ordered.

(2) Participation in this proceeding by Allegheny and the Boroughs may be in the public interest.

The Commission orders: (A) Pending a hearing and decision thereon, Penelec's November 26, 1975 filing is accepted for filing and suspended for two months until February 26, 1976, or until such time as it is made effective in the manner provided by the Federal Power Act, subject to refund.

(B) Allegheny and the Boroughs are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the initial conference in this proceeding on January 19, 1976, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission,

[3] Those filing protests include the Shade Township Supervisors; the Borough of Windber; Mrs. Lily Chweh, Mrs. Sandra Tallyen, Mrs. Terry Weaver, on behalf of themselves and certain unnamed concerned residents in the Windber Electric Corporation service area; Mrs. Frances Lewandowski; and the Eureka Department Store, and the Windber Area School District.

[4] The municipal customer group includes the Boroughs of Berlin, East Conemaugh, Girard, Hooversville, Smethport, and Summerhill (hereinafter referred to collectively as the Boroughs).

[5] *See, eg., Virginia Electric and Power Company*, Docket No. E-9147 (order issued January 22, 1975), *Carolina Power and Light Company*, Docket No. E-8884 (order issued August 26, 1974); *Wisconsin Public Service Corporation*, Docket No. E-8867 (order issued August 23, 1974); and *Pacific Gas and Electric Company*, Docket No. E-7777 (order issued March 14, 1974).

[6] November 11, 1975, in Docket No. 75-342.

825 North Capitol Street NE., Washington, D.C. 20426 Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(D) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

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

By the Commission.

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

[FR Doc.76-475 Filed 1-7-76;8:45 am]

[Docket No. ER76-156]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Order Granting Petitions To Intervene and Denying Petitions for Rehearing

DECEMBER 24, 1975.

On November 28, 1975, the Borough of Milltown, New Jersey (Milltown) and the Borough of South River, New Jersey (South River) each filed an application for rehearing of our letter order dated October 31, 1975[1], in the above-referenced docket, and a petition to intervene. Milltown contends initially that the flat $5.00 per kilowatt demand rate included in its new rate schedule makes no provision for reduced costs for increased consumption, as is reflected in PSEC's non-jurisdictional rates, and secondly, that the approved rate schedule is contrary to a retail rate schedule recently approved by the New Jersey Public Utility Commission for large power and lighting service to private industry. Milltown also alleges that the increases as to it are generally excessive. South River essentially set forth the same arguments as Milltown, including, however, two additional allegations. One is that the Federal Power Commission does not have jurisdiction over PSEC's rates to South River inasmuch as PSEC's sales to South River do not involve interstate commerce, and the second is that the fuel adjustment charges made to South River are somehow "buried deceptively" within PSEC's energy and demand rates.

Notice of PSEC's filing was issued on October 8, 1975 with comments, protests, or petitions to intervene due on or before October 20, 1975. We find that it may be in the public interest to grant the late-filed petitions to intervene submitted on November 28, 1975 by Milltown and South River, and shall so order. PSEC responded to Milltown's petition for rehearing on December 2, 1975, and to South River's petition for rehearing on December 15, 1975. Our Rules, however, provide that "no answers to petitions for rehearing will be entertained by the Commission" unless rehearing is granted (18 C.F.R. Section 1.34(d)). Inasmuch as both of PSEC's responses are in fact answers to the instant petitions for rehearing, we must reject them as being prematurely filed.

The joint arguments raised by Milltown and South River which are based upon differences between PSEC's jurisdictional and non-jurisdictional rates are essentially "price-squeeze" allegations with which we have dealt on many occasions.[2] We have consistently declined to consider such arguments on the basis that we do not have the authority under the Federal Power Act to set wholesale rates predicated upon retail rates over which we have no jurisdiction, and we shall do likewise in this instance. We note, however, that on November 11, 1975 the U.S. Supreme Court granted the Commission petition for a writ of certiorari in Conway Corporation v. FPC.[3] Our exclusion of the Boroughs' price squeeze allegations are, therefore, made without prejudice to their renewal of said issues when and if the Conway decision becomes final.

We find South River's jurisdictional arguments to be without merit. The Federal Power Act has charged this Commission with the responsibility to regulate the transmission of electric energy in interstate commerce and the sale of such energy at wholesale in interstate commerce. Our review of PSEC's current operating data indicates that a portion of the energy sold on its system is generated outside of the state of New Jersey, thereby conferring our jurisdiction over PSEC's wholesale sales to South River.

With respect to South River and Milltown's allegations that PCES's rates are excessive, as well as South River's contention that PCES does not properly reflect its fuel adjustment charges in its rates, we find them to be equally without merit. Our review of PSEC's filing indicates that the company's claimed jurisdictional costs are based upon an historical test year ending June 30, 1975 (which used actual costs for the period including relatively minor adjustments), and include an overall rate of return from resale customers of 5.22 percent, which produces a return on equity of 2.69 percent on PSEC's equity capitalization ratio of 35.68 percent. We also note that for the year ended June 30, 1975, PSEC's actual data reflects that the company only earned a 3.65 percent overall rate of return on its jurisdictional service. Based upon the foregoing circumstances, we find that the rate of return proposed and the return on equity to be realized by PSEC in this proceeding, are within the zone of reasonableness. Therefore, inasmuch as the cost of service is essentially "per books" and we have determined that the proposed rate of return is within the zone of reasonableness, we find the wholesale rates proposed by PSEC in this proceeding are just and reasonable. We further find that PSEC's fuel adjustment clause, as proposed in this proceeding, is in conformance with Section 35.14 of our Rules and Regulations, as amended by Order No. 517, and suggest that South River's misunderstanding arises not because the fuel adjustment is "buried" elsewhere in the rate, but because the base cost of fuel within the clause has been updated to reflect current fuel costs.

We conclude that neither South River nor Milltown has presented us with specific reasons sufficient to warrant a rehearing. Therefore, based upon the foregoing discussion, we find that the petitions for rehearing of South River and Milltown should be denied, and we reaffirm our letter order of acceptance issued on October 31, 1975 in this proceeding.

The Commission finds. (1) Good cause exists to grant the petitions to intervene of Milltown and South River.

(2) Good cause does not exist to grant the petition for rehearing of either Milltown or South River.

(3) Good cause exists to reject both the answer filed by PSEC on December 2, 1975, as well as the answer of PSEC filed on December 15, 1975.

The Commission orders. (A) The Boroughs of Milltown and South River are hereby permitted to intervene in this proceeding.

(B) The petitions for rehearing of the Borough of Milltown and the Borough of South River are hereby denied.

(C) The answers filed by PSEC on December 2, 1975 and December 15, 1975 in this proceeding are hereby rejected.

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

By the Commission.

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

[FR Doc.76-476 Filed 1-7-76;8:45 am]

[Docket No. RP75-113]

TENNESSEE GAS PIPELINE CO.

Motion To Place Revised Tariff Sheets in Effect

DECEMBER 29, 1975.

Take notice that on December 15, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., (Tennessee) filed

[1] Wherein we accepted Public Service Electric and Gas Company's (PSEC) proposed Rate Schedules FPC No. 53 (Milltown) and FPC No. 54 (South River) for filing to become effective without suspension on November 1, 1975.

[2] See e.g., Virginia Electric and Power Company, Docket No. E-9147 order issued January 22, 1975; Carolina Power and Light Company, Docket No. E-8884, order issued August 26, 1974; Wisconsin Public Service Corporation, Docket No. E-8867, order issued August 23, 1974; and Pacific Gas and Electric Company, Docket No. E-7777, order issued March 14, 1974; Detroit Edison Company, Docket No. E-9294, order issued July 2, 1975; Ohio Power Company, Docket No. ER76-83, order issued November 14, 1975.

[3] 510 F.2d 1264 (1975).

certain revised tariff sheets together with a motion to place said revised tariff sheets in effect as of January 15, 1976. Tennessee states that said revised tariff sheets reflect certain changes ordered by the Commission in its order issued August 15, 1975, in the above-referenced docket, the current average cost of purchased gas, and the assignment of 75 percent of Tennessee's fixed costs to the commodity rates.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commissions' Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 12, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-480 Filed 1-7-76;8:45 am]

[Docket No. RP74-98]

TIDAL TRANSMISSION CO.

Order Denying Application for Rehearing or Reconsideration and Request for Waiver

DECEMBER 23, 1975.

On September 15, 1975, Tidal Transmission Company (Tidal) tendered for filing a revised tariff sheet[1] seeking to implement a current Research and Development Rate Adjustment under its previously approved R&D Adjustment Clause.[2] Tidal requested that its revised sheet become effective November 1, 1975. By letter order issued October 31, 1975, we rejected Tidal's tariff sheet since it was inconsistent with the provisions of Section 154.38(d)(5) of our Regulations. Specifically, we stated that Tidal's filing was inconsistent with the Regulations in that it did not reflect the balances in Account 188 for the 12 month period ending 3 months prior to the proposed effective date, or July 31, 1975. Tidal used the balance in that account as of the 12 months ended December 31, 1974. We also stated that Tidal's filing did not conform to the requirement that the balance in Account 188 as of April 30, 1973,[3] be subtracted from the July 31, 1975 balance. On November 28, 1975, Tidal filed an Application for Rehearing or Reconsideration of our October 31, 1975 order.

In support of its Application for Rehearing, Tidal argues that its filing was made to permit Tidal to recover R&D expenditures in accordance with its approved R&D Rate Adjustment Clause included in its tariff which, it alleges, is binding on Tidal and the Commission. Tidal states further that its use of the December 31, 1974 balance instead of July 31, 1975 balance is a technical defect only and not a basis for rejection. Tidal also argues that its tariff does not require subtraction of the April 30, 1973 balance in Account 188. Tidal submits that the Commission should seek to determine the proper level for its rate instead of rejecting its filing. In the alternative, Tidal requests reconsideration of our action and waiver of the provisions of our Regulations to permit its revised tariff sheet to become effective.

We shall deny Tidal's Application. Simply stated, Tidal's filing does not conform to the requirements of our Regulations and, pursuant to § 154.24, the Commission may reject materials which do not comply with the requirements of Part 154 of the Regulations. Section 154.38 (d)(5)(ii) provides specifically as follows:

> R&D expenditures in Account 188 which are eligible to receive rate base treatment and which may be tracked and reflected in rates shall be the amount which the actual balances in such account during the 12-month period ending three months prior to the proposed rate adjustment exceed or are less than the balances in such account as of the date of this regulation [April 30, 1973], if an initial filing, . . .

Tidal's filing is not in conformity with the requirement that the balance used be for the 12 month period ending three months prior to the proposed effective date, nor does it subtract the balance in Account 188 as of April 30, 1973, the effective date of § 154.38(d)(5). Accordingly, we believe that the filing should be rejected. The court described our rejection of filings as:

> a peremptory form of response to filed tariffs" which classically is used not to dispose of a matter on the merits but rather as a technique for calling on the filing party to put its papers in proper form and order.[5] . . . In these situations, a rate filing may be rejected both when the governing statute explicitly provides for rejection [footnote omitted] and when it does not. The Commission had the authority to issue a regulation like 18 C.F.R. § 35.5 . . . for the rejection of filings that patently fail to establish substantial compliance with duly issued regulations. *Municipal Light Board of Reading and Wakefield Massachusetts* v. *Federal Power Commission*, 450 F. 2d 1341, 1346 (1971).

Tidal's Application for Rehearing does not persuade us that rejection of its filing was improper nor that we should grant reconsideration and grant waiver of the Regulations. The action taken herein is without prejudice to Tidal's right to file pursuant to Section 4 of the Natural Gas Act and § 154.63 of the regulation thereunder for such other rate relief as it may deem appropriate.

The Commission finds: Tidal's Application for Rehearing or Reconsideration raises no new issue of fact or law to justify granting rehearing or reconsideration of our order or waiver of the Regulations.

The Commission orders: (A) Tidal's Application for Rehearing or Reconsideration and request for waiver is hereby denied.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-486 Filed 1-7-76;8:45 am]

[Docket No. CI75-395]

TRANSCO EXPLORATION CO.

Notice of Redesignation

DECEMBER 29, 1975.

On April 16, 1975, Transco Exploration Company notified the Commission of its corporate name change from the former Transcontinental Production Company effective March 10, 1975.

Notice is hereby given that the certificate of public convenience and necessity, covering the sale of gas to Transcontinental Gas Pipe Line Corporation from the Ewing Field, San Patricio County, Texas, issued in the subject docket on February 12, 1975, and the related FPC Gas Rate Schedule No. 2 are redesignated as those of Transco Exporation Company.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-481 Filed 1-7-76;8:45 am]

[Docket No. E-9496]

UNION ELECTRIC CO.

Postponement of Hearing Date

DECEMBER 24, 1975.

On December 16, 1975, Union Electric Company filed a motion to postpone the hearing date fixed by order issued July 11, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the hearing date in the above is postponed from January 6, 1976, to January 21, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-488 Filed 1-7-76;8:45 am]

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[1] Second Revised Sheet No. 17 to its FPC Gas Tariff, Original Volume No. 1.

[2] By order issued February 21, 1975, in the instant docket, we accepted for filing and permitted to become effective Tidal's tariff sheets containing its proposed R&D Rate Adjustment Clause.

[3] The date Order No. 483, permitting the filing of such R&D rate adjustment provisions, was issued.

[5] F. Welch, Cases and Text on Public Utility Regulation 581 (1961). "A 'notice of rejection' is not generally used to dispose of a case on its merits. It is more in the nature of a procedural or interim pleading or response, giving the utility an opportunity to correct some defect in its original filings, or to file new schedules or tariffs in proper order, if it so desires." *Id.*

[Docket No. E-9147]

VIRGINIA ELECTRIC AND POWER CO.

Motion for Approval of Settlement Agreements

DECEMBER 29, 1975.

Take notice that on December 15, 1975, Virginia Electric and Power Company (Vepco), the Cooperative Intervenors,[1] and ElectriCities of North Carolina[2] filed a joint motion for approval of two Settlement Agreements in the above captioned docket and for deferral of any further procedural dates in Phase I of this proceeding pending Commission action on the Settlement Agreements.

Docket No. E-9147 was initiated on December 2, 1974 (as supplemented on December 23, 1974) when Vepco tendered for filing with the Federal Power Commission proposed changes to its FPC Electric Tariff, Original Volume Nos. 1 and 2, applicable to Resale Municipalities and Private Utilities, and proposed changes in its electric resale rate schedule applicable to electric Cooperatives. Notice of VEPCO's filing was issued on December 5, 1974 with protests and comment due on or before December 23, 1974. In response to this notice, ElectriCities of North Carolina (ElectriCities)[3] and a group of Cooperatives[4] separately filed Motions to Intervene and Reject on December 23, 1974. On January 6, 1975, VEPCO filed answers to each of the intervenors pleadings.

By order issued January 22, 1975, the Commission accepted the proposed rate increases for filing as of December 23, 1974, and suspended it for thirty days, the use thereof to be deferred until February 21, 1975, subject to refund.

Direct testimony has been filed by Vepco, the intervenors both jointly and separately, and the Commission Staff. No rebuttal testimony has been filed because the parties have been involved in settlement negotiations.

The settlement negotiations have resulted in the execution of the two documents offered for the Commission's approval: "Settlement Agreement Between Virginia Electric and Power Company and Wholesale Cooperative Electric Customers" ("Cooperative Agreement") and "Settlement Agreement Between Virginia Electric and Power Company and Wholesale Municipal Electric Customers" ("Municipal Agreement"). For the Cooperative customers, the settlement increase would be in the amount of $7,854,000 on a 1975 estimated test year basis. For the Municipal customers the increase would be in the amount of $5,171,000 on the same basis. Both Agreements contain a moratorium provision, with certain exceptions, to run to February 21, 1977, and other provisions.

Counsel for Vepco states that he is authorized by the parties joining in the joint motion for settlement approval, as well as Counsel for the Commonwealth of Virginia, to state that they stipulate that, for the limited purpose of determining the reasonableness and justness of the Settlement Agreements, the record in this proceeding shall consist of the Application for an Increase in Vepco's Rates, the direct testimony submitted under affidavit by Vepco and that submitted by the Commission Staff.

Counsel for the Commonwealth of Virginia and Commission Staff Counsel have concurred in that portion of the Motion which requests that the procedural dates for Phase I be deferred pending action by the Commission on these Settlement Agreements.

Any person desiring to be heard or to protest the proposed settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before January 12, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-482 Filed 1-7-76;8:45 am]

[1] Old Dominion Electric Cooperative, Northern Neck Electric Cooperative, North Carolina Electric Membership Corporation and Roanoke Electric Membership Corporation, representing all of Vepco's cooperative customers.

[2] Representing all of Vepco's municipal customers with the exception of the Town of Elkton, Virginia.

[3] See footnote 2 above.

[4] See footnote 1 above.

[Docket No. CP73-332]

NORTHWEST PIPELINE CORP.

Petition To Amend

DECEMBER 23, 1975.

Take notice that on November 28, 1975, Northwest Pipeline Corporation (Petitioner), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP73-332 a petition to amend the order of the Commission of February 26, 1975 (53 FPC —), as amended, pursuant to Sections 7 (b) and (c) of the Natural Gas Act for permission and approval to abandon the sales and delivery of natural gas made to Intermountain Gas Company (Intermountain) pursuant to Petitioner's Rate Schedule TS-1 and for the inclusion in Petitioner's certificate of public convenience and necessity of authorization to sell the volumes of natural gas released by the proposed abandonment to other customers subscribing to the TS-1 service, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

In the instant petition to amend, Petitioner states that Intermountain has failed to receive the necessary authorization from the Idaho Public Utilities Commission to implement Intermountain's TS-1 service agreement with Petitioner. It is further stated that service has commenced pending the authorization requested by Intermountain.

Intermountain is alleged to have requested Petitioner by a letter of November 17, 1975, to reallocate among Petitioner's other customers of service under Rate Schedule TS-1 the 5,000 Mcf of natural gas per day that Intermountain had requested and has begun to receive, pursuant to Rate Schedule TS-1.

Petitioner indicates that three existing recipients of Petitioner's service pursuant to Rate Schedule TS-1, Southwest Gas Corporation, Northwest Natural Gas Company, and California-Pacific Utilities Co., have requested the allocation of the volumes released by Intermountain in proportional amounts. The existing and proposed volumes of natural gas service pursuant to Petitioner's Rate Schedule TS-1 are as follows:

Customer	Existing contract demand	Increase or (decrease)	Proposed contract demand	
	1,000 ft³	*1,000 ft³*	*1,000 ft³*	*Therms*
California-Pacific Utilities Co.	2,000	288	2,288	23,914
Cascade Natural Gas Co.	8,000	----------	8,000	83,600
Intermountain Gas Co.	5,000	(5,000)	0	0
Northwest Natural Gas Co.	28,750	4,039	32,789	342,640
Southwest Gas Corp.	4,750	673	5,423	56,671
Washington Natural Gas Co.	1,500	----------	1,500	15,675
Total	*50,000	0	*50,000	522,500

* Although petitioner is authorized to import up to 55,000 (M ft³/d) it has contracted to sell 50,000 (M ft³/d) which is the amount it has estimated to be available after fuel usage.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 15, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-491 Filed 1-7-76;8:45 am]

[Docket No. ER76-39]

KANSAS POWER & LIGHT CO.

Order Denying Motion To Reject, Amending Prior Order, Establishing Section 206(a) Proceedings and Consolidating Proceedings

DECEMBER 22, 1975.

On July 28, 1975, the Kansas Power and Light Company (KPL) tendered for filing proposed Schedules of Rates and Charges for Wholesale Service-Municipalities to supersede and replace those rate provisions of KPL's contract rate schedules presently in effect and on file with the Commission, which relate to thirty-four (34) wholesale municipal customers (Municipals).[1] KPL requested an effective date of September 1, 1975 for the proposed changes to all customers except the City of Herington (Herington). The proposed date to Herington is January 23, 1976.

Notice of KPL's filing was issued on August 11, 1975, and a "Motion To Reject, Protest and Petition To Intervene Of The Kansas Wholesale Municipal Customers" was filed by the Municipals on August 20, 1975. Municipals make the following allegations: 1) KPL's filing as to twenty-five of the thirty-four Municipals is prohibited by the terms of its contracts with those cities, and should be rejected under the *Mobile-Sierra* doctrine[2], 2) KPL's filing should be rejected as failing to conform to Section 35.13(b) of the Commission's Rules and Regulations, 3) the proposed rate increases to the Municipals are discriminatory vis-a-vis both other wholesale and/or retail customers of the company, and 4) the proposed rate schedule changes are unjust and unreasonable and should be suspended for the full five-month period.

By order dated August 29, 1975 we accepted KPL's proposed rate schedules for filing, suspended the proposed changes for thirty days (or until February 23, 1976 as to Herington and until October 1, 1975 as to all other customers), granted Municipals' intervention, instituted proceedings, and established a procedural schedule. Due to the number of issues raised in the Municipals' motion, we deferred action on that motion until a later date, and held that our action at that time was without prejudice to our disposition of the Municipals' motion to reject.

On September 4, 1975, KPL filed a motion for extension of time to respond to Municipal's motion. KPL's request was granted by a Secretary's notice issued September 9, 1975, and KPL subsequently filed its response on September 19, 1975. Municipals' reply to KPL's response was then filed on September 25, 1975 and amended on September 26, 1975.

The Municipals' initial objection to KPL's proposed rate schedule changes is that the terms of the January 23, 1959 agreement between Herington and KPL (FPC Rate Schedule No. 56) make no provision for a unilateral rate filing by KPL under Section 205 of the Federal Power Act. Article IV of the contract in question reads as follows:

> This agreement and all of the terms and conditions thereof shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns for a period of ten (10) years from the date hereof; and from year-to-year thereafter unless cancelled by sixty (60) days written notice from one party to the other prior to the end of the primary term or any yearly period thereafter.

Municipals claim that no written notice of termination has been received by Herington from KPL and that the proposed rate change to Herington must therefore be rejected as violative of the *Mobile-Sierra* doctrine. They base their objection upon the *Mobile-Sierra* doctrine.[3] In *Mobile*, the Supreme Court held that a jurisdictional company may not escape a contract obligation to provide service at a single specified price for a term of years by unilaterally filing an increased rate schedule under Section 4(d) of the Natural Gas Act, a section like section 205(d) of the Federal Power Act. Simultaneously, in *Sierra*, the Court set down the test for determining whether a fixed rate contract on file at the Commission is unjust or unreasonable under Section 206(a) of the Federal Power Act:

> [W]hether the rate is so low as to adversely affect the public interest—as where it might impair the financial ability of the public utility to continue its service, cast upon other consumers an excessive burden, or be unduly discriminatory.

KPL states that it recognized the fixed-rate nature of the Herington contract, and styled its filing as to Herington so as to delay its effectiveness until after the expiration of the contract. On December 8, 1975, KPL filed the required notice of termination with this Commission in Docket No. ER76-340, to be effective on January 23, 1976. In our previous order of August 29, 1975 in this docket, we accepted the proposed change in rates and charges as to Herington to become effective on February 23, 1976, subject to refund. We will, therefore, expressly condition that acceptance and the effectiveness of KPL's proposed increase as to Herington upon our acceptance of KPL's filing terminating the Herington contract in Docket No. ER76-340.

The Municipals also claim that twenty-four[4] of KPL's other contracts prohibit unilaterally-filed rate increases. Municipals state that the terms thereof vary from five to ten years and provide as follows:

> City shall pay Company monthly on or before ten (10) days after rendition of the bill for electric energy delivered during the preceding months on the basis of the Company's electric price schedule MWH-63, now filed with and approved by the Kansas Corporation Commission or at such revised price schedule as may from time to time be authorized by the said Kansas Corporation Commission for the class of service furnished hereunder, or by any other lawfully constituted regulatory body having jurisdiction in the premises. A copy of the said schedule MWH-63 is attached and made a part hereof.

Such language, the Municipals allege, does not reserve to KPL the right to unilaterally file with the Commission a tariff inconsistent with its contractual obligation under the agreements.[5]

KPL argues that the above-quoted language is clearly different from that contained in the Herington contract, and that these contracts are clearly "going-rate" and not "fixed rate" contracts, as defined in *Sierra*. KPL emphasizes the use of the phrase "from time to time" in the other twenty-four contracts, suggesting that this indicates that the parties specifically contemplated revisions in the price schedule on a regular basis. KPL also argues that a review of the history of these contracts establishes the interpretation given them by the parties in past filings before this Commission.

On May 16, 1963, this Commission accepted the contracts in question for filing as initial rate schedules. Included in those contracts was the identical above-cited language, with the exception that the rate schedule referred to therein was MWH-2. By order dated September 15, 1964, the Commission accepted for filing as a supplement to those contracts rate schedule MWH-63 to be applicable to service to the municipals in lieu of MWH-2, effective August 31, 1964. KPL states that the instant filing merely proposed to substitute rate WSM-75 for MWH-63 just as MWH-63 replaced MWH-2 in 1964.

Under the Commission Regulations under the Federal Power Act, 18 CFR 35.1(d), a public utility may only charge that rate which is set forth in an effective rate schedule on file with this Commission. The filed rate doctrine of the Federal Power Act is well established. As the Supreme Court pointed out in *Montana-Dakota Utilities Co. v. Northwestern Public Service Co.* 341 U.S. 246, 251 (1951):

> * * * It [public utility] can claim no rate as a legal right that is other than the filed rate whether fixed or merely accepted by the Commission, and not even a Court can authorize Commerce in the commodity on other terms.

The effective rate schedule may be one which is established by an appropriate

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[1] See "Order Accepting For Filing . . . And Establishing Dates" issued in this docket on August 29, 1975, Appendix A for designations.

[2] *United Gas Pipeline Co. v. Mobile Gas Service Corp.*, 350 U.S. 332 (1956) and *F.P.C. v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

[3] See note 2, *supra*.

[4] Although Municipals state "twenty-six" on page one of its motion, only twenty-five cities (including Herington) are listed under Appendix A thereto, labelled "Sierra Customers." We have corrected this apparent error.

[5] Municipals cite *Richmond Power & Light Company v. F.P.C.*, 481 F. 2d 490 (D.C. Cir. 1973) and *Southern California Edison Co.*, "Order on Reconsideration," issued January 23, 1975, in Docket No. E-8176, as authority.

filing of the public utility and "* * * permitted by the Commission to become effective as a filed rate schedule * * *", 18 CFR 35.2(e), or "* * * established in conformity with an order of the Commission * * *", 18 CFR 35.18. See *City of Colton* v. *Southern California Edison Company*, 376 U.S. 205 (1964). Thus an "effective rate schedule" before this Commission need not in every circumstance be Commission prescribed. Absent contractual limitations of the *Mobile-Sierra* type, a public utility may perfect an effective rate schedule under which it may legally collect revenues for jurisdictional services rendered pursuant to the Federal Power Act.

However, with respect to the aforesaid twenty-four contracts, in addition to the Herington contract discussed above, we have concluded that KPL does have a *Mobile* contractual restraint. We cannot agree with KPL's interpretation of the contracts' meaning. The only changes provided for in the contracts were those "authorized" by the lawfully recognized body having jurisdiction. The contracts in question provide that KPL shall charge on the basis of Schedule MWH–63 or such revised price schedule as may from time to time be authorized. Nowhere do the contracts state, nor may we infer, that the parties contemplated unilateral *filings* as provided for in Section 205 of the Federal Power Act. The contract language in the *Memphis* case,[6] where the Court held the parties had by contract agreed to unilateral filings, differed from the contract before us now. That contract stated the rate was to be, *"any effective superseding rate schedules*, on file with the Federal Power Commission." There a unilateral filing was contemplated by the contract. We do not believe the word "authorized" contemplates a unilateral filing which may be made effective merely by Commission acceptance but rather that it contemplates a rate fixed by the Commission. We have consistently held that similar phrases such as "approved"[7] and "ordered"[8] . . . "by the Commission" do not support unilateral filings by the company. We find therefore, as did the Court in *Mobile*, that the parties to the contracts in question consented only to those changes finally authorized or ordered by the appropriate Commission, and clearly did not contemplate unilateral filings as permitted by Section 205.

Moreover, under the state public utility laws of Kansas, as interpreted by the Supreme Court, public utilities do not have the power to effect unilateral contract changes. The Court in *Mobile*, *supra*, stated at p. 346:

> * * * in *Wichita Railroad & Light Co.* v. *Public Utilities Commission of Kansas*, 260 U.S. 48, this Court interpreted a Kansas Statute, not yet fully construed by the State Court, as not giving such a power to a public utility * * *

The Supreme Court of Kansas reaffirmed this view in 1967, subsequent to the date of these contracts, and in doing so relied upon its own 1957 opinion in another case. See *Kansas Power and Light Co.* v. *Mobil Oil Co.*, 426 F. 2d 60 (1967). KPL's arguments to construe its contractual provisions as "authorizing" unilateral contract changes ignore this bar. Under state law as well as under the Federal Power Act, KPL is constrained from effecting unilateral changes to its aforesaid contract sales.

Nor do we find the treatment given similar contracts in the past to be conclusive of what our action should be in the present situation. As pointed out on page four of KPL's Answer, there were no objections raised by any of the Municipalities at the time KPL filed to replace rate schedule MWH–2 with WMH–63. However, it does not follow, as suggested by KPL, that the lack of an objection denotes a change in the fixed-rate nature of the contract. The Court in *Mobile* recognized that a contract rate may be changed by mutual agreement of the parties without changing the fixed-rate nature of the contract. A subsequent filing made to effect that mutually agreed-upon change would not then be contrary to the terms of the amended, though nonetheless still fixed-rate, contract. Such is not the situation presented to us by KPL's latest filing, and the rule of *Mobile-Sierra* therefore dictates that we disallow these Section 205 filings. Accordingly, we shall not treat KPL's filing as to the customers listed in Appendices A and B as unilateral filings under Section 205 of the Federal Power Act.

However, we shall institute a Section 206(a) proceeding to determine the just and reasonable rate for KPL's service to the customers listed in Appendices A and B[9], all changes to be prospective in application. KPL's filing as to these customers shall represent its case-in-chief in these proceedings. We shall further order refunds since October 1, 1975, to these customers. In light of this action, we shall deny Municipals' motion to reject KPL's filing as to these customers.

Our review further indicates that certain of the twenty-four contracts in question will expire on a date certain (See Appendix A), whereas the remaining contracts will run continuously until proper notice of termination is given (See Appendix B). We therefore find it is appropriate that as each of the above-mentioned contracts expires, we will grant a waiver of the ninety-day notice requirements of the Commission's Regulations, and permit an effective date for the proposed changes as of the expiration date of said contracts. Pursuant to *Municipal Electric Utility Association of Alabama* v. *F.P.C.*,[10] however, we will require that, as each of the above-mentioned contracts expires, KPL will file with the Commission a superseding service agreement capable of serving as a notice of termination of contractual service required by 18 C.F.R. Section 35.15, and an amended list of purchasers.

The Municipals' second major argument is that KPL's filing does not conform to the Commission's Regulations, specifically Sections 35.13(b)(4) and Section 35.13(b)(2) thereof, and should be rejected fo rthat reason. In support of this allegation, Municipals point out that Section 35.13(b)(4) of the Regulations requires Period I data to be the most recent twelve months of actual company experience. Municipals state that it is "clear from the face" of KPL's filing that the company possessed, at the time of the filing, actual data beyond the test year chosen ending March 31, 1975 (although no specifics are mentioned), and suggest that the test year should have been July 1974 through June 1975[11]. Our review of KPL's filing, however, does not reveal that the company had available to it any data more recent than that already provided in its filing of July 28, 1975, and we will therefore deny Municipal's motion to reject on these grounds.

The Municipals have also alleged KPL's filing to be deficient in that it does not provide a comparison of the proposed rate with other rates of the filing public utility for similar wholesale or resale and transmission services as required by § 35.13(b)(2) of the Regulations. Specifically, the Municipals state that KPL has not compared the proposed rates to the Municipals with the rates KPL charges its seventeen Rural Electric Cooperative (Cooperatives) customers. Our review has not revealed any such comparison to be necessary. We do not find, nor does the information provided by the Municipals support a finding, that the electric service provided by KPL to the Cooperatives is indeed "similar" to that provided to the Municipals. The submission of this data is only required when similar services exist, and we think that the failure to file such

[6] *United Gas Pipe Line Co.* v. *Memphis, Light Gas and Water Division*, 358 U.S. 103.

[7] *Detroit Edison Company*, Docket No. E–9294, "Order Instituting Section 206 Investigation", issued July 2, 1975, Docket No. E–9294.

[8] *Id.*, *Public Service Company of New Mexico*, "Order instituting Section 206(a) Proceeding", issued July 21, 1975, Docket No. E–9454.

[9] We note that the procedures under such a Section 206(a) proceeding would not entail meeting the heavy burden of proof associated with the *Mobile-Sierra* decision. See: *Indiana & Michigan Electric Company*, Docket No. E–7740, Order on Reconsideration, issued June 3, 1974; *Potomac Edison Company*, Docket No. E–8878, order issued July 31, 1974; *Southern California Edison Company*, Docket No. E–8176, orders issued January 23, 1975 and March 21, 1975; *Detroit Edison Company*, Docket No. E–9294, order issued July 2, 1975; *Public Service Company of New Mexico*, Docket No. E–9454, order issued September 29, 1975.

[10] 485 F. 2d 967 (D.C. Cir. 1973); See also *Arkansas-Missouri Power Company*, Docket No. E–9092, "Order Accepting For Filing", issued November 29, 1974.

[11] We assume the dates listed as "July 1973 through June 1974" in Municipals' motion are typographical errors and have corrected them.

data in this case does not warrant rejection of KPL's filing.[12]

The Municipals third point of contention is that the proposed rate increases are discriminatory vis-a-vis both other wholesale and/or retail customers of the company. In support of its wholesale discrimination allegation, the Municipals have compared the proposed capacity and energy charges with those charges made to the Doniphan Electric Cooperative Association, Inc., one of KPL's seventeen Cooperative customers. Municipals contend that this comparison indicates a totally unjustified and patently discriminatory pricing bias to the proposed rates to the Municipals, even though the services were essentially similar. The Municipals may present evidence to substantiate this claim in the proceeding to be established.[13]

Municipals further contend that the proposed rate to them by KPL is discriminatory on its face by attempting to foreclose competition by the Municipals for retail loads, and state that Section 205(b) therefore requires that we reject KPL's filing on that basis. *Conway Corporation* v. *F.P.C.* 510 F. 2d 1264 (1975) is cited as authority for this proposition. However, the Court in *Conway* stayed its mandate pending appeal by the Commission. Accordingly, petitioners may renew its request for consideration of the price squeeze issue when and if the *Conway* decision becomes final.

The Municipals' fourth contention is that the proposed rate schedule changes are unjust and unreasonable, lacking in support, and should be suspended for the full five-month period. Specifically, the Municipals allege that a) the claimed rate of return is excessive, b) the proposed demand ratchet is unjust and unreasonable, and c) the proposed increase to the base power factor is unjust and unreasonable. We believe that these issues are best decided only after a full and complete record is developed concerning same during the evidentiary hearings provided for in this proceeding.

The Commission finds:

(1) The motion to reject KPL's rate increase filing should be denied as to all customers. However, acceptance of the filing as to Herington should be specifically conditioned upon acceptance of KPL's proposed termination of the Herington contract in Docket No. ER76-340.

(2) Good cause exists to grant a waiver of the ninety day notice requirements and amend the previous order in this docket so as to permit an effective date upon the expiration of the contract of each customer listed in Appendix A and B.

(3) A proceeding under Section 206(a) of the Federal Power Act should be instituted to determine the just and reasonable rate to be charged those customers listed in Appendix A and B. Such proceeding should use the material submitted in KPL's original filing of July 28, 1975.

(4) "Price-squeeze" issues should be excluded from these proceedings.

The Commission orders:

(A) Ordering Paragraph (A) of our order issued August 29, 1975, in this docket is hereby amended so as to permit a waiver of the ninety day notice requirement of the Commission's Regulations as to those customers listed in Appendix A and B attached hereto. The proposed changes are to become effective as to these customers upon the expiration of each of their contracts, on condition that, when each of their respective contracts does expire, KPL will file with the Commission, pursuant to *Municipal Electric Utility Association of Alabama* v. *F.P.C.*, *supra*, a superseding service agreement capable of serving as the notice of termination of contractual service rendered required by 18 C.F.R. Section 35.15, and an amended list of purchasers.

(B) Pursuant to the authority of the Federal Power Act, particularly Section 206 thereof, and the Commission's Rules and Regulations, and the Regulations under the Federal Power Act, a public hearing shall be held on March 9, 1976, at 10:00 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness and reasonableness of the rates and charges in KPL's FPC Rate Schedules, as proposed to be amended and made applicable to those customers listed in Appendix A and B. This proceeding shall be consolidated with that previously established in this docket.

(C) All rate increases to those customers listed in Appendices A and B which we may approve shall be effective only from the date of such approval or upon the expiration of the contracts, as provided by Ordering Paragraph (A) above, as applicable. All amounts collected, subject to refund, related to the proposed increases to the customers listed in Appendices A and B since October 1, 1975, shall be refunded forthwith. KPL's filing as to these customers shall represent its case-in-chief in the Section 206(a) proceeding ordered herein.

(D) The Municipals' motion to reject as to all customers is hereby denied. Our acceptance of the filing as to Herington, however, is specifically conditioned upon our acceptance of KPL's proposed termination of the Herington contract in Docket No. ER76-340.

(E) "Price-squeeze" issues are hereby excluded from these proceedings.

By the Commission.

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

[12] *Public Service Company of New Mexico, supra.*

[13] *St. Michaels Utilities Commission* v. *The Eastern Shore Public Service Co. of Maryland*, 35 FPC 591 (1966), affm'd 377 F. 2d 912 (USCA—4th Cir. 1967).

APPENDIX A

KANSAS POWER & LIGHT CO.—DOCKET NO. ER76-39

Wholesale municipal customer	*Date of expiration of contract*
1. City of Enterprise	Oct. 1, 1975.
2. City of Eudora, Kans.	Nov. 28, 1975.
3. City of Chapman, Kans.	Nov. 1, 1975.
4. City of Desoto, Kans.	Dec. 12, 1975.
5. City of Axtell, Kans.	Feb. 13, 1976.
6. City of Robinson, Kans.	Apr. 3, 1976.
7. City of Reserve, Kans.	Dec. 1, 1976.
8. City of St. Marys, Kans.	Nov. 1, 1977.
9. City of Vermillion, Kans.	Feb. 5, 1978.
10. City of Alma, Kans.	Feb. 22, 1978.
11. City of Centralia, Kans.	May 1, 1978.
12. City of Elwood, Kans.	Do.
13. City of Troy, Kans.	Aug. 6, 1978.
14. City of Morrill, Kans.	July 2, 1980.
15. City of Toronto, Kans.	Apr. 6, 1980.
16. City of Seneca, Kans.	Nov. 1, 1982.
17. City of Waterville, Kans.	May 1, 1983.

APPENDIX B

KANSAS POWER & LIGHT CO.—DOCKET NO. ER76-39

Wholesale Municipal Customers

1. City of Larned, Kansas.
2. City of Sterling, Kansas.
3. City of Clay Center, Kansas.
4. City of Lindsborg, Kansas.
5. City of St. John, Kansas.
6. City of Hillsboro, Kansas.
7. City of Stafford, Kansas.

[FR Doc.76-493 Filed 1-7-76;8:45 am]

FEDERAL RESERVE SYSTEM

EMPIRE BANCORP INC.

Order Approving Formation of Bank Holding Company

Empire Bancorp Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of Empire State Bank, Kansas City, Missouri ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act (12 U.S.C. 1842(b)). The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those submitted by the Commissioner of Finance of the State of Missouri, in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a corporation organized under the laws of the State of Missouri for the purpose of becoming a bank holding company through the acquisition of Bank. In the relevant banking market,[1] Bank (total deposits of $17.1

[1] The relevant market is Kansas City, Kansas, and includes Johnson and Wyandotte Counties in Kansas and Cass (less the cities of Archie, Creighton, Drexel, and Garden City), Clay, Jackson and Platte Counties in Missouri.

million) is the 66th largest of 132 commercial banks and controls approximately .37 percent of the total deposits held by commercial banks in that market.[2] Inasmuch as Applicant currently has no banking subsidiaries, the acquisition of Bank by Applicant would neither eliminate significant existing or potential competition nor increase the concentration of banking resources in the relevant banking market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which are dependent upon those of Bank, are considered to be satisfactory. In light of the past earnings of Bank, its anticipated growth, and its present capital position, the debt that Applicant would incur as a result of this proposal will be serviceable by Applicant from Bank's dividends without jeopardizing the capital position of Bank. The considerations relating to banking factors and to the convenience and needs of the community to be served are consistent with approval of the application, particularly in that Applicant would provide stability to Bank's management. It is the Board's judgment that consummation of the holding company formation would be consistent with the public interest and that the application to acquire Bank should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[3] effective December 31, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-499 Filed 1-7-76;8:45 am]

MONTROSE BANCSHARES, INC.

Formation of Bank Holding Company

Montrose Bancshares, Inc., Montrose, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 84.76 percent or more of the voting shares of Montrose Savings Bank, Montrose, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 29, 1976.

Board of Governors of the Federal Reserve System, December 31, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-500 Filed 1-7-76;8:45 am]

SECURITY BANCORP, INC.

Proposed Retention of Security Datacenter and A.D.P.C., Inc.

Security Bancorp, Inc., Ponca City, Oklahoma, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain voting shares of Security Datacenter and A.D.P.C., Inc., both of Ponca City, Oklahoma. Notice of the application to retain shares of Security Datacenter was published on June 17, 1975; and notice of the application to retain shares of A.D.P.C., Inc. was published on May 29, 1975. Both notices were published in the Ponca City News, a newspaper circulated in Ponca City, Oklahoma.

Applicant states that Security Datacenter performs various computer services for Security Bank & Trust Co., Ponca City, Oklahoma, (a subsidiary of Applicant) and other businesses and municipalities; A.D.P.C., Inc. leases computer time to perform bookkeeping services for public schools. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 29, 1976.

Board of Governors of the Federal Reserve System, December 31, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-501 Filed 1-7-76;8:45 am]

INSURED BANKS

Joint Call for Report of Condition

GROSS REFERENCE: For a document issued jointly by the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Comptroller of the Currency, Department of the Treasury, on the subject of a call for a report of conditions of insured banks, see FR Doc. 76-538 appearing in the notices section of this issue under the Federal Deposit Insurance Corporation.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76-01]

JAPAN ENGINEERING DEVELOPMENT CO.

Intent To Grant Foreign Exclusive Patent License

In accordance with the NASA Foreign Licensing Regulations, 14 C.F.R. 1245.405(e), the National Aeronautics and Space Administration announces its intention to grant to the Japan Engineering Development Company, Tokyo, Japan, exclusive patent licenses in Japan for the four NASA owned inventions covered by the Japanese counterparts of: (1) U.S. Patent No. 3,672,999 for "Use of Unilluminated Solar Cells as Shunt Diodes for a Solar Array", issued to NASA on June 27, 1972; (2) U.S. Patent No. 3,847,689 for "Method of Forming Aperture Plate for Electron Microscope", issued to NASA on November 12, 1974; (3) U.S. Patent No. 3,753,148 for "Infrared Tunable Laser", issued to NASA on August 14, 1973 and (4) U.S. Patent No. 3,772,216 for "Polyimide Foam for Thermal Insulation and Fire Protection", issued to NASA on November 13, 1973. Copies of the above identified U.S. Patents can be purchased from the U.S. Patent Office, Department of Commerce, Washington, D.C., 20231 for $.50 a copy. Interested parties should submit written inquiries or comments within 60 days to the Assistant General Counsel for Patent Matters, Code GP, National Aeronautics and Space Administration, Washington, D.C., 20546.

Dated: January 5, 1976.

S. NEIL HOSENBALL,
General Counsel.

[FR Doc.76-531 Filed 1-7-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

RESEARCH PANEL

Notice of Meeting

DECEMBER 19, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Research Panel will meet at

[2] All banking data are as of December 31, 1974, unless otherwise indicated.

[3] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich, and Jackson. Absent and not voting: Chairman Burns and Governor Coldwell.

Washington, D.C. on January 23, 1976, from 9:00 A.M. to 5:00 P.M.

The purpose of the meeting is to review research grant applications submitted to the National Endowment for the Humanities for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call area code 202 382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76–581 Filed 1–7–76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N–R 76–2]

RESPONSES TO SAFETY RECOMMENDATIONS

Notice of Receipt

The National Transportation Safety Board announces the receipt last week of two letters from the U.S. Coast Guard updating responses to 1974 Safety Board recommendations.

USCG letter of 15 December 1975 concerns recommendation M–74–31 which was contained in marine casualty report USCG/NTSB–MAR–74–6, entitled "SS WILLIAM T. STEELE; death of three ships officers at Guayanilla, Puerto Rico on 18 November 1972." The Coast Guard is now preparing a notice of proposed rulemaking that will implement the recommendation which asked that "all operators of chemical tank vessels be required to maintain updated operating manuals aboard each ship showing the proper operation of the piping system for anticipated transfer operations."

USCG letter of 18 December 1975 concerns recommendation M–74–5 contained in marine casualty report USCG/NTSB–MAR–74–2 regarding the collision of the Tug CAROLYN and Barge WEEKS No. 254 with the Chesapeake Bay Bridge and Tunnel on or about 21 September 1972. The Board recommended that the Coast Guard place additional emphasis in its search and rescue procedures on protecting bridges from vessel impacts. Enclosed with the letter is a copy of Commandant Notice 3130, promulgated 12 November 1975, to assist in promoting safety with regard to bridge collisions. The Coast Guard states that this Notice calls for meetings to be held by all interested parties to develop contingency plans to prevent or minimize loss or damage caused by vessel impact with bridges.

A $4.00 user-service charge will be made for each recommendation response letter, in addition to a charge of 10¢ per page for reproduction. Requests must be in writing, identified by report and/or recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2172 (49 U.S.C. 1906))

MARGARET L. FISHER,
Federal Register Liaison Officer.

JANUARY 5, 1976.

[FR Doc.76–519 Filed 1–7–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–331]

IOWA ELECTRIC LIGHT AND POWER COMPANY ET AL.

Notice of Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendment to Facility Operating License No. DPR–49 issued to Iowa Electric Light and Power Company Central Iowa Power Company Corn Belt Power Cooperative (the licensees) for operation of the Duane Arnold Energy Center (the facility) located near Palo in Linn County, Iowa.

The amendment would revise the Technical Specifications to (1) add requirements that would limit the period of time operation can be continued with immovable control rods that could have control rod mechanism collet housing failures and (2) require increased control rod surveillance when the possibility of a control rod drive mechanism collet housing failure exists.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By February 9, 1976, the licensees may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of these amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing 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 Jack R. Newman, Esquire, Harold F. Reis, Esquire, Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifics 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 Commission's letter to Iowa Electric Light & Power Company dated September 23, 1975 and the attached proposed Technical Specifications and the Safety Evaluation by the Commission's staff dated September 23, 1975 and Iowa Electric Light and Power Company's letter dated October 13, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401. These license amendments and the Safety Evaluation may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 29th day of December 1975.

For the Nuclear Regulatory Commission.

DONALD M. ELLIOTT,
Acting Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.76–353 Filed 1–7–76;8:45 am]

[DOCKET NO. 50-219]

JERSEY CENTRAL POWER AND LIGHT CO.

Notice of Proposed Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendment to Provisional Operating License No. DPR-16 issued to Jersey Central Power & Light Company (the licensee) for operation of the Oyster Creek Nuclear Generating Station Unit 1 (the facility) located in Ocean County, New Jersey.

The amendment would revise the Technical Specifications to (1) add requirements that would limit the period of time operation can be continued with immovable control rods that could have control rod mechanism collect housing failures and (2) require increased control rod surveillance when the possibility of a control rod drive mechanism collet housing failure exists.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By February 9, 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 these amendments to the subject provisional operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, Barr Building, 910 17th Street, NW., Washington, D.C. 20006, 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 Commission's letter to Jersey Central Power & Light Company dated September 25, 1975 and the attached proposed Technical Specifications and the Safety Evaluation by the Commission's staff dated September 25, 1975 and Jersey Central Power & Light Company's letter dated October 17, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Ocean County Library, 15 Hooper Avenue, Toms River, New Jersey 08753. The license amendment and the Safety Evaluation may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 17th day of December 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.76-354 Filed 1-7-76;8:45 am]

[DOCKET NO. 50-220]

NIAGARA MOHAWK POWER CORP.

Notice of Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendment to Facility Operating License No. DPR-63 issued to Niagara Mohawk Power Corporation for operation of Nine Mile Point Unit 1 located in Oswego County, New York.

This amendment would revise the Technical Specifications to (1) add requirements that would limit the period of time operation can be continued with immovable control rods that could have control rod mechanism collet housing failures and (2) require increased control rod surveillance when the possibility of a control rod drive mechanism collet housing failure exists.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By February 9, 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 this amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Arvin E. Upton, Esquire, LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street, NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designed by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to these actions, see the Commission's letter to Niagara Mohawk Power Corporation dated September 23, 1975 and the attached proposed Technical Specifications and the Safety Evaluation by the Commission's staff dated September 23, 1975 and Niagara Mohawk Power Corporation' letter dated October 14, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oswego City Library, 120 E. Second Street, Oswego, New York 13126. This license amendment and the Safety Evaluation may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 29th day of December 1975.

For the Nuclear Regulatory Commission.

DONALD M. ELLIOTT,
Acting Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.76–355 Filed 1–7–76;8:45 am]

[Docket No. 50–245]

NORTHEAST NUCLEAR ENERGY COMPANY ET AL.

Notice of Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Provisional Operating License No. DPR–21 issued to Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Connecticut Light and Power Company (the Licensees), for operation of the Millstone Nuclear Power Station, Unit No. 1, located in Waterford, Connecticut.

This amendment would revise the Technical Specifications to (1) add requirements that would limit the period of time operation can be continued with immovable control rods that could have control rod drive mechanism collet housing failures and (2) require increased control rod surveillance when the possibility of a control rod drive mechanism collet housing failure exists.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By February 9, 1976, the licensees may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of this amendment to the subject Provisional Operating License. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to William H. Cuddy, Esquire, Day, Berry & Howard, Counselors at Law, One Constitution Plaza, Hartford, Connecticut 06103, the attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to these actions, see the Commission's letter to Northeast Nuclear Energy Company dated September 25, 1975 with the attached proposed Technical Specifications and the Safety Evaluation by the Commission's staff dated September 23, 1975, and the licensees' letter dated October 10, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. A copy of the proposed license amendment and the related Safety Evaluation may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 29th day of December 1975.

For the Nuclear Regulatory Commission.

DONALD M. ELLIOTT,
Acting Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.76–356 Filed 1–7–76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON INSPECTION AND ENFORCEMENT ACTIVITIES

Notice of Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on Inspection and Enforcement Activities will hold a meeting on January 23, 1976, at the Read House and Motor Inn, 9th and Broad Streets, Chattanooga, TN. The purpose of this meeting is to continue discussion of third-party inspection and the roles of inspection and examination organizations in relation to nuclear safety.

The agenda for subject meeting shall be as follows:

Friday, January 23, 1976, 12:45 p.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent knowledge of inspection and examination practices and organizations, regarding the matters which should be covered during the following open meeting in order to formulate a Subcommittee report and recommendations to the full Committee.

1:00 p.m. until the conclusion of business. The Subcommittee will meet in open session to hold discussions with invited inspection-oriented participants and members of the NRC Staff on topics pertinent to examination and inspection of safety related systems of nuclear power plants.

At the conclusion of the open session, the Subcommittee may caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During the session Subcommittee members and consultants will discuss their final opinions and recommendations on these matters.

I have determined, in accordance with Subsection 10(d) of Public Law 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 agenda items may do so by providing 15 readily reproducible copies to the Subcommittee at the beginning 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 sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than January 16, 1976 to Mr. G. R. Quittschreiber, ACRS, NRC, Washington, D.C. 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 NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555.

(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 January 22, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1347, Attn: Mr. G. R. Quittschreiber) between 8:15 a.m. and 5:00 p.m., EST.

(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 on or after January 30, 1976 at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 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, D.C. 20555 after April 23, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: January 5, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-562 Filed 1-7-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CONRAC CORP.

Suspension of Trading

DECEMBER 31, 1975.

The common stock of Conrac Corporation being traded on the New York Stock Exchange and Pacific Coast Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Conrac Corporation being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 4:00 p.m. (EST) on December 31, 1975 through midnight (EST) on January 9, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-503 Filed 1-7-76;8:45 am]

[811-1912]

BURNHAM FUND

Filing of Application

JANUARY 2, 1976.

Notice is hereby given that the Burham Fund ("Applicant"), 60 Broad Street, New York 10004, an open-end, diversified management investment company registeerd under the Investment Company Act of 1940 ("Act"), has filed on November 25, 1975, an application pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below.

Applicant states that it was incorporated in New Jersey and registered under the Act on August 1, 1969.

Applicant represents that on June 16, 1975, pursuant to an Agreement and Plan of Reorganization and Articles of Transfer ("Agreement"), which had been approved by its shareholders on June 12, 1975, the Fund sold substantially all of its assets to the Drexel Equity Fund, Inc., now the Drexel Burnham Fund, Inc. ("Drexel Burnham"), in exchange for common stock of Drexel Burnham and that a total of 1,552,156.154 Drexel Burnham shares were exchanges, representing an exchange ratio of 1.016968 shares of Drexel Burnham for each outstanding share of Applicant. Applicant states that such shares were subsequently distributed to shareholders of the Applicant according to their respective interests in liquidation of the Applicant. Applicant further represents that it now has no stockholders, engages in no business activity and that on the date of filing its only assets consisted of $25,000 in cash which is to be retained as a provision for liabilities not reasonably foreseeable at the time of the exchange.

Applicant states that any portion of such retained cash that is not used to pay liabilities of Applicant ("reserve surplus") will be paid over to Drexel Burnham. Applicant further states that a proportionate amount of reserve surplus attributable to shareholders of Drexel Burnham will be distributed in additional shares of Drexel Burnham to be valued at the net asset value of Drexel Burnham on the date of the payment of the reserve surplus, which shall be made no later than June 16, 1976. Applicant states that its shareholders who do not remain shareholders of Drexel Burnham at the date of distribution of reserve surplus will receive no portion of the reserve surplus; but, the amount apportionable to such shareholders will be added to the assets of Drexel Burnham.

Applicant represents that it is filing a Certificate of Dissolution with the Secretary of State of New Jersey.

Section 8(f) of the Act provides in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given, that any interested person may, not later than January 26, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-505 Filed 1-7-76;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORP. OF AMERICA

Suspension of Trading

JANUARY 2, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% con-

vertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 2, 1976 through January 11, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-507 Filed 1-7-76;8:45 am]

[70-5780]

INDIANA & MICHIGAN ELECTRIC CO.

Proposed Sale of Utility Assets

JANUARY 2, 1976.

Notice is hereby given that Indiana & Michigan Electric Company ("I&M"), 2101 Spy Run Avenue, Fort Wayne, Indiana 46801, an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 12(d) of the Act and Rule 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

I&M proposes to sell to Miles Laboratories, Inc. ("Miles"), which is not affiliated with either I&M or AEP, certain transformers and related equipment and facilities located in place on Miles' property in Elkhart, Indiana. These facilities were constructed by I&M for the sole purpose of serving Miles. Miles desires to purchase these facilities in order to take advantage of a lower rate schedule for an anticipated increase in electric consumption.

The sale involves two 12/16/20MVA transformers, switching equipment, two bay steel structures, and related equipment and facilities. The selling price, which is based on the depreciated replacement cost, will be $271,153. The original installed cost of these facilities was $238,680, and the original cost less book depreciation is $227,597.

The fees and expenses to be incurred by I&M or AEP in connection with the proposed transaction are estimated at $2,300. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than January 27, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addresed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-506 Filed 1-7-76;8:45 am]

[SR-NYSE-75-11]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Changes

JANUARY 2, 1976.

On November 6, 1975, the New York Stock Exchange, 55 Water Street, New York, New York, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of proposed rule changes. The Uniform Net Capital Rule adopted by the Commission on June 26, 1975, becomes fully effective on January 1, 1976, thereby setting minimum capital standards for all brokers and dealers. The changes in NYSE Rules 325, 313.11, 313.12, 313.22, 320(f), 321.34, 322.10, 324.24, 326, 420 and 431 incorporate by reference Rule 15c3-1 and are intended to implement the minimum net capital requirements adopted by the Commission and to make conforming changes to related rules.

Notice of the proposed rule changes together with the substance of the proposed rule changes was given by publication of a Commission Release (Securities Exchange Act Release No. 11909, December 9, 1975, and by publication in the FEDERAL REGISTER (40 FR 250, December 30, 1975)).

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

Further, the Commission finds good cause for approving the proposed rule changes prior to the thirtieth day after the date of publication of notice of filing thereof in that the effective dates of the proposed amendments are intended to take effect on the day on which the Uniform Net Capital Rule becomes effective, January 1, 1976, and this approval is necessary for the protection of investors, the maintenance of fair and orderly markets and the safeguarding of securities and funds.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule changes filed with the Commission on November 6, 1975, be, and they hereby are, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITSIMMONS, *Secretary.*

[FR Doc.76-504 Filed 1-7-76;8:45 am]

VETERANS ADMINISTRATION

PRIVACY ACT OF 1974

Proposed Amendment of Notice of Systems of Records

Notice is hereby given that the Veterans Administration is considering adding one new routine use statement and amending one routine use statement in the system of records entitled, "Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA," appearing on page 38117 of the FEDERAL REGISTER of August 26, 1975 and adopted by notice published on page 47980 of the Federal Register of October 10, 1975. The proposed statements, which follow, all of which involve the routine uses of records in systems maintained by the Veterans Administration, including categories of users and the purposes of such uses, will avoid the need for the written consent of the individual in every case which would involve a disclosure of information pertaining to that individual.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue N.W., Washington, D.C. 20420. All relevant material received before February 9, 1976, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the com-

ments are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that it is proposed to make this description effective September 27, 1975, the effective date of section 3, Pub. L. 93–579.

Approved: December 31, 1975.

By direction of the Administrator:

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

NOTICE OF SYSTEMS OF RECORDS

In the system, "Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA," appearing at 40 F.R. 38117, the second routine use is amended and one additional use is added so that the amended and added routine uses read as follows:

System Name: Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA

* * * * *

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

* * * * *

Delete the present routine use, "Disclosure of VA records as deemed necessary and proper . . . under the laws administered by the VA," and insert "Disclosure of VA records as deemed necessary and proper to accredited service organizations, agents and attorneys recognized under a power of attorney or declaration of representation to assist in the preparation, presentation and prosecution of claims."

* * * * *

A record from this system of records may be disclosed to a fiduciary (including those acting in a fiduciary capacity) recognized or appointed by the VA to the extent necessary to fulfill the fiduciary's function.

* * * * *

[FR Doc.76–529 Filed 1–7–76;8:45 am]

PRIVACY ACT OF 1974

Notice of Proposed Additional Routine Use

Notice is hereby given that the Veterans Administration is considering adding a new statement in the description of the system of records entitled, "Veterans, Spouses, Widows(ers), Armed Forces Personnel, Transferee Owners and other Applicants for Home, Condominium and Mobile Home Loan Records and Paraplegic Grant Applicants Records—VA," set forth on page 38121 of the FEDERAL REGISTER of August 26, 1975 and adopted by notice published on page 47980 of the FEDERAL REGISTER of October 10, 1975. This proposed use is not a new use for the system involved, but was overlooked in the preparation of the initial notice. The proposed statement, which follows, involves the routine use of records in the system, including categories of users and the purposes of such uses and will obviate the need for written consent of an individual in every case which would involve a disclosure of information pertaining to that individual.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. All relevant material received before February 9, 1976, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the comments are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that it is proposed to make this description effective September 27, 1975, the effective date of section 3, Pub. L. 93–579.

Approved: December 31, 1975.

By direction of the Administrator:

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

NOTICE OF SYSTEM OF RECORDS

In the system, "Veterans, Spouses, Widows(ers), Armed Forces Personnel, Transferee Owners and other Applicants for Home, Condominium and Mobile Home Loan records and Paraplegic Grant Applicants Records—VA," the following routine use is added to read as follows:

System Name: Veterans, Spouses, Widow(ers), Armed Forces Personnel, Transferee Owners and other Applicants for Home, Condominium and Mobile Home Loan Records and Paraplegic Grant Applicants Records—VA.

* * * * *

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

* * * * *

Transfer of information to fee attorneys, fee appraisers, brokers, process servers, title companies and abstractors for the purposes of approval or termination of portfolio loans by non-judicial means, obtaining possession of VA property in cases of default or foreclosures, and issuing and posting of Demands for Possession or Notices to Quit.

* * * * *

[FR Doc.76–530 Filed 1–7–76;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

FULLTIME STUDENTS AT INSTITUTIONS OF HIGHER EDUCATION

Certificates Authorizing Employment at Subminimum Wages

Correction

In FR Doc. 75–32597, appearing at page 56513 in the issue for Wednesday, December 3, 1975, make the following changes in the list of institutions:

1. For Bacons College, correct the location to read "Muskogee, OK".

2. On page 56514, in the first column, there are two Campbellsville Colleges listed. The second "Campbellsville" should be changed to read "Cardinal Stitch College, Milwaukee, WI."

3. For Washburn University of Topeka, add the location "Topeka, KS".

INTERSTATE COMMERCE COMMISSION

[AB 37; Sub-No. 3]

OREGON-WASHINGTON RAILROAD AND NAVIGATION CO. AND UNION PACIFIC RAILROAD CO.

Abandonment of Portion of Pendleton Branch

JANUARY 6, 1976.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Columbia County, Wash., on or before January 13, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the Federal Register as notice to interested persons.

Dated at Washington, D.C., this 19th day of December, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

OREGON-WASHINGTON RAILROAD AND NAVIGATION COMPANY AND UNION PACIFIC RAILROAD COMPANY ABANDONMENT PORTION PENDLETON BRANCH BETWEEN MCKAY AND ALTO, IN COLUMBIA COUNTY, WASHINGTON

The Interstate Commerce Commission hereby gives notice that by order dated December 19, 1975, it has been determined that the proposed abandonment of the Oregon-Washington Railroad and Navigation Company and the Union Pacific Railroad Company line between McKay and Alto, a distance of approximately 6.52 miles, all in Columbia County, Wash., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the associated environmental impacts are considered insignificant because the line has not been utilized in the previous four years, there are no land use plans dependent on the subject line, and no historic sites would be altered.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before January 28, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-547 Filed 1-7-76;8:45 am]

[AB 37; Sub-No. 4]

OREGON-WASHINGTON RAILROAD AND NAVIGATION CO. AND UNION PACIFIC RAILROAD CO.

Abandonment of Portion of Dayton Branch

JANUARY 6, 1976.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Columbia County, Wash., on or before January 13, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 19th day of December 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

OREGON-WASHINGTON RAILROAD AND NAVIGATION COMPANY AND UNION PACIFIC RAILROAD COMPANY ABANDOMENT PORTION OF DAYTON BRANCH BETWEEN DAYTON AND TURNER, IN COLUMBIA COUNTY, WASHINGTON

The Interstate Commerce Commission hereby gives notice that by order dated December 19, 1975, it has been determined that the proposed abandonment of the Oregon-Washington Railroad and Navigation Company and the Union Pacific Railroad Company line between Dayton and Turner, a distance of approximately 11.02 miles, all in Columbia County, Wash., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the associated environmental impacts are considered insignificant because (1) the diversion of the approximate 15 carloads of traffic a year to motor carriers would result in only minor alterations in fuel consumption, air quality, ambient noise levels, and safety conditions, (2) there are no land use plans dependent on the subject line, (3) and no historic sites would be altered.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before January 28, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-548 Filed 1-7-76;8:45 am]

[Finance Docket No. 26764]

ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment Between Dwight, Livingston County, and Washington, Tazewell County, Illinois

JANUARY 5, 1976.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental theshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. § 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Livingston, LaSalle, Marshall, Woodford, and Tazewell Counties, Ill., on or before January 13, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 18th day of December, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

ILLINOIS CENTRAL GULF RAILROAD COMPANY ABANDONMENT BETWEEN DWIGHT, LIVINGSTON COUNTY, AND WASHINGTON, TAZEWELL COUNTY, ILLINOIS

The Interstate Commerce Commission hereby gives notice that by order dated December 18, 1975, it has been determined that the proposed abandonment by the Illinois Central Gulf Railroad Company (formerly the Gulf, Mobile and Ohio Railroad Company) of the Dwight Branch between Dwight, Livingston County, and Lacon, Marshall County, and between Varna, Marshall County, and Washington, Tazewell County, a total distance of 79.7 miles, all in the State of Illinois, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because of the absence of industrial development dependent on rail service, the low volume of freight handled on the line, the proximity of alternate transportation modes including barge and other rail lines, and the low volume of truck traffic which would be added to the existing highway system. The degradation of air and water quality in the area attributable to the abandonment is expected to be insignificant in relation to ambient conditions. Local and State interest has been expressed toward acquisition of the right-of-way upon abandonment for either continued

rail operation or recreational development.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before January 28, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-549 Filed 1-7-76;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 5, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before January 23, 1976.

FSA No. 43097—*Joint Water-Rail Container Rates—Orient Overseas Container Line, Inc.* Filed by Orient Overseas Container Line, Inc., (No. 1), for itself and interested rail carriers. Rates on general commodities, from the Republic of the Philippines, to rail carrier's terminals on the U.S. Atlantic and Gulf Coasts.

Grounds for relief—Water competition.

Tariff—Orient Overseas Container Line, Inc., tariff I.C.C. No. 2. Rates are published to become effective on January 25, 1976.

FSA No. 43098—*Fertilizer and fertilizer Materials to Points in Southwestern Territory.* Filed by Southwestern Freight Bureau, Agent, (No. B-575), for interested rail carriers. Rates on fertilizer and fertilizer materials, in carloads, as described in the application, from Salida and Wellsville, Colorado, to points in southwestern territory.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 35 to Southwestern Freight Bureau, Agent, tariff 273-G, I.C.C. No. 5188. Rates are published to become effective on January 31, 1976.

FSA No. 43099—*Iron and Steel Articles Between Points in Official Territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 3046), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, between points in official territory and points in New England territory, as described in the application.

Grounds for relief—Motor competition, kindred articles.

Tariffs—Supplement 253 to Erie Lackawanna Railway Company tariff G.O. 3500-D (Eries Series), I.C.C. No. 21067, and 9 other schedules named in the application. Rates are published to become effective on January 31, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-551 Filed 1-7-76;8:45 am]

[Notice No. 153]

MOTOR CARRIER BOARD

Transfer Proceedings

JANUARY 8, 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 January 28, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76188. By order of December 24, 1975, the Motor Carrier Board approved the transfer to Rudloff Transfer, Inc., Orwigsburg, Pennsylvania, of Certificates No. MC 63332; No. MC 63332 (Sub-No. 1) and No. MC 63332 (Sub-No. 2), issued August 28, 1950, August 28, 1950, and August 17, 1972, respectively, to Henry B. Rudloff (Kathryn E. Rudloff, Executrix), Orwigsburg, Pennsylvania, authorizing the transportation of general commodities (with the usual exceptions) between Orwigsburg, Pa., on the one hand, and, on the other, Landingville, Adamsdale, and Auburn, Pa., and points and places in Pennsylvania within ten miles of Orwigsburg; between Landingville, Pa., on the one hand, and on the other, points and places within ten miles of Orwigsburg; and from points in Schuylkill County, Pa., to Reading, Pa., with no transportation for compensation on return except as otherwise authorized, restricted against the transportation of shipments destined to Reading, Pa.

Frederick H. Hobbs, Thompson Building, Pottsville, Pennsylvania 17901, Representative of Applicants.

No. MC-FC-76245. By order of January 2, 1976, the Motor Carrier Board approved the transfer to Edwin A. Umstead and Robert A. Umstead, a partnership, doing business as Umstead Bros. Logging Co., Fountainville, Bucks County, Pennsylvania, of Certificate No. MC 113457, issued February 27, 1953, to A. L. Umstead, Fountainville, Pennsylvania, authorizing the transportation of logs and pilings, from points in Bucks, Philadelphia, Montgomery, Lehigh, Delaware, Schuylkill, and Northampton Counties, Pa., to points in Hudson, Union and Middlesex Counties, N.J., with no transportation for compensation on return except as otherwise authorized.

Harry J. Liederbach, 892 Second Street Pike, Richboro, Pa. 18954, Attorney for Applicants.

No. MC-FC-76268. By order of January 2, 1976, the Motor Carrier Board approved the transfer to Clyde Lewis, doing business as J & R Trucking, Willingboro, New Jersey, of Permit No. MC 136370 (Sub-No. 2), issued February 6, 1973, to Shore Fruit, Inc., East Brunswick, New Jersey, authorizing the transportation of: (1) Bananas, and (2) agricultural commodities exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from the facilities of United Fruit Co., at Albany, N.Y., and Baltimore, Md., to points in Bronx County, N.Y., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Striks & Schwartz, Inc., of Bronx County, N.Y.

George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306, Representative of Applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-552 Filed 1-7-76;8:45 am]

Office of Hearings

[Notice No. 945]

ASSIGNMENT OF HEARINGS

JANUARY 5, 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 140389 Sub 2, Osborn Transportation, Inc., now assigned January 19, 1976, at Atlanta, Ga. will be held in Room 102-E 1776 Peachtree Road.

MC 127042 Sub 154, Hagen, Inc., now assigned February 4, 1976, at Los Angeles, Calif., will be held in Room 1501, Federal Courthouse, 312 North Spring Street.

MC 128273 Sub 172, Midwestern Distribution, Inc., now assigned February 5, 1976, at Los Angeles, Calif., will be held in Room 1501 Federal Courthouse, 312 North Spring Street.

MC-F-12313, Wells Cargo, Inc.—Purchase—Western Truck Lines and MC 43269 Sub 60, Wells Cargo, Inc., now assigned February 9, 1976, at Los Angeles, Calif. will be held in Room 1501, Federal Courthouse, 312 North Spring Street.

MC 140724, Burning Bar Sales Co., Inc., now assigned February 2, 1976, at Los Angeles, Calif., will be held in Room 1501, Federal Courthouse, 312 North Spring Street.

AB 1 Sub 45, Chicago, and North Western Transportation Company Abandonment between Minerva Junction and Roland, in Story and Marshall Counties, Iowa, now assigned January 20, 1976, at Marshalltown, Iowa, will be held in the Municipal Building, 24 North Center Street.

MC 133082 Sub 4, Moore's Hauling, Inc., application dismissed.

MC 135486 Sub 11, Jack Hodge Transport, Inc., now assigned January 16, 1976, at Dallas, Tex., is canceled and application dismissed.

MC 10761 Sub 240, 246, 247, 249, 253, 254, 256, 257, 259, and 260, Transamerican Freight Lines, Inc., now assigned January 27, 1976, at Chicago, Ill., is cancelled and these proceedings are reassigned for hearing on March 2, 1976 (4 days) at Chicago, Ill., in a hearing room to be later designated.

MC-F-12321, Akers Motor Lines, Inc.—Control—Central Motor Lines, Inc., F.D. 27900, Akers Motor Lines, Inc.—Securities and MC-F-12557, Transcon Lines—Purchase (Portion) Central Motor Lines, Inc., Northern Freight Lines, Inc. and Akers Motor Lines, Incorporated, assigned February 9, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139539 Sub-4, Afro-Urban Transportation, Inc., now being assigned February 11, 1976 (3 days) at New York, N.Y., in a hearing room to be later designated.

MC 130279, Four Winds Travel, Inc., now assigned February 11, 1976, at New York, N.Y., is canceled, and transferred to Modified Procedure.

MC 107496 Sub 1003, Ruan Transport Corporation; MC 110420 Sub-739, Quality Carriers, Inc.; MC 112801 Sub-175, Transport Service Co.; and MC 124078 Sub-657, Schwerman Trucking Co., now being assigned March 8, 1976 (2 days) at Chicago, Illinois, in a hearing room to be later designated.

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

[FR Doc.76-550 Filed 1-7-76;8:45 am]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

[Notice No. 2]

JANUARY 2, 1976.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission on or before February 9, 1976. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations) must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 1328 (Sub-No. 19) filed November 17, 1975. Applicant: MGS TRANSPORTATION, INC., P.O. Box 270, Alexandria, Ind. 46001. Applicant's representative: Darrel K. Peckinpaugh, Century Bldg., 330 E. Main St., Muncie, Ind. 46305. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock wool and rock wool products*, from Rock Wool Industries, Inc., Missouri Division, at Cameron, Mo., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, North Carolina, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, under contract with Rock Wool Industries, Inc., Missouri Division.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or St. Louis, Mo.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 2202 (Sub-No. 503) filed November 28, 1975. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Ave NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (a) Between Tupelo, Miss. and Nashville, Ten. serving Nashville for joinder only: (1) From Tupelo, Miss. over U.S. Highway 78 to junction Mississippi Highway 23, thence over Mississippi Highway 23 to the Mississippi-Alabama State line, thence over Alabama Highway 24 to junction Alabama Highway 247, thence over Alabama Highway 247 to junction U.S. Highway 72, thence over U.S. Highway 72 to junction U.S. Highway 43, thence over U.S. Highway 43 to junction U.S. Highway 31, thence over U.S. Highway 31 to Nashville, Tenn., and return over the same route; (2) From Tupelo, Miss. over U.S. Highway 45 to junction Mississippi Highway 2, thence over Mississippi Highway 2 to the Mississippi-Tennessee State line, thence over Tennessee Highway 22 to junction U.S. Highway 64, thence over U.S. Highway 64 to junction U.S. Highway 43, thence over U.S. Highway 43 to junction U.S. Highway 31, thence over U.S. Highway 31 to Nashville, Tenn., and return over the same route; (B) Between Tupelo, Miss. and Jackson, Tenn. serving Jackson for joinder only: From Tupelo, Miss. over U.S. Highway 45 to Jackson, Tenn., and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 15728 (Sub-No. 11) filed November 17, 1975. Applicant: AUTO PRODUCTS TRANSPORT, INC., 28000 Southfield, Lathrup Village, Mich. 48076. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used wooden boxes, used wood pallets, used wooden crates and other used shipping containers, and materials and supplies*, used in the repair and manufacture thereof, from points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia to Dayton, Ohio; and (2) *reconditioned wooden boxes, reconditioned wooden pallets, reconditioned wooden crates and other reconditioned wooden shipping containers*, from Dayton, Ohio, to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia, restricted to a transportation service to be performed, under a continuing contract, or contracts, with Auto Palletts-Boxes, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Detroit or Lansing, Mich., or Chicago, Ill.

No. MC 30837 (Sub-No. 471), filed November 26, 1975. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Charles M. Pieroni, 4000 W. Sample St., South Bend, Ind. 46619. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in secondary movements, in truckaway service, from Albany, N.Y., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 30837 (Sub-No. 472), filed November 28, 1975. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Charles M. Pieroni, 4000 West Sample Street, South Bend, Ind. 46619. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buses*, self-propelled and non self-propelled, weighing less than 15,000 pounds, in driveaway and truckaway service, from Los Angeles County, Calif., to points in the United States, excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 40915 (Sub-No. 49) filed November 28, 1975. Applicant: BOAT TRANSIT, INC., P.O. Box 1403, Newport Beach, Calif. 92663. Applicant's representative: David R. Parker, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recreational vehicles and accessories* therefor, between points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 49387 (Sub-No. 45) (Correction), filed November 7, 1975, published in the FEDERAL REGISTER issue of December 4, 1975, republished as corrected this issue. Applicant: ORSCHELN BROS. TRUCK LINES, INC., P.O. Box 658, Highway 24 East, Moberly, Mo. 65270. Applicant's representative: John E. Burruss, Jr., Central Trust Bldg., P.O. Box 1069, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk and household goods), (1) Between Jefferson City, Mo., and Reform, Mo.: From Jefferson City, Mo., over U.S. Highway 54 to junction Missouri Highway 94, thence over Missouri Highway 94 to junction Callaway County Route D, thence over Callaway County Route D to junction Callaway County Route O, thence over Callaway County Route O to junction Callaway County Route CC, thence over Callaway County Route CC to Reform, Mo., and return over the same route, serving the intermediate points of Wainwright, Tebbetts, Mokane, and Portland, Mo., and the off-route point of the facilities of the Union Electric Company at or near Reform, Mo.; (2) between junction Missouri Highway 94 and Callaway County Route CC and Reform, Mo.: From junction Missouri Highway 94 and Callaway County Route CC over Callaway County Route CC to Reform, Mo., and return over the same route, serving the intermediate point of Steedman, Mo., and the off-route points of the facilities of the Union Electric Company at or near Reform, Mo.;

(3) between junction U.S. Highway 54 and Callaway County Route O and junction Callaway County Route O and Callaway County Route CC: From junction U.S. Highway 54 and Callaway County Route O over Callaway County Route O to junction Callaway Route CC, and return over the same route serving no intermediate points, and serving the termini for the purposes of joinder only; (4) between junction U.S. Highway 54 and Callaway County Route C and junction Callaway County Route C and Missouri Highway 94: From junction U.S. Highway 54 and Callaway County Route Cover Callaway County Route C to junction Missouri Highway 94, and return over the same route, serving no intermediate points and serving the termini for the purpose of joinder only; (5) between junction Interstate Highway 70 and Callaway County Route D and junction Callaway County Route D and Callaway County Route O: From junction Interstate Highway 70 and Callaway County Route D over Callaway County Route D to junction Callaway County Route O, and return over the same route serving Readsville, Mo., as an intermediate point and the termini for the purpose of joinder only; (6) between junction Interstate Highway 70 and Missouri Highway 19 and junction Missouri Highway 94 and Callaway County Route D: From junction Interstate Highway 70 and Missouri Highway 19 over Missouri Highway 19 to junction Missouri Highway 94, thence over Missouri Highway 94 to junction Callaway County Route D, and return over the same route, serving Rhineland, Mo., as an intermediate

point and the termini for the purpose of joinder only; and (7) Between junction of Callaway County Route D and Callaway County Route K and junction Montgomery County Route K and Missouri Highway 19: From junction Callaway County Route D and Callaway County Route K over Callaway County Route K and its continuation as Montgomery County Route K to junction Missouri Highway 19, and return over the same route, serving no intermediate points and serving the termini for the purpose of joinder only.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at either Jefferson City, St. Louis, or Kansas City, Mo.

No. MC 59367 (Sub-No. 103) filed December 1, 1975. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Geo. A. Hormel & Co., at Fort Dodge, Iowa, to points in Indiana within the Chicago, Ill. Commercial Zone as defined by the Commission, restricted to the transportation of traffic originating at the above-named plantsite and storage facilities and destined to the named destination.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 61396 (Sub-No. 298), filed Nov. 13, 1975. Applicant: HERMAN BROS. INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Argon, hydrogen, nitrogen, and oxygen*, in bulk, in tank vehicles, from Mt. Vernon, Ind.; Chicago, Ill.; and Chattanooga, Tenn., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin.

NOTE. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 61396 (Sub-No. 301), filed November 24, 1975. Applicant: HERMAN BROS. INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kiln dust*, in bulk, in tank vehicles, from the plantsite of Dundee Cement Company, located at or near Clarksville, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Michigan, Indiana, Missouri, Ohio, Oklahoma and Tennessee.

NOTE. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or St. Louis, Mo.

No. MC 61396 (Sub-No. 302), filed Nov. 28, 1975. Applicant: HERMAN BROS. INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, from the plantsite of Alpha Portland Cement Company, Division of Alpha Portland Industries, Inc., at St. Louis, Mo., to points in Missouri and Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Omaha, Nebr.

No. MC 102616 (Sub-No. 913), filed November 28, 1975. Applicant: COASTAL TANK LINES, INC., 250 N. Cleveland-Massillon Road, Akron, Ohio 44313. Applicant's representative: David F. McAllister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils*, in bulk, in tank vehicles, from Cincinnati and Cleveland, Ohio to Greensboro and Fayetteville, N.C.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 107478 (Sub-No. 22), filed November 25, 1975. Applicant: OLD DOMINION FREIGHT LINE, P.O. Box 2006, High Point, N.C. 27261. Applicant's representative: Francis W. McInerny, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and articles*, used in the farming and forestry industries, from Tarboro, N.C., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Minnesota, Wisconsin, Iowa, Illinois, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, West Virginia, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, and the District of Columbia; and (2) *materials and supplies*, used in the manufacture of agricultural machinery, and articles, used in the farming or forestry industries (except commodities in bulk), from points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, West Virginia, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, and the District of Columbia, to Tarboro, N.C., restricted to the transportation of shipments originating at or destined to the plantsites or storage facilities of the Long Manufacturing Company, at Tarboro, N.C.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Raleigh, N.C.

No. MC 107993 (Sub-No. 44), filed Nov. 28, 1975. Applicant: J. J. WILLIS TRUCKING COMPANY, a Corporation, P.O. Box 5328, Terminal Station, Dallas, Tex. 75222. Applicant's representative: J. G. Dail, Jr., 1111 E St. NW., Washington, DC. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal haulers and related parts, accessories and supplies*, between Cardin, Okla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 107993 (Sub-No. 45), filed Nov. 28, 1975. Applicant: J. J. WILLIS TRUCKING COMPANY, a Corporation, P.O. Box 5328, Terminal Station, Dallas, Tex. 75222. Applicant's representative: J. G. Dail, Jr., 1111 E St. NW., Washington, DC. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling towers and fluid coolers, and parts and accessories therefor*, between Houston, Tex; Henderson, Ky.; Tulsa, Okla.; and points in Sonoma County, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (2) *Materials, equipment and supplies*, used in the manufacture, sale and distribution of cooling towers and fluid coolers (except in bulk), between points in the United States (except Alaska and Hawaii).

NOTE —Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Dallas, Tex.

No. MC 111401 (Sub-No. 459), filed Nov. 28, 1975. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid feed and feed supplements*, in bulk, from Dundee, Kans., to points in Oklahoma; (2) *nitrogen fertilizer solutions*, in bulk, from the plantsite and storage facilities of Farmland Industries, Inc., at or near Dodge City, Kans., to points in Wyoming; and (3) *sodium dichromate*, in bulk, from Albuquerque, N. Mex., to Grand Prairie, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Dallas, Tex.

No. MC 111545 (Sub-No. 218), filed November 28, 1975. Applicant: HOME TRANSPORTATION COMPANY, INC.,

1425 Franklin Road SE., Marietta, Ga. 30062. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas or liquids; *machinery and equipment* for heating, cooling, conditioning, humidifying, and moving air, gas, or liquids; (2) *parts, materials, equipment, and supplies* used in the manufacture, distribution, installation, or operation of those items named in (1) above (except in bulk), between points in Monroe, Randolph, Perry Counties, Ill. and St. Clair County, Ill. on and south of State Highways 177 and 158, on the one hand, and, on the other, points in the United States, (except Alaska and Hawaii), restricted to shipments originating at or destined to the plantsite and warehouse facilities of the Singer Company located at Monroe, Randolph, Perry and St. Clair Counties, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 112713 (Sub-No. 188), filed November 24, 1975. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: David B. Schneider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring the use of special equipment), serving the plantsite and facilities of Rimpull Corporation, located at or near Olathe, Kans., as an off-route point in connection with carrier's regular route operations.

NOTE.—If a hearing deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 113388 (Sub-No. 112), filed November 26, 1975. Applicant: LESTER C. NEWTON TRUCKING CO., a Corporation, P.O. Box 618, Seaford, Del. 19973. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from the warehouse and storage facilities utilized by Pepperidge Farm, Inc., located in Delaware, Maryland and Pennsylvania, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island and New York.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113624 (Sub-No. 72), filed November 28, 1975. Applicant: WARD TRANSPORT, INC., P.O. Box 735, Pueblo, Colo. 81001. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Denver, Colo., to points in Montana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo., or Houston, Tex.

No. MC 113843 (Sub-No. 226), filed Nov. 28, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: William J. Boyd, Suite 222, 600 Enterprise Drive, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods*, from the plantsite and storage facilities utilized by Ralston Purina Co., at Jersey City, N.J., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, Ohio, Virginia, West Virginia, Wisconsin and the District of Columbia, and points in that part of Pennsylvania on and west of U.S. Highway 15, restricted to the transportation of traffic originating at the named plantsite and storage facilities.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 113861 (Sub-No. 66), filed November 28, 1975. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, Tenn. 38106. Applicant's representative: James N. Clay, III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, corn syrups, and blends of liquid sugar and corn syrups*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Alabama and Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 114457 (Sub-No. 250), filed November 26, 1975. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prepared animal food* (except in bulk), from the facilities of Landon Company, Inc., near Delavan, Wis., to points in Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Texas, Pennsylvania, New York, and New Jersey; and (2) *materials and supplies* (except in bulk), used in the manufacture of prepared animal food, from points in Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Texas, Pennsylvania, New York, and New Jersey, to the facilities of Landon Company, Inc., near Delaven, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn., or Chicago, Ill.

No. MC 116763 (Sub-No. 327), filed Nov. 28, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are processed, used, or distributed by manufacturers and converters or paper and paper products (except in bulk), from Indianapolis, Ind., to points in New York, New Jersey and Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Columbus, Ohio.

No. MC 116763 (Sub-No. 328), filed Nov. 28, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: John Duncan Varda, P.O. Box 2509, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in Portage and Wood Counties, Wis., to points in Connecticut, Delaware, lower peninsula of Michigan, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis., or Chicago, Ill.

No. MC 118039 (Sub-No. 25), filed November 26, 1975. Applicant: MUSTANG TRANSPORTATION, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxes, fiberboard, and beverage cartons*, from the plant site and warehouse facilities of the Mead Packing Division of the Mead Corporation located in Fulton County, Ga., to points in Illinois, Kentucky, Kansas, Colorado, Missouri and points in Tennessee east of a line beginning at the Alabama-Tennessee State Boundary line and extending along Tennessee Highway 13 to junction U.S. Highway 79, thence along U.S. 79 to the Tennessee-Kentucky State Boardary line.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 118304 (Sub-No. 3), filed November 28, 1975. Applicant: CALDWELL TRANSPORT, LTD., P.O. Box 127, Florenceville, New Brunswick, Canada. Appplicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Lumber*, from Ashland, and

Bagor, Maine, to ports of entry on the International Boundary line between the United States and Canada located at or near Calais and Houlton, Maine; (b) *particle board*, from the ports of entry on the International Boundary line between the United States and Canada located at or near Calais, and Houlton, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York and New Jersey, restricted to traffic originating at Chatham, New Brunswick, Canada; and (c) *lumber*, from the ports of entry on the International Boundary line between the United States and Canada located at or near Calais and Houlton, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York and New Jersey.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Bangor, Augusta or Portland, Maine.

November 24, 1975. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crated cabinets, vanities and cases*, from the facilities of Kitchen Kompact, Inc., located at or near Jeffersonville, Ind., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture and distribution of crated cabinets, vanities, and cases (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to the facilities of Kitchen Kompact, Inc., located at or near Jeffersonville, Ind.

NOTE.—Applicant holds contract carrier authority in MC 125664, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky.

No. MC 119422 (Sub-No. 58), filed November 28, 1975. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, E. St. Louis, Ill. 62204. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, from the plantsite of Mobil Oil Corporation at St. Louis, Mo., to points in Arkansas, Kansas, Kentucky, Louisiana, Nebraska, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 119880 (Sub-No. 74), filed Dec. 1, 1975. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: Bruce A. Bullock, 530 Univac Bldg., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, in straight or mixed shipments, from Bardstown and Owensboro, Ky.; Atchison, Kans.; and Muscatine, Iowa, to Long Prairie, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 123255 (Sub-No. 57), filed November 28, 1975. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers and lids*, from Rochester, Mich., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 123255 (Sub-No. 58), filed November 28, 1975. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bathroom and plumbing fixtures, parts, attachments and accessories, materials, equipment and supplies* used in the manufacture and shipping of the above articles, between Evansville and Rockfort, Ind. and Henderson, Ky., on the one hand, and, on the other, points in Wisconsin, Illinois, Ohio, Michigan, Pennsylvania, New York, Maryland, Delaware, New Jersey, Rhode Island, Connecticut, New Hampshire, Massachusetts, Maine, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 128988 (Sub-No. 73), filed November 28, 1975. Applicant: JO/KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives and household goods as defined by the Commission), from the facilities of Westinghouse Electric Corporation located at or near Sidney, Ohio, to points in the United States on and west of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada; (2) *such commodities* as are dealt in and utilized by manufacturers or distributors of electric and electronic products and devices, from points in the United States on and west of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada to the facilities of Westinghouse Electric Corporation located at or near Sidney, Ohio, restricted against the transportation of commodities which by reason of size or weight require the use of special equipment, and commodities in bulk and further restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 128988 (Sub-No. 74), filed November 28, 1975. Applicant: JO/KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Outdoor lighting fixtures*, from the facilities of Westinghouse Electric Corporation located at or near Cleveland, Ohio to points in Arizona, California, Nevada, Oregon and Washington, restricted against the transportation of commodities in bulk and commodities which by reason of size and weight require the use of special equipment and further restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 129032. (Sub-No. 18), filed Nov. 10, 1975. Applicant: TOM INMAN TRUCKING, INC., 6015 S. 49th St., P.O. Box 7608, Tulsa, Okla. 74105. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice*, in containers, in vehicles equipped with mechanical refrigeration, from Chicago, Ill., to Dallas and Fort Worth, Tex., and points in Missouri and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Tulsa or Oklahoma City, Okla.

No. MC 129808 (Sub-No. 19), filed November 28, 1975. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., P.O. Box 2078, Grand Island, Nebr. 68801. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation pipe and fittings*, from the plantsite and facilities of Heinzman Manufactur-

ing Co., Division of Heinzman Engineering, Inc., located at or near Grand Island, Nebr., to San Ysidro, Calif., under a continuing contract or contracts with Heinzman Manufacturing Co., Division of Heinzman Engineering, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lincoln, Nebr.

No. MC 133119 (Sub-No. 79), filed November 28, 1975. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dehydrated potato products* (except commodities in bulk), from Laramie County, Wyo., to points in the United States (except Alaska, Hawaii, Wyoming, Montana, Idaho, Washington, Oregon, Maine, Vermont, New Hampshire, Connecticut, Rhode Island and Massachusetts), restricted to the transportation of traffic originating at the named origin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Denver, Colo.

No. MC 134323 (Sub-No. 80), filed November 28, 1975. Applicant: JAY LINES, INC., 720 North Grand, P.O. Box 4146, Amarillo, Tex. 97105. Applicant's representative: Gailyn L. Larsen, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, plastic materials, and plastic products, and equipment, materials, and supplies* used in the manufacture and distribution thereof (except in bulk), between the facilities of Union Carbide Corporation located at or near North Seadrift, (Texas City) Tex. and Houston, Tex. and Taft, La., on the one hand, and, on the other, points in Louisiana, Arkansas, Missouri, Illinois, Indiana, Nebraska, Wisconsin, Minnesota, Iowa, Texas, Oklahoma, North Dakota, South Dakota, Kansas, New Mexico, Colorado, Wyoming and Montana, under a continuing contract or contracts with Union Carbide Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Lincoln, Nebr.

No. MC 135811 (Sub-No. 7), filed Nov. 28, 1975. Applicant: GARDNER TRUCKING CO., INC., 320 Woodlawn, Box 567, Walterboro, S.C. 29488. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, foodstuffs, and Classes A and B explosives), from the facilities of Essex International, Inc., located in Illinois, Indiana, Michigan, North Carolina, Ohio and South Carolina, to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington and Wyoming, under a continuing contract with Essex International, Inc.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 136244 (Sub-No. 2), filed November 28, 1975. Applicant: G. CHARETTE TRANSPORT LIMITED, 930 Broadway Blvd., Windsor, Ontario, Canada N9C 3W7. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel*, between ports of entry on the International Boundary line between the United States and Canada located at Detroit, Mich., on the one hand, and, on the other, points in Michigan and Ohio, operations to be performed to and from Windsor, Ontario, Canada, under a continuing contract or contracts with Namasco Limited.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich. or Lansing, Mich.

No. MC 136343 (Sub-No. 64), filed November 28, 1975. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper, groundwood paper, and paper products*, from the facilities of the St. Regis Paper Co., at or near Deferiet, N.Y., to points in Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Delaware, Rhode Island, New Hampshire, Maryland, Virginia, West Virginia, North Carolina, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 96098 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 138807 (Sub-No. 13), filed November 25, 1975. Applicant: ZIP TRUCKING, INC., P.O. Box 5717, Jackson, Miss. 39208. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceramic wall and floor tile and such materials and supplies* as are used in the preparation and installation thereof, from the plantsite and storage facilities of Robertson-American of Mississippi, Inc., at Cleveland, Miss., to points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss.

No. MC 139495 (Sub-No. 114), filed November 25, 1795. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St., NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles and jars and containers*, from Corsicana, Tex., to points in Kansas, Oklahoma, Mississippi, and Arkansas.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141088 (Sub-No. 1), filed November 25, 1975. Applicant: KEYSTONE DELIVERY SERVICE, INC., 13045 Emerald Drive, N. Miami, Fla. 33161. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., NE., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics, toilet preparations, toilet articles and premiums and equipment and supplies* used in connection with the described commodities above, from Tampa, Fla., to points in Charlotte, Collier, DeSoto, Hardee, Lee, Manatee, Pasco, Polk, and Sarasota Counties, Fla., under a continuing contract with Avon Products, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 141329 (Sub-No. 2), filed November 24, 1975. Applicant: EDWARD STAPLETON AND ALFRED GLESSMAN, a partnership, 140 Flintoft Street, Kelowna, British Columbia, Canada. Applicant's representative: Michael B. Crutcher, 2000 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from the International Boundary line between the United States and Canada located at or near Northport or Metaline Falls, Wash., and Spokane, Wash., limited to foreign commerce, under a continuing contract or contracts with Kootenay Forest Products, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 141427 (Sub-No. 2), filed November 28, 1975. Applicant: ROBERT L. HUDSON, JR., 4 North 6th Street, Richmond, Ind. 47374. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motion picture film and theatre supplies*, (1) between Indianapolis, Ind., on the one hand, and, on the other, points in Indiana (except Marion County, Ind., and Cumberland, Clermont, and Greenwood, Ind.), and points in Jefferson County, Ky; and (2) between Cin-

cinnati, Ohio, on the one hand, and, on the other, Richmond and Indianapolis, Ind.

NOTE.—Applicant holds contract carrier authority in MC 124052 and Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 141513, filed November 18, 1975. Applicant: THOMAS H. DEYAMPERT, doing business as, G & R DELIVERY SERVICE, 25 Amore Road, Springfield, Mass. 01109. Applicant's representative Michael J. Flaherty, 95 State Street, Suite 725, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machine shop tools, auto parts, flowers, and packages and bundles* not to exceed one hundred pounds in weight capable of being hand carried by an individual and transported in a van, between White River Junction, Vt., and Hartford, Conn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Springfield, Worcester or Boston, Mass.

No. MC 141542, filed November 24, 1975. Applicant: GEORGE A. WILLIAMS, doing business as, AM–TRUCK, 648 21st Ave., Paterson, N.J. 07513. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, and materials, equipment and supplies* used in the manufacture and sale of plastic articles (except commodities in bulk in tank vehicles), between Paterson, N.J., on the one hand, and, on the other, points in New Jersey, New York, Maryland, Delaware, Pennsylvania, Virginia, and Washington, D.C., restricted to shipments having prior or subsequent movement by common contract or private carrier and further restricted to a service to be performed under a continuing contract with American Cellophane Co.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 141543, filed November 24, 1975. Applicant: C. M. CARPENTER, Annville, Ky. 40402. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Box 773, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, between points in Kentucky, on and east of I–75 and on and south of I–64, on the one hand, and, on the other, points in Indiana and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Frankfort, Lexington or Louisville, Ky.

No. MC 141544, filed November 24, 1975. Applicant: CORTESE & PROUTY TRUCKING CO., 36891 Daniel Road, Pueblo, Colo. 81006. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center Bldg., 1600 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed and dry feed ingredients and supplements*, from Otero and Crowley Counties, Colo., to points in Arizona, Kansas, Nebraska, New Mexico, Oklahoma, Texas, Utah and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 141568, filed Dec. 1, 1975. Applicant: S & S TRANSPORT, INC., R.R. 3, Box 74A, Elkart, Ind. 46514. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, from Thornton, Ill., to points in Elkhart County, Ind., restricted to a contract or continuing contracts with Rieth-Riley Construction Company, Inc., and Yoder Ready-Mixed Concrete Co., Inc., at Elkhart, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 141570, filed November 26, 1975. Applicant: ELECTRONICS TRANSPORT, INC., 3213 Eighth Avenue North, Birmingham, Ala. 35222. Applicant's representative: N. Craig Massey, 202 East Walnut St. (P.O. Drawer J), Lakeland, Fla. 33802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copying machines, and parts, materials and supplies*, used in the manufacture, installation, or sale of such commodities, between Arlington, Tex., on the one hand, and, on the other, points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, and Tennessee, under a continuing contract or contracts with Xerox Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Birmingham, Ala.

No. MC 141571, filed November 18, 1975. Applicant: DOMENICK BATTELINI, doing business as, BATTELINI'S GARAGE, 351 Harding Highway Landisville, N.J. 08326. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked and disabled motor vehicles and replacement vehicles*, therefor (except trailers designed to be drawn by passenger automobiles); and (2) *repossessed vehicles, and used fork-lift trucks*, by use of wrecker equipment only, between points in Atlantic County, N.J., on the one hand, and, on the other, points in Pennsylvania, Maryland, Delaware, New York, Virginia, West Virginia, Ohio, Connecticut, Massachusetts, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Newark, N.J. or Philadelphia, Pa.

PASSENGER APPLICATION

No. MC 141327 (Sub-No. 1), filed November 6, 1975. Applicant: GARDEN STATE TRANSIT LINES, INC., P.O. Box 343, Ford Road, Rockaway, N.J. 07866. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, limited to employees of American Telephone and Telegraph Co., between the American Telephone and Telegraph Company facility at or near Maple Avenue, Basking Ridge, N.J., and 195 Broadway, New York, N.Y., under a continuing contract or contracts with 195 Broadway Corporation.

NOTE.—Applicant holds common carrier authority in MC–69260 and sub-No. 2 thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Newark, N.J.

By the Commission.

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

[FR Doc.76–339 Filed 1–7–76;8:45 am]