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federal register

TUESDAY, APRIL 6, 1976

highlights

PART I:

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reminders

(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.)

Rules Going Into Effect Today

NOTE: There were no items eligible for inclusion in the list of rules going into effect today.

List of Public Laws

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

H.J. Res. 857..... Pub. Law 94–254
Joint resolution making further continuing appropriations for the fiscal year 1976, and the period ending September 30, 1976, and for other purposes
(Mar. 31, 1976; 90 Stat. 298)

H.R. 12490..... Pub. Law 94–253
An act to provide tax treatment for exchanges under the final system plan for ConRail
(Mar. 31, 1976; 90 Stat. 295)

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

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

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5286. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

federal register
Area Code 202 Phone 523–5240

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Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Secretary (Typing) to the Administrator, Mining Enforcement and Safety Administration, is excepted under Schedule C.

Effective April 6, 1976, § 213.3312(c) is added as set out below:

§ 213.3312 Department of the Interior.

* * * * *

(c) *Mining Enforcement and Safety Administration.*

(1) One Secretary (Typing) to the Administrator.

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

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

[FR Doc.76-9577 Filed 4-5-76;8:45 am]

PART 213—EXCEPTED SERVICE

Securities and Exchange Commission

Section 213.3330 is amended to show that one position of Special Assistant to the Executive Director is excepted under Schedule C.

Effective April 6, 1976, § 213.3330(l) is added as set out below:

§ 213.3330 Securities and Exchange Commission.

* * * * *

(l) Special Assistant to the Executive Director.

(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.76-9578 Filed 4-5-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Special Assistant to the Assistant to the Secretary and Director of Communciations is excepted under Schedule C.

Effective on April 6, 1976, § 213.3312 (a)(10) is added as set out below:

§ 213.3312 Department of the Interior.

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

(10) One Special Assistant to the Assistant to the Secretary and Director of Communications.

(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.76-9909 Filed 4-5-76;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 73—SCABIES IN CATTLE

Area Quarantined

This amendment quarantines a portion of Kearney County in Nebraska because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the area quarantined.

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

In § 73.1a, paragraph (b) relating to the State of Nebraska is amended to read:

§ 73.1a Notice of quarantine.

* * * * *

(b) Notice is hereby given that cattle in certain portions of the State of Nebraska are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following areas in such State are hereby quarantined because of said disease:

(1) That portion of Lincoln County comprised of all of secs. 17 and 18 and those portions of secs. 7 and 8 south of the North Platt River, R. 31 W., T. 14 N. in Hinman Precinct.

(2) That portion of Garden County comprised of sec. 13, T. 17 N., R. 45 W., School District 43.

(3) That portion of Kearney County comprised of sec. 12, T. 7 N., R. 16 W. in Blaine Precinct.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective March 30, 1976.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 30th day of March 1976.

J. M. HEJL,
Deputy Administrator, Veterinary Services.

[FR Doc.76-9588 Filed 4-5-76;8:45 am]

PART 78—BRUCELLOSIS

Subpart D—Designation of Brucellosis Areas, Specifically Approved Stockyards and Slaughtering Establishments

BRUCELLOSIS AREA

Correction

In FR 76–8538 appearing at page 12635 in the issue of Friday, March 26, 1976, on page 12636, column 2, line 13, under *Puerto Rico*, the first word should read, "Grande * * *"

On page 12637, 2nd column, under *Effective date*, 3rd paragraph, the 2nd line should read as follows,

"procedure provisions of 5 U.S.C. 553, it * * *"

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2803]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Almacenes Hernandez Corporation, et al.

Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–25 Displays, in-house; 13.533–45 Maintain records; 13.533–45(k) Records, in general. Subpart—Failing to provide foreign language translations: [1] § 13.1052 Failing to provide foreign language translations.

[1] Newly established codification.

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

In the Matter of Almacenes Hernandez Corporation, a Corporation, and Luis Cuevas, Individually and as an Officer of said Corporation

Consent order requiring a New York City seller and distributor of furniture and home appliances, among other things where sales presentations have been made in whole or in part in Spanish, to cease failing to furnish buyers with Spanish language translations of contracts, agreements or other documents used in connection with retail credit sales. Further, respondents are required to prominently display in-store notices of customers' right to receive all necessary documents in both Spanish and English.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [2]

It is ordered That respondents Almacenes Hernandez Corporation, a corporation, its successors and assigns and its officers, and Luis Cuevas, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, and distribution of furniture, home appliances or of any other products and services in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist, in connection with credit sales in which the sales presentation has been conducted in whole or in part in Spanish, from:

1. Failing to furnish consumers executing any contracts, agreements or other documents in connection with such sales, a complete and accurate translation in Spanish of each such writing, prior to the execution of the same.

2. Failing to furnish consumers with complete and accurate translations in Spanish of any other documents, notices or disclosures normally provided to consumers in connection with respondents' credit sales at the time of the transaction.

Provided however, That nothing in this order shall be understood to apply to sales receipts or other documents which serve merely as a memorandum of sale and do not, in themselves, contain covenants, disclaimers or other provisions defining the rights and responsibilities of the parties.

Further provided, That respondents must comply with subparagraphs 1 and 2 of this order by providing consumers either with:

A. bilingual documents containing all the provisions and disclosures in both English and Spanish, or

B. separate documents containing complete and accurate translations in Spanish of each English language document, and which shall contain in a clear and conspicuous manner in the Spanish language, the following heading in boldface 10 point type:

READ THIS FIRST

This is a translation of the document or documents you have received or are about to sign.

It is further ordered, That respondents prominently display, in at least two different locations on their premises, one of them being the location where customers usually execute consumer credit instruments or other legally binding documents, the following notice in Spanish:

NOTICE TO SPANISH SPEAKING CUSTOMERS

If you are a Spanish-speaking customer and the sales presentation was made, in whole or in part in Spanish, you are entitled to receive a Spanish translation of the credit contract and of the other documents related to the financing of your purchase before you sign anything. Do not sign any documents until you have received and read the Spanish translations.

It is further ordered, With respect to each account in which translations in Spanish are provided, as required herein, that respondents shall maintain in their files, for a period of two years, statements signed by respondents' customers acknowledging receipt of such translations.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all operating divisions and to all present and future personnel of respondents engaged in making sales presentations and in the consummation of any consumer credit transactions.

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

It is further ordered, That the individual respondent named herein promptly notify the Commission upon the discontinuance of his present business and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That no provision of this order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt respondents from complying with agreements, orders or directives of any kind obtained by any other agency, or act as a defense to actions instituted by municipal or state regulatory agencies. No provision of this order shall be construed to imply that any past or future conduct of respondents complies with the rules and regulations of, or the statutes administered by the Federal Trade Commission.

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

The Decision and Order was issued by the Commission March 8, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-9792 Filed 4-5-76;8:45 am]

[Docket C-2802]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Busch's Jewelry Co., Inc., et al.

Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-25 Displays, in-house; 13.533-45 Maintain records; 13.533-45(k) Records, in general. Subpart—Failing to provide foreign language translation: [1] § 13.1052 Failing to provide foreign language translations.

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

In the Matter of Busch's Jewelry Co., Inc., a Corporation, Busch's Kredit Jewelry Co., Inc., a Corporation, Busch's, Inc., a Corporation, and Busch Stores, Inc., a Corporation

Consent order requiring a New York City seller and distributor of jewelry and home appliances, among other things where sales presentations have been made in whole or in part in Spanish, to cease failing to furnish buyers with Spanish language translations of contracts, agreements or other documents used in connection with retail credit sales. Further, respondents are required to prominently display in-store notices of customers' right to receive all necessary documents in both Spanish and English.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [2]

ORDER

It is ordered, That respondents Busch's Jewelry Co., Inc., Busch's Kredit Jewelry Co., Inc., Busch's, Inc., Busch Stores, Inc., corporations, their successors and assigns and their officers, respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in con-

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

[1] Newly established codification.

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

nection with the advertising, offering for sale, sale, and distribution of articles of jewelry, home appliances or of any other products and services in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist, in connection with credit sales in which the sales presentation has been conducted in whole or in part in Spanish, from:

1. Failing to furnish consumers executing any contracts, agreements or other documents in connection with such sales, a complete and accurate translation in Spanish of such writing, prior to the execution of the same.

2. Failing to furnish consumers with complete and accurate translations in Spanish of any other documents, notices or disclosures normally provided at the time of the transaction to consumers in connection with, and as part of, such sales.

Provided however, That nothing in this order shall be understood to apply to sales receipts or other documents which serve merely as a memorandum of sale and do not, in themselves, contain covenants, disclaimers or other provisions defining the rights and responsibilities of the parties.

Further provided, That respondents must comply with subparagraphs 1 and 2 of this order by providing consumers either with:

A. bilingual documents containing all the provisions and disclosures in both English and Spanish, or

B. separate documents containing complete and accurate translations in Spanish of each English language document, and which shall contain in a clear and conspicuous manner in the Spanish language, the following heading in bold-face 10 point type:

READ THIS FIRST

This is a translation of the document you are about to sign or receive.

It is further ordered, That respondents prominently display, in at least two different locations on their premises, one of them being the location where customers usually execute consumer credit instruments or other legally binding documents, the following notice, in Spanish:

NOTICE TO SPANISH SPEAKING CUSTOMERS

If you are a Spanish-speaking customer and the sales presentation was made, in whole or in part in Spanish, you are entitled to receive a Spanish translation of the credit contract. Do not sign any document until you have received and read the Spanish translation.

It is further ordered, With respect to each account in which translations in Spanish are provided, as required herein, that respondents shall maintain in their files, for a period of two years, statements signed by respondents' customers acknowledging receipt of such translations.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all operating divisions and distribute a memorandum explaining the requirements of this order to all present and future personnel of respondents engaged in making sales presentations and in the consummation of any consumer credit transactions.

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

It is further ordered, That no provision of this order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt respondents from complying with agreements, orders or directives of any kind obtained by any other agency, or act as a defense to actions instituted by municipal or state regulatory agencies. No provision of this order shall be construed to imply that any past or future conduct of respondents complies with the rules and regulations of, or the statutes administered by the Federal Trade Commission.

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

The Decision and Order was issued by the Commission March 8, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-9793 Filed 4-5-76;8:45 am]

[Docket C-2801]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Daby's Furniture Corp., et al.

Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-25 Displays, in-house; 13.533-45 Maintain records; 13.533-45(k) Records, in general. Subpart—Failing to provide foreign language translations: [1] § 13.1052 Failing to provide foreign language translations.

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

In the Matter of Daby's Furniture Corp., a Corporation, and Felix Ortiz, Individually and as an Officer of Said Corporation

Consent order requiring a New York City seller and distributor of furniture and home appliances, among other things where sales presentations have been made in whole or in part in Spanish, to cease failing to furnish buyers with Spanish language translations of contracts, agreements or other documents used in connection with retail credit sales. Further, respondents are required to prominently display in-store notices of customers' right to receive all necessary documents in both Spanish and English.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [2]

ORDER

It is ordered, That respondents Daby's Furniture Corp., a corporation, its successors and assigns and its officers, and Felix Ortiz, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, and distribution of furniture, home appliances or of any other products and services in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist, in connection with credit sales in which the sales presentation has been conducted in whole or in part in Spanish, from:

1. Failing to furnish consumers executing any contracts, agreements or other documents in connection with such sales, a complete and accurate translation in Spanish of each such writing, prior to the execution of the same.

2. Failing to furnish consumers with complete and accurate translations in Spanish of any other documents, notices or disclosures normally provided to consumers in connection with respondents' credit sales at the time of the transaction.

Provided however, That nothing in this order shall be understood to apply to sales receipts or other documents which serve merely as a memorandum of sale and do not, in themselves, contain convenants, disclaimers or other provisions defining the rights and responsibilities of the parties.

Further provided, That respondents must comply with subparagraphs 1 and 2 of this order by providing consumers either with:

A. bilingual documents containing all the provisions and disclosures in both English and Spanish, or

B. separate documents containing complete and accurate translations in Spanish of each English language document.

It is further ordered, That respondents prominently display, in at least two different locations on their premises, one of them being the location where customers usually execute consumer credit instruments or other legally binding documents, the following notice in Spanish:

NOTICE TO SPANISH SPEAKING CUSTOMERS

If you are a Spanish-speaking customer and the sales presentation was made, in

[1] Newly established codification.

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

whole or in part in Spanish, you are entitled to receive a Spanish translation of the credit contract and of the other documents related to the financing of your purchase before you sign anything. Do not sign any documents until you have received and read the Spanish translations.

It is further ordered, With respect to each account in which translations in Spanish are provided, as required herein, that respondents shall maintain in their files, for a period of two years, statements signed by respondents' customers acknowledging receipt of such translations.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all operating divisions and to all present and future personnel of respondents engaged in making sales presentations and in the consummation of any consumer credit transactions.

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

It is further ordered, That the individual respondent named herein promptly notify the Commission upon the discontinuance of his present business and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That no provision of this order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt respondents from complying with agreements, orders or directives of any kind obtained by any other agency, or act as a defense to actions instituted by municipal or state regulatory agencies. No provision of this order shall be construed to imply that any past or future conduct of respondents complies with the rules and regulations of, or the statutes administered by the Federal Trade Commission.

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

The Decision and Order was issued by the Commission March 8, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-9794 Filed 4-5-76;8:45 am]

[Docket C-2800]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

J & J Furniture Corp., et al.

Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-25 Displays, in-house; 13.533-45 Maintain records; 13.533-45(k) Records, in general. Subpart—Failing to provide foreign language translations: [1] § 13.1052 Failing to provide foreign language translations.

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

In the Matter of J & J Furniture Corp., a Corporation, and Luis R. Jerez, Individually and as an Officer of Said Corporation

Consent order requiring a New York City seller and distributor of furniture and home appliances, among other things where sales presentations have been made in whole or in part in Spanish, to cease failing to furnish buyers with Spanish language translations of contracts, agreements or other documents used in connection with retail credit sales. Further, respondents are required to prominently display in-store notices of customers' right to receive all necessary documents in both Spanish and English.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [2]

ORDER

It is ordered, That respondents J & J Furniture Corp., a corporation, its successors and assigns and its officers, and Luis R. Jerez, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, and distribution of furniture, home appliances or of any other products and services in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended do forthwith cease and desist, in connection with credit sales in which the sales presentation has been conducted in whole or in part in Spanish, from:

1. Failing to furnish consumers executing any contracts, agreements or other documents in connection with such sales, a complete and accurate translation in Spanish of each such writing, prior to the execution of the same.

2. Failing to furnish consumers with complete and accurate translations in Spanish of any other documents, notices or disclosures normally provided to consumers in connection with respondents' credit sales at the time of the transaction.

Provided however, That nothing in this order shall be understood to apply to sales receipts or other documents which serve merely as a memorandum of sale and do not, in themselves, contain covenants, disclaimers or other provisions defining the rights and responsibilities of the parties.

Further provided, That respondents must comply with subparagraphs 1 and 2 of this order by providing consumers either with:

A. bilingual documents containing all the provisions and disclosures in both English and Spanish, or

B. separate documents containing complete and accurate translations in Spanish of each English language document, and which shall contain in a clear and conspicuous manner in the Spanish language, the following heading in boldface 10 point type:

READ THIS FIRST

This is a translation of the document or documents you have received or are about to sign.

It is further ordered, That respondents prominently display, in at least two different locations on their premises, one of them being the location where customers usually execute consumer credit instruments or other legally binding documents, the following notice in Spanish:

NOTICE TO SPANISH SPEAKING CUSTOMERS

If you are a Spanish-speaking customer and the sales presentation was made, in whole or in part in Spanish, you are entitled to receive a Spanish translation of the credit contract and of the other documents related to the financing of your purchase before you sign anything. Do not sign any documents until you have received and read the Spanish translations.

It is further ordered, With respect to each account in which translations in Spanish are provided, as required herein, that respondents shall maintain in their files, for a period of two years, statements signed by respondents' customers acknowledging receipt of such translations.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all operating divisions and to all present and future personnel of respondents engaged in making sales presentations and in the consummation of any consumer credit transactions.

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

It is further ordered, That the individual respondent named herein promptly notify the Commission upon the discontinuance of his present business and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That no provision of this order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt respondents

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[1] Newly established codification.

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

from complying with agreements, orders or directives of any kind obtained by any other agency, or act as a defense to actions instituted by municipal or state regulatory agencies. No provision of this order shall be construed to imply that any past or future conduct of respondents complies with the rules and regulations of, or the statutes administered by the Federal Trade Commission.

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

The Decision and Order was issued by the Commission March 8, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-9795 Filed 4-5-76;8:45 am]

[Docket 9021]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Stewart Frost, Inc., et al.

Subpart—Advertising falsely or misleading: § 13.10 Advertising falsely or misleadingly; § 13.135 Nature of product or service; § 13.143 Opportunities; § 13.170 Qualities or properties of product or service; 13.170-30 Durability or permanence; 13.170-52 Medicinal, therapeutic, healthful, etc.; 13.170-74 Reducing, non-fattening, low-calorie, etc.; § 13.190 Results; § 13.195 Safety; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-45(k) Records, in general. Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 Nature; § 13.1697 Opportunities in product or service; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1863 Limitations of product; § 13.1870 Nature; § 13.1885 Qualities or properties; § 13.1890 Safety; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2015 Opportunities in product or service; § 13.2063 Scientific or other relevant facts. Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

In the Matter of Stewart Frost, Inc. a New York corporation,, Stuart Frost, Inc. a New Jersey Corporation, Alvin Meyer and Elaine Nelson, Individually and as Officers of Said Corporations, and Trim-A-Way Figure Contouring, Ltd., a Corporation, and Sam Bernard, Individually and as an Officer of Said Corporation

Consent order requiring a New York City seller and distributor of a weight and body-reducing kit, among other things to cease misrepresenting that any product or services for the treatment of obesity which utilizes a body wrapping device will result in any loss of weight or permanent reduction in any part of the body or that such products may be used by all persons without danger of any resulting physical harm or injury. Further, respondents are required to place a cautionary statement regarding the use of such products in all advertising and promotional material and on all packaging.

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

I. *It is ordered,* That Stewart Frost, Inc., a New York corporation, and Stuart Frost, Inc., a New Jersey corporation, their successors and assigns, and Alvin Meyer and Elaine Nelson, individually and as officers of said corporations, and said respondents' officers, agents, representatives and employees directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale and distribution of any products or services for the treatment of obesity which utilize a body wrapping device, procedure or method, in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, orally, visually or in writing, directly or indirectly, that:

(a) Use of said products or services will result in any loss of weight or permanent reduction in size in any part of the body.

(b) Use of said products or services in the treatment of obesity is safe and may be used by all persons without danger of physical harm or injury therefrom.

2. Using visual illustrations, representations or depictions, such as "before" and "after" pictures, in television commercials and any other advertising or promotional materials, which misrepresent the efficacy of said body reducing products, services, devices, procedures or methods.

3. Advertising, offering for sale, selling or distributing any products or services for the treatment of obesity which utilize a body wrapping device, procedure or method unless the advertising and promotional material contain the following caution in a clear and conspicuous manner:

(a) *"CAUTION:* If you suffer from circulation problems, varicose veins, phlebitis, or diabetes, consult your physician before using."

(b) In advertisements in newspapers or other periodicals, said "Caution" shall be printed in at least 11 point type.

(c) In advertisements placed on television broadcasts, the word "Caution" and the statement: "Caution: If you suffer from circulatory problems, varicose veins, phlebitis, or diabetes, consult your physician before using" shall be clearly and conspicuously placed on the television screen for a period of time not less than eight (8) seconds duration.

(d) Respondents shall include clearly and conspicuously on each bottle or container, with nothing to the contrary or in mitigation thereof, the "Caution" set forth in paragraph 3(a) hereinabove. Provided however, that the word CAUTION shall be printed in 18 point bold face type and the remaining language shall be printed in not less than 11 point type.

II. *It is ordered,* That Trim-A-Way Figure Contouring, Ltd., a corporation, its successors and assigns, and Sam Bernard, individually and as an officer of said corporation, and respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, or through its franchisees or licensees, in connection with the licensing, franchising, advertising, offering for sale, sale or distribution of any products or services for the treatment of obesity which utilize a body wrapping device, procedure or method, in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

4. Granting a license or franchise to to any prospective licensee or franchisee for the manufacture, advertising, use, offering for sale, sale or distribution of any products or services for the treatment of obesity which utilize a body wrapping device, procedure or method, without delivering to each such prospective licensee or franchisee a copy of the Order herein and receiving from such prospective licensee or franchisee a signed acknowledgement of receipt and agreement to adhere to the requirements of Paragraphs 1, 2, and 3 of Part I of this Order as a condition of the granting of the license or franchise.

5. Furnishing, disseminating or making available to any licensee or franchisee, any advertisements and promotional literature or materials which are or may be utilized by such licensee or franchisee in connection with the offering for sale, sale, distribution and promotion of any products or services for the treatment of obesity which utilize a body wrapping device, procedure or method, which violates Paragraphs 1, 2, or 3 of Part I of this order.

III. *It is further ordered,* That: 1. All respondents set forth under Part I and Part II of this order shall maintain for a five (5) year period complete and de-

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

tailed records of the names and addresses of all purchasers, franchisees or licensees of any products or services for the treatment of obesity which utilize a body wrapping device, procedure or method and said respondents shall also keep copies of all franchising and licensing agreements. Such records shall be made available for examination and copying by a duly authorized representative of the Federal Trade Commission, upon reasonable notice, during normal business hours.

2. No provision of this Order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt respondents from complying with agreements, orders or directives of any kind obtained by any other agency or act as a defense to actions instituted by municipal or state regulatory agencies. No provision of this Order shall be construed to imply that any past or future conduct of respondents complies with the rules and regulations of, or the statutes administered by the Federal Trade Commission.

3. Respondents shall deliver a copy of this Order to Cease and Desist to all personnel or agents of respondents responsible for the preparation, creation, production or publication of the advertising of all products and services covered by this Order.

4. Respondents shall deliver, by certified or registered mail, return receipt requested, a copy of this Cease and Desist Order to all persons, franchisees or licensees now engaged, or who become engaged in the advertising, offering for sale, sale, use or distribution, of any of respondents' products or services for the treatment of obesity which utilize a body wrapping device, procedure or method.

5. Respondents shall deliver a copy of this Order to all present and future employees engaged in the sale of respondents' products or services and shall secure from each such person a signed statement acknowledging receipt of a copy of this Order.

6. Respondents shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale, resulting in the emergence of a successor corporation or corporations, the creation or dissolution of subsidiaries, a change in the corporate name or address or any other change in the corporations which may affect compliance obligations arising out of this order.

7. Each individual respondent named herein shall promptly notify the Commission of the discontinuance of his or her present business or employment and/or his or her affiliation with a new business or employment. Such notice shall include such respondents' current business address and a statement as to the nature of the business or employment in which he or she is engaged, as well as a description of his or her duties and responsibilities.

8. Respondents shall within sixty (60) days after service upon them of this Order, file with the Federal Trade Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

The Decision and Order was issued by the Commission March 1, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-9796 Filed 4-5-76;8:45 am]

[Docket C-2804]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Weil & Co., Inc., et al.

Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-25 Displays, in-house: 13.533-45 Maintain records; 13.533-45(k) Records, in general. Subpart—Failing to provide foreign language translations: [1] § 13.1052 Failing to provide foreign language translations.

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

In the Matter of Weil & Co., Inc., a Corporation

Consent order requiring a New York City seller and distributor of furniture and home appliances, among other things where sales presentations have been made in whole or in part in Spanish, to cease failing to furnish buyers with Spanish language translations of contracts, agreements or other documents used in connection with retail credit sales. Further, respondents are required to prominently display in-store notices of customers' right to receive all necessary documents in both Spanish and English.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [2]

It is ordered, That respondent Weil & Co., Inc., a corporation, its successors and assigns, and its officers, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, and distribution of furniture, home appliances or of any other products and services in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist, in connection with credit sales in which the sales presentation has been conducted in whole or in part in Spanish, from:

1. Failing to furnish consumers executing any contracts, agreements or other documents in connection with such sales, a complete and accurate translation in Spanish of each such writing, prior to the execution of the same.

2. Failing to furnish consumers with complete and accurate translations in Spanish of any other documents, notices or disclosures normally provided to consumers in connection with respondent's credit sales at the time of the transaction.

Provided however, That nothing in this order shall be understood to apply to sales receipts or other documents which serve merely as a memorandum of sale and do not, in themselves, contain covenants, disclaimers or other provisions defining the rights and responsibilities of the parties.

Further provided, That respondent must comply with subparagraphs 1 and 2 of this order by providing consumers either with:

a. bilingual documents containing all the provisions and disclosures in both English and Spanish, or

b. separate documents containing complete and accurate translations in Spanish of each English language document, and which shall contain in a clear and conspicuous manner in the Spanish language, the following heading in boldface 10 point type:

READ THIS FIRST

This is a translation of the document or documents you have received or are about to sign.

It is further ordered, That respondent prominently display, in at least two different locations on their premises, one of them being the location where customers usually execute consumer credit instruments or other legally binding documents, the following notice in Spanish:

NOTICE TO SPANISH SPEAKING CUSTOMERS

If you are a Spanish-speaking customer and the sales presentation was made, in whole or in part in Spanish, you are entitled to receive a Spanish translation of the credit contract and of the other documents related to the financing of your purchase before you sign anything. Do not sign any documents until you have received and read the Spanish translations.

It is further ordered, With respect to each account in which translations in Spanish are provided, as required herein, that respondent shall maintain in its files, for a period of two years, statements signed by respondent's customers acknowledging receipt of such translations.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all operating divisions and to all present and future personnel of respondent engaged in making sales presentations and in the consummation of any consumer credit transactions.

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

It is further ordered, That no provision of this order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt respondent from

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[1] Newly established codification.

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

complying with agreements, orders or directives of any kind obtained by any other agency, or act as a defense to actions instituted by municipal or State regulatory agencies. No provision of this order shall be construed to imply that any past or future conduct of respondent complies with the rules and regulations of, or the statutes administered by the Federal Trade Commission.

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

The Decision and Order was issued by the Commission March 8, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-9797 Filed 4-5-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. IA-506, 34-12297, File No. S7-560]

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

Extension and Clarification of Temporary Exemption from the Investment Advisers Act for Certain Brokers and Dealers

Notice is hereby given That the Securities and Exchange Commission hereby amends Rule 206A-1(T) [17 CFR 275.206A-1(T)] under the Investment Advisers Act of 1940 ("Advisers Act") [15 U.S.C. 80b-1, et seq.], effective the date hereof, to continue until April 30, 1977 the temporary exemption provided thereby for certain registered brokers and dealers. The amendment to Rule 206A-1(T) is adopted pursuant to Sections 206A, 211(a) and 211(b) of the Advisers Act [15 U.S.C. 80b-6A, 80b-11(a) and 80b-11(b)].[1]

On April 23, 1975, the Commission published notice (Advisers Act Release No. 455) (40 FR 18424, Apr. 28, 1975) of the adoption of temporary Rule 206A-1(T) effective May 1, 1975 to coincide with the effective date of Rule 19b-3 [17 CFR 240.19b-3] under the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. 78a, et seq.].[2] Rule 206A-1(T) was intended to facilitate a particular response to the elimination of fixed commission rates on exchange transactions under Rule 19b-3 under the Exchange Act by brokers and dealers; namely, charging separately for research and other investment advice furnished by brokers and dealers to their customers. However, the performance of advisory services for a separate charge clearly would bring such brokers and dealers within the definition of investment adviser in Section 202(a)(11) [15 U.S.C. 80b-(a)(11)] of the Advisers Act,[3] since the exclusion in Section 202(a)(11)(C) [15 U.S.C. 80b-2(a)(11)(C)] for "any broker or dealer whose performance of such [investment advisory] services is solely incidental to the conduct of his business as a broker or dealer and who receives no special compensation therefor" would not be available with respect to the unbundled advisory services. Accordingly, in order to afford brokers and dealers an adequate period of time to develop and test new pricing practices after May 1, 1975, without at the same time having to register under and comply with the Advisers Act, the Commission provided a four month exemption from the Advisers Act for any broker or dealer registered as such on May 1, 1975 pursuant to Section 15 [15 U.S.C. 78*o*] of the Exchange Act and who was not then registered with the Commission as an investment adviser (or any successor to such broker or dealer within the meaning of Rule 15b1-3 [17 CFR 240.15b1-3] under the Exchange Act), subject to two limited exceptions. The Commission intended that the exemptive period also would be utilized by such brokers and dealers "to become familiar with the provisions of that [Advisers] Act and interpretations thereunder and to consider their possible interaction with broker-age practices," and requested "suggestions for further action."[4]

Subsequently, the Commission concluded that additional time was needed to evaluate the potential problems, if any, in applying the Advisers Act to brokers and dealers in the light of business practices evolving in the securities industry. It also concluded that it was not appropriate to exempt from the Advisers Act for an extended period those brokers and dealers who perform investment supervisory services or other investment management services because of the special trust and confidence inherent in the relationships between such brokers and dealers and their advisory clients. Accordingly, Rule 206A-1(T) was amended principally to: (1) Extend the expiration date for the temporary exemption to April 30, 1976; and (2) to make the exemption inapplicable after November 30, 1975 to broker-dealers who provide investment supervisory or investment management services.[5]

To date, the Commission has not observed a significant amount of un-

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[1] Section 206A of the Advisers Act provides as follows:

The Commission, by rules and regulations, upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person or transaction, or any class or classes of persons, or transactions, from any provision or provisions of this title or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title.

Section 211 (a) and (b) of the Advisers Act provides as follows:

(a) The Commission shall have authority from time to time to make, issue, amend, and rescind such rules and regulations and such orders as are necessary or appropriate to the exercise of the functions and powers conferred upon the Commission elsewhere in this title. For the purposes of its rules or regulations the Commission may classify persons and matters within its jurisdiction and prescribe different requirements for different classes of persons or matters.

(b) Subject to the provisions of the Federal Register Act and regulations prescribed under the authority thereof, the rules and regulations of the Commission under this title, and amendments thereof, shall be effective upon publication in the manner which the Commission shall prescribe, or upon such later date as may be provided in such rules and regulations.

[2] Rule 19b-3 prohibits any national securities exchange from adopting or retaining any rule that requires, or from otherwise requiring, its members to charge fixed rates of commission for transactions executed on, or by the use of the facilities of, such exchange after May 1, 1975 (May 1, 1976 as to rules of an exchange relating to floor brokerage commissions).

[3] Section 202(a)(11) of the Advisers Act defines the term "investment adviser" to mean, with certain limited exclusions—

any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as part of a regular business, issues or promulgates analyses or reports concerning securities.

[4] Investment Advisers Act Release No. 455 (April 23, 1975), 40 F.R. 18424 (Apr. 28, 1975).

[5] Investment Advisers Act Release No. 471 (August 20, 1975), 40 F.R. 38157 (Aug. 27, 1975).

The text of Rule 206A-1(T), as then amended, was as follows:

Rule 206A-1(T). Temporary Exemption for Certain Broker-Dealers/Investment Advisers

(a) Any person who was registered as a broker or dealer pursuant to Section 15 of the Securities Exchange Act of 1934 on May 1, 1975, and was not then registered as an investment adviser pursuant to Section 203 of the Investment Advisers Act of 1940 (or any successor, within the meaning of Rule 15b1-3 under the Securities Exchange Act of 1934, to such broker-dealer) shall be temporarily exempt from the provisions of the Act and the rules and regulations thereunder until April 30, 1976: *Provided, however,* that—

(1) this exemption shall not be applicable to any such person (a) whose broker-dealer registration is withdrawn, suspended, cancelled or revoked, or (b) who acts as an investment adviser, as defined in Section 2(a)(20) of the Investment Company Act of 1940, to any investment company registered or required to be registered under that Act; and

(2) this exemption shall not be applicable after November 30, 1975, to any broker-dealer who performs investment supervisory services as defined in Section 202(a)(13) of the Act or investment management services as defined in paragraph (b) of this rule.

(b) For the purposes of this rule, a person performs "investment management services" with respect to any account as to which such person, directly or indirectly, for special compensation or not solely incidental to his business as a broker-dealer,

(1) is authorized to determine what securities shall be purchased or sold by or for the account;

or

(2) makes decisions as to what securities shall be purchased or sold by or for the account even though some other person may have responsibility for such investment decisions.

bundling of advisory services by broker-dealers. To the extent that this is temporary, it is appropriate to extend the exemptive provisions of Rule 206A–1(T) for an additional year. In that way, it is anticipated that a more meaningful data base will be available for the purpose of evaluating the need for, and the economic impact of applying, the dual regulatory schemes of the Advisers Act and the Exchange Act to the unbundled advisory services.

The Commission finds that it would also be appropriate to clarify in Rule 206A–1(T) that the exclusion from the exemption for a broker-dealer who performs investment supervisory services or investment management services is applicable only if such services are performed "for special compensation or not solely incidental to his business as a broker-dealer."

Accordingly, Rule 206A–1(T) is hereby amended in the following manner:

1. Paragraph (a) is amended to change the expiration date of the temporary exemption from April 30, 1976 to April 30, 1977;

2. Paragraph (a)(2) is amended to clarify that the disqualification specified therein applies only to a broker-dealer who performs investment supervisory or investment management services "for special compensation or not solely incidental to his business as a broker-dealer;"

and

3. Paragraph (b) is amended to delete the phrase "for special compensation or not as part of his business as a broker-dealer" from the definition of investment management services, since it is no longer necessary in view of the foregoing amendment of paragraph (a)(2).

The text of Rule 206A–1(T) [§ 275.206A–1(T)], as amended hereby is set forth below.

§ 275.206A–1(T) Temporary exemption for certain broker-dealers/investment advisers.

(a) Any person who was registered as a broker or dealer pursuant to Section 15 of the Securities Exchange Act of 1934 on May 1, 1975, and was not then registered as an investment adviser pursuant to Section 203 of the Investment Advisers Act of 1940 (or any successor within the meaning of Rule 15b1–3 under the Securities Exchange Act of 1934, to such broker-dealer) shall be temporarily exempt from the provisions of the Act and the rules and regulations thereunder until April 30, 1977: *Provided, however,* that—

(1) this exemption shall not be applicable to any such person (i) whose broker-dealer registration is withdrawn, suspended, cancelled or revoked, or (ii) who acts as an investment adviser, as defined in Section 2(a)(20) of the Investment Company Act of 1940, to any investment company registered or required to be registered under that Act; and

(2) this exemption shall not be applicable after November 30, 1975, to any broker-dealer who, for special compensation or not solely incidental to his business as a broker-dealer, performs investment supervisory services as defined in Section 202(a)(13) of the Act or investment management services as defined in paragraph (b) of this section.

(b) For the purposes of this rule, a person performs "investment management services" with respect to any account as to which such person, directly or indirectly,

(1) is authorized to determine what securities shall be purchased or sold by or for the account;

or

(2) makes decisions as to what securities shall be purchased or sold by or for the account even though some other person may have responsibility for such investment decisions.

The Commission finds that the adoption of the foregoing amendments to Rule 206A–1(T) without requesting additional comments is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Advisers Act, since (a) it will continue for an additional year beyond its scheduled expiration an exemption from a statutory requirement for a class of persons registered under and subject to the provisions of the Exchange Act, and (b) it will clarify the conditions for exclusion from the exemption. The Commission further finds, in accordance with the requirements of the Administrative Procedure Act,[5] that notice of the amendments to Rule 206A–1(T) prior to adoption and public procedure thereon are unnecessary, and publication for 30 days prior to the effective date may be omitted, since the amendment continues an exemption from statutory requirements which otherwise would be applicable, and since it is in the public interest to facilitate the continued transition to competitive public commission rates pursuant to Rule 19b–3 under the Exchange Act. Accordingly, the amendments to Rule 206A–1(T) shall become effective on the date hereof.

The Commission solicits comments and suggestions concerning the future regulation under the Advisers Act of the performance of advisory services by broker-dealers. Any such submission should be directed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 on or before September 30, 1976. All communications should refer to File No. S7–560, and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 1, 1976.

[FR Doc.76–9914 Filed 4–5–76;8:45 am]

[5] 5 U.S.C. 551, et seq. (1970), as amended (Supp. IV, 1974).

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart M—Organization

NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH

The Food and Drug Administration is amending the regulation setting forth its headquarters organization to provide a revised listing of the organizational elements of the National Center for Toxicological Research; effective April 6, 1976.

The reorganization of the Center, approved on February 24, 1976, was effective March 3, 1976, the date of publication in the FEDERAL REGISTER (41 FR 9240). The overall functions of the Center were not changed but the internal structure reflects considerable realignment of functions.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 2 is amended in § 2.171 by revising the listing for the National Center for Toxicological Research to read as follows:

§ 2.171 Headquarters.

* * * * *

NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH [4]

Office of the Director.
Office of Program and Resource Planning.
Division of Animal Hubandry.
Division of Microbiology and Immunology.
Division of Diet Preparation.
Division of Facilities Engineering and Maintenance.
Division of Chemistry.
Division of Scientific Information Systems.
Division of Analytical Services.
Division of Carcinogenic Research.
Division of Teratogenic Research.
Division of Mutagenic Research.
Division of Molecular Biology.

Effective date. This amendment shall be effective April 6, 1976.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)).)

Dated: March 31, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76–9778 Filed 4–5–76;8:45 am]

[Docket No. 76F–0079]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SANITIZING SOLUTIONS

The Food and Drug Administration is amending § 121.2547 Sanitizing solutions

[4] Mailing address: Jefferson AR 72079.

(21 CFR 121.2547) to provide for the safe use of an aqueous solution containing *n*-alkyl(C_{12}–C_{18}) benzyldimethylammonium chloride, sodium metaborate, *alpha* - terpineol and *alpha*[*p*-(1,1,3,3-tetramethylbutyl) phenyl] - *omega* - hydroxypoly(oxyethylene) produced with one mole of the phenol and 4 to 14 moles ethylene oxide as a sanitizing solution for food-processing equipment and utensils, effective April 6, 1976; objections by May 6, 1976.

Notice was given by publication in the FEDERAL REGISTER of April 29, 1975 (40 FR 18575) that a petition (FAP 5H3035) had been filed by Vestal Laboratories, 4963 Manchester Ave., St. Louis, MO 63110, proposing that § 121.2547 be amended as noted above.

The Commissioner, having evaluated data in the petition and other relevant material, is amending the regulation as set forth below to provide for use of the additive as proposed by the petitioner.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in § 121.2547 by adding new paragraphs (b)(18) and (c)(13) to read as follows:

§ 121.2547 Sanitizing solutions.

* * * * *

(b) * * *

(18) An aqueous solution containing *n*-alkyl(C_{12}–C_{18}) benzyldimethylammonium chloride, sodium metaborate, *alpha*-terpineol and *alpha*[*p*-(1,1,3,3-tetramethylbutyl) phenyl] - *omega* - hydroxypoly (oxyethylene) produced with one mole of the phenol and 4 to 14 moles ethylene oxide.

(c) * * *

(13) Solution identified in paragraph (b)(18) of this section shall provide not more than 200 parts per million of active quaternary compound and not more than 66 parts per million of *alpha*[*p*-(1,1,3,3-tetramethylbutyl) phenyl] - *omega* - hydroxypoly(oxyethylene).

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 6, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This regulation shall become effective April 6, 1976.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: March 31, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-9779 Filed 4-5-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION)

[Docket No. R-76-313]

MORTGAGE INSURANCE AND HOME IMPROVEMENT LOANS

Changes in Interest Rates

The following miscellaneous amendments have been made to this chapter to reduce from 8.75 percent to 8.50 percent the maximum rate of interest for certain mortgage and loan insurance programs under the National Housing Act:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

1. In § 203.20 paragraph (a) is amended to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8.50 percent, except that where an application for commitment was received by the Secretary before March 30, 1976, the mortgage may bear interest at the maximum rate in effect at the time of receipt of the application.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply Sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

2. In § 203.74 paragraph (a) is amended to read as follows:

§ 203.74 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 8.50 percent, except that where an application for commitment was received by the Secretary before March 30, 1976, the loan may bear interest at the maximum rate in effect at the time of receipt of the application.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply Section 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

1. In § 213.511 paragraph (a) is amended to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8.50 percent, except that where an application for commitment was received by the Secretary before March 30, 1976, the mortgage may bear interest at the maximum rate in effect at the time of the application.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply Sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

In § 234.29 paragraph (a) is amended to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8.50 percent, except that where an application for commitment was received by the Secretary before March 30, 1976, the mortgage may bear interest at the maximum rate in effect at the time of receipt of the application.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

Effective Date. These amendments shall be effective on March 30, 1976.

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit, FHA Commissioner.

[FR Doc.76-9785 Filed 4-5-76;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-775]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Waynesville, Missouri

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Waynesville, Missouri under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management

measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Waynesville, Missouri 65583.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Roubidoux Creek	Pine St	775.0	Not applicable	To 150 ft northwest of intersection with Maple St.
	Benton St	775.5	780 ft north of intersection with North St.	Not applicable.
	North St	778.0	To 200 ft southwest of intersection with Olive St.	Do.
Mitchel Creek	Dwyer Dr	787.0	500	150.
	Glenda Dr	792.0	Not applicable	500.
	County Highway H	825.0	450	200.
	Debra	827.0	To 175 ft east of intersection of Debra and Hull Valley.	Not applicable.
Pearson Hollow	Charles	859.0	Not applicable	To Highway 66.
	U.S. Highway 66	880.0	125	100.

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

Issued: March 25, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-9653 Filed 4-5-76;8:45 am]

[Docket No. FI-808]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Port Isabel, Cameron County, Texas

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.-10)), hereby gives notice of his final determinations of flood elevations for the City of Port Isabel under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the City Hall, Port Isabel.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline to 100-yr flood boundary
Laguna Madre	4th St	11	(1)
	2d St	11	(1)
	Manautou Ave	11	1,600
	Tarnave St	11	550
	Railroad Ave	11	(2)
	State Highway 100	11	(2)
	Monroe St	11	(2)
Public channel	Island Ave	11	3,650
	Basin St	11	650
	State Highway 100	11	1,250
Port Isabel Channel	Port Rd	11	[3] 4,900
	Jefferson St	11	900
	Madison St	11	1,300
Port Isabel Marina	Jefferson St	11	5,400
	Madison St	11	6,050

[1] Corporate limits.
[2] To Port Isabel Channel.
[3] From old railroad grade to corporate limits.

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

Issued: March 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-9654 Filed 4-5-76;8:45 am]

[Docket No. FI-739]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for Sussex County, Delaware

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of the final determinations of flood elevations for Sussex County, Delaware under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the County must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Sussex County Courthouse, Georgetown, Delaware 19947.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
Indian River Bay, Rehoboth Bay, Indian River, Little Assawoman Bay.	State Route 24	6	Entire road, 100 ft south of Unity Branch to 400 ft north of Unity Branch.
Atlantic Ocean, Indian River Bay, Rehoboth Bay, Indian River, Little Assawoman Bay.	State Route 14	7	Entire road, from Dewey Beach to 800 ft southwest of Cottonpatch Hill.
Atlantic Ocean, Indian River Bay, Rehoboth Bay, Indian River, Little Assawoman Bay.	Long Neck Rd	6	Entire road, 5,000 ft west of Roman T. Pond to 8,000 ft west of Roman T. Pond.
Indian River Bay, Rehoboth Bay, Indian River, Little Assawoman Bay.	State Route 5	6	Entire road, 200 ft northwest of Indian River to 1,200 ft northwest of Indian River.
Indian River Bay, Rehoboth Bay, Indian River, Little Assawoman Bay.	Piney Neck Rd	6	Road from Indian River to 3,100 ft southwest of Indian River.
Indian River Bay, Rehoboth Bay, Indian River, Little Assawoman Bay storm tides.	State Route 26	6	Road from west bank of Vines Creek to 700 ft east of the west bank of Vines Creek.
Atlantic Ocean, Indian River Bay, Rehoboth Bay, Indian River, Little Assawoman Bay storm tides.	State Route 14	7	Road from northern Bethany Beach corporate limits to 38,000 ft north of northern Bethany Beach corporate limits.

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

Issued: March 25, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-9351 Filed 4-5-76;8:45 am]

[Docket No. FI-537]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Town of Dennis, Massachusetts

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of the final determinations of flood elevations for the Town of Dennis, Massachusetts under Section 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Town Hall, S. Dennis, Massachusetts 02660.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Chase Garden Creek (backwater from Cape Cod Bay).	Squadrilli	10	Entire street.	
	Black Flats Dr.	10	do.	
	Nobscusset Rd.	10	100	125
	New Boston Rd.	10	250	500
Cape Cod Bay	Dunes Rd.	10	150 ft from shoreline.	
	Dr. Lords Rd.	10	125 ft from shoreline.	
Sesuit Creek (backwater from Cape Cod Bay).	State highway	10	900	150
	Route 6A Bridge St.	10	300	550
	Cold Storage Rd.	10	550 ft east of intersection with North St.	
Bass River (backwater from Nantucket Sound).	Captain Harding	10	(1)	100
	Route 28	10	(1)	825
	Highbank Rd.	10	(1)	100
Kelleys Bay (backwater from Nantucket Sound).	Route 6	10	(1)	150
	Norsemans Dr.	10	225 ft from shoreline.	
	Fairmount	10	325 ft from shoreline.	
Follins Pond (backwater from Nantucket Sound).	Norsemans Beach Rd.	10	500 ft from shoreline.	
Grand Cove (backwater from Nantucket Sound).	Cove Rd.	10	To intersection with Stephan Lane.	
	Main St.	10	From 250 ft east of intersection with Buccaneer to 600 ft west of intersection with Trotting Rd.	
Weir Creek (backwater from Nantucket Sound).	South Main St. (Lower County Rd.).	10	300	(2)
Swan Pond River (backwater from Nantucket Sound).	Lower County Rd.	10	(3)	550
	Route 28	10	300	550
	Upper County Rd.	10	300	3,100
	Vester	10	Entire street.	
Nantucket Sound	Southwest of Kelleys Pond	10	To intersection of Garfield Lane and Thirzas, intersection of Merchant and Santucket, and and intersection of Santucket and Loring Ave.	
	Between Weir Creek and Swan Pond River.	10	Entire area south of Lower County Rd. between Lighthouse Rd. and Rhyspah Ave.	
	South Village Rd.	10	To 100 ft north of intersection with South Village Circle.	
	Old Wharf Rd.	10	From 150 ft west of Uncle Rolf Rd. to 150 ft east of Oak St. extension.	
	Chase Ave.	10	From 150 ft west of intersection with Birch Hill Rd. to 200 ft west of intersection with Calab St.	

[1] To corporate limits.
[2] To intersection with Rhyspah Ave.
[3] 100 ft west of intersection with School St.

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

Issued: March 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-9652 Filed 4-5-76;8:45 am]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Town of Refugio, Refugio County, Texas

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the Town of Refugio, Refugio County, Texas under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the City Hall, Refugio.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Mission River	South Alamo St	41	170	(1)
Tributary A	East Fedeacion St	42	900	(1)
	West North St	42	750	(1)
Dry Bayou	Pearl St	37	50	(1)
Tributary B	North Alamo St	47	150	90
	Swift St	52	70	50

[1] Corporate limits.

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

Issued: March 19, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-9655 Filed 4-5-76;8:45 am]

[Docket No. FI-740]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Town of South Bethany, Delaware

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of the final determinations of flood elevations for the Town of South Bethany, Delaware under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Town Offices, South Bethany, Delaware 19930.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Atlantic Ocean	Shoreline to 77 ft inland	14	(1)	(1)
	77 ft inland to inland side of U.S. 14	6-14	(1)	(1)
	Inland side of U.S. 14	6	(1)	(1)

[1] Not applicable.

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

Issued: March 25, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-9650 Filed 4-5-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—ESTATE AND GIFT TAXES

[T.D. 7416]

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

Exclusion from the Gross Estate of Certain Annuity Interests Created by Community Property Laws

Preamble. By a notice of proposed rule making appearing in the FEDERAL REGISTER on August 20, 1975 (40 FR 36375), amendments to the Estate Tax Regulations (26 CFR Part 20) under section 2039 of the Internal Revenue Code of 1954 were proposed in order to conform those regulations to the amendment made to the Internal Revenue Code by section 2 of Public Law 92-580 (86 Stat. 1276), relating to exclusion from the gross estate of a decedent of certain annuity interests created by community property laws.

Section 2 of Public Law 92-580 amended section 2039 of the Code to provide generally for an exclusion from the gross estate of the value of any interest of the spouse of an employee in certain employee plans or contracts arising solely by reason of the spouse's interest in the community income of the employee under State community property laws.

Section 2 of the Act and the regulations apply to the estates of decedents who died on or after October 27, 1972, and to the estates of decedents for which the period for filing a claim for credit or refund of an estate tax overpayment ends on or after October 27, 1972. Interest is not allowed or paid on any overpayment of the tax resulting from the application of these provisions for any period prior to April 26, 1973.

The final regulations are identical to the proposed regulations.

Adoption of amendments to the regulations. On August 20, 1975, notice of proposed rule making with respect to the amendments of the Estate Tax Regulations (26 CFR Part 20) under section 2039 of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (40 FR 36375). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are hereby adopted, without change.

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: March 30, 1976.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

In order to conform the Estate Tax Regulations (26 CFR Part 20) to the amendment of section 2039 of the Internal Revenue Code of 1954 made by section 2 of Pub. L. 92-580 (86 Stat. 1276), the regulations are hereby amended as follows:

1. Section 20.2039 is amended by adding at the end thereof a new subsection (d) and by revising the historical note. These amended and added provisions read as follows:

§ 20.2039 Statutory provisions; annuities.

Sec. 2039 Annuities. * * *

(d) *Exemption of certain annuity interests created by community property laws.* In the case of an employee on whose behalf contributions or payments were made by his employer or former employer under a trust or plan described in subsection (c) (1) or (2), or toward the purchase of a contract described in subsection (c)(3), which under subsection (c) are not considered as contributed by the employee, if the spouse of such employee predeceases him, then, notwithstanding the provisions of this section or of any other provision of law, there shall be excluded from the gross estate of such spouse the value of any interest of such spouse in such trust or plan or such contract, to the extent such interest—

(1) Is attributable to such contributions or payments, and

(2) Arises solely by reason of such spouse's interest in community income under the community property laws of a State.

(Sec. 2039 as amended by secs. 23(e), 67(a), Technical Amendments Act 1958 (72 Stat. 1622, 1658); sec. 7(1), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 830); sec. 2(a), Act of Mar. 8, 1966 (Pub. L. 89-365, 80 Stat. 33); sec. 2(a), Act of Oct. 27, 1972 (Pub. L. 92-580, 86 Stat. 1276))

2. Paragraph (a) of § 20.2039-1 is amended to read as follows:

§ 20.2039-1 Annuities.

(a) *In general.* A decedent's gross estate includes under section 2039 (a) and (b) the value of an annuity or other payment receivable by any beneficiary by reason of surviving the decedent under certain agreements or plans to the extent that the value of the annuity or other payment is attributable to contributions made by the decedent or his employer. Section 2039 (a) and (b), however, has no application to an amount which constitutes the proceeds of insurance under a policy on the decedent's life. Paragraph (b) of this section describes the agreements or plans to which section 2039 (a) and (b) applies; paragraph (c) of this section provides rules for determining the amount includible in the decedent's gross estate; and paragraph (d) of this section distinguishes proceeds of life insurance. The fact that an annuity or other payment is not includible in a decedent's gross estate under section 2039 (a) and (b) does not mean that it is not includible under some other section of part III of subchapter A of chapter 11. However, see section 2039 (c) and (d) and § 20.2039-2 for rules relating to the exclusion from a decedent's gross estate of annuities and other payments under certain "qualified plans".

* * * * *

3. Section 20.2039-2 is amended by adding at the end thereof a new paragraph (d). This added provision reads as follows:

§ 20.2039-2 Annuities under "qualified plans" and section 403(b) annuity contracts.

* * * * *

(d) *Exclusion of certain annuity interests created by community property laws.*—(1) In the case of an employee on whose behalf contributions or payments were made by his employer or former employer under an employees' trust forming part of a pension, stock bonus, or profit-sharing plan described in section 2039(c)(1), under an employee's retirement annuity contract described in section 2039(c)(2), or toward the purchase of an employee's retirement annuity contract described in section 2039 (c)(3), which under section 2039(c) are not considered as contributed by the employee, if the spouse of such employee predeceases him, then, notwithstanding the provisions of section 2039 or of any other provision of law, there shall be excluded from the gross estate of such spouse the value of any interest of such spouse in such plan or trust or such contract, to the extent such interest—

(i) Is attributable to such contributions or payments, and

(ii) Arises solely by reason of such spouse's interest in community income under the community property laws of a State.

(2) Section 2039(d) and this paragraph do not provide any exclusion for such spouse's property interest in the plan, trust or contract to the extent it is attributable to the contributions of the employee spouse. Thus, the decedent's community property interest in the plan, trust, or contract which is attributable to contributions made by the employee spouse are includible in the decendent's gross estate. See paragraph (c) of this section.

(3) Section 2039(d) and this paragraph apply to the estate of a decedent who dies on or after October 27, 1972, and to the estate of a decedent who died before October 27, 1972, if the period for filing a claim for credit or refund of an overpayment of the estate tax ends on or after October 27, 1972. Interest will not be allowed or paid on any overpayment of tax resulting from the application of section 2039(d) and this paragraph for any period prior to April 26, 1973.

[FR Doc.76-9850 Filed 4-5-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[PP6E1782.3.4.5.6.7.98; 1720.21/R80; FRL 517-1]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Bacillus Thuringiensis, Berliner

On February 5, 1976, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (41 FR 5291) a notice of proposed rulemaking, pursuant to Section 408(e) of the Federal Food, Drug, and Cosmetic Act, to amend 40 CFR 180.1011 by exempting additional raw agricultural commodities from the requirement of a tolerance for residues of the microbial insecticide *Bacillus thuringiensis*, Berliner. This action petitions (PP 6E1682, 6E1683, 6E1684 6E1685, 6E1686, 6E1687, 6E1698, 6E1720, 6E1721) submitted to the Agency by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and several State Agricultural Experiment Stations.

There was one comment received in regard to this notice of proposed rulemaking. This comment suggested that in light of the nature of the pesticide it would be more cost-effective for the Administrator, EPA, to propose that all crops be exempted from the requirement of a tolerance for residues of *Bacillus thuringiensis*, pursuant to Section 408(e) of the Federal Food, Drug, and Cosmetic Act. The IR-4 Technical Committee, however, has submitted a petition (PP 6E1742) that is currently undergoing scientific review in the Agency proposing that all raw agricultural commodities be exempted from the requirement of a tolerance for residues of this microbial insecticide. Pending the completion of review of this petition, therefore, it is concluded that the exemptions from the requirement of a tolerance established by amending 40 CFR 180.1011 proposed on February 5, 1976, will protect the public health, and that the regulation should be adopted as proposed. This comment will be considered insofar as applicable during the review of the petition now pending before the Agency.

Any person adversely affected by this regulation may, on or before May 6, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, East Tower, Room 1019, 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Dated: March 30, 1976.

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

Part 180, Subpart D, § 180.1011, is amended 1) by revising paragraph (b) to exempt additional raw agricultural commodities from the requirement of a tolerance for residues of *Bacillus thuringiensis*, Berliner, and 2) by editorially restructuring paragraph (b) into a columnar alphabetical listing to read as follows:

§ 180.1011 Viable spores of the microorganism *Bacillus thuringiensis*, Berliner; exemption from the requirement of a tolerance.

* * * * *

(b) Exemption from the requirement of a tolerance is established for residues of the microbial insecticide *bacillus thuringiensis*, Berliner, as specified in

paragraph (a) of this section, in or on the following raw agricultural commodities:

* * * * *

almonds	hanover salad
amaranth, Chinese	horseradish
anise	huckleberries
apples	Japanese greens
artichokes	Japanese knotweed
asparagus	kale
bananas	kohlrabi
beets	legumes
beets, greens	lentils
beets, sugar beets	lettuce
blackberries	melons
black salsify, leaves	mustard, greens
blueberries	mustard, black
borage	mustard, tuberous-rooted, Chinese, leaves and petioles
broccoli	
broccoli, Chinese	
Brussels sprouts	mustard, white
burdock, sprouts, ed	okra
cabbage	onions
cabbage, Chinese	orach
cardoon	oranges
carrots	pakchoi
cauliflower	parsley
celery	peaches
chard	pecans
chervil	peppermint
chicory, leaves	peppermint, hay
chives	peppers
chives, Chinese	plums
collards	potatoes
corn salad	purslane, kitchen
corn, sweet	purslane, winter
cottonseed	radishes
cress, garden	rampion, leaves
cress, upland	raspberries
cress, water	rhubarb
cucumbers	roquette
currants	savory, summer
dandelions	sorrel, garden
dewberries	spearmint
eggplants	spearmint, hay
endive	spinach
escarole	spinach, Malabar
fennel	spinach, New Zealand
fennel, Italian	squash
gooseberries	strawberries
grapes	tomatoes
grasses, hay	turnips, greens
grasses, pasture	walnuts

[FR Doc.76-9697 Filed 4-5-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER B—ARCHIVES AND RECORDS

[FPMR Amdt. B-33]

PART 101-11—RECORDS MANAGEMENT

Miscellaneous Changes

This amendment (1) provides new procedures for Federal agencies transferring indispensable vital records to Federal records centers; (2) clarifies the requirements of Federal agencies depositing microfilm copies of permanent records with the National Archives and Records Service; and (3) outlines new procedures for obtaining Standard Forms 212 and 213.

Subpart 101-11.4—Disposition of Federal Records

1. Section 101-11.410-4 is revised to read as follows:

§ 101-11.410-4 Vital records.

GSA provides for the storage and protection of emergency preparedness records under the dispersed concept as described in Subpart 101-11.7. The facilities of all GSA Federal records centers (FRC) without regard to geographical location are now available for agencies desiring to store such records. Each GSA records center (except FRC, Mechanicsburg, PA) has areas with suitable temperature and humidity controls allowing the safe storage of paper records, magnetic tape, and photographic film. Agencies may make arrangements through the General Services Administration (NC), Washington, D.C. 20408, for the transfer of indispensable vital records to these depositories and for their use.

Subpart 101-11.5—Microfilming

2. Section 101-11.502 (a) and (c) through (g) are amended to read as follows:

§ 101-11.502 Definitions.

For the purpose of this Subpart 101-11.5, the following definitions shall apply:

(a) *Permanent record.* Any record (see 44 U.S.C. 3301) that has been determined by the Archivist of the United States to have sufficient historical or other value to warrant its continued preservation by the Government. Such determinations take the form of approved agency records retention plans, an approved offer to transfer records to the National Archives, or specific series of records identified as permanent on all Standard Forms 115, Request for Authority to Dispose of Records, approved by NARS since May 14, 1973. NARS approval, prior to May 14, 1973, of a comprehensive records disposal schedule that also lists records that are identified as "permanent" or "retain" by the agency but are not clearly certified as permanent by NARS, does not constitute a determination that the records have sufficient historical or other value to warrant their continued preservation by the Government.

* * * * *

(c) *Silver original microfilm.* Silver original microfilm is camera microfilm meeting the requirements of Federal Standard No. 125b; Film Photographic and Film, Photographic, Processed (for permanent record use).

(d) *Silver duplicate negative.* A silver duplicate negative is a second generation negative microfilm meeting the requirements of Federal Standard No. 125b whether produced from an original negative or from an original positive.

(e) *Silver master positive.* A silver master positive is a second generation positive microfilm meeting the requirements of Federal Standard No. 125b produced from either an original negative or from an original positive.

(f) *Diazo microfilm.* Diazo microfilm is a duplicating microfilm sensitive to ultraviolet light and developed by passing the film through an ammonia chamber. Diazo microfilm must meet the requirements of Federal Specification L-F-315C; Film, Diazotype, Sensitized (Direct Image Microforms).

(g) *Vesicular microfilm.* Vesicular microfilm is a duplicating microfilm exposed by ultraviolet light and developed by being passed over a heat roller and by a second exposure to ultraviolet light which stabilizes the film. Vesicular microfilm must meet the requirements of Federal Specification L-F-00320C; Film, Thermal Developing.

3. Section 101-11.503-1(a)(1) is revised to read as follows:

§ 101-11.503-1 Request for authority.

(a) * * *

(1) Agencies whose proposed microfilming procedures meet the standards in § 101-11.504 shall include on the SF 115 the following certification:

This certifies that the records described on this form shall be microfilmed in accordance with the standards set forth in 41 CFR 101-11.504 and that the (select appropriate words: Silver original microfilm, silver duplicate negative microfilm, or silver master positive microfilm) plus one positive copy of each microfilm which is a (select appropriate words: Silver duplicate negative copy; silver positive copy; vesicular microfilm copy; diazo microfilm copy) shall be (select appropriate phrase: Offered to the Office of the National Archives (NN), National Archives and Records Service, General Services Administration, Washington, D.C. 20408; offered to the Regional Archives Branch (city and State); offered to the Federal Records Center (city and State); or transferred to an approved agency records center at (city and State)).

* * * * *

4. Section 101-11.503-2(a) is revised to read as follows:

§ 101-11.503-2 Deposit of copies.

(a) The silver original microfilm copy or either of (1) a silver duplicate negative copy or (2) a silver master positive copy; plus one positive copy, which may be either of silver, vesicular, or diazo microfilm, of each microfilm of permanent records microfilmed by an agency shall be verified for completeness and accuracy and then shall be either transferred to an approved agency records center or offered to either the Office of the National Archives (NN), National Archives and Records Service, mailing address: General Services Administration (NN), Washington, DC 20408; or the Archives Branch in the Federal Records Center where the original permanent records would normally be retired.

* * * * *

5. Section 101-11.504-2 is revised to read as follows:

§ 101-11.504-2 Microfilm stock.

The film stock used to make photographic or microphotographic copies of permanent records shall be safety-base permanent record film as specified in American National Standards Institute (ANSI) PH 1.25, Specifications for Safety Photographic Film; PH 1.28, Specifications for Photographic Films for Permanent Records; PH 1.29, Methods for Determining the Curl of Photographic Film; and PH 1.31, Method of Determining the Brittleness of Photographic Film, and shall comply with Federal Standard No. 125b. In order to afford adequate protec-

tion for permanent records, agencies using microfilm systems which do not produce an original microfilm meeting these standards for permanent records shall immediately make a silver duplicate negative or silver master positive which does meet the standards.

Subpart 101–11.7—Vital Records: Records During an Emergency

6. Section 101–11.701–10 is revised to read as follows:

§ 101–11.701–10 Availability of forms.

The reporting forms illustrated in §§ 101–11.4917 and 101–11.4918 are available from the General Services Administration (NC), Washington, DC 20408.

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

Effective date. This regulation is effective on April 6, 1976.

Dated: March 22, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76–9689 Filed 4–5–76;8:45 am]

[FPMR Amdt. B–32]

PART 101–11—RECORDS MANAGEMENT

Audiovisual Records

Section 101–11.411–7, Transfer of audiovisual records, is revised to clarify and update policies governing the transfer of audiovisual records to the National Archives.

A new Subpart 101–11.13, Audiovisual Records Management, is added to prescribe policies and procedures for managing audiovisual records in the Federal Government.

The proliferation of audiovisual records in the Federal Government, which is reflected in their use as a means of communication as well as a means of documenting Federal programs and activities and the high cost of producing such records, makes a management program for audiovisual records essential to the effective creation, use, and disposition of audiovisual records.

Subpart 101–11.4—Disposition of Federal Records

2. Section 101–11.411–7 is revised as follows:

§ 101–11.411–7 Transfer of audiovisual records.

The following policies shall govern the transfer of audiovisual records to the National Archives:

(a) *Motion pictures.* The following copies shall be considered necessary for the preservation, duplication, and reference service of motion pictures:

(1) Agency-sponsored motion picture films for distribution (informational films):

(i) Original negative or color original plus separate optical sound track.

(ii) Intermediate master positive or duplicate negative plus optical sound track.

(iii) Sound projection print.

(2) Agency motion picture films made for internal use (program films):

(i) Original negative or color original plus sound.

(ii) Projection print.

(3) Agency acquired motion picture films: Two projection prints.

(4) Unedited outtakes and trims, the discards of film productions, may be considered for deposit in the National Archives if they are properly arranged, labeled, and described and show unstaged, unrehearsed events of historical interest or historically significant phenomena. The following elements should be included:

(i) Original negative or color original.

(ii) Work print.

(b) *Still pictures.* The following elements are necessary for the preservation, duplication, and reference service of each pictorial image:

(1) For black and white photographs, an original negative and a captioned print. If the original negative is nitrate or glass, a dupe negative is also needed.

(2) For color photographs, the original color transparency or color negative, a captioned print, and an internegative if one exists.

(3) For slide sets, the original and a reference set, and the related audio recording and script if one exists.

(4) For other pictorial records such as posters, original artwork, and filmstrips, the original and a reference print.

(c) *Sound recordings.* The following types of audio documents are necessary for the preservation, duplication, and reference service of sound recordings:

(1) For conventional, mass-produced, or multiple-copy disc recordings, the master tape, the matrix or stamper of each sound recording, and a disc pressing of each recording.

(2) For magnetic sound recordings usually on audiotape (reel-to-reel, cassette, or cartridge), the original tape or the earliest generation of the recording available, and a "dubbing" if one has been made.

(d) *Video recordings.* The original or the earliest generation of the video recording is necessary for the preservation, duplication, and reference service of this medium. A kinescope of the recording may be substituted.

(e) *Finding aids and production documentation.* The following records shall be transferred to the National Archives with the audiovisual records to which they pertain:

(1) Existing finding aids such as data sheets, shot lists, continuities, review sheets, catalogs, indexes, lists of captions, and other textual documentation that is necessary or helpful for the proper identification, retrieval, and use of the audiovisual records.

(2) Production case files or similar files that include copies of production contracts, scripts, transcripts, and appropriate documentation bearing on the origin, acquisition, release, and ownership of the production.

1. The table of contents for Part 101–11 is amended to add new Subpart 101–11.13 as follows:

3. New Subpart 101–11.13 is added as follows:

Subpart 101–11.13—Audiovisual Records Management

§ 101–11.1300 Scope.

This subpart sets forth the policies and procedures for managing audiovisual records in the Federal Government.

§ 101–11.1301 Definitions.

(a) *Audiovisual records.* Audiovisual records include program and information motion pictures, still pictures, sound recordings, video recordings, and related documentation.

(b) *Audiovisual records management.* Audiovisual records management includes the management of audiovisual records and related records that document the creation and or acquisition of audiovisual records and that were created for or used in the retrieval of information about or from audiovisual records.

§ 101–11.1302 Objectives.

The objectives of audiovisual records management are to achieve the effective creation, maintenance, use, and disposition of audiovisual and related records by: identifying audiovisual and related records to be created and maintained; establishing standards for maintenance and disposition of audiovisual and related records; establishing standards for the physical security and preservation of audiovisual records; and reviewing audiovisual recordkeeping practices on a continuing basis to improve procedures.

§ 101–11.1303 Agency program responsibilities.

(a) Each Federal agency, in providing for effective controls over the creation of records, shall establish an appropriate program for the management of audiovisual records. This audiovisual records management program shall:

(1) Prescribe the types of records to be created and maintained so that audiovisual operations and their products are properly documented (Guidelines describing the appropriate types of records are found in § 101–11.411–7.);

(2) Issue standards for the maintenance and disposition of audiovisual and related records;

(3) Issue standards for the physical security and preservation of audiovisual records;

(4) Review agency audiovisual recordkeeping and exploit opportunities for improvement; and

(5) Develop and maintain creation cost data for agency audiovisual records.

(b) Each agency should establish agency standards for its audiovisual operations and issue appropriate instructions. These standards should include:

(1) Identifying the various generations of audiovisual records through classification and labeling;

(2) Filing, controlling, and scheduling audiovisual and related records;

(3) Preserving the physical integrity of audiovisual records through proper use and storage conditions; and

(4) Establishing contract specifications for contractor-produced audiovisual records which protect the Government's legal title and ultimate control over all audiovisual media and related documentation.

Subpart 101–11.14—101–11.48 [Reserved]

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

Effective date. This regulation is effective on April 6, 1976.

Dated: March 22, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-9688 Filed 4-5-76;8:45 am]

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E–183]

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Revocation of Policy Concerning Adjustment of Quantities Requisitioned

This regulation provides for the elimination of the program which permitted requisitions for stock items submitted to GSA to be adjusted to conform to standard commercial packs.

The table of contents for Part 101–26 is amended as follows:

Sec.
101–26.312 [Reserved]

Subpart 101–26.3—Procurement of GSA Stock Items

2. Section 101–26.312 is deleted and reserved as follows:

§ 101–26.312 [Reserved]

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

Effective date: This regulation is effective April 6, 1976.

Dated: March 26, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-9686 Filed 4-5-76;8:45 am]

[FPMR Amdt. E–182]

PART 101–32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Implementation of Federal Information Processing Standards Publication (FIPS PUB) 21–1 Federal Standard COBOL Into Solicitation Documents

FIPS PUB 21 specifies the use of the American National Standard COBOL as the Federal Standard COBOL. FIPS PUB 21–1 revises and supersedes FIPS PUB 21 as the Federal Standard COBOL, reflects major changes and improvements to the COBOL specifications, and defines the elements of the COBOL programing language. The primary purpose of the standard is to promote a high degree of interchangeability of programs for use on a wide variety of information processing systems. All orders for COBOL compilers placed after December 1, 1975, must specify compilers that comply with FIPS PUB 21–1.

1. The table of contents for Part 101–32 is amended by changing the caption of § 101–32.1305–1 to read:

Sec.
101–32.1305–1 FIPS PUB 21–1, Federal Standard COBOL.

2. New § 101–32.1305–1 replaces old §101–32.1305–1 and is added to Subpart 101–32.13 as follows:

§ 101–32.1305–1 FIPS PUB 21–1, Federal Standard COBOL.

(a) FIPS PUB 21–1 specifies the use of the American National Standard COBOL X3.23–1974 as the Federal Standard COBOL. FIPS PUB 21–1 revises and supersedes FIPS PUB 21 and reflects major changes and improvements to COBOL specifications. The revision defines the elements of the COBOL programing language and the rules for its use. The primary purpose of the standard is to promote a high degree of interchangeability of programs for use on a wide variety of information processing systems. All COBOL compilers brought into the Federal Government inventory must be validated in accordance with § 101–32.1305–1a. (Technical specifications of the standard are not included with FIPS PUB 21–1.)

(b) The standard terminology for use in solicitation documents is:

ACQUISITION OF COBOL COMPILERS

Federal Standard COBOL compilers offered as a result of the requirements set forth in this solicitation will be identified as implementing all of the language elements of at least one of the levels of Federal Standard COBOL as specified in FIPS PUB 21–1. Implementation must provide a facility for the user to optionally specify a level of Federal Standard COBOL for monitoring the source program at compile time. Monitoring may be specified for any level at or below the highest level for which a compiler is implemented, and will consist of an analysis of the syntax used in a source program against the syntax included in the level specified for monitoring. Any syntax not conforming to the specified level will be identified through a diagnostic message in the source program listing. The diagnostic message will contain at least the identification of the source program line number for each non-conforming syntax and identify the level of Federal Standard COBOL that supports the syntax or that the syntax is non-standard COBOL.

The provisions of the FIPS PUB 21–1 will apply to compilers delivered after December 1, 1975. However, a compiler conforming to FIPS PUB 21 that has been validated in accordance with 41 CFR 101–32.1305–1a may be offered for interim use until a compiler conforming to FIPS PUB 21–1 is available. If this interim approach is used, delivery of the compiler conforming to FIPS PUB 21–1 must be accomplished by June 1, 1977.

ACQUISITION OF COBOL PROGRAMS AND/OR PROGRAMING SERVICES

Business-oriented computer application programs (i.e., those applications or programs that emphasize the manipulation of characters, files, and input/output as contrasted with those concerned primarily with computation of numeric values) offered or prepared as a result of the requirements set forth in this solicitation will be written using one of the levels of Federal Standard COBOL as defined in FIPS PUB 21–1 including optional language elements, if any, as specified herein. Programs using Federal Standard COBOL as specified in FIPS PUB 21 are acceptable until June 1, 1977. However, after that date only programs using Federal Standard COBOL as specified in FIPS PUB 21–1 will be acceptable.

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

Effective date. This regulation is effective April 6, 1976.

Dated: March 24, 1976.

T. M. CHAMBERS,
Acting Administrator of General Services.

[FR Doc.76-9687 Filed 4-5-76;8:45 am]

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

PART 60–6—SAN FRANCISCO PLAN

Extension of Time

On June 4, 1971, the Department of Labor published the San Francisco Plan (36 FR 10868). The San Francisco Plan is intended to implement the provisions of Executive Order 11246, as amended, and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal contractors and subcontractors in the city and county of San Francisco, California. The present San Francisco Plan expires on April 30, 1976. Therefore, in order to ensure positive efforts toward the elimination of minority underutilization in the San Francisco area construction industry, the establishment of a Revised San Francisco Plan will be proposed and such a proposal will be published in the FEDERAL REGISTER prior to its effective date. Due to the requirement that the proposed Revised San Francisco Plan be published for comment for at least 30 days prior to promulgation as a final rule, it is necessary that the current San Francisco Plan be extended until the proposed Revised San Francisco Plan becomes effective. Therefore, 41 CFR 60–6.30, Appendix A of the San Francisco Plan, must be included in all invitations or other solicitations for bids on Federally involved construction contracts covered by the San Francisco Plan until the proposed Revised San Francisco Plan becomes effective. The goals contained in § 60–6.30, Appendix A, for the year ending April 30, 1975, will be applicable to invitations and other solicitations for bids on federally

involved construction contracts covered by the San Francisco Plan until the promulgation of the proposed Revised San Francisco Plan. All invitations or other solicitations should be revised to reflect this extension through a revised Appendix A.

Signed this 31st day of March 1976.

W. J. USERY, Jr.,
Secretary of Labor.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

W. ANTOINETTE FORD,
Acting Director, Office of Federal Contract Compliance Programs.

[FR Doc.76-9824 Filed 4-5-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5581]

ALASKA

Amendment of Public Land Order No. 5561

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

Public Land Order No. 5561 appearing in FR Doc. 75-34211, at page 58857 in the FEDERAL REGISTER issue of December 16, 1975, which withdrew certain lands that had been withdrawn by Section 11 of the Alaska Native Claims Settlement Act, is hereby amended to change the date appearing in paragraph 2 therein from March 31, 1976 to 11:00 p.m. E.D.T., October 1, 1976. All other terms and conditions of the subject order remain the same, except as may be affected by Section 12 of the Act of January 2, 1976, Public Law 94-204, 89 Stat. 1145.

JACK O. HORTON,
Assistant Secretary of the Interior.

MARCH 31, 1976.

[FR Doc.76-9799 Filed 4-5-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20483, RM-2422]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

1. The Commission has under consideration its Notice of Proposed Rule Making,[1] in which it proposed the assignment of Channel 224A to Charlottesville, Virginia, as a third FM assignment to the community.[2] The Notice was issued in response to a "Petition for Rule Making" filed on behalf of WUVA, Incorporated ("WUVA"),[3] a non-profit, non-stock membership corporation organized under Virginia law. The membership of WUVA, according to the petitioner, consists entirely of students attending the University of Virginia at Charlottesville. Pleadings opposing the petition and the proposed assignment were submitted on behalf of Clay Realty Company ("Clay"), licensee of AM station WCHV and FM station WCCV-FM, Channel 248, both licensed at Charlottesville.

2. In its petition, WUVA asserts that because of a population increase of approximately 31% in the Charlottesville area over the last decade and because of projections which forecast a continued growth trend, "Charlottesville * * * needs an additional FM service that will feature a new, diverse approach to programming for the community's diverse citizenry." The petitioner says that, if it should become the successful applicant for a station on Channel 224A, it will provide a community-wide forum for the discussion of what it says are "the inevitable problems" associated with a growing community. WUVA adds that, if the channel is assigned and if it is selected as the licensee, it will provide cultural and public affairs programming beyond that which other Charlottesville stations "are likely to be able to offer."

3. Opposition to the WUVA proposal was registered by Clay who argued *inter alia* that such an assignment would be inconsistent with the Commission's "population criteria",[4] and that the preclusion resulting from the proposed assignment would adversely affect the availability of FM channels in the communities of Staunton, Virginia, and Waynesboro, Virginia, each of which are said to have a greater need for an FM station than does Charlottesville. Clay also contended that the existing Charlottesville radio stations, which are said to be providing satisfactory service, would be economically harmed by the assignment. In sum, asserted Clay, no need for the station had been established by the petitioner.

4. Charlottesville (pop. 38,880[5]), the seat of Albemarle County (pop. 37,780[6]), and the home of the University of Virginia, is located 65 miles northwest of Richmond, Virginia. The community receives local aural service from three full-time AM stations, WCHV, licensed to Clay, WINA, licensed to Charlottesville Broadcasting Co., and WELK, licensed to WELK, Inc.; two commercial FM stations, WCCV-FM, Channel 238, licensed to Clay, and WQMC, Channel 237A, licensed to Charlottesville Broadcasting Co.; and one noncommercial educational FM station, WTJU, Channel 217A, licensed to the University of Virginia. WUVA also points to the importance of the tourist industry in the area, to the recent and rapid population growth in the Charlottesville-Albemarle area, and to the fact that Charlottesville serves as a substantial retail trade center.

5. Clay, claiming that no exception to the Commission's "population criteria" is allowable since the assignment of Channel 224A to Charlottesville would preclude assignment of that channel to either Staunton (pop. 24,504) or to Waynesboro (pop. 16,707), asserts that the Commission has consistently refused to add a third channel to cities with populations of less than 50,000 where far less preclusion was involved.[7] While we have, on certain occasions, refrained from assigning a third FM channel to a community with a population of less than 50,000, such action was based primarily on the fact that the effects of preclusion would be adverse to the future service needs of other nearby communities, a result that appears unlikely in this case. It should be noted that, in other instances (some of which are similar to this proceeding), we have made FM assignments to communities even though the population of those communities was less than that specified in the "population criteria." Considering the "population criteria" alone, we think Clay's reliance upon such criteria is misplaced for, as we have said on numerous occasions, the criteria are flexible guidelines, not "immutable standards,"[8] and are only one of many factors to be considered in making FM channel assignments. In this instance, given Charlottesville's present level of population, its projected pattern of growth, and its prominence both as the home of the University of Virginia and as the principal community in the area, we think it not unreasonable to make the assignment as proposed.

6. We accord greater significance to Clay's argument that the preclusion resulting from the assignment of Channel 224A at Charlottesville would adversely affect the future availability of that channel and others at either Staunton, Crozet, or Waynesboro, communities

[1] 40 Fed. Reg. 23477, adopted May 13, 1975.

[2] The proposal would require no other changes in the FM Table of Assignments.

[3] WUVA presently operates a station which is transmitted over carrier-current facilities at the University of Virginia. The station is also carried on a cable system in Charlottesville having approximately 17,000 subscribers.

[4] See Further Notice of Proposed Rule Making, Docket No. 14185 adopted July 25, 1962 (FCC 62-867) and incorporated by reference in para. 25 of the Third Report and Memorandum Opinion and Order, 23 RR 1859 (1963).

[5] 1970 U.S. Census.

[6] The county figure does not include the Charlottesville city population since, under Virginia law, Charlottesville is an independent entity, separate and apart from Albemarle County.

[7] Clay cites Hattiesburg, Miss., 27 F.C.C. 2d 844 (1971), in support of the proposition; however, in Hattiesburg, Miss., 37 F.C.C. 2d 54 (1972), a case involving a factual pattern similar to the one here (e.g., a community of 38,277 having a college enrollment of some 9,000 students sought the assignment of a third FM channel), the Commission did assign a third FM channel noting that the population criteria are but one of many factors to be weighed in assigning FM channels.

[8] Fresno, Ca., 38 F.C.C. 2d 525, 526 (1972).

which Clay says have a greater need for FM channel assignments than does Charlottesville. At present Staunton is served by one full-time AM station, one daytime-only AM station and by one FM station; Waynesboro has two full-time AM stations; and Crozet is served by one daytime-only AM station. Consistent with our obligation to insure a "fair, efficient, and equitable" distribution of radio services to the various states and communities,[9] we requested the petitioner to make a showing as to the availability of alternate channels that could be assigned to Staunton, Waynesboro, and Crozet. In response, WUVA identified a total of six channels that could be assigned to the three communities. Though a subsequent Commission staff review decreased that figure to three, nevertheless, it is clear that alternate channels are available for use in all three communities.[10] Further, it may well be that the location of these communities within the "National Quiet Zone,"[11] as was alluded to in the Notice, will restrict demand for any of the channels that are presently or could be assigned. Thus, we believe the assignment of Channel 224A to Charlottesville will not adversely affect either the existing level of service or the future availability of FM channels at Staunton, Waynesboro, or Crozet.

7. In that "intermixture" of classes of Channels already exists at Charlottesville, and in light of WUVA's cognizance of the competitive differences between Class A and Class C facilities, we see no bar to the proposed assignment on the basis of "intermixture."

8. In its "Reply Comments" (submitted July 28, 1975), Clay expanded on its earlier assertions that Charlottesville's economy is deteriorating in comparison to previous years[12] and that the region cannot support another broadcast facility. In support of the latter contention, Clay noted that the 1973 profits for the three broadcast entities (WCHU/WCCV-FM, WINA/WQMC, and WELK) submitting data to the Commission averaged $9,588.00 apiece. Significantly, however, Clay does not contend that the addition of another station would result in a degradation of the present level of news and public affairs programming provided to the public. With regard to the Charlottesville economic picture, we would observe that the figures cited by Clay may well illustrate on a smaller scale the general depressed economic conditions that existed temporarily throughout a large portion of the country. We are not able to say that such information requires us to decline to make the proposed assignment. As to whether or not the assignment of Channel 224A at Charlottesville will have an adverse economic impact upon existing broadcasters, we note that the economic well-being of broadcasters is only of concern as it affects the public interests rather than that of the individual stations.[13] Further, economic issues of the type raised by Clay are more appropriately considered at the application stage rather than at this, the channel assignment, stage.[14]

9. In our view the preponderance of the evidence before us supports the proposed assignment to Charlottesville. The amount of preclusion is not shown to be significant. The communities located in the precluded areas have alternate channels available for future use. Further, there is an expressed demand for the channel by a party willing to enter the arena of competition. Finally, and perhaps most important, we believe the action we are taking will enhance the public interest by providing an additional local broadcast service and thus an increase in the diversity of programming available to the public.

10. Accordingly, *It is ordered*, That effective May 12, 1976, the FM Table of Assignments (Section 73.202(b) of the Commission's Rules and Regulations) is amended with respect to the following enumerated community to read:

§ 73.202 [Amended]

* * * * *

(b) * * *

City	*Channel No.*
Charlottesville, Va	224A, 237A, 248

11. Authority for the actions taken herein is found in Sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and in Section 0.281 of the Commission's Rules and Regulations.

12. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: March 29, 1976.

Released: April 1, 1976.

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

[FR Doc.76-9805 Filed 4-5-76;8:45 am]

[9] 47 U.S.C. 307(b).

[10] Indeed, a "Petition for Rule Making" seeking the assignment of Channel 259 at Crozet, Virginia, was tendered for filing with the Commission by Lee Garlock on January 23, 1976.

[11] The "National Quiet Zone" exists for the purposes of protecting the work of the National Radio Astronomy Observatory ("NRAO"), Green Bank, West Virginia, and the Naval Radio Research Observatory ("NRRO"), Sugar Grove, West Virginia, from interference created by external radio transmitters.

[12] Clay, citing statistics from the Virginia Business Report and other sources, notes that in comparing January–May, 1975 to 1974, unemployment had increased while retail sales, bank deposits, building permits, new car registrations, and other economic indicators decreased.

[13] F.C.C. v. Sanders Bros., 309 U.S. 470 (1940); Parkersburg, W. Va., 37 F.C.C. 2d 54 (1972).

[14] Key West, Fla., 45 F.C.C. 2d 142 (1974); Melbourne, Fla., 47 F.C.C. 2d 717 (1974).

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-115]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegations to the Commandant of the Coast Guard

The purpose of this amendment is to delegate to the Commandant of the Coast Guard functions vested in the Secretary by Public Law 93-524 (December 18, 1974, 88 Stat. 1694; 46 U.S.C. 77(e)), which relates to waste materials on vessels, and by Public Law 94-85 (August 9, 1975, 89 Stat. 426, 46 U.S.C. 882 as amended) to authorize a vessel documented under the laws of the United States and not engaged in an international voyage to carry more than sixteen persons plus crew, when he finds that an emergency situation so requires and subject to such regulations as he may prescribe.

Since this amendment relates to Departmental management, procedures and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, paragraph (n) of section 1.46 of Part I of Title 49, Code of Federal Regulations, is amended by inserting at the end thereof new subparagraphs (8) and (9), to read as follows:

1. Paragraphs 1.46(n) (8) and (9) are added as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

The Commandant of the Coast Guard is delegated authority to—

* * * * *

(n) Carry out the functions vested in the Secretary by the following statutes:

* * * * *

(8) Public Law 93-524 (88 Stat. 1694) which relates to waste materials on vessels (46 U.S.C. 77(e)).

(9) Public Law 94-85 (89 Stat. 426), which relates to carriage of additional passengers on documented vessels in emergency situations.

Effective date. This amendment is effective April 6, 1976.

(Sec. 9(e), Department of Transportation Act (49 U.S.C. 1657(e)))

Issued in Washington, D.C., on February 27, 1976.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

[FR Doc.76-9854 Filed 4-5-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Second Revised S.O. No. 1234]

PART 1033—CAR SERVICE

Distribution of Grain Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 1st day of March 1976.

It appearing, That there is an acute shortage of cars on the Union Pacific Railroad Company and Burlington Northern Inc. for transporting shipments of fertilizer, grain, grain products, and soybeans; that certain tariff provisions require minimum shipments of 2500 cu. ft. and of 180,000 lbs. or more; that the Union Pacific Railroad Company and Burlington Northern Inc. are unable to furnish sufficient cars to transport shipments of such weights; that cars of lesser capacity are available; that such cars cannot be used because of certain tariff provisions; that there is immediate need to use every available car for transportation of fertilizer and grain; that the inability of the carriers to furnish sufficient fertilizer and grain cars results in great economic loss; and that present regulations and practices with respect to the use, supply, control, movement, and distribution of fertilizer and grain cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1234 Distribution of grain cars.

(a) The Union Pacific Railroad Company and Burlington Northern Inc. may furnish not more than two cars of less than 2500 cu. ft. and 180,000 lbs. capacity for each car of 2500 cu. ft. and of 180,000 lbs. or greater capacity ordered by any shipper for loading with fertilizer, grain, grain products, soybeans or soybean products subject to the conditions and exceptions provided in Section (e) of this order.

(b) *Rates and Minimum Weights Applicable.* The rates to be applied and the minimum weights applicable to shipments of two smaller cars furnished and loaded as authorized by Section (a) of this section shall be the rate and minimum weight applicable to the larger single car ordered.

(c) *Billing to be Endorsed.* The carrier substituting two smaller cars for one larger car as authorized by Section (a) of this order shall place the following endorsement on the bill of lading and on the waybills authorizing movement of the car:

Car of 2500 cu. ft. and of 180,000 lbs. or greater capacity ordered. Two smaller cars furnished authority Second Revised ICC Service Order No. 1234.

(d) *Concurrence of Shipper Required.* Two smaller cars shall not be furnished in lieu of a single car of 2500 cu. ft. or of 180,000 lbs, or greater capacity without the consent of the shipper.

(e) *Exceptions.* Exceptions to this order may be authorized to railroads by the Railroad Service Board, Washington, D.C. 20423. Requests for such extension must be submitted in writing, or confirmed in writing, and must clearly state the points at which such exceptions are requested and the reason therefor.

(f) *Rules and Regulations Suspended.* The operation of all rules, regulations, or tariff provisions is suspended insofar as they conflict with the provisions of this order.

(g) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(h) *Effective date.* This order shall become effective at 12:01 a.m., April 1, 1976.

(i) *Expiration date.* This order shall expire at 11:59 p.m., May 31, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384 as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17 (2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Lewis R. Teeple and Thomas J. Byrne. Member William J. Love not participating.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-9831 Filed 4-5-76;8:45 am]

[S.O. No. 1238]

PART 1033—CAR SERVICE

Certain Railroads Directed to Operate Portions of Lines Formerly Operated by Railroads in Bankruptcy

MARCH 31, 1976.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C. on the 31st day of March 1976.

It appearing, That certain lines owned or operated by railroads described in Section 304(a) of the Regional Rail Reorganization Act of 1973, as amended by the Railroad Revitalization and Regulatory Reform Act of 1976 (P.L. 94-210), have been excluded from the Final System Plan; that financially responsible persons have offered to provide rail service continuation payments under Section 304(c) thereby preventing the discontinuance or abandonment of service over certain of these lines identified in Appendix A, attached hereto; that in many instances neither operating agreements with the designated operators nor lease or purchase agreements have been executed between the persons offering the rail service continuation agreements and either the designated operators or the Trustees; that in the absence of such agreements the designated operators may be reluctant or unable to commence operations and that the Trustees having control of such properties may be reluctant to permit access to and use of their rail properties by the designated operators; that the refusal of either the designated operator to conduct operations or of the Trustees to permit operations would result in disruption of service which would have serious economic consequence to both the shippers and the communities served by these lines;

It further appearing, That various financially responsible persons have requested that the Commission enter an order requiring the operation of certain lines (identified in Appendix A) by the designated operator and requiring the Trustees in control of such lines to grant access to such lines by a designated operator; that such financially responsible persons have offered to pay rail service continuation payments to the designated operators and to the Trustees in accordance with the standards promulgated by the Rail Services Planning Office of this Commission under the provisions of Sec. 205(d)(6) of the Act, as amended and;

It further appearing, That Section 304(d)(3) of the aforementioned Act, as amended, requires the Commission to prevent any disruption or loss of rail service over lines with respect to which a rail service continuation payment has been offered; and that in the opinion of the Commission an emergency exists requiring immediate action to promote continued rail service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that in order to carry out the mandate of Section 304(d)(3) as amended, it is necessary to order the performance of service over certain lines of railroad pursuant to the authority contained in Section 1(16)(b) of the Interstate Commerce Act, as provided for in Section 304(d)(3), as amended; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective immediately:

It is ordered, That:

§ 1033.1238 Certain railroads directed to operate portions of lines formerly operated by railroads in bankruptcy.

(a) Each railroad listed in Appendix A hereto shall operate at the service level indicated in the offered operating agree-

ment or rail service continuation payment, each line designated therein for operation by it on behalf of the person listed therein as offering a rail service continuation payment.

(b) *It is further ordered,* That Trustees of Railroads described in Section 304(a) of the Regional Rail Reorganization Act of 1973, as amended, shall permit entry onto rail properties listed in Appendix A hereto to allow continuation of rail service, free of all interference by the Trustees.

(c) *Rates applicable.* Inasmuch as this operation by the designated operators on behalf of the financially responsible persons offering rail service continuation payments over tracks formerly operated by the Trustees is deemed to be due to carrier disability, the rates applicable to traffic routed to, from, or via these lines shall be the rates which were formerly in effect on such traffic when routed via the Trustees, until tariffs naming rates and routes specifically applicable to the lines of the designated operators become effective.

(d) *Divisions of rates.* In transporting traffic over these lines formerly operated by the Trustees, the designated operators and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the financially responsible persons and said carriers; or upon failure of the parties to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) *Effective date.* This order shall be effective upon the date of service and the operations which the designated operators are herein directed to perform shall commence at 12:01 a.m., April 1, 1976.

(f) *Expiration date.* The provisions of this order shall expire at 12:01 a.m., May 31, 1976, or upon notification to the Commission of the entry of a rail service continuation payment operating agreement, whichever occurs first, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C. and by filing it with the Director, Office of the Federal Register.

(Interprets and applies Sec. 304 of Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 744); Public Laws 93-236 and 94-210.)

By the Commission, Railroad Service Board, members Lewis R. Teeple and Thomas J. Byrne. Member William J. Love not participating.

[SEAL] ROBERT L. OSWALD,
Secretary.

Service order No. 1238.— App. A—Michigan

Line description USRA No.	From—	To—	Designated operator	Former operator	Person offering rail service continuation payment
442	Mackinaw City, Mich.	St. Ignace, Mich...	Soo Line R.R. Co..	Mackinac Transportation Co.	State of Michigan.

[FR Doc.76-9830 Filed 4-5-76;8:45 am]

Title 50—Wildlife

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

PART 33—SPORT FISHING

Arrowwood National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective on April 6, 1976.

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

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Sport fishing on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These areas comprising 1,550 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge shall extend from May 1, 1976 through September 30, 1976.

(2) The use of boats with electric motors is permitted. The use of other types of motors is not permitted.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1976.

JAMES W. MATTHEWS,
Refuge Manager, Arrowwood National Wildlife Refuge.

MARCH 29, 1976.

[FR Doc.76-9800 Filed 4-5-76;8:45 am]

proposed rules

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 4]

[Notice No. 295; Re: No. 290]

DOMESTIC AND IMPORTED WINES

Appellation of Origin, Viticultural Area, and Estate Bottled; Hearing

In accordance with Notice No. 290, 41 FR 8188, it has been decided to hold an evening session of the hearing on the captioned subject matter. Several consumers requested the opportunity to speak in the evening to avoid loss of work. Since consumer input is of vital importance, particularly in the case of regulations which are designed to protect the consumer, an evening session is scheduled.

This session will commence at 7:30 P.M. on April 13 at the Hyatt-Regency Hotel, 5 Embarcadero Center, San Francisco, California.

Signed: March 31, 1976.

REX D. DAVIS,
Director.

[FR Doc.76-9763 Filed 4-5-76;8:45 am]

Internal Revenue Service

[26 CFR Part 1]

DISCLOSURE STATEMENTS

Individual Retirement Accounts, Annuities and Endowment Contract

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably eight copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by May 24, 1976. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations shoud submit a request, in writing, to the Commissioner by May 24, 1976. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 408(i) and 7805 of the Internal Reevnue Code of 1954 (88 Stat. 964 68A Stat. 917; 26 U.S.C. 408 (i), 785).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Preamble. This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 408(i) of the Internal Revenue Code of 1954, as added by section 2002(b) of the Employee Retirement Income Security Act of 1974 (the "Act") (Public Law 93-406, 88 Stat. 959) in order to provide rules for the issuance of disclosure statements to any individual for whom an individual retirement account, an individual retirement annuity, or an endowment contract described in section 408(b) of the Code is, or is to be, established. The proposed regulations will be effective as of the 30th day after the date § 1.408-1(d)(4) is published in the Federal Register as a Treasury decision, and will apply to trusts, accounts, annuities or contracts established, purchased or amended after such effective date.

Section 408(i) of the Code requires, in part, that the trustee of an individual retirement account, and the issuer of an individual retirement annuity or endowment contract described in section 408 (b), make a report regarding such account, annuity or contract to the individual for whom the account, annuity or contract is, or is to be, maintained with respect to contributions, distributions, and such other matters as are set forth in regulations. The time and manner of furnishing such reports is also left to regulatory prescription.

When adopted, § 1.408-1(d)(4) of the proposed regulations will supersede temporary regulations § 11.408(i)-1, which was published in the FEDERAL REGISTER on November 6, 1975. The proposed regulations require, as do the temporary regulations, that a disclosure statement must be furnished to the "benefited individual" for whom such account, contract, or annuity is established. However, under the proposed regulations, there are some changes with regard to the time for furnishing the required statement.

Under the general rule provided by the proposed regulations, a statement must be furnished no later than 7 days preceding the date an account, annuity or contract is actually established. If a statement has been provided and either more than 30 days have elapsed since its delivery or any material adverse change has occurred in the financial information set forth in such disclosure statement, which is required by the provisions of this subparagraph, another disclosure statement must be furnished no later than 7 days preceding the date that the account, annuity or contract is established. An exception to the general rule provides that a statement may be furnished as late as the date of establishment of an account, annuity or endowment contract if the benefited individual is permitted to revoke within at least seven days of such establishment date in cases relating to certain rollover contributions, retirement arrangements established during the last seven days of the taxable year of the benefited individual, and arrangements sponsored by an employer or by an association of employees.

The contents of the disclosure statement required under the proposed regulations involve three different categories of information. Under the first category, in addition to the explanations previously required under § 11.408(i)-1 (iii)(A) of the temporary regulations, § 1.408-1(d)(4)(iii)(A) of the proposed regulations requires a concise explanation of the tax consequences of establishing an account, annuity, or contract, including the deductibility of contributions to, the tax treatment of distributions (other than premature distributions) from, and the tax status of such account, annuity or contract.

With regard to the second category of information, § 1.408-1(d)(4)(iii)(B) of the proposed regulations extends the requirements of the temporary regulations to include statements describing, among other things, the ability of the benefited individual to make rollover contributions from the account, annuity or contract to another account, annuity or retirement bond, and whether or not the account, annuity or contract has been approved as to form by the Internal Revenue Service. Also required is a statement which points out that in those cases in which, pursuant to the proposed regulations, a disclosure statement may properly be furnished less than seven days preceding the date of establishment, and the benefited individual is permitted to revoke the account or

annuity, upon revocation, the individual is entitled to a return of the entire amount of the consideration paid by him for the account or annuity, without adjustment for such items as sales commissions, administrative expenses or fluctuation in market value.

Finally, § 1.408–1(d)(4) of the proposed regulations extends the requirements of financial disclosure previously set forth in the temporary regulations. With respect to an individual retirement account, annuity or endowment contract for which an amount is guaranteed over a period of time, or for which a projection of growth of the value of the account, contract or annuity can reasonably be made, or both, the proposed regulations require financial disclosure of the net amount which would be available to the benefited individual if he were to withdraw from a retirement arrangement at the end of specified years. In cases in which it is contemplated that a rollover contribution will be made, the amount available upon withdrawal must be disclosed with regard both to the rollover contribution and to contributions deductible under section 219 of the Code, unless the arrangement is intended to receive only rollover contributions.

With regard to instances where an amount is not guaranteed over a period of time, and a projection cannot reasonably be made, the disclosure required by the temporary regulations remains substantially unchaged under the proposed regulations.

Finally, in all cases, there must be disclosure, where applicable, of any portion of a contribution attributable to the cost of life insurance, and of sales commissions charged in any year, expressed as a percentage of gross annual contributions.

Proposed amendments to the regulations. In order to prescribe regulations under section 408 (i) of the Internal Revenue Code of 1954, as added by Section 2002 (b) of the Employee Retirement Income Security Act of 1974 (Pub. L. 93–406, 88 Stat. 959), the Income Tax Regulations (26 CFR Part 1) are amended by adding the following new subparagraph (4) immediately after § 1.408–1 (d) (3):

§ 1.408–1 General rules.

* * * * *

(d) *Reports.* * * *

(4) *Disclosure statements.* (i) Under the authority contained in section 408 (i), a disclosure statement shall be furnished in accordance with the provisions of this subparagraph by the trustee of an individual retirement account described in section 408 (a) or the issuer of an individual retirement annuity described in section 408 (b) or of an endowment contract described in section 408 (b) to the individual (hereinafter referred to as the "benefited individual") for whom such an account, contract, or annuity is, or is to be established. Such disclosure statement shall be accompanied by a specimen copy of the instrument which establishes the account, contract, or annuity.

(ii) (A) Except as provided in subdivisions (ii) (B) and (C) of this subparagraph—

(*1*) The trustee or issuer shall furnish, or cause to be furnished, a disclosure statement required by this subparagraph to the benefited individual no later than seven days preceding the date on which the account, annuity, or endowment contract is established or purchased on his behalf, and

(*2*) In the case where a disclosure statement has been furnished to the benefited individual pursuant to paragraph (d)(4)(ii)(A)(*1*) of this section, the trustee or issuer shall furnish, or cause to be furnished, another disclosure statement satisfying the requirements of this subparagraph to the benefited individual in the event that either (*i*) more than thirty days have elapsed since the delivery of such disclosure statement to the benefited individual, or (*ii*) any material adverse change has occurred in the financial information set forth in the disclosure statement described in paragraph (d)(4)(ii)(A)(*1*). The disclosure statement required to be furnished by this paragraph (d)(4)(ii)(A)(*2*) must precede the establishment or purchase of the account, annuity or endowment contract by at least seven days.

(B) A disclosure statement required by this subparagraph may be furnished less than seven days preceding, but no later than, the date of establishment, if the benefited individual is permitted to revoke the account, annuity or contract within at least seven days of such establishment date but only in the case where:

(*1*) A rollover contribution is made to such account or annuity later than the 53d day after the date on which the benefited individual received a distribution described in section 402(a)(5)(A), 403(a)(4)(A), 408(d)(3)(A), or 409(b)(3)(C),

(*2*) The account, annuity or endowment contract is established during the last seven days of the taxable year of the benefited individual, or

(*3*) The individual retirement savings arrangement is a trust described in section 408 (c) (which is treated as an individual retirement account described in section 408 (a)), which is sponsored by an employer or an association of employees.

For purposes of this paragraph (d)(4)(ii)(B) of this section, the benefited individual shall be treated as permitted to revoke only if, upon revocation, the benefited individual is entitled to a return of the entire amount of the consideration paid by him for the account, annuity or contract without adjustment for such items as sales commissions, administrative expenses or fluctuation in market value.

(C) A disclosure statement relating to an amendment described in paragraph (d)(4)(iv) of this subparagraph shall be furnished to the benefited individual not later than the 30th day following the date on which the amendment is adopted.

(iii) Except as provided in subdivision (d)(4)(iv) of this subparagraph, the disclosure statement required by this section shall set forth in non-technical language the following matters:

(A) Concise explanations of—(*1*) The statutory requirements prescribed in section 408(a) (relating to an individual retirement account), section 408(b) (relating to an individual retirement annuity and an endowment contract), or section 408(c) (relating to accounts established by employers and certain associations of employees), and any additional requirements that pertain to the particular retirement savings arrangement.

(*2*) The tax consequences of establishing an account, annuity or contract (as the case may be) which meets the requirements of section 408(a) (relating to an individual retirement account) or section 408(b) (relating to an individual retirement annuity and an endowment contract), including the deductibility of contributions to, the tax treatment of distributions (other than premature distributions) from, and the tax status of such account, annuity or contract.

(*3*) The limitations and restrictions on the deduction for retirement savings under section 219, including the ineligibility of individuals who are active participants in a plan described in section 219(b)(2)(A) or for whom amounts are contributed under a contract described in section 219(b)(2)(B) to make deductible contributions to an individual retirement account or for an individual retirement annuity.

(B) Statements to the effect that—

(*1*) If the benefited individual or his beneficiary engages in a prohibited transaction described in section 4975(c) with respect to an individual retirement account, the account will lose its exemption from tax by reason of section 408(e)(2)(A), and the owner of the account must include in gross income, for the taxable year during which the benefited individual engages in a prohibited transaction, the fair market value of the account.

(*2*) If the owner of an individual retirement annuity or endowment contract described in section 408(b) borrows any money under or by use of such annuity or contract, then, under section 408(e)(3), such annuity or contract loses its section 408(b) classification, and the owner must include in gross income, for the taxable year during which the owner borrows any money under or by use of an annuity or contract, the fair market value of the annuity or endowment contract.

(*3*) If a benefited individual pledges an individual retirement account as security for a loan, then, under section 408(e)(4), the portion so pledged is treated as distributed to such individual and the benefited individual must include such distribution in gross income for the taxable year during which he pledged such account.

(4) An additional tax of 10 percent is imposed by section 408(f) on distributions made before the benefited individual has attained age 59½ unless such distribution is made on account of death or disability.

(5) Sections 2039(c) (relating to exemption from estate tax of annuities under certain trusts and plans) and 2517 (relating to exemption from gift tax of specified transfers of certain annuities under qualified plans) are not applicable to an individual retirement account, individual retirement annuity, or endowment contract decribed in section 408(b).

(6) Section 402(e) (relating to tax on lump sum distributions) is not applicable to distributions from an individual retirement account, an individual retirement annuity, or an endowment contract described in section 408(b).

(7) If the amount distributed from an individual retirement account or individual retirement annuity during the taxable year of the payee is less than the minimum required under section 408(a)(6) or (7), or 408(b)(3) or (4) during such year, an excise tax, which shall be paid by the payee, is imposed under section 4974, in an amount equal to 50 percent of the difference between the minimum required to be distributed and the amount actually distributed during the year.

(8) An excise tax is imposed under section 4973 on excess contributions.

(9) The benefited individual must file Form 5329 (Return for Individual Retirement Savings Arrangement) with the Internal Revenue Service with the individual's income tax return for each taxable year during which the account, annuity or endowment contract is maintained.

(10) Further information can be obtained from any district office of the Internal Revenue Service.

(11) The account or contract has or has not (as the case may be) been approved as to form for use as an individual retirement account or individual retirement annuity (including an endowment contract) by the Internal Revenue Service. For purposes of this subdivision, if a favorable opinion or determination letter with respect to the form of a prototype trust, custodial account, annuity or endowment contract has been issued by the Internal Revenue Service, or the instrument which establishes an individual retirement trust account or an individual retirement custodial account utilizes the precise language of a form currently provided by the Internal Revenue Service (including any additional language permitted by such form), such account or contract may be treated as approved as to form.

(12) The Internal Revenue Service approval is a determination only as to the form of the account, contract or annuity, and that it does not represent a determination of the merits as an investment of such account, contract or annuity.

(13) The proceeds from the indivdual retirement account or annuity (including an endowment contract) may be used by the benefited individual as a rollover contribution to another individual retirement account or annuity (other than an endowment contract) or retirement bond in accordance with the provisions of section 408(d)(3).

(14) In the case of an endowment contract described in section 408(b), no deduction is allowed under section 219 for that portion of the amounts paid under the contract for the taxable year properly allocable to the cost of life insurance.

(15) In any case where a disclosure statement is furnished (pursuant to paragraph (d)(4)(ii)(B) of this section) less than seven days preceding the date of establishment of an individual retirement account or individual retirement annuity or endowment contract described in section 408(b), upon revocation of such account, annuity or contract, the benefited individual is entitled to a return of the entire amount of the consideration paid by him for the account or annuity, without adjustment for such items as sales commissions, administrative expenses or fluctuation in market value.

(C) The financial disclosure required by paragraphs (d)(4) (v), (vi) and (vii) of this section.

(iv) In the case of an amendment to the terms of an account, annuity, or contract described in paragraph (d)(4)(i) of this section, the disclosure statement required by this subparagraph need not repeat material contained in the statement furnished pursuant to paragraph (d)(4)(iii) of this section, but it must set forth in non-technical language those matters described in paragraph (d)(4)(iii) of this section which are affected by such amendment.

(v) With respect to an account, contract or annuity described in paragraph (d)(4)(i) of this section (other than an account or annuity described in paragraph (d)(4)(vi) of this section which is intended to receive only rollover contributions) to which it is contemplated that contributions, deductible under section 219, will be made, the disclosure statement must set forth in cases where either an amount is guaranteed over a period of time (such as in the case of a non-participating endowment or annuity contract), or a projection of growth of the value of the account, contract or annuity can reasonably be made (such as in the case of a participating endowment or annuity contract (other than a variable annuity), or passbook savings account), the following:

(A) To the extent that an amount is guaranteed.

(1) The amount, determined without regard to any portion of a contribution which is not deductible under section 219, that would be available to the benefited individual if the purchaser (i) were to make level annual contributions in the amount of one dollar, and (ii) were to withdraw such account, contract, or annuity at the end of each of the first five years during which contributions are to be made, at the end of the year in which the purchaser attains the ages of 60, 65 and 70, and at the end of any additional year in which the increase in value of the account, annuity or contract is less than the increase in value in any preceding year for any reason other than decrease or cessation of contributions, and

(2) A statement that the amount described in subdivision (v)(A)(1) of this subparagraph is guaranteed;

(B) To the extent a projection of growth of the value of the account, contract or annuity can reasonably be made but the amounts are not guaranteed,

(1) The amount, determined without regard to any portion of a contribution which is not deductible under section 219, and upon the basis of an earnings rate no greater, and terms no different, than those currently in effect, that would be available to the benefited individual if the purchaser (i) were to make level annual contributions in the amount of one dollar, and (ii) were to withdraw such account, contract or annuity at the end of each of the first five years during which contributions are to be made, at the end of each of the years in which the purchaser attains the ages 60, 65, and 70, and at the end of any additional year in which the increase in value of the account, contract or annuity is less than the increase in value in any preceding year for any reason other than decrease or cessation of contributions, and

(2) A clear statement that the amount described in paragraph (d)(4)(v)(B)(1) of this section is a projection and is not guaranteed;

(C) The portion of each contribution attributable to the cost of life insurance, with would not be deductible under section 219, for every year during which contributions are to be made; and

(D) The sales commissions, if any, charged in any year, expressed as a percentage of gross annual contributions (including any portion of the contributions attributable to the cost of life insurance).

(vi) With respect to an account or annuity described in paragraph (d)(4)(i) of this subparagraph to which it is contemplated that a rollover contribution described in section 402(a)(5)(A), 403(a)(4)(A), 408(d)(3)(A) or 409(b)(3)(C) will be made, the disclosure statement must set forth, in cases where an amount is guaranteed over a period of time (such as in the case of a non-participating contract), or a projection of growth of the value of the account or annuity can reasonably be made (such as in the case of a participating annuity contract (other than a variable annuity), or a passbook savings account), the following:

(A) To the extent guaranteed,

(1) The amount that would be available to the benefited individual if the purchaser (i) were to make a single contribution in the amount of one dollar, and (ii) were to withdraw such account or annuity at the end of each of the first five years during which contributions are to be made, at the end of the year in which the purchaser attains the ages of 60, 65 and 70, and at the end of any

additional year in which the increase in value of the account or annuity is less than the increase in value in any preceding year, and

(2) A statement that the amount described in paragraph (d)(vi)(A)(*1*) of this section is guaranteed;

(B) To the extent that a projection of growth of the value of the account or annuity can reasonably be made but the amounts are not guaranteed,

(*1*) The amount, determined upon the basis of an earnings rate no greater, and terms no different, than those currently in effect, that would be available to the benefited individual if the purchaser (*i*) were to make a single contribution in the amount of one dollar, and (*ii*) were to withdraw such account or annuity at the end of each of the first five years during which contributions are to be made, at the end of each of the years in which the purchaser attains the ages 60, 65, and 70, and at the end of any additional year in which the increase in value of the account or annuity is less than the increase in value in any preceding year, and

(2) A clear statement that the amount described in paragraph (d)(4)(vi)(B)(*1*) of this section is a projection and is not and

(C) The sales commissions, if any, charged in any year, expressed as a percentage of gross annual contributions.

(vii) With respect to an account, contract or annuity described in paragraph (d)(4)(i) of this section, the disclosure statement must set forth in all cases not subject to (d)(4)(v) and (vi) of this paragraph (such as in the case of a mutual fund or variable annuity), the following:

(A) A description (in non-technical language) with respect to the benefited individual's interest in the account, contract, or annuity, of:

(*1*) Each type of charge which may be made against a contribution made by or on behalf of such individual,

(2) The method for computing and allocating annual earnings, and

(3) Each charge (other than those described in complying with subdivisions (d)(4)(vii)(A)(*1*) and (2) of this paragraph), which may be applied to such interest in determining the net amount of money available to the benefited individual;

(B) A statement that growth in value of the account, contract or annuity is neither guaranteed nor projected; and

(C) The portion of each contribution attributable to the cost of life insurance, which would not be deductible under section 219, for every year during which contributions are to be made; and

(D) Any sales commissions charged in any year (whether or not described pursuant to paragraph (d)(4)(vii)(A) of this section), expressed as a percentage of gross annual contributions (including any portion of the contributions attributable to the cost of life insurance).

(viii) A disclosure statement furnished pursuant to the provisions of this paragraph may contain information in addition to that required by paragraphs (d)(4)(iii) through (vii) of this section. However, such disclosure statement will not be considered to comply with the provisions of this subparagraph if the substance of such additional material or the form in which it is presented causes such disclosure statement to be false or misleading with respect to the information required to be disclosed by this paragraph.

(ix) The provisions of section 6693, relating to failure to provide reports on individual retirement accounts or annuities, shall apply to any trustee or issuer who fails to deliver, in accordance with this subparagraph, a disclosure statement meeting the requirements of this paragraph.

(x) Section 1.408–1(d)(4) shall be effective as of the 30th day after the date of publication of § 1.408–1(d)(4) in the Federal Register as a Treasury decision, and is applicable to individual retirement accounts, individual retirement annuities and endowment contracts established, purchased or amended after such effective date.

[FR Doc.76–9859 Filed 4–1–76;4:56 pm]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 50]

NATIONAL CAPITAL PARKS

Soliciting, Advertising, Sales

National Capitol Parks, National Park Service, is considering amendments to the regulations governing the sale or distribution of newspaper, leaflets, and pamphlets in park areas in order to preserve the reverential nature of certain of our national memorials and park buildings associated with past Presidents.

In Washington Free Community, Inc. v. Wilson, 334 F. Supp. 77 (1971) the United States District Court for the District of Columbia held that the present regulation, 36 CFR § 50.24, was overbroad in its application to certain areas and as such could not be constitutionally applied to the sale or distribution of newspapers. However, the court stated that the governmental interest in preserving an atmosphere of calm, tranquility, and reverence in certain areas was substantial and held that "[i]n order to avoid constitutional impairment the regulation as it affects parks in Washington, D.C. must be rewritten to take into consideration the varying character of the national capital parks * * *" Washington Free Community, Inc. v. Wilson, (supra at p. 83). Since this decision, the sale and/or distribution of literature in park areas has been permitted except that in certain areas National Capital Parks has sought the voluntary cooperation of newspaper vendors in limiting their activities so as to not unreasonably interfere with other park uses in sensitive areas such as the rotunda areas of the Lincoln and Jefferson Memorials.

National Capital Parks has now identified those specific park areas in which the maintenance of an atmosphere of calm and tranquility is proper. In selecting these areas, due consideration has been given to the character and appearance of each such area, as well as the function to which each such area is dedicated. The views of the visitors to these areas were also taken into consideration when made known to National Capital Parks through oral reports to employees or by written comments.

Therefore, in accord with the decision in Washington Free Community, National Capital Parks has decided to issue amendments to 36 CFR 50.24. The proposed amendments permit the sale or distribution of newspapers, leaflets, or pamphlets in all park areas except the following: the Lincoln Memorial, the Jefferson Memorial, the Washington Monument, Constitution Gardens, and all park buildings, including, but not limited to, those areas of the Kennedy Center and Ford's Theatre administered by the National Park Service.

Each of the above memorials is dedicated to the memory of the President whose name it bears. Many Americans visit these shrines with an intent to pay reverence to the memory of that President. These memorials are not centers of business activity of the city and persons present there are generally there for the express purpose of visiting the memorial for the purposes for which the memorial was dedicated. National Capital Parks believes that an atmosphere of calm and tranquility substantially enhances the visitor's park experience in these areas and should be maintained. All park buildings are also included as such buildings are either dedicated for a particular park purpose or are buildings within which the administration of the parks is actively carried on. Both the Kennedy Center and Ford's Theatre are dedicated to the performing arts and have a close association in visitors' minds with the memory of a past President. Therefore, National Capital Parks has specifically identified these buildings as areas where an atmosphere of calm and tranquility, consistent with their use for performing arts functions, should be preserved.

Also, National Capital Parks has decided that the park area presently under construction and known as Constitution Gardens should be an area of tranquility for the visitor to the National Mall. Therefore, it is proposed that the sale and distribution of newspapers, leaflets, and pamphlets be banned from this area. It is anticipated that Constitution Gardens will be a facility offering the visitor a place to sit and relax with his friends and family safe from the activity intrusions that are found in other areas of National Capital Parks.

Submittal of written comments. Interested persons are hereby invited to participate in the current rulemaking proceedings. They may do so by submitting, in duplicate, such written data, views, objections, and arguments as they de-

sire to have the Director, National Park Service, consider before the proposed amendments set forth below are issued in final form. Such written submissions should be mailed to the Director, National Capital Parks, National Park Service, 1100 Ohio Drive, SW., Washington, D.C. 20242. All such written submissions received by the Director on or before May 6, 1976 will be considered before the Director, National Park Service, takes final action. The current proposed amendments may be changed in light of the written data, views, etc. received. A set of all written submissions will be available at the office of the Director, National Capital Parks, National Park Service, for examination by interested persons.

The comments of all interested persons with respect to the proposed amendments set forth below are desired, and will receive full consideration.

This regulation is promulgated pursuant to the authority contained in the Acts of August 25, 1916 (16 U.S.C. 1, et seq.), July 1, 1898 (8 D.C. Code 108, et seq.), and all laws amendatory and supplementary thereto.

GARY E. EVERHART,
Director, National Park Service.

Accordingly, it is hereby proposed to revise § 50.24(c)(2) as follows:

§ 50.24 Soliciting, advertising, sales.

* * * * *

(c) * * *

(2) The sale or distribution of newspapers, leaflets, and pamphlets, conducted without the aid of stands or structures, is permitted in all park areas, open to the general public, without permit except the following areas where such sale or distribution is prohibited:

(i) Lincoln Memorial area enclosed within the Lincoln Memorial Circle roadway.

(ii) Jefferson Memorial area enclosed by the outermost series of columns, and all portions of the same levels or above the base of these columns.

(iii) Washington Monument area enclosed within a circle extending ten feet from the paved area surrounding the base of the Washington Monument.

(iv) Constitution Gardens area bounded on the north by Constitution Avenue, NW.; on the south by the north reflecting pool walk extending from 17th Street, NW., to Bacon Drive, NW.; on the east by 17th Street, NW.; and on the west by Bacon Drive, NW.

(v) The interior of all park buildings, including, but not limited to, those portions of the Kennedy Center and Ford's Theatre administered by the National Park Service.

(vi) The White House Park area bounded on the north by H Street, NW.; on the south by Constitution Avenue NW.; on the west by 17th Street NW.; and on the east by 15th Street except for Lafayette Park, the White House sidewalk (the south Pennsylvania Avenue, NW. sidewalk between East and West Executive Avenues) and the Ellipse.

[FR Doc.76-9772 Filed 4-5-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

[36 CFR Part 221]

TIMBER

Transfer of Unused Effective Purchaser Road Construction Credit; Extension of Comment Period

In FR Doc. 76-6273 appearing at page 9363 in the FEDERAL REGISTER of March 4, 1976, the date for submission of written data, views or objections pertaining to the proposed amendment is changed from March 25, 1976, to April 30, 1976. The original notice for the proposed amendment was in FR Doc. 76-4858 appearing at page 7773 in the FEDERAL REGISTER of February 20, 1976.

PAUL A. VANDER MYDE,
Deputy Assistant Secretary.

APRIL 1, 1976.

[FR Doc.76-9775 Filed 4-5-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 128e]

[Docket No. 76N-0027]

BAKERY GOODS

Proposal to Establish Good Manufacturing Practice Regulation; Extension of Comment Period

The Food and Drug Administration is extending the time for comments on the proposed good manufacturing practice regulation for bakery products to May 14, 1976.

The Commissioner of Food and Drugs issued in the FEDERAL REGISTER of February 12, 1976 (41 FR 6456) proposed amendments to the regulations describing current good manufacturing practice in the production of bakery goods. Comments were to be filed on or before April 12, 1976.

The Commissioner has received requests for extension of the comment period from Wisconsin Bakers Association, Inc. to permit the preparation of meaningful comments.

Good reason therefor appearing, the Commissioner hereby extends the period for filing comments on the subject proposal to close of business May 14, 1976.

Written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding the proposal shall be submitted to the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

(Secs. 402(a) (3) and (4), 701(a), 52 Stat. 1046, 1055 (21 U.S.C. 342(a) (3) and (4), 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120)

Dated: March 31, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76 9780 Filed 4-5-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[PP6E1711/P18; FRL 517-8]

DIMETHYL TETRACHLOROTEREPHTHALATE

Pesticide Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, New Jersey State Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted a pesticide petition (PP 6E1711) to the Environmental Protection Agency (EPA) on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Illinois. This petition requested that the Administrator, pursuant to Section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for combined residues of the heribicide dimethyl tetrachloroterephthalate and its metabolites monomethyl tetrachloroterephthalate and tetrachloroterephthalic acid (calculated as dimethyl tetrachloroterephthalate) in or on the raw agricultural commodity horseradish at 2 parts per million (ppm).

The data submitted in the petition and all other relevant material have been evaluated, and it is concluded that the tolerance of 2 ppm established by amending 40 CFR 180.185 will protect the public health. There is no reasonable expectation of residues in eggs, milk, meat, and poultry as delineated in 40 CFR 180.6 (a)(3). It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, within 30 days after publication of this notice in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with Section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must be received on or before May 6, 1976 from the publication of this notice and should bear a notation indicating both the subject and the petition/document control number "PP6E1711/P18". All written comments filed pursuant to this notice will be available for public inspection in the office of the Fed-

eral Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: March 30, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e)].)

It is proposed that Part 180, Subpart C, Section 180.185 be revised by including a tolerance of 2 parts per million for the raw agricultural commodity horseradish and by editorially reformatting the Section into an alphabetized columnar listing, to read as follows:

§ 180.185 Dimethyl tetrachloroterephthalate; tolerances for residues.

Tolerances for combined residues of the herbicide dimethyl tetrachloroterephthalate and its metabolites monomethyl tetrachloroterephthalate and tetrachloroterephthalic acid (calculated as dimethyl tetrachloroterephthalate) are established in or on the following raw agricultural commodities:

Commodity:	Parts per million	
Beans, field dry	2	
Beans, mung, dry	2	
Beans, snap, succulent	2	
Broccoli	1	
Brussels sprouts	1	
Cabbage	1	
Cantaloups	1	
Cauliflower	1	
Collards	2	
Corn, field, fodder	0.4	(N)
Corn, field, forage	0.4	(N)
Corn, grain (including field and pop)	0.05	(N)
Corn, pop, fodder	0.4	(N)
Corn, pop, forage	0.4	(N)
Corn, sweet (K+CWHR)	0.05	(N)
Corn, sweet, fodder	0.4	(N)
Corn, sweet, forage	0.4	(N)
Cottonseed	0.2	(N)
Cucumbers	1	
Eggplant	1	
Garlic	1	
Honeydrew melons	1	
Horseradish	2	
Kale	2	
Lettuce	2	
Mustard, greens	5	
Onions	1	
Peas, southern, black-eyed	2	
Peppers	2	
Pimentos	2	
Potatoes	2	
Rutabagas	2	
Soybeans	2	
Squash, summer	1	
Squash, winter	1	
Strawberries	2	
Sweet potatoes	2	
Tomatoes	1	
Turnips	2	
Turnips, greens	5	
Watermelons	1	
Yams	2	

[FR Doc.76-9698 Filed 4-5-76;8:45 am]

[40 CFR Part 180]

[FRL 518-1; PP6E1719/P20]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Tolerance for Terbacil

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick NJ 08903, has submitted a pesticide petition (PP 6E1719) to the Environmental Protection Agency (EPA) on behalf of the IR-4 Technical Committee and the State Agricultural Experiment Stations of Connecticut, New Jersey, North Carolina, Pennsylvania, and West Virginia. This petition requests that the Administrator, pursuant to Section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose that 40 CFR 180.209 be amended by the establishment of a tolerance for combined residues of the herbicide terbacil (3 - *tert* - butyl-5-chloro-6-methyluracil) and its hydroxylated metabolites (calculated as terbacil) in or on the raw agricultural commodity blueberries at 0.1 part per million (ppm).

The data submitted in the petition and all other relevant material have been evaluated, and it is concluded that the tolerance of 0.1 ppm established by amending 40 CFR 180.209 will protect the public health. There is no reasonable expectation of residues in eggs, milk, and the meat, fat, and meat byproducts of livestock as delineated in 40 CFR 180.6 (a)(3). It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before May 6, 1976, that this proposal be referred to an advisory committee in accordance with Section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the FEDERAL REGISTER Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, East Tower, Room 401, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of other interested in inspecting them. The comments must be received on or before May 6, 1976 and should bear a notation indicating both the subject and the petition/document control number "PP6E 1719/P20". All written comments filed pursuant to this notice will be available for public inspection in the Office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 30, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

AUTHORITY: Section 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e)].

It is proposed that Part 180, Subpart C, Section 180.209 be amended (1) by designating the existing tolerances as paragraph (a), (2) by adding the new paragraph (b) containing a tolerance of 0.1 ppm for combined residues of the herbicide terbacil and its hydroxylated metabolites in or on blueberries, and (3) by editorially restructuring the section into an alphabetized columnar listing, to read as follows:

§ 180.209 Terbacil; tolerances for residues.

(a) Tolerances are established for residues of the herbicide terbacil (3-*tert*-butyl-5-chloro-6-methyluracil) in or on the following raw agricultural commodities:

Commodity:	Parts per million
Apples	0.1
Citrus fruits	0.1
Peaches	0.1
Pears	0.1
Peppermint hay	0.1
Spearmint hay	0.1
Sugarcane	0.1

(b) Tolerances are established for combined residues of the herbicide terbacil (3-*tert*-butyl-5-chloro-6-methyluracil) and its metabolites 3-*tert*-butyl-5 - chloro - 6 - hydroxymethyluracil, 6-chloro-2,3-dihydro-7-hydroxymethyl - 3, 3 - dimethyl - 5H-oxazolo (3,2-a) pyrimidin-5-one, and 6-chloro-2,3-dihydro-3,-3,7-trimethyl-5H-oxazolo (3,2-a) pyrimidin-5-one (calculated as terbacil) in or on raw agricultural commodities as follows:

Commodity:	Parts per million
Blueberries	0.1

[FR Doc.76-9699 Filed 4-5-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 95]

[FCC 76-277; Docket 20120, RM-1508, 1592, 1733, 1751, 1841, 1905, 1991, 2052, 2084, 2132, 2300, 2317, 2318]

CLASS D CITIZENS RADIO SERVICE STATIONS

Proposed Operating Requirements

In the matter of revision of operating rules for Class D stations in the Citizens Radio Service.

1. A notice of proposed rule making in the above captioned matter was released on July 31, 1974, and was published in the FEDERAL REGISTER on August 5, 1974, (39 FR 38167). A First Report and Order was released on August 7, 1975, and published in the FEDERAL REGISTER on August 11, 1975, (40 FR 33667).

2. In its First Report and Order, the Commission relaxed certain operating requirements for Class D Citizens Radio Service stations affecting station identification and permissible communications. Other rule amendments included the reservation of 27.085 MHz as a calling channel and a change in the maximum permissible antenna height.

3. In this combined Notice of Inquiry and Further Notice of Proposed Rule Making, we will address several important issues which were not addressed in our earlier Notice but which are integrally related to the subject of Class D frequency expansion. This document is intended to elicit comments from industry and the public on these new areas of concern.

4. Foremost among the issues to be brought to our attention in recent weeks

is that of possible intermodulation (IM) interference between Class D transceivers operating at certain frequency spacings. Most Class D receivers presently marketed utilize 455 kHz as either the first or second intermediate frequency (IF). Recent laboratory tests appear to indicate that the IM products which would be generated by Class D transceivers operating on channels separated by roughly 450–460 kHz are of sufficient magnitude to significantly degrade the performance of a victim receiver. The type of frequency expansion proposed in our earlier Notice, or any of the other numerous expansion proposals which contemplated the use of frequencies beyond the present 23 channels, could result in severe degradation of all Class D communications because of the multitude of IM products which might be generated. A laboratory analysis of this phenomenon is now underway, and will be documented in a report to be released by the FCC Office of Chief Engineer in the near future.

5. Another problem under consideration is that of antenna bandwidth. Most Class D transmitters are designed to match the output stage into a 50 ohm nonreactive antenna load impedance. The impedance which the antenna presents to the transmitter is principally a function of its equivalent physical length, and the frequency at which it is excited. For antennas used to cover the present 23 channels, which involves a frequency spread of 290 kHz, the amount of retuning necessary to go from Channel 1 to Channel 23 is minimal. However, were the available frequency range to expand to 500 kHz or beyond, it may well be that some form of antenna matching network will be necessary in order to present an acceptable impedance to the transmitter over the entire frequency range. We solicit comments as to whether the possible impedance mismatches could result in increased unwanted radiation.

6. A third area of concern involves interference to television Channels 2 and 5 as a result of second and third harmonic radiation from Class D transmitters. Such radiation, emitted both from the cabinet and the antenna terminals of the transmitter, does not appear to be sufficiently suppressed in some equipment now being marketed. Depending on the distance between the television receiver and the desired Channel 2 or Channel 5 TV station, and the proximity of the interfering Class D transmitter, severe interference to television signal reception may occur.

7. We solicit comments and recommendations addressed to the following questions:

(a) What is the severity of the intermodulation problem?

(b) Can an external device be added to existing Class D transceivers which would minimize the effects of IM products?

(c) Should the IM problem affecting existing equipment with 455 kHz IF frequencies be a deterrent to Class D frequency expansion?

(d) What requirements or provisions, if any, should be made to minimize the problems involved in coupling Class D transmitters and antennas?

(e) What new standards are needed to reduce the potential for harmonic radiation interference to other services?

(f) Should new requirements for modulation limiting devices and audio filters be adopted?

8. With respect to the expansion of channels available for Class D use, a number of alternative plans, in addition to the plan proposed in our earlier Notice, have been suggested. Three of these possibilities are outlined below:

(a) Expand the number of channels available for shared AM/SSB use to 58 and "split" these channels to provide 57 SSB-only channels. This plan would involve the reallocation of the 5 exclusive Class C frequencies to the Class D service.

(b) Expand the number of channels available for shared AM/SSB use to 53, and "split" these channels to provide 52 SSB-only channels.

(c) Expand the number of shared AM/SSB channels to 45, and split these to provide 44 SSB-only channels. This plan would involve the reallocation of the present 5 exclusive Class C channels to the Class D Service.

9. We are herein proposing to proceed with expansion as given in alternatives (a), (b), or (c), above, which would provide totals of 115, 105, and 99 channels, respectively. The expansion plan to be selected, if any, would depend principally upon the information supplied in the technical data contained in the comments to this Notice.

10. The rules proposed in this Further Notice also change the allocation of frequencies set aside for special uses. The frequency 27.065 MHz is presently reserved for emergency use, and the frequency 27.085 MHz is reserved as a calling channel. This latter reservation was made in our First Report and Order in this proceeding, released August 7, 1975. Since that time, our experience has shown that only very limited use has been made of 27.085 MHz as a calling channel. Rather, operations on this channel tend to closely resemble those on the other, non-reserved, channels. In light of this fact, and because of the urgency of making available as many channels as possible for general use, we propose to redesignate 27.085 MHz as available for general interstation use. No particular frequency would be reserved exclusively for calling, but all frequencies available for general use may also be used for calling.

11. With respect to channel number designations such as now appear in the Part 95 Rules, it is our belief that the means and manner by which frequencies are differentiated is a subject that is more properly a concern of equipment manufacturers and users, and we are therefore proposing to amend the rules to delete references to channel numbers. We do believe there should be a standardized channel numbering system, and we encourage industry to take the initiative in this matter.

12. Internationally, the band 26.1–27.5 MHz is allocated to the Fixed and Mobile Services (except Aeronautical Mobile). Additionally, the frequency 27.120 MHz, ±.6%, is allocated for use by Industrial, Scientific, and Medical (ISM) equipment, and the Fixed and Mobile Services are not protected internationally from any interference received from ISM operations between 26.960 and 27.280 MHz. The adjacent higher band, 27.5–28 MHz, is allocated to Meterological Aids, and to the Fixed and Mobile Services. It should be noted that, under these allocations, the resolution of instances of international interference between stations in the Fixed and Mobile Services are subject to provisions in the International Radio Regulations regarding such interference, which take into account the relevant international notifications of frequency assignments of the countries involved. Consideration should be given to the fact that there is now a substantial number of assignments in these bands notified by other countries, as well as by the United States. Thus, the upward expansion of channels for the Class D Citizens Radio Service could generate additional problems of international interference, especially during higher portions of the sunspot cycle.

13. On the subject of protection or 'grandfather' rights for existing land mobile users operating on the proposed expansion channels, we have reconsidered our original proposal of allocating an exclusive channel for equipment amortization and now believe that such an allocation would not be an acceptable solution. Again, we have examined the numbers of licensees affected by such a compromise, and in this light can see no justification for reserving one 20 kHz channel for several thousand land mobile licensees when the other channels would be serving some 3 Million Class D licensees. Moreover, such a reservation, with the channel eventually to revert to the Class D service, would unnecessarily complicate the expansion of Class D frequencies contemplated in this document. We have therefore proposed to permit such land mobile licensees to continue operations on their present frequencies in accordance with the terms of their present authorizations for the balance of their license terms, plus one 5 year renewal. At the expiration of that renewal, it is proposed that all such operations must cease. During the period of shared land mobile/Class D use, the land mobile licensees would be accorded no interference protection from Class D licensees. We are keenly aware of the dislocation this arrangement could cause to some licensees, however, in such matters the Commission must determine what course of action is in the overall best interest of the public, and it is this path we are attempting to follow.

14. A matter affecting the Class C Service which is integrally related to the

whole area of frequencies, privileges, and license classifications is the present rule requirement that an individual must hold two separate licenses in order to obtain both Class C and Class D operating privileges. We believe that this arrangement creates unnecessary paperwork for both the applicant and the Commission, and for that reason we are proposing to delete the availability of the Class C license as an entity unto itself. We would combine the privileges of the Class C and Class D licenses, and no new Class C licenses would be issued. The present differential in age requirements for the two services, 12 years of age for Class C and 18 years of age for Class D, would be resolved by allowing all present Class C licensees under age 18 to continue operations, but requiring all new applicants to meet the age requirement for the Class D license.

15. In considering the feasibility of intercommunication between stations using the SSB mode, the matter of frequency tolerance is very important. The present tolerance requirement for all Class D stations is 0.005%, which amounts to approximately 1350 Hertz at 27 MHz. Although this tolerance is perfectly acceptable for AM to AM communications, it is far from desirable for SSB to SSB communications. In our original Notice, we proposed that a tolerance of 0.002% (about 500 Hertz) be required for all Class D stations. We have reconsidered this subject, and are now convinced that a more stringent tolerance will be necessary to insure adequate signal quality for SSB emissions without the need for undue dependence on "clarifiers" or other frequency compensating mechanisms. We are herein proposing to require a tolerance of plus or minus 25 Hertz for all SSB transmitters. We invite comments as to what other tolerance, if any, may be more desirable, as well as comments discussing the feasibility of building equipment to various tolerances.

16. With respect to type acceptance and other requirements pertaining to equipment available for Class D use, we would not accept applications for type acceptance of equipment capable of operation on the proposed expansion channels immediately after the adoption of a Report and Order, nor would we make the expansion channels available for immediate use. We are proposing to require that all transmitters capable of operation on Class D frequencies be so designed as to suppress harmonic radiation from the cabinet and at the antenna terminal by at least 70 dB. We are also proposing to require manufacturers to affix certain labels to their equipment intended for Class D use which inform the equipment operator of certain important facts, namely: 1) This unit may be operated only under a valid Class D citizens Radio license. The penalties for unlicensed operation include a fine of not more than $10,000, imprisonment for a term not exceeding 1 year, or both; 2) The operator must identify with the authorized call sign at the proper intervals; and 3) The unit must not be connected to an external power amplifier. We invite comments as to what additional labels or attachments might prove useful to CB equipment operators. We believe that informational value of these labels will be to enhance voluntary compliance with the Part 95 Rues. Additionally. we are proposing to require that a Class D Citizens Radio Service application form and a copy of Part 95 of the Rules and Regulations, both to be current at the time of packing of the transmitter, be furnished with each Class D unit are sold. We are also proposing to require that the serial number be engraved on the chassis of each lass D transceiver sold. One final issue which relates to type acceptance is that of "add-on" devices which would attach to present 23 channel Class D transceivers and increase their frequency range to include the new expansion channels. We see numerous nd serious difficulties arising from the use of such devices, and are therefore proposing to disallow their manufacture, sale, or use.

17. One final proposal we are including in this Further Notice is to change the name of the Citizens Radio Service and its subdesignations. We propose to redesignate the service as the General Radio Service, and to redesignate the Class D and Class A services to the CB Radio Service and UHF CB Service, respectively. We believe these new designations to be more descriptive of the character of the service and more in keeping with the present user references to the service.

18. We wish to emphasize that the frequency expansion proposed herein is only an interim step intended to relieve the immedite frequency congestion problem in the Class D Service. We will make every effort to expedite this proceeding, and it is our hope that the issues raised herein can be resolved and any rule changes implemented by January 1, 1977. The FCC Office of Plans and Policy (OPP) has begun a series of planning studies which will take into account the long-term needs of the general public for personal radio communications, with the ultimate goal of developing a more effective personal radio communications service for the public. The study program will investigate the areas of FCC costs, (i.e., licensing, regulation, and enforcement), growth potential of personal communications, spectrum availability, equipment costs, service quality, and potential interference to television and other services. One recurring difficulty which plagues the present Class D frequencies is the long distance propagation of radio signals refracted by the ionosphere during the periods of high sunspot activity. The present 11 year sunspot cycle is at its low point, however, in 2 or 3 years the number of sunspots will increase appreciably, causing oftentimes severe long distance interference problems at 27 MHz. One remedy for this problem, and an alternative which will be studied by OPP, is the relocation of personal radio users to frequencies in the VHF spectrum, such as 220 MHz or 900 MHz, where sunspots have no effect on communications.

19. This action is taken pursuant to Sections 4(i), 303, and 403 of the Communications Act of 1934, as amended. The specific rule changes proposed herein, except for the deletion of references to the Class C service and the redesignation of the Citizens Radio Service and its sub-services, are set forth below.

20. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's Rules, interested parties may file comments on or before May 26, 1976, and reply comments on or before June 10, 1976. In accordance with the provisions of Section 1.419(b) of the Commission's Rules, an original and eleven copies of all statements, briefs, and comments filed shall be furnished the Commission. All relevant and timely filed comments and reply comments will be considered by the Commission before final action is taken. The Commission may also take into account other relevant information before it, in addition to specific comments invited by this Notice of Inquiry and Further Notice of Proposed Rule Making. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters at 1919 M Street NW., Washington, D.C.

Adopted: March 19, 1976.

Released: March 29, 1976.

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

Chapter 1, Part 95, of Title 47 of the Code of Federal Regulations is proposed to be amended to read as follows:

1. In § 95.3(b), the definition of a Class C station is proposed to be deleted, and the definition of a Class D station is proposed to be amended to read as follows:

§ 95.3 Definitions.

* * * * *

(b)

* * * * *

Class C Station [Deleted]

Class D station. A station in the Citizens Radio Service licensed to be operated for radiotelephony on authorized frequencies. Such stations may also be operated on authorized frequencies in the 72–76 MHz band for the radio control of models used for hobby purposes only.

* * * * *

2. Section 95.13 is proposed to be amended to read as follows:

§ 95.13 Eligibility for station license.

(a) Subject to the general restrictions of § 95.7, any person is eligible to hold an authorization to operate a station in the Citizens Radio Service: *Provided,* That if an applicant for a Class A or Class D station authorization is an individual or partnership, such individual or each partner is eighteen or more years of age. An unincorporated association, when li-

censed under the provisions of this paragraph, may, upon specific prior approval of the Commission, provide radiocommunications for its members.

NOTE: * * *

(b) [Reserved]

(c) No person shall hold more than one Class D license.

3. Section 95.19 is proposed to be amended to read as follows:

§ 95.19 Standard forms to be used.

(a) * * *

(1) Application is made for a new Class D authorization.

* * * * *

4. A new § 95.42 is proposed to be added to read as follows:

§ 95.42 Special provisions.

Effective _____, 1976, authorizations for use of the frequencies between 26.96 and 27.54 MHz will be issued only under the provisions of the Citizens Radio Service. Any license which authorized the use of frequencies between 26.96 and 27.54 MHz granted under provisions of any service other than the Citizens Radio Service shall remain valid for the balance of the license term pursuant to the applicable rules, provisions, and requirements in effect on _____, 1976, and as stated in the license conditions of grant. Such licenses may, upon proper application, be renewed for a period not to exceed 5 years. In no instance will more than one such renewal be granted.

5. Section 95.45 is proposed to be amended to read as follows:

§ 95.45 Frequency tolerance.

(a) Except as provided in paragraphs (b) and (c) of this section, the carrier frequency of a transmitter in this service shall be maintained within the following percentage of the authorized frequency:

Class of station	Frequency tolerance	
	Fixed and base	Mobile
A	0.00025	0.0005.
D		±25 Hz.

(b) Transmitters operating in the AM mode shall be maintained within 0.005% of the authorized frequency.

(c) * * *

6. Section 95.47 is proposed to be amended to read as follows:

§ 95.47 Types of emission.

(a) Except as provided in paragraph (c) of this section, Class A stations in this service will normally be authorized to transmit radiotelephony only. However, the use of tone signals or signalling devices solely to actuate receiver circuits, such as tone operated squelch or selective calling circuits, the primary function of which is to establish or maintain voice communications, is permitted. The use of tone signals solely to attract attention is prohibited.

(b) Transmitters used at Class D stations in this service are authorized to use amplitude vice modulation, either single or double sideband, on the appropriate frequencies. Tone signalling devices may be used only to actuate receiver circuits whose primary function is to establish or maintain voice communications. Such transmitters may also utilize amplitude tone modulation or on-off unmodulated carrier for the control of remote objects on the appropriate frequencies. The transmission of telegraphy or any signals solely to attract attention is prohibited.

(c) Other types of emission not described in paragraph (a) of this section may be authorized for Class A citizens radio stations upon a showing of need therefor. An application requesting such authorization shall fully describe the emission desired, shall indicate the bandwidth required for satisfactory communication, and shall state the purpose for which such emission is required. For information regarding the classification of emissions and the calculation of bandwidth, reference should be made to Part 2 of this chapter.

* * * * *

7. Section 95.49(c) and (d)(3) are proposed to be amended and (d)(4) and (5) are proposed to be added to read as follows:

§ 95.49 Emission limitations.

* * * * *

(c) The authorized bandwidth of the emission of any transmitter employing amplitude modulation shall be 8 kHz for double sideband, 4 kHz for single sideband, and the authorized bandwidth of the emission of transmitters employing frequency or phase modulation (Class F2 or F3) shall be 20 kHz. The use of Class F2 and F3 emissions on Class D Citizens Radio Service frequencies is prohibited.

(d) * * *

(3) On any frequency removed from the center of the authorized bandwidth by more than 250 percent up to a frequency of twice the fundamental frequency: (For Class D transmitters type accepted before (effective date of Report and Order) and all Class A transmitters), At least $43+10 \log_{10}$ (mean power in watts) decibels.

(4) On any frequency removed from the center of the authorized bandwidth by more than 250 percent up to a frequency of twice the fundamental frequency: (For Class D transmitters type accepted after (effective date of Report and Order)), At least $53+10 \log_{10}$ (mean power in watts) decibels.

(5) On any frequency twice or greater than twice the fundamental frequency: At least 70 decibels.

* * * * *

8. Section 95.51(h) is proposed to be added to read as follow:

§ 95.51 Modulation requirements.

* * * * *

(h) All transmitters operating in the SSB mode shall be designed so as to limit the carrier output to at least 40 dB below the peak envelope power output.

9. Section 95.55(c)(4) is proposed to be amended and (c)(5) is proposed to be added to read as follows:

§ 95.55 Acceptability of transmitters for licensing.

* * * * *

(c) * * *

(4) Prior to _____, 1976, transmitters which are equipped to operate on any frequency not included in § 95.41 (d)(1) may not be installed at, or used by, any Class D station unless there is a station license posted at the transmitter location, or at transmitter identification card (FCC Form 452-C) attached to the transmitter, which indicates that operation of the transmitter on such frequency has been authorized by the Commission.

(5) Effective _____, 1976, transmitters which are equipped to operate on any frequency not included in § 95.41 may not be installed at, or used by, any Class D station unless there is a station license posted at the transmitter location, or a transmitter identification card (FCC Form 452-C) attached to the transmitter, which indicates that operation of the transmitter on such frequency has been authorized by the Commission.

10. Section 95.58(c)(2), (3) and (4) are proposed to be amended and (f), (g) and (h) are proposed to be added to read as follows:

§ 95.58 Additional requirements for type acceptance.

* * * * *

(c) * * *

(2) Multi-frequency transmitters shall be capable of operation only on authorized frequencies, as set forth in Section 95.41.

(3) All transmitter frequency determining circuitry (including crystals), other than the frequency selection mechanism, employed in Class D station equipment shall be internal to the equipment and shall not be accessible from the exterior of the equipment cabinet or operating panel. Add-on devices, whether internal or external to the equipment, the function of which is to extend the frequency coverage of a Class D unit beyond its original frequency coverage capability, shall not be manufactured, sold, or attached to any transmitter capable of operation on Class D Citizens Radio Service frequencies.

(4) All single sideband transmitters shall be capable of transmitting on the upper sideband. Capability for the lower sideband is permissible only on those frequencies available also for the AM emission.

* * * * *

(f) Labels bearing the following information must be affixed in a prominent position on all transmitters capable of operation on Class D Citizens Radio Service frequencies:

(1) This unit may be operated only under a valid Class D Citizens Radio Service license. The penalties for unlicensed operation include a fine of not

more than $10,000, imprisonment for a trem not exceeding 1 year, or both.

(2) The operator of this unit must identify with the authorized call sign at the proper intervals.

(3) This unit must not be connected to an external power amplifier.

(g) A Class D Citizens Radio Service application form and a copy of Part 95 of the Rules and Regulations, both to be current at the time of packing of the transmitter, shall be furnished with each transmitter sold.

(h) The serial number of each Class D transmitter sold shall be engraved on the unit's chassis.

[FR Doc.76-9806 Filed 4-5-76;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. RM76-8; Order No. 539-A]

GENERAL POLICY AND INTERPRETATIONS

Order Granting in Part and Denying in Part Reconsideration, Clarifying Order No. 539 Denying Stay, Noticing of Proposed Rulemaking, Noticing of Oral Argument and Granting Intervention

MARCH 26, 1976.

On October 14, 1975, the Commission issued Order No. 539, which adopted Section 2.83 of the Commission's General Policy and Interpretations, setting forth a statement of policy with respect to the enforcement of obligations inherent in certificates of public convenience and necessity granted by this Commission.

Applications for rehearing and/or reconsideration of Order No. 539 were filed by Phillips Petroleum Company on November 10, 1975; Shell Oil Company, et al. on November 12, 1975; Sohio Petroleum Company, Continental Oil Company, Natural Gas Pipeline Company of America and Napeco, Inc., Tenneco Oil Company, et al., Interstate Natural Gas Association of America, Mobil Oil Corporation, and Texaco, Inc., on November 13, 1975; and by Entex, Inc., on November 14, 1975. The Tenneco, et al. group also filed on November 13, 1975 a petition to stay the effectiveness of Order No. 539 "until such time as the issues raised in that Order have been fully considered and resolved." A similar request for a stay was filed by Mobil together with its petition for rehearing and reconsideration.

By order issued November 28, 1975, the Commission granted reconsideration of Order No. 539 for the purpose of further consideration and stated that all motions for stay would be dealt with at such time as the Commission issued its final order on reconsideration. Subsequently, the State of Louisiana filed notice of intervention in this proceeding, which we herewith grant.

On December 30, 1975, Shell Oil Company, on behalf of itself and 25 other natural gas producers, filed a motion for oral argument of Order No. 539.

In Order No. 539, the Commission reiterated its long standing authority to enforce the obligations inherent in certificate authorizations and contracts for sale. While a contract evinces the private arrangement between a buyer and a seller, it is the certificate issued by the Commission pursuant to Section 7(c) of the Natural Gas Act[1] that permits the operation of the contract. Thus, while obligations do arise because of the contract itself, distinct responsibilities are incurred by the recipient of a certificate to perform a particular service in interstate commerce.[2] One aspect of this relationship between private contractual agreement and the certificate of public convenience is a delivery obligation on the part of the producer. This requirement of service was the subject of Order No. 539, in which the Commission restated its intention to require, judicially and administratively, compliance, with the provisions of contracts of sale as embodied in and made legal by the certificates of public convenience and necessity issued by this Commission.

As the Commission stated in Order No. 539:

> * * * [i]t is the policy of this Commission to enforce all delivery and supply obligations of jurisdictional natural gas producers and jurisdictional natural gas pipelines, as they may be occasioned by applicable regulations of the Commission and the statutory standards of the Natural Gas Act, which govern—and, therefore, which are incorporated within—the certificates for all certificated arrangements authorized pursuant to the Act.

Order No. 539, aside from setting out the Commission's policy with respect to certificate enforcement, also promulgated Section 2.83 of the Commission's General Policy and Interpretations. This provision, subsection (d) of which is to be included as a condition in all temporary and permanent certificates issued after the effective date of Order No. 539, imposes upon producers certain reporting requirements. Several natural gas companies have objected to the inclusion of Section 2.83(d) in their certificates and have refused to accept proffered certificates.[3]

[1] 15 U.S.C. § 717f(c) (1963).

[2] See e.g., Sunray Midcontinent Oil v. F.P.C., 364 U.S. 137, 156 (1960) where the Supreme Court held that once deliveries of natural gas begin in interstate commerce, there can be no cessation of such deliveries without prior Commission approval pursuant to Section 7(b) of the Natural Gas Act. See also F.P.C. v. John E. Moss, et al., ---- U.S. ----, 44 U.S.L.W. 4278 (March 3, 1976).

[3] Tenneco Oil Company in Docket Nos. CI75-719, CI75-746, and CI75-747; Tenneco Exploration, Ltd. in Docket Nos. CI75-717 and CI75-748, and Exxon Corporation in Docket No. CI74-258. Rehearing of orders issuing certificates have been sought by, among others, Superior Oil Company in Docket Nos. CI76-34 and CI76-51, Transco Exploration Company in Docket No. CI75-395, Sun Calvert Company in Docket No. CI76-233, Sun Oil Company, et al. and Sun Oil Company in Docket Nos. CI76-189 and CI76-230, Marathon Oil Company in Docket Nos. CI76-279 and CI76-195, Gulf Oil Corporation in Docket Nos. CI70-224 and CI60-159, et al., by Shell Oil Company in Docket No. CI76-225, and by Phillips Petroleum Company in Docket No. CI76-68. The Commission will take action in these proceedings upon completion of the rulemaking procedure ordered herein.

The numerous applications for rehearing and/or reconsideration essentially raise the following issues.

1. Order No. 539 is a substantive rule not a policy statement and is, therefore, procedurally defective for failing to comply with Sections 4 and 5 of the Administrative Procedure Act, 5 U.S.C. 553 (1974).

2. Order No. 539 misinterprets both the contractual arrangements between producers and pipelines and the existing certificated obligations. In this regard, the producers assert that:

(a) there are no specific quantitative delivery obligations on the part of producers because producer/pipeline contracts do not contain any provisions which relate to this type of an obligation;

(b) Order No. 539 has turned all contracts into warranty type contracts whereby a producer is obligated to deliver a specified daily amount of gas;

(c) any Commission imposition of a warranty obligation would be contrary to the public interest and incorrect as a matter of policy;

(d) the Commission has exerted control of production activities in contravention of Section 1(b) of the Act.

3. The reporting to the Commission under Section 2.83(d) of the initial reserve determination or any subsequent redetermination should be kept confidential.

4. Order No. 539 cannot supersede the right of a producer to reserve, in a contract, gas for its own use.

It is quite obvious from the arguments raised concerning a producer's obligations and requirements under a certificate of public convenience and necessity that many parties do not understand the intent and purpose of Order No. 539. That Order merely reiterated the Commission's authority (see e.g., Section 7(b) of the Natural Gas Act) to enforce all obligations, including any delivery obligations, that are set out in a contract between a producer and a pipeline and certificated by the Commission. Order No. 539 was promulgated to insure that once deliveries of natural gas commence in interstate commerce under the terms of a contract and certificate, such deliveries continue in accordance with the terms of the contract and certificate, and that prior to termination of such deliveries the requisite abandonment authority is obtained from the Commission. Order No. 539 did not, however, transform a gas sales contract between a producer and a pipeline into a warranty contract guaranteeing delivery of a specific volume of gas irrespective of the source.[4]

Movants have seized upon the language "certificated minimum daily delivery obligation" contained in Order No. 539 to infer that: (1) the Commission will enforce a daily delivery of specific volumes of gas without any deviation or

[4] Tenneco Oil Company and Tenneco Exploration Company, Ltd., Order Granting Rehearing For Limited Purpose of Reconsideration, Clarifying Prior Order and Referring Motions For Stay to Rulemaking Proceeding. Docket Nos. CI75-717, et al. (December 12, 1975).

fluctuation irrespective of the delivery terms of the contract; and (2) the take or pay provisions of a contract will be used by the Commission to determine this daily amount. Yet, as stated previously, this was not the Commission's intent in promulgating Order No. 539. Rather, the Commission intended to inform all parties to gas sales contracts that once deliveries under such contracts, as certificated by the Commission, commence in interstate commerce, such deliveries continue without unjustifiable unilateral interruption in accordance with the applicable provisions of the contract. The Commission did not intend to imply that a take or pay provision in a contract necessarily constituted the delivery obligation. However, if the intent of the parties to the contract was, or if the reasonable reading of the contracts indicate, that the take or pay provision governs the delivery obligation of the producer, then the Commission will enforce, under Order No. 539, that obligation.

If, however, other provision of the contract govern delivery obligation, the Commission will enforce those provisions. Thus, the Commission recognizes that contracts do differ. Moreover, the Commission recognizes the fact that deliveries of gas will fluctuate sometimes daily, monthly or seasonally because of a variety of factors and the Commission recognizes that these fluctuations are a result of the physical characteristics of the natural gas business. Yet, the fact that the ability to deliver gas may change from time to time due to the nature of hydrocarbon production does not relieve a producer from its obligation to deliver in accordance with the contract and certificate. This is precisely why the Commission included in Section 2.83 a provision whereby an applicant would notify the Commission of a change in the certificated delivery obligation (i.e., a reduction in deliveries inconsistent with the contractual provisions as certificated, or total termination of deliveries) and why the Commission requires the delivery obligation to remain in effect unless and until changed by appropriate certificate authorization amendment.

In response to the specific arguments raised, the Commission would first note that, as stated above, Order No. 539 does not impose a specific warranty obligation if none is provided for in the contract. Second, since Order No. 539 only announces the Commission's intent to enforce contract and certificate obligations, nothing the Commission has done violates the "production and gathering" exemption of Section 1(b) of the Natural Gas Act nor interferes with the jurisdiction of state or federal agencies in that area. Third, since Order No. 539 is merely a restatement of the Commission's long standing authority to enforce certificate obligations, it does not violate any due process rights of petitioners nor does it impose upon them any obligations or duties other than those imposed in their contracts and certificates. Fourth, petitioners assert that Section 2.83(b)(2) which provides that the delivery obligation should be imputed "• • • without regard to any contractual reservations contrary to the certificate authorization • • •, is vague and indefinite. This condition refers to contract provisions relating to the use of gas with respect to lease development and operations, recycling, pressure maintenance or other recovery operations, for use by lessors in accordance with lease agreements, or taken in kind by royalty owners. This subsection does not refer to gas reserved to fulfill the commitments of prior contractual agreements or to a specific percentage or volume reservations by the seller. Section 2.83(b)(2) indicates that to the extent contract terms vary from that authorized by the certificate, the latter is controlling.

Fifth, petitioners contend that the reserve data required to be submitted pursuant to Section 2.83(d)[8] should be kept confidential. First, any information submitted to the FPC pursuant to Section 2.83(d) which contains confidential information may be designated as being confidential by either the party making such filing or any party of interest. Second, pending further order of the Commission, any information which is designated as confidential will be made public only (1) after due notice to all affected parties, or (2) where the information to be made public constitutes composite or aggregate data or data submitted by a party where names and/or other identifying characteristics are deleted.[9] Third, the question of whether the information required to be submitted pursuant to Section 2.83(d) should be kept confidential should be addressed by the parties to this proceeding at the oral argument to be hereinafter ordered.

Finally, petitioners' arguments that Order No. 539 is a substantive rule rather than a policy statement are, in our view, initially without merit and finally, to be rendered moot by the procedure set out herein. The principal difference between a statement of policy and a substantive rule is that the former involves a regulation of general applicability that is not a final determination of any right or obligation,[7] while the latter "• • • establishes a standard of conduct which has the force of law."[8] Order No. 539, and the regulation promulgated therein, do not, of themselves, affect the rights or obligations of any certificate holder or applicant. The order is a reiteration of the Commission's policy with respect to the enforcement of certificated contract obligations and an announcement of how it intends to proceed to enforce them. Similarly, Section 2.83 of the Regulations operates prospectively; specifically, the language in Section 2.83(d) will be included in all certificates issued after the effective date of Order No. 539.

Despite petitioners' protestations, this form of action by the Commission, a policy statement enacting new sections of the regulations, is permissible and a commonly used regulatory procedure. For example, in Order No. 296 [9] the Commission set out its policy requiring that language be inserted in all future permanent certificates that the price to be paid could not exceed a ceiling prescribed in a previous policy statement. The Commission also provided that if an applicant objected in writing to such a condition, the matter would be set for formal hearing.[10]

After deliberation, we find that a similar provision should be included in Section 2.83(d). Accordingly, Section 2.83 (d) of the Commission's General Policy and Interpretations will be amended to include, at the end of the subsection as set forth in Order No. 539, the following language:

[t]he foregoing language will be inserted in any temporary or permanent certificate issued after the effective date of Order No. 539 unless at the time of filing such certificate application, or within the time fixed in the notice of application for filing protests or petitions to intervene, the applicant indicates in writing that it is unwilling to accept such a condition, in which event the application will be set for formal hearing to determine, inter alia, whether any certificate shall be so conditioned.

Whether such a condition will be applied is to be decided on the basis of the record developed at such hearings. Furthermore, if the Commission determines, after hearings, to so condition the certificate, over the objections of an applicant, the applicant can avail itself of Section 157.20(a) of the Commission's Regulations which provides as follows:

(a) The certificate shall be void and without force or effect unless accepted in writing by applicant within 30 days from the issue date of the order issuing such certificate: *Provided, however,* That when an application for rehearing of such order is filed in accordance with Section 19 of the Natural Gas Act, such acceptance shall be filed within 30 days from the issue date of the order of the Commission upon the application for rehearing or within 30 days from the date on which such application may be deemed to have been denied when the Commission has not acted on such application within 30 days after it has been filed: *Provided, further,* That when a petition for

[5] Section 2.83(d) states in part as follows: • • • issuance of this certificate authorization is conditioned to require Applicant, within 30 days of the initial reserve determination or any subsequent redetermination thereof, to report the results of each such initial or redetermination study to the Commission • • •

[6] See Continental Oil Company v. F.P.C., 519 F.2d 31 (5th Cir. 1975).

[7] Magnolia Petroleum Co. v. F.P.C., 236 F.2d 785, 791 (5th Cir. 1956), cert. denied, 352 U.S. 968 (1957). See also, Memphis Light, Gas and Water Division v. F.P.C., 462 F.2d 853 (D.C. Cir. 1972), rev'd other grounds, 411 U.S. 458 (1973).

[8] Pacific Gas and Electric Co. v. F.P.C. 506 F.2d at 38 (D.C. Cir. 1974). See Texaco, Inc. v F.P.C. 412 F.2d 740 (3rd Cir. 1969).

[9] See Tenth Amendment To Statement Of General Policy No. 61-1, Order No. 296, Docket No. R-273, 33 FPC 682 (April 5, 1965).

[10] See Eleventh Amendment To Statement Of General Policy No. 61-1, Order No. 352, Docket No. R-329, 37 FPC 1204 (June 30, 1967).

review is filed in accordance with the provisions of Section 19 of the Natural Gas Act, such acceptance shall be filed within 30 days after final disposition of the judicial review proceedings thus initiated.

Finally, in each individual proceeding, the Commission will entertain motions for a partial waiver of Section 157.20 whereby an applicant who is willing to immediately accept a certificate of public convenience and necessity and begin operations under such certificate may do so with the express right to petition the Commission for rehearing and seek judicial review of any Order No. 539 conditions included in the certificate. If after rehearing and/or judicial review, modification or elimination of the conditions imposed becomes necessary the Commission will, of course, act appropriately.

Because it is a reiteration of extant Commission policy that does not finally determine the rights or obligations of any party, Order No. 539, as amended herein, is a statement of policy and as such it is exempt from the notice and hearing requirements of Section 553 of the APA. Therefore, as we stated in our November 28, 1975 order in this docket, rehearing does not lie for a statement of policy. Accordingly, all petitions for rehearing filed herein must be reconsideration, and as such, shall grant in part and deny in part reconsideration of Order No. 539 for the reasons previously set forth.

This order should resolve the difficulties envisioned by the parties responding to the promulgation of Order No. 539. However, those responses make resolution of these questions appear highly unlikely. The parties imply in their responses that gas sales contracts do not contain any deliverability obligations whatsoever. As long as there exists uncertainty over the obligations a party incurs by acceptance of a certificate of public convenience and necessity, the public interest is not served, and the Commission should resolve as many ambiguities as possible. Accordingly, the Commission hereby gives notice pursuant to the APA and the Natural Gas Act, Sections 8, 10, 14, 15, and 16 (52 Stat. 825, 826, 828, 829, 830; 15 U.S.C. 717g, 717i, 717m, 717n, 717o) that it proposes to amend its General Policy and Interpretations by adding a new section regarding the obligations of parties accepting a certificate of public convenience and necessity from this Commission.

The purpose of this proposed notice of rulemaking is not necessarily to implement through a rule the policy expressed by the Commission in Order No. 539. Rather, its purpose is to examine, through the submission of comments and oral argument, a variety of issues of prime importance regarding certificate obligations in order to determine if a new section is necessary. These issues include the following:

1. Whether the daily contract quantity provision or take or pay provision found in many contracts are considered by the parties to the contract to constitute a delivery obligation?

2. If a contract does not contain a daily contract quantity provision or a take or pay provision, what other provision, if any, governs delivery?

3. Do any of these provisions provide for a specific volume of deliveries over a set period of time?

4. If a contract contains no delivery obligation, should the Commission require one?

5. What is the feasibility of using a uniform contract form for the dedication and delivery provisions?

6. Do the reporting requirements of Subsection 2.83(d) represent the best method of providing the Commission with the data necessary to enforce the policy stated in Order No. 539?

7. Should the information required to be submitted pursuant to Section 2.83 (d) be kept confidential?

8. The extent to which other Federal or state agencies have jurisdiction and exercise oversight of production in a manner capable of attaining the objectives sought by the Commission.

This notice of proposed rulemaking is not to be regarded as a rescinding of the Commission policy expressed in Order No. 539, nor is it to be taken as a staying of the effectiveness of the requirement that Section 2.83(d), as amended herein, be included as a condition in all temporary and permanent certificates issued after the effective date of Order No. 539.

Comments on the issues referenced herein and any other issues considered relevant by the parties, including any issues with respect to the policy expressed in Order No. 539, will be filed on or before April 19, 1976. On or before that day, any party may notify the Secretary of its intention to appear and participate at oral argument and the amount of time desired to present its argument.[11] Subsequently, the Secretary will publish a notice stating the order of argument and the time allotted each participant. Oral argument will commence before the Commission on

The Commission orders: (A) The State of Louisiana is permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* that the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in its notice of intervention; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that the party might be aggrieved because of any order or orders of the Commission entered in these proceedings, and that the intervenor agrees to accept the record as it now stands.

(B) Section 2.83(d) of the Commission's General Policy and Interpretations, as promulgated in Order No. 539, is hereby amended to read as follows:

(d) The Commission shall include, subsequent to the date of Order No. 539, the following general language within the Commission's Order Issuing Such Temporary or Permanent Certificate:

Applicant natural gas company's attention is directed to Commission Order No. 539 issued October 14, 1975, 40 FR 49571, and to the provisions of Section 2.83 General Policy and Interpretations, 18 CFR 2.83. Moreover, issuance of this certificate authorization is conditioned to require Applicant, within 10 days of the initial reserve determination or any subsequent redetermination thereof, to report the results of each such initial or redetermination study to the Commission. An original reserve estimate or any redetermination thereof, submitted pursuant to Section 2.83(d) will be maintained by the Commission on a confidential basis and will be made public only after due notice to all interested parties. The certificated minimum daily delivery obligation of the seller (1) shall be determined in accordance with applicable provisions specifically set forth in seller's contract unless otherwise changed by the certificate authorization, (2) shall be without regard to any contractual reservations contrary to the certificate authorization, and (3) shall remain in full force and effect unless and until changed by appropriate certificate authorization amendment based upon Applicant's full documentation of, inter alia, the reasons for any such proposed amendment, the sales production history, the amount of remaining connected reserves of Applicant dedicated under the contract and the status of Applicant's nondeveloped reserves dedicated under the contract. The certificate authorization is further conditioned to require that Applicant, if it has not secured an appropriate certificate amendment and there are circumstances resulting in the delivery of a lesser quantity of natural gas than any certificated delivery obligation, Applicant shall file for each contract year quarter, a verified report setting out the circumstances of such lesser deliveries and the corrective actions which Applicant proposes to undertake in order to meet any experienced delivery deficiency, such verified reports to be filed within 10 calendar days after expiration of each contract year quarter.

The foregoing language will be inserted in any temporary or permanent certificate issued after the effective date of Order No. 539, unless at the time of filing such certificate application, or within the time fixed in the notice of application for filing protests or petitions to intervene, the applicant indicates in writing that it is unwilling to accept such a condition, in which event the application will be set for formal hearing to determine, inter alia, whether any grant of certificate shall be so conditioned.

(C) Notice is hereby given of the intention of the Commission to promulgate a new Section 2.83, as amended, of its

[11] Since we are holding oral argument on the proposed rulemaking and the policy expressed in Order No. 539, the motion for oral argument filed by Shell on behalf of itself and 25 other gas producers will be granted.

General Policy and Interpretations, pursuant to a rulemaking procedure.

Any interested person may submit to the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, not later than April 19, 1976, data, views, and comments or suggestions in writing concerning the proposed rulemaking. Written submittals will be placed in the Commission's public files and be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street NE., Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submissions to the Commission should indicate the name, title, and mailing address of the person to whom correspondence with regard to the proposal should be addressed.

(D) The motion of Shell for oral argument upon the issues raised by the Commission's policy statement expressed in Order No. 539 is granted. On or before April 19, 1976, any party may notify the Secretary of its intention to appear for oral argument and the amount of time desired to present its argument. Subsequently, the Secretary will publish a notice stating the order of argument and the time allotted each participant. Oral argument as to those issues, plus the questions raised with respect to the notice of proposed rulemaking to promulgate Section 2.83 of the Commission's General Policy and Interpretations, will commence before the Commission on May 4, 1976, at 9:00 a.m., E.D.T., in a Hearing Room of the Federal Power Commission at 825 N. Capitol Street NE., Washington, D.C., 20426.

(E) The petitions for rehearing, reconsideration, and modification of Order No. 539 are hereby denied, except as otherwise provided for in this order.

(F) The requests for a stay of the effectiveness of Order No. 539 are hereby denied.

By the Commission.[12]

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

[FR Doc.76-9752 Filed 4-5-76;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 451]

ADVERTISING FOR OVER-THE-COUNTER ANTACIDS

Invitation to Propose Certain Issues of Fact, and Invitation to Comment

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the provisions of Part I, Subpart B of the Commission's Procedures and Rules of Practice, 16 CFR 1.7, et seq., and § 553 of Subchapter II, Chapter 5, Title 5 of the U.S. Code (Administrative Procedure), has initiated a proceeding for the promulgation of a Trade Regulation Rule for the advertising of over-the-counter antacids.

STATEMENT OF REASONS FOR PROPOSED RULE

I. *The FDA Monograph Program.* The Food and Drug Administration is presently engaged in a comprehensive evaluation of the safety and efficacy of all over-the-counter (non-prescription) (OTC) drugs. The program was commenced on May 8, 1972, with the establishment by the Commissioner of the Food and Drug Administration of procedures for the classification of OTC drugs as "generally recognized as safe and effective" and not "misbranded" under their prescribed, recommended, or suggested conditions of use.[1] The procedures call for each category of OTC drugs to be evaluated by an advisory panel, consisting of recognized experts in the field, selected by the Commissioner of the Food and Drug Administration from outside FDA after consideration of academic, consumer, and industry nominations. After reviewing the scientific literature pertinent to the field, as well as written and oral presentations of data and other evidence, the panels report their recommendations to the Commissioner, in the form of a "monograph." The Commissioner reviews each panel report as it issues and, basing his findings upon the panel recommendation and upon public comment submitted in response to published notices of proposed action, issues his final order establishing specific regulations concerning the classification of OTC drugs within the product category. Included in the regulations may be specifications of necessary directions for use, warnings, and other product information which must be included on the label or in the labeling of products within the review category. Also included in the regulations may be prohibitions against certain product claims and other representations concerning the regulated products.

The monograph of the antacid panel, the first FDA panel to report, was published on April 5, 1973.[2] A final order for antacids was published by the Commissioner on June 4, 1974.[3]

II. *Response of the Federal Trade Commission to FDA Program.* For the reasons set forth below, the Federal Commission is initiating a rulemaking proceeding to determine whether some or all of the warning information required in labeling for OTC antacid products should be disclosed in advertising for those products.

The Commission has reason to believe that:

(a) While over-the-counter drugs, in general, have less potential for harm than prescription drugs, significant numbers of consumers cannot use certain OTC drugs, including antacids, without adverse effects or the risk of adverse effects.

(b) Consumer knowledge of particular adverse effects of over-the-counter drugs is low.

(c) While, as the result of FDA action, warning information can be expected to appear on the labeling of OTC drugs, many people do not read, and consequently cannot benefit from, labeling warnings. Moreover, even those people who carefully read drug labeling prior to their first purchase may not continue to refer to the labeling prior to subsequent purchases or use. Since many of the warnings which are required to appear in labeling by the FDA final order for antacids are new warnings, they may go undetected by many regular users, as well as many new users, if they appear in labeling alone.

(d) Significant numbers of consumers rely primarily upon advertising, rather than labeling, for information about OTC drugs.

(e) The determinations of the Food and Drug Administration, the agency charged by Congress with primary responsibility for ensuring the safety of drugs, that use of certain antacid products may involve adverse effects or the risk of adverse effects, are material facts to consumers.[4]

(f) The fact that the label carries warnings to the effect that use of certain antacid products may involve adverse effects or the risk of adverse effects is also a material fact to consumers.

Deception. The Commission has reason to believe that:

(g) The failure to disclose, in advertising, certain information relating to the warnings required by FDA to appear on the labeling of each antacid product is deceptive within the meaning of Section 5 of the Federal Trade Commission Act (15 U.S.C. 45, as amended), and renders such advertisements false, within the meaning of Section 12 of that Act (15 U.S.C. 52, as amended).

Unfairness. The Commission further has reason to believe that:

(h) Such failure to disclose is unfair within the meaning of Section 5 of the Federal Trade Commission Act.

The Commission is proceeding on the theory that, in the area of health, nondisclosure is unfair where it violates public policy. In connection with the marketing of non-prescription drugs, there is an explicit statutory command that the labeling of drugs contain ade-

[12] Commissioner Watt, dissenting, filed a separate statement with the original document.

[1] 37 FR 9464 (May 11, 1972).

[2] 38 FR 8714.

[3] 39 FR 19862. Amended 40 FR 11718 and 22542.

[4] That a finding of adverse health consequences by the agency responsible for protecting the public health is a material fact has been recognized by Congress, when it enacted Section 4 of the Public Health Cigarette Smoking Act of 1969 (P.L. 91-222), which requires a disclosure, not that cigarette smoking may be dangerous to health, but rather that the Surgeon General of the United States has so concluded. The Commission, proceeding under Section 5, has required that the same warning appear in advertising. Lorillard, et al. C-2180, 80 F.T.C. 455 (1972). Cf. Clairol, Inc. 33 F.T.C. 1450 (1941), aff'd sub nom. Geib v. FTC, 144 F. 2d 580 (2d Cir. 1944).

quate warnings against use in conditions where such use may be adverse to health. The Commission believes that this statutory command reflects a public policy that consumers be cognizant of the information on the label. FDA's OTC drug program is a major means of implementing that policy, and the Commission has recognized the primary role of FDA's regulation of drug labeling. Where, however, many consumers are not cognizant of such information, the public policy is frustrated. In this situation, where advertising is a major source of information about OTC drugs, the failure of advertisers to include in advertising any information relating to the warning in labeling is unfair.

Finally, the Commission has reason to believe that warning disclosures can be perceived and understood by consumers without seriously interfering with the advertiser's ability to communicate the therapeutic effects of the advertised product. The Commission recognizes that requiring the disclosure in advertising of every warning that appears upon the label may involve disclosures so numerous as to confuse consumers or detract unduly from an advertiser's ability to communicate the therapeutic effects of the advertised product. Accordingly, the Commission will consider whether information relating specifically to each FDA warning need be included in advertising.

III. *General Scope of Inquiry.* In determining what information relating to warnings, if any, should be required in advertising, the Commission will address particular attention to the following broad questions:

(a) What need exists for requiring in advertising information relating to warnings required by FDA in labeling?

(b) What effect would the disclosure in advertising of such information have on consumer awareness and knowledge of such warnings?

(c) What effect would the disclosure in advertising of such information have on the ability of advertisers to communicate the therapeutic effects of the advertised product?

(d) Should criteria be applied to permit a selection of certain of the label warnings for disclosure in advertising? If so, what should the criteria be? Should such criteria include:

(1) the extent to which an advertising disclosure will influence purchase decisions, as opposed to use decisions;

(2) the number of people affected by the facts set forth in the warning;

(3) the severity of the consequences of using the drug contrary to the warning;

(4) the extent to which the relevant consumers are already likely to be aware of the information contained in the warnings or of the particular importance to them of reading labels; and/or

(5) any additional criteria?

(e) If appropriate criteria for selection were to be applied to those warnings required by 21 CFR 331.30, which of those warnings would be selected for inclusion in advertising?

(f) If it is determined that all label warnings should be disclosed in advertising, is it necessary that all warnings appear in each advertisement? If not, what method can be devised (for example, requirement of disclosure on a rotating basis) to determine which warnings are to appear in particular advertisements?

(g) If warnings are to be included in advertising, how should such warnings be phrased? With respect to warnings that use of certain antacid products may involve adverse effects or the risk of adverse effects, would the following phrasing be appropriate?

(1) In the case of products which fall within the scope of 21 CFR 331.30(b)(2): "May cause constipation."

(2) In the case of products which fall within the scope of 21 CFR 331.30(b)(3): "May have laxative effect."

(3) In the case of products which fall within the scope of 21 CFR 331.30(b)(4), or 21 CFR 331.30(b)(6): "If you have kidney disease, ask your doctor before using this product."

(4) In the case of products which fall within the scope of 21 CFR 331.30(b)(5): "Contains sodium" and either (a) a statement of the quantity of sodium contained in each dosage unit, or (b) a statement that the label reveals the quantity of sodium present.

(5) In the case of products which fall within the scope of 21 CFR 331.30(b)(7): "If allergic to milk, ask your doctor before using this product."

(6) In the case of products which fall within the scope of 21 CFR 331.30(c)(1): either (a) "Do not use this product if presently taking an antibiotic with tetracycline" or (b) "If presently taking an antibiotic ask your doctor before using this product."

(7) In the case of products containing charcoal: "Do not use this product if presently taking any prescription drug."

(8) In the case of products containing kaolin: either (a) "Do not use this product if presently taking an antibiotic with lincomycin" or (b) "If presently taking an antibiotic ask your doctor before using this product."

(9) If there are products which have at least some label warnings which are not to be required in advertising: "See label for additional warnings" (if some other warnings are required in that product's advertisements), or "Certain consumers should not use this product—See label for warnings" (if no other warnings are required in that product's advertisements).

IV. *Environmental Impact.* The Commission has concluded that the proposed rulemaking is not a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(c) of the National Environmental Policy Act of 1969, and consequently, the Commission need not make a detailed environmental impact assessment. The proposed rulemaking would not require or prohibit the sale of any over-the-counter antacids, but is designed simply to provide important information to certain groups of consumers regarding the safety of using certain products. Any effect that the promulgation of a regulation might have upon overall consumption of antacids or demand for specific antacids or upon the use of materials in manufacturing such drugs, and the consequent effect upon the environment, is entirely speculative and would be extremely remote. At this time, the Commission envisions no significant environmental impact from this rulemaking.

INVITATION TO PROPOSE CERTAIN ISSUES OF FACT

All interested persons are hereby given notice of opportunity to propose issues of fact suitable for designation under § 1.13(d)(1), for consideration under § 1.13(d)(5) and (d)(6) of Part I, Subpart B of the Commission's procedures and rules of practice. Such submissions should indicate whether the issue is being proposed because it is a disputed issue of fact, which is material and necessary to resolve, or whether it is being proposed for some other reason. The Commission or its duly authorized presiding official shall, after reviewing submissions hereunder, identify any such issues in a Notice which will be published in the FEDERAL REGISTER. Such issues shall be considered in accordance with Section 18(c) of the Federal Trade Commission Act as amended by Public Law 93–637, and rules promulgated thereunder. Proposals shall be accepted until June 11, 1976 by the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580. A proposal should be identified as a "Proposal Identifying Issues of Fact—Antacid Rulemaking" and furnished, when feasible and not burdensome, in five copies. The times and places of public hearings will be set forth in a later Notice which will be published in the FEDERAL REGISTER.

INVITATION TO COMMENT

All interested persons are hereby notified that they may also submit to the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580, data, views or arguments on any issue of fact, law, of policy which may have some bearing upon the proposed rulemaking. Written comments, other than proposed issues of fact, will be accepted until forty-five days before commencement of public hearings, but at least until June 11, 1976. To assure prompt consideration of a comment, it should be identified as a "Antacid Rulemaking Comment" and furnished, when feasible and not burdensome, in five copies.

Issued: April 6, 1976.

By direction of the Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-9810 Filed 4-5-76;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

[36 CFR Part 902]

FREEDOM OF INFORMATION ACT

Proposed Rulemaking

Notice is hereby given that the Pennsylvania Avenue Development Corporation is proposing regulations to implement the Freedom of Information Act (5 U.S.C. 552), as amended, Pub. L. 93-502 (88 Stat. 1561) November 19, 1975. A new Part 902 is being added to Chapter IX of Volume 36, Code of Federal Regulations, to accomplish this purpose.

At the present time, the Corporation has not promulgated regulations on this subject.

Specifically, the proposal recites the Corporation's policy on the availability of its records, and gives public notice of procedures to obtain those records. Authority for administering this Part is delegated to the Public Information Officer of the Corporation, who shall act on all initial requests for information and shall be responsible for the annual report to Congress. The proposal also sets forth the procedures by which records of the Corporation may be requested by any person.

Standards are established to insure proper discolsure of all records pertinent to a request, and provision is made for nondisclosure of material not within a request or subject to official exemption from disclosure. The exemptions permitted under the law with illustrative examples, are set forth in detail in Subpart F. The proposal gives notice of the availability of various kinds of records of the Corporation, and establishes the requirement that records not otherwise available in the FEDERAL REGISTER or indexed by the Corporation must be reasonably described before the request can be acted upon.

The draft regulations propose limitations on the Corporation's use of records in its possession, and sets time limits for action for the various steps in processing a request. A procedure to appeal decisions denying access to records is also established. Finally, the proposal prescribes a fee schedule for search and copying services.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulations to the General Counsel, Pennsylvania Avenue Development Corporation, 425 13th St., N.W., Suite 1148, Washington, D.C. 20004. All relevant material received by May 15, 1976, will be considered in preparation of the final rules. Written comments received by the Corporation will be available for inspection during normal business hours at the above address, through May 20, 1976.

In consideration of the foregoing it is proposed to promulgate a new Part 902 of Title 36, Code of Federal Regulations to read as follows:

PART 902—FREEDOM OF INFORMATION ACT REGULATIONS

AUTHORITY: The provisions of this Part 902 are issued under 5 U.S.C. 552, as amended, Pub. L. 93-502, November 11, 1974.

Subpart A—Applicability and Policy

§ 902.01 Purpose and applicability.

This part contains the rules and regulations of the Corporation implementing 5 U.S.C. 552, as amended. It informs the public about where and how the Corporation's records and information may be obtained. The following provisions are applicable to all records of the Corporation, or within its custody, in existence at the time a request for information is made. The regulations establish fee schedules applicable for search and copying of requested records. This Part identifies the officials having authority to act on requests for information, and prescribes the procedures to appeal decisions which initially deny disclosure. Indexes maintained to reflect all records subject to this part are available for public inspection and copying as provided herein.

§ 902.02 Statement of policy.

In keeping with the spirit of the Freedom of Information Act, 5 U.S.C. 552, the policy of the Corporation is one of full and responsible disclosure of information to the public. Therefore, all records of the Corporation, except those that the Corporation specifically determines must not be disclosed in the national interest, for the protection of private rights, or for the efficient conduct of public business to the extent permitted by the Freedom of Information Act, are declared to be available for public inspection and copying as provided in this part. Each officer and employee of the Corporation is directed to cooperate to this end and to make records available to the public with reasonable promptness. A record may not be withheld from the public solely because its release might suggest administrative error or embarras an officer or employee of the Corporation.

§ 902.03 Definitions.

As used in this part—

(a) "Act" means section 552 of Title 5, United States Code, as amended Pub. L. 90-23, 81 Stat. 54, June 5, 1967; as amended Pub. L. 93-502, 88 Stat. 1561, November 11, 1974. Pub. L. 90-23 repealed and superseded Pub. L. 89-487, 80 Stat. 250, July 4, 1966, sometimes referred to as the "Freedom of Information Act" or "Public Information Act".

(b) "Corporation" means the Pennsylvania Avenue Development Corporation, including the Board of Directors, Executive Officers, Corporation staff, and any subordinate organizational units operating under the Pennsylvania Avenue Development Corporation Act of 1972, Pub. L. 92-578, 86 Stat. 1266 (40 U.S.C. 871 *et seq.*), as amended.

(c) "Chairman" means the Chairman of the Corporation's Board of Directors and President of the Corporation.

(d) "Person" means "person" as defined in 5 U.S.C. 551(2).

(e) "Records" means any and all writings, drawings, maps, recordings, tapes, films, slides, photographs, or other documentary materials by which information is preserved.

Subpart B—General Administration

§ 902.10 Delegation of administration of this part.

Except as provided in Subpart H of this part, authority to administer this part is delegated to the Public Information Officer, who shall act upon all requests for access to records which are received by the Corporation from any person under the Act.

§ 902.11 Maintenance of statistics; annual report to Congress.

(a) The Public Information Officer shall maintain records of:

(1) The total amount of fees collected by the Corporation for making records available under this part;

(2 The number of denials of requests for records made under this part, and the reasons for each denial;

(3) The number of appeals from such denials, the result of each appeal, and the reasons for the action upon each appeal that results in a denial of information;

(4) The names and titles or positions of each person responsible for each denial of records requested under this part, and the number of instances of participation for each person;

(5) The results of each proceeding conducted pursuant to subsection 552(a)(4)(f) of Title 5, United States Code, including a report of the disciplinary action against the official or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(6) Every rule made by the Corporation affecting or implementing the Act;

(7) The fee schedule listing fees for search and duplication of records pursuant to requests under the Act, and

(8) All other information which indicates efforts to administer fully the letter and spirit of the Act.

(b) The Public Information Officer shall annually prepare a report accounting for each item in paragraph (a) of this section for the prior calendar year. On or before March 1st of each year, the report shall be submitted to the Speaker of the House of Representatives and the President of the Senate for referral to the appropriate committees of Congress.

(c) The Public Information Officer shall be responsible for maintenance, publication, distribution and availability for inspection and copying of the current indexes and supplements which are required by 5 U.S.C. (a)(2). Such indexes shall be published promptly on a quarterly basis unless the Chairman determines by order published in the FEDERAL REGISTER that the publication would be unnecessary and impractical. The fee for furnishing copies of indexes and supplements shall not exceed the cost of duplication.

§ 902.12 How records may be requested.

In accordance with § 902.41 of Subpart E all requests for records shall be made to the Public Information Officer, Pennsylvania Avenue Development Corporation, Suite 1148, Pennsylvania Building, 425 Thirteenth Street, Northwest, Washington, D.C. 20004.

§ 902.13 Deletion of nondisclosable information.

Whenever a clearly unwarranted invasion of personal privacy is involved or when information requested falls within one of the exempted categories of Subpart F of this part, identifying details will be deleted from any record made available for public inspection and copying. If a record contains both disclosable and nondisclosable information, any reasonably segregable portion of the record shall be provided upon request after deletion of the nondisclosable portions, unless the disclosable information is readily available from another source and the other source is made known to the person desiring the record. In all cases where a deletion occurs, a full explanation of the deletion shall be attached to the copy of the record made available for inspection, distribution, or copying. Appeal of deletions can be made in accordance with Subpart H.

§ 902.14 Protection of records.

(a) No person may, without permission, remove from the place where it is made available, any record made available to him for inspection or copying under this part. In addition, no person may steal, alter, mutilate, obliterate, or destroy, in whole or in part, such a record.

(b) Section 641 of Title 18 of the United States Code provides, in pertinent part, as follows:

(1) Whoever • • • steal, purloins, knowingly converts to his use or the use of any other or without authority sells, conveys or disposes of any record • • • or thing of value shall be fined not more than $10,000 or imprisoned not more than 10 years or both; but if the value of such property does not exceed the sum of $100, he shall be fined not more than $1,000 or imprisoned not more than one year or both. • • •

(c) Section 2071 of Title 18 of the United States Code provides, in pertinent part, as follows:

(1) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or with intent to do so takes and carries away any record, proceeding, map, book, paper document, or other thing, filed or deposited • • • in any public office, or with any • • • public officer of the United States, shall be fined not more than $2,000 or imprisoned not more than 3 years, or both.

Subpart C—Publication in the "Federal Register"

§ 902.20 Applicability.

Subject to the exemptions in Subpart F of this part the Corporation, for the guidance of the public, shall submit to the Director of the FEDERAL REGISTER for publication:

(a) Descriptions of the Corporation's organization and functional responsibilities and the designations of places at which the public may secure information, obtain forms and applications, make submittals or requests, or obtain decisions;

(b) Statements of the general course and method by which the Corporation's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(c) Rules of procedures and instructions as to the scope and contents of all papers, reports, or examinations;

(d) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability; and

(e) Each amendment, revision, or repeal of the foregoing.

§ 902.21 Publication in the "Federal Register" shall be constructive notice of information that affects the public.

(a) All material described in § 902.20 shall be published in the FEDERAL REGISTER. For the purpose of this section, material that is reasonably available to the class of persons affected by it is considered to be published in the FEDERAL REGISTER when it is incorporated by reference therein with the approval of the Director of the Federal Register.

(b) Publication in the FEDERAL REGISTER of all relevant information shall be considered constructive notice of information that affects the public, except that no person shall be required to resort to or be adversely affected by any matter which is required to be published in the FEDERAL REGISTER and is not so published unless such person has actual and timely notice of the terms of the unpublished matter.

Subpart D—Availability of Information and Records Not Published in the "Federal Register"

§ 902.30 Applicability.

(a) This subpart implements section 552(a)(2) of Title 5, United States Code, as amended by 88 Stat. 1561 (1974). It prescribes the rules governing the availability for public inspection and copying of the following:

(1) Final opinions or orders (including concurring and dissenting opinions, if any) made in the adjudication of cases;

(2) Statements of policy or interpretations which have been adopted under the authority of the Corporation's enabling act, including statements of policy or interpretation concerning a particular

factual situation, if they can reasonably be expected to have precedential value in any case involving a member of the public in a similar situation, and have not been published in the FEDERAL REGISTER;

(3) Administrative staff manuals or instructions to the staff of the Corporation which affects any member of the public. Included within this category are manuals or instructions which prescribe the manner or performance of any activity by any member of the public. Excepted from this category are staff manuals or instructions to staff concerning internal operating rules, practices, guidelines and procedures for Corporation negotiators and or inspectors, the release of which would substantially impair the effective performance of their duties.

(4) Any index of materials which is made available under this subpart.

(b) Materials listed in subsection (a) of this section that are not made available for public inspection and copying, or that are not indexed as required by § 902.32, may not be cited, relied upon, or used as a precedent by the Corporation to adversely affect any member of the public, unless the person against whom it is cited, relied upon, or used, has had actual and timely notice of that material.

(c) This subpart shall not apply to material that is published in the FEDERAL REGISTER or that is covered by Subpart E of this part.

§ 902.31 Access to materials and index.

(a) Except as provided in subsection (b) of this section, material listed in § 902.30(a) is available for inspection and copying by any member of the public at the Corporation's office, cited in section § 902.33.

(b) The materials listed in section 902.30, that are published and offered for sale, shall be included in the index, but are not required to be kept available for public inspection. Whenever practical, however, they will be made available for public inspection.

§ 902.32 Indexes of public materials.

The index of materials subject to public inspection and copying under this subpart covers all material issued, adopted, or promulgated after July 4, 1967 by the Corporation. However, earlier materials may be included in the index to the extent practicable. Each index contains instruction for its use.

§ 902.33 Availability of materials and indexes.

Both the indexes and materials indexes, as required by this subpart, are available to the public for inspection and copying at the Corporation's office, Suite 1148, 425 13th Street, N.W., Washington, D.C. 20004. Facilities for inspection and copying shall be open to the public during normal office hours, 9 a.m. to 5 p.m. on work days, excluding Federal holidays.

§ 902.34 Copies.

Copies of materials or indexes covered by this subpart, and not published or offered for sale elsewhere, may be obtained from the Corporation upon payment of the appropriate fee, determined under subpart I. Copies will be certified upon request for payment of an additional fee, as specified in subpart I.

Subpart E—Availability of Reasonably Described Records

§ 902.40 Applicability.

This subpart implements section 552 (a)(3) of title 5, United States Code, as amended, and prescribes regulations governing public inspection and copying of reasonably described records within the Corporation's custody. This subpart shall not apply to material which is covered by Subpart C of this part, records exempted under Subpart F of this part and material that is offered for sale by the Government Printing Office.

§ 902.41 Public access to reasonably described records.

(a) Any person desiring access to any records covered by this subpart may make the request for records and copies either in person during normal business hours at the Corporation's office, or by written request. In either instance, the requester must comply with the following provisions:

(1) A written request must be made for the record;

(2) The request must indicate that it is being made under the Freedom of Information Act (section 552 of title 5, United States Code); and

(3) The request must be addressed to the Corporation's office, to the attention of the Public Information Officer, referred to in § 902.12 of Subpart B.

(b) Each request for a record should reasonably describe the particular record to the extent possible. The request should specify, if known to the requester, the subject matter of the record, the date when it was made, the place where it was made and the person who made it. If the description is insufficient, the official handling the request shall promptly notify the person making the request. The Public Information Officer may assist the person in perfecting the request.

(c) Requests made in person at the Corporation's office during regular working hours (9 a.m. to 5 p.m., Monday through Friday, except Federal holidays) shall be processed promptly. Provision shall be made for adequate inspection and copying facilities. Original records may be copied but may not be released from the custody of the Corporation. Upon payment of the appropriate fee copies will be provided to the requester by mail or in person.

(d) Except for services performed without charge or at a reduced rate as provided for in section 902.83, each request for a search of records or for a copy of a record must be accompanied by the fee prescribed in the applicable fee schedule. When the fee is not readily ascertainable without examination of the records, the requester will be furnished an estimate of the fee. Other suitable arrangements may be made in unusual circumstances.

(e) Every effort will be made to make a record in use by the staff of the Corporation available when requested, and availability may be deferred only to the extent necessary to avoid serious interference with the business of the Corporation.

(f) Notwithstanding subsections (a) through (e) of this section, informational materials and services, such as press releases, and similar materials prepared by the Corporation shall be made available upon written or oral request. These services are considered as part of any informational program of the Government and are readily made available to the public. There is no fee for individual copies of such materials as long as they are in supply. In addition, the Corporation will continue to respond, without charge, to routine oral or written inquiries that do not involve direct access by the public to records of the Corporation.

§ 902.42 Request for records of concern to more than one government organization.

(a) If the release of a record covered by this subpart would be of concern to both the Corporation and another Federal agency, the record will be made available only after consultation with the other agency concerned. Records of another agency in the Corporation's possession will not be disclosed without the approval of the other agency.

(b) If the release of a record covered by this subpart would be of concern to both the Corporation and to a State or local government, the record will be made available by the Corporation only after consultation with the other interested State or local government or foreign government. Records of a State or local government or a foreign government will not be disclosed without the approval of the State or local government, or the foreign government concerned.

Subpart F—Exemptions from Public Access to Corporation Records

§ 902.50 Applicability.

(a) This subpart implements section 552(b) of Title 5, United States Code, which exempts certain records from public inspection under section 552(a). The Corporation will, however, release a record authorized to be withheld under § 902.52 through 902.59, unless it determines that the release of that record would be inconsistent with a purpose of the aforementioned sections. Examples given in § 902.52 through 902.59 of records included within a particular statutory exemption are not necessarily illustrative of all types of records covered by the exemption. Any reasonably segregable portion of a record withheld under this subpart shall be provided to a requester, after deletion of the portions which are exempt under this subpart.

(b) This subpart does not authorize withholding of information or limit the availability of records to the public, except as specifically stated. This subpart is not authority to withhold information from Congress.

§ 902.51 Records relating to matters that are required by Executive Order to be kept secret.

Records relating to matters that are specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy include those within the scope of the following, and any further amendment of any of them, but only to the extent that the records are in fact properly classified pursuant to such Executive Order:

(a) Executive Order 11652 of March 8, 1972 (37 FR 5209, March 10, 1972);

(b) Executive Order 10865 of February 20, 1960 (3 CFR 1959–1963 Comp., p. 398); and

(c) Executive Order 10104 of February 1, 1950 (3 CFR 1949–1953 Comp., p. 298).

These records may not be made available for public inspection.

§ 902.52 Records related solely to internal personnel rules and practices.

(a) Records related solely to internal personnel rules and practices that are within the statutory exemption include memoranda pertaining to personnel matters such as staffing policies and policies and procedures for the hiring, training, promotion, demotion, and discharge of employees, and management plans, records, or proposals related to labor-management relationships.

(b) The purpose of this section is to authorize the protection of any record related to internal personnel rules and practices dealing with the relations between the Corporation and its employees.

§ 902.53 Records exempted from disclosures by statute.

(a) Records relating to matters that are specifically exempted by statute from disclosure may not be made available for public inspection. For example: Section 1905 of Title 18, United States Code, protecting trade secrets, processes, and certain economic and other data obtained by examination or investigation, or from reports.

(b) The purpose of this section is to preserve the effectiveness of statutes of the kind cited as an example, in accordance with their terms.

§ 902.54 Trade secrets and commercial or financial information that is privileged or confidential.

(a) Trade secrets and commercial or financial information tha are privileged and for which confidentiality is requested by the person possessing such privilege are within the statutory exemption. This includes the following:

(1) Commercial or financial information not customarily released to the public, furnished and accepted in confidence;

(2) Statements of financial interest furnished by officers and employees of the Corporation;

(3) Commercial, technical, and financial information furnished by any person in connection with an application for a loan or a loan guarantee;

(4) Commercial or financial information customarily subjected to an attorney-client or similar evidentiary privilege; or

(5) Materials in which the Corporation has a property right such as designs, drawings, and other data and reports acquired in connection with any research project, inside or outside of the Corporation, or any grant or contract.

(b) The purpose of this section is to authorize the protection of trade secrets and commercial or financial records that are customarily privileged or are appropriately given to the Corporation in confidence. It assures the confidentiality of trade secrets and commercial or financial information obtained by the Corporation through questionnaires and required reports to the extent that the information would not customarily be made public by the person from whom it was obtained. In any case in which the Corporation has obligated itself not to disclose trade secrets and commercial or financial information it receives, this section indicates the Corporation's intention to honor that obligation to the extent permitted by law. In addition, this section recognizes that certain materials, such as research data and materials, formulae, designs, and architectural drawings, have significance not as records but as items of property acquired, in many cases, at public expense. In any case in which similar proprietary material in private hands would be held in confidence, material covered in this section may be held in confidence.

§ 902.55 Intragovernmental exchanges.

(a) Any record prepared by a Government officer or employee (including those prepared by a consultant or advisory body) for internal Government use is within the statutory exemption to the extent that it contains—

(1) Options, advice, deliberations, or recommendations made in the course of developing official action by the Government, but not actually made a part of that official action, or

(2) Information concerning any pending proceeding or similar matter including any claim or other dispute to be resolved before a court of law, administrative board, hearing officer, or contracting officer.

(b) This section has two distinct purposes. One is to protect the full and frank exchange of ideas, views, and opinions necessary for the effective functioning of the Government and to afford this protection both before and after any action is taken. This judicially recognized privilege of protection against disclosure in litigation or elsewhere is intended to assure that these resources will be fully and readily available to those officials upon whom the responsibility rests to take official and final Corporation action. However, the action itself, any memoranda made part of that action, and the facts on which it is based are not within this protection. The other purpose is to protect against the premature disclosure of material that is in the development stage if premature disclosure would be detrimental to the authorized and appropriate purposes for which the material is being used, or if, because of its tentative nature, the material is likely to be revised or modified before it is officially presented to the public.

(c) Examples of records covered by this section include minutes, to the extent they contain matter described in paragraph (a) of this section; staff papers containing advice, opinions, suggestions, or exchanges of views, preliminary to final agency decision or action; budgetary planning and programming information; advance information on such things as proposed plans to procure, lease, or otherwise hire and dispose of materials, real estate, or facilities; documents exchanged preparatory to anticipated legal proceedings; material intended for public release at a specified future time, if premature disclosure would be detrimental to orderly processes of the Corporation; records of inspections, investigations, and surveys pertaining to internal management of the Department; and matters that would not be routinely disclosed under disclosure procedures in litigation and which are likely to be the subject of litigation. However, if such a record also contains factual information, that information must be made available under Subpart E unless the facts are so inextricably interwined with deliberative or policy-making processes, that they cannot be separated without disclosing those processes.

§ 902.56 Protection of personal privacy.

(a) Any of the following personnel, medical, or similar records is within the statutory exemption if its disclosure would harm the individual concerned or be a clearly unwarranted invasion of his personal privacy:

(1) Personnel and background records personal to any officer or employee of the Corporation, or other person, including his home address;

(2) Medical histories and medical records concerning individuals, including applicants for licenses; or,

(3) Any other detailed record containing personal information identifiable with a particular person.

(b) The purpose of this section is to provide a proper balance between the protection of personal privacy and the preservation of the public's rights to Corporation information by authorizing the protection of information that, if released, might unjustifiably invade an individual's personal privacy.

§ 902.57 Investigatory files compiled for law enforcement purposes.

(a) Files compiled by the Corporation for law enforcement purposes, including the enforcement of the regulations of the Corporation, are within the statutory exemption to the extent that production of such records would:

(1) Interfere with enforcement proceedings;

(2) Deprive a person of a right to a fair trial or an impartial adjudication;
(3) Constitute an unwarranted invasion of personal privacy;
(4) Disclose the identity of a confidential source and in the case of a record compiled by a criminal law enforcement authority in the courts of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source;
(5) Disclose investigative techniques and procedures, or
(6) Endanger the life or physical safety of law enforcement personnel.
(b) The purpose of this section is to protect from disclosure the law enforcement files of the Corporation including files prepared in connection with related litigation and adjudicative proceedings. It includes the enforcement not only of criminal statutes but all kinds of laws.

§ 902.58 Reports of financial institutions.

Any material contained in or related to any examination, operating, or condition report prepared by, on behalf of, or for the use of, any agency responsible for the regulation or supervision of financial institutions is within the statutory exemption.

§ 902.59 Geological and geophysical information.

Any geological or geophysical information and data (including maps) concerning wells is within the statutory exemption.

Subpart G—Time Limitations

§ 902.60 Initial determination.

An initial determination whether or not to release a record requested under Subpart E of this part shall be made within ten work days after the receipt of a request which complies with § 902.41. Failure to comply with those provisions may toll the running of the 10 day period until the request is identified as one being made under the Act for a reasonably described record. This time limit may be extended by up to ten work days in accordance with § 902.62. Upon making its initial determination, the Corporation shall immediately notify the person making the request as to its disposition. If the determination is made to release the requested record the Corporation shall make the record promptly available. If the determination is to deny the release of the requested record, the Corporation shall immediately notify the requester of the denial and shall provide the following information: (a) The reason for the determination; (b) the right of the requester to appeal the determination as provided in Subpart H; and, (c) the names and positions of each person responsible for the denial of the request.

§ 902.61 Final determination.

A determination with respect to any appeal made pursuant to Subpart H will be made within twenty work days after the date of receipt of the appeal. The time limit here provided may be extended by up to ten work days in accordance with § 902.62.

§ 902.62 Extension of time limits.

In unusual circumstances, the time limits prescribed in §§ 902.60 and 902.61 may be extended by written notice to the person making the request. The notice shall set forth the reasons for the extension and the date on which a determination is expected to be dispatched. Under no circumstances shall the notice specify a date that would result in an extension for more than ten work days. As used in this section, "unusual circumstances" means (but only to the extent reasonably necessary to the proper processing of the particular request):
(a) the need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request;
(b) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request; or
(c) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

Any person having made a request for records under this part shall be deemed to have exhausted his administrative remedies with respect to such request, if the Corporation fails to comply with the applicable time limitations set forth in this subpart.

Subpart H—Procedures for Administrative Appeal and Reconsiderations of Decisions Not to Disclose Records

§ 902.70 General.

Within the time limitations of Subpart G, if the Public Information Officer makes a determination not to disclose a record requested under Subpart E, he will furnish a written statement of the reasons for that determination to the person making the request. The statement shall indicate the name(s) and title(s) of each person responsible for the denial of the request, and the availability of an appeal with the Corporation. Any person whose request for records has thus been denied may submit a written appeal to the Corporation requesting reconsideration of the decision.

§ 902.71 Forms for appeal.

While no particular written form is prescribed for the appeal, the letter or similar written statement requesting reconsideration of denial of a record shall contain a description of the record requested, the name and position of the official who denied the request, the reason(s) given for the denial, and other pertinent facts and statements deemed appropriate by the appellant. The Corporation may request additional details where the information submitted is insufficient to support a decision.

§ 902.72 Time limitations on filing an appeal.

Each application for reconsideration must be submitted in writing within thirty days from the date of receipt of the original written denial and must contain the information requested in § 902.71.

§ 902.73 Where to appeal.

Each application for reconsideration shall be addressed to the Chairman of the Board of Directors, Pennsylvania Avenue Development Corporation, Suite 1148, 425 13th Street, N.W., Washington, D.C. 20004.

§ 902.74 Agency decision.

(a) Final Corporation decision on appeals from a denial to disclose records shall be made by the Chairman. He shall promptly review each appeal and provide the appellant and other interested parties with a written notice of the decision. The decision of the Chairman as to the availability of the record is administratively final.
(b) If the decision of the Chairman sustains the refusal to disclose, the notice of decision shall set forth the reasons for the refusal, including the specific exemptions from disclosure under the Act that are the bases of the decision not to disclose. The notice shall further advise the appellant that judicial review is available on complaint to the appropriate District Court of the United States, as provided in section 552(a)(4)(B) of Title 5, United States Code.
(c) As set out in Subpart G, § 902.61, the final decision on appeal shall be made within 20 work days after the receipt of the appeal. An extension of this limitation is authorized as prescribed under section 902.62 of Subpart G.

Subpart I—Fees

§ 902.80 General.

This subpart prescribes fees for services performed for the public by the Corporation under subparts D and E of this part. This subpart shall only apply to the services described herein. The fees for the service listed reflect the actual cost of the work involved in compiling requested record and copying, if necessary.
No fee shall be charged: for time that is spent in resolving legal or policy issues; for search for records if the records are denied; or, if the requested records are not found.

§ 902.81 Payment of fees.

The fees prescribed in this subpart may be paid by cash or by check, draft, or postal money order made payable to the Pennsylvania Avenue Development Corporation. Payment shall normally be due at the time the service is rendered. If it is anticipated that the fees chargeable under this subpart will exceed $25.00, the Corporation shall notify the requester of the estimated fee prior to

commencing the service requested. In such cases, a request will not be deemed to have been received until the requester is notified of the anticipated cost and agrees to bear it. However, the Corporation shall notify the requester of the services involved in the request and the estimated fee for such services within 5 days of receipt of the request.

§ 902.82 Fee schedule.

(a) The following specific fees shall be applicable with respect to services rendered to the public under this part:

(1) Copies made by photostat or similar process (per page) $.10.
(2) Search of Corporation records, index assistance and duplication, performed by clerical personnel (per hour) $5.00.
(3) Search of Corporation records or index assistance by professional or supervisory personnel (per hour) $8.50.
(4) Duplication of architectural drawings, maps and similar drawings (per copy) $3.00.
(5) Reproduction of 35mm slides (per copy) $.50.
(6) Reproduction of enlarged, black and white photographs (per copy) $2.00.
(7) Reproduction of enlarged, color photographs (per copy) $5.00.
(8) Certification of records as a "true copy" (per document) $1.50.

(b) Reports, pamphlets and other documents prepared by the Corporation or its consultants, which have been printed by the Corporation is some quantity, will be made available at the cost per copy for their printing. A current list of such documents and their prices will be available at the Corporation's office, upon request.

(c) Persons may copy documents by their own means at the Corporation's office without charge.

§ 902.83 Waiver of fees.

(a) Fees will be waived when less than $3.00, or when records are furnished in response to:

(1) A request from an employee or former employee of the Corporation for copies of personnel records of the employee;

(2) A request from a member of Congress for his official use;

(3) A request from a State, territory, U.S. possession, county or municipal government, or an agency thereof;

(4) A request from a court that will serve as a substitute for the personal court appearance of an officer or employee of the Corporation; and;

(5) A request from a foreign government or an agency thereof, or an international organization.

(b) Records will be furnished without charge, or at a reduced charge, if the Public Information Officer determines that Waiver or reduction of the fee is in the public interest, because furnishing the records would primarily benefit the general public. Requests that may be treated under this paragraph include: reasonable requests from groups engaged in a nonprofit activity for the public safety, health or welfare; requests from academic institutions and from students engaged in study in field related to the Corporation's operations.

Issued in Washington, D.C. on April 1, 1976.

E. R. QUESADA,
Chairman, Pennsylvania Avenue Development Corporation.

[FR Doc.76-9765 Filed 4-5-76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

APPROVED COLORADO PLAN

Proposed Supplements

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On September 12, 1973, a notice was published in the FEDERAL REGISTER (38 FR 25172) of the approval of the Colorado plan and of the adoption of Subpart M of Part 1952 describing the plan. On November 14, 1975, the State of Colorado submitted a supplement to its plan involving a State-initiated change (see Subpart E of 29 CFR Part 1953).

2. *Description of the supplement.* The supplement consists of amendments to the Colorado enabling legislation. The amendments, House Bill 1731, were approved by the Governor on June 13, 1975, and became effective thereafter. Among other things, the legislation amends the Colorado Occupational Safety and Health Act in the following manner:

(1) The responsibilities of the Colorado Occupational Safety and Health Standards Board in the Department of Labor and Employment have been revised. In addition to developing and promulgating standards, the Board is authorized to adopt rules and regulations pertaining to variances, inspections, citations, penalties and recordkeeping and reporting requirements.

(2) The amendments were also intended to redefine the responsibilities of the Industrial Commission. It was intended that the Commission would serve solely as an administrative review body authorized to hear as an appellate board all appeals from any order, award or decision of the director of the division of labor and to make a decision on such appeal. However, due to a technical defect in the amendments, these responsibilities of the Commission are not clearly delineated and will be clarified by the State either through a legal interpretation or further amendment of section 8-1-107 of the Colorado Revised Statutes (1974 edition).

(3) In developing and promulgating standards, the standards board is required to consider the economic feasibility of such standards.

(4) The definition of "willful violation" has been statutorily defined. A willful violation is defined as one which exists where:

(a) The employer commits an intentional and knowing violation of [the Act] or of the standards, regulations, or orders promulgated pursuant to [the Act], and the employer is conscious of the fact that what he is doing constitutes a violation of [the Act];

(b) Even though the employer is not consciously violating [the Act], he is aware that a hazardous condition exists and makes no reasonable effort to eliminate the condition; or

(c) The employer knowingly exposes his employee to hazardous conditions in violation of an abatement order.

(5) The definition of "employer" has been revised to include each Home Rule City and Town, Territorial Chapter City and Town and Statutory City and Town rather than each city and town as under the enabling legislation.

(6) Other amendments to the legislation concern minor revisions and reorganizations of the original enabling legislation for the purpose of clarification and consistency.

3. *Location of the plan and its supplement for inspection and copying.* A copy of the supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Room N-3112, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 15010, Federal Building, 1961 Stout Street, Denver, Colorado 80202; and the Office of the Director, Department of Labor and Employment, 200 East Ninth Avenue, Denver, Colorado 80203.

4. *Public participation.* Interested persons are given until May 6, 1976, to submit written data, views and arguments concerning whether the supplements should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplement by filing particularized written objections within the time allotted for comments specified above. If in the opinion of the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) substantial objections are filed which warrant further public discusssion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart M of Part 1952 and initiate appropriate further proceedings, if necessary.

(Secs. 8(g)(2), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667))

Signed at Washington, D.C. this 31st day of March 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-9827 Filed 4-5-76;8:45 am]

STATES WITHOUT APPROVED PRIVATE EMPLOYEE PLANS

[29 CFR Part 1956]

Development and Enforcement of Standards Applicable to State and Local Government Employees

Notice is hereby given that under the authority of sections 8(g)(2) and 18 (29 U.S.C. 657(g)(2) and 667) of the Occupational Safety and Health Act of 1970 (hereinafter referred to as the Act) it is proposed to amend 29 CFR Chapter XVII by adding a new Part thereto designated Part 1956.

The new Part 1956 adapts the criteria and procedures of Parts 1902, 1953, 1954, and 1955 of Chapter XVII to State plans for administration and enforcement of occupational safety and health laws covering State and local government employees where no coverage of private employers and employees is provided by the State. Provision for such special plans under section 18 of the Act was discussed by the National Advisory Committee on Occupational Safety and Health at its meeting of February 26, 1976, and publication of proposed regulations to provide such coverage was recommended by that group.

Section 3(5) of the Act expressly excludes States and their political subdivisions from the term "employer", and thus the provisions of the Act relating to the Federal enforcement authority do not apply to State and local governments or to their public employees. Federal government employees, however, are covered by the separate provisions of section 19 of the Act placing the responsibility on each Federal agency to establish and maintain its own occupational safety and health program which must be consistent with Federal occupational safety and health standards applicable to private employment. The Act does not provide central administration or central funding of such programs.

Under section 18(c) of the Act, one of the indispensable criteria for approvability of a State plan covering private employees in a State is that the State will to the extent permitted by its law establish and maintain an effective and comprehensive occupational safety and health program applicable to all employees of public agencies of the State and its political subdivisions, which program is as effective as the standards contained in an approved plan applicable to private employees. The Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) has set forth the minimum requirements for meeting this criteria in 29 CFR 1952.11 (40 FR 58550). Basically, these requirements are: Coverage of all public employees wherever the State is legislatively able to do so; application of standards and standards procedures as effective as those applicable to private employees under the plan; enforcement of such standards under the authority and control of the designated agency under the plan with required minimum elements of enforcement effectiveness.

Thus, where a State has a State plan applicable to its private employees approved under section 18(c) of the Act, public employees in the State are assured of occupational safety and health protection. Where no such approved plan is in effect, State and local public employees are not covered by the Federal provisions; however, under section 18(a) of the Act, States are not precluded from providing protection for such employees. No Federal requirements or funding, however, would be applicable to such protection.

The basic purpose and policy of the Act is to "assure so far as possible every working man and woman in the Nation safe and healthful working conditions." The Act provides that this purpose is to be implemented, among other things, by encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws through Federally approved and financially assisted plans. It is wholly consonant with this policy to encourage State coverage of State and local government employees, particularly since the Federal government is precluded from doing so under the Act's definition of the term "employer" which excludes State and local governments.

Under section 18(b) of the Act, a State may submit a plan, which must meet all the criteria of section 18(c), for the development and enforcement of standards relating to any occupational safety and health issue with respect to which a Federal standard has been promulgated under section 6 of the Act. Such Federal standards, although not in effect with regard to public employment, are promulgated with respect to issues dealing with hazards found in public employment, such as construction, walking and working surfaces, electrical, etc.

Under § 1902.2(c) of Chapter XVII, a State may define an issue as those set out in 29 CFR Part 1910 or as any other industrial, occupational, or hazard grouping that is found to be "administratively practicable and * * * not in conflict with the purposes of the Act." A State plan covering only public employees in the State, incorporating all the Federal or "at least as effective as" standards applicable to public employment hazards, meets both these requirements.

It is clear that a State plan covering only public employees submitted under section 18(b), as in the case with any State plan, must address all the criteria of section 18(c). This include the criteria in section 18(c)(6), establishing the basis of effectiveness to be that of coverage of private employees and requiring comprehensive coverage of public employees in the State. Thus, the plan must provide for an agency, or agencies, responsible for administering the plan throughout the State; provide for the development and enforcement of standards as effective as the Federal standards applicable to private employees; provide for a right of entry with the prohibition against advance notice; provide that the designated agency or agencies has necessary legal authority and qualified personnel for enforcement of such standards; provide adequate funding for administration and enforcement of standards; provide for employer reporting and recordkeeping; provide for designated agency reports to the Assistant Secretary as required; in addition to coverage of all public employees under section 18(c)(6).

Upon approval, a plan, covering all public employees and meeting the criteria of section 18(c), although not subject to discretionary 18(e) enforcement authority, would be subject to continuous monitoring under section 18(f), and to withdrawal of approval and Federal funding upon failure to comply substantially with any approved provisions and assurances. Within the terms of section 18(c) and § 1902.2(b) of Chapter XVII, such a plan may be developmental in meeting the criteria and indices of effectiveness. Thus, although there would be no determination with regard to withdrawal of Federal enforcement authority with regard to the public employee plan, there would be a determination that the State has met its developmental steps in the required time frame.

Accordingly, the proposed new Part 1956 setting forth procedures and requirements for State plans covering public employees in States without approved private employee plans is set forth below.

Interested persons are given until May 6, 1976, to submit written comments, suggestions or objections regarding the proposed Part 1956 to the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Docket No. SP-7, Room N-3112, 200 Constitution Avenue NW., Washington, D.C. 20210.

Comments received will be available for public inspection and copying during normal business hours at the above address. The proposed rules may be revised prior to final publication to reflect suggestions contained in the comments.

PART 1956—STATE PLANS FOR THE DEVELOPMENT AND ENFORCEMENT OF STATE STANDARDS APPLICABLE TO STATE AND LOCAL GOVERNMENT EMPLOYEES IN STATES WITHOUT APPROVED PRIVATE EMPLOYEE PLANS

Subpart A—General

Sec.

Subpart B—Criteria

Subpart C—Approval, Changes, Evaluation and Withdrawal of Approval Procedures

Sec.

Subpart D—General Provisions and Conditions [Reserved]

Subpart E—Decision of Approval [Reserved]

AUTHORITY: Secs. 8(g)(2), 18 Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g) 667).

§ 1956.1 Purpose and scope.

(a) This Part sets forth procedures and requirements for approval, continued evaluation and operation of State plans submitted under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for the development and enforcement of State standards applicable to State and local government employees in States without approved private employee plans. Although section 2(b) of the Act sets forth the policy of assuring every working man and woman safe and healthful working conditions, State and local government agencies are excluded from the definition of "employer" in section 3(5). Only under section 18 of the Act are such public employees assured protection under the provisions of an approved State plan. Where no such plan is in effect with regard to private employees, State and local government employees have not heretofore been assured any protections under the Act. Section 18(b), however, permits States to submit plans with respect to any occupational safety and health issue with respect to which a Federal standard has been promulgated under section 6 of the Act. Under § 1902.2(c) of this Chapter an issue is defined as "any • • • industrial, occupational, or hazard grouping that is found to be administratively practicable and • • • not in conflict with the purposes of the Act." Since Federal standards are in effect with regard to hazards found in public employment, a State plan covering this occupational category meets the definition of section 18 and the regulations. It is the purpose of this Part to assure the availability of the protections of the Act to public employees where no State plan covering private employees is in effect by adapting the requirements and procedures applicable to State plans covering private employees to the situation where State coverage under section 18(b) is proposed for public employees only.

(b) In adapting these requirements and procedures, consideration should be given to differences between public and private employment. For instance, a system of monetary penalties applicable to violations of public employers may not necessarily be the only appropriate method of achieving compliance. Further, the impact of the lack of Federal enforcement authority application to public employers requires certain adjustment of private employer plan procedures in adapting them to plans covering only public employees in a State.

§ 1956.2 General policies.

(a) *Policy.* The Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) will approve a State plan which provides an occupational safety and health program for the protection of State and local government employees (hereinafter State and local government employees are referred to as public employees) that in his judgment meets or will meet the criteria set forth in § 1956.10. Included among these criteria is the requirement that the State plan for public employees (hereinafter such a plan will be referred to as the plan) provide for the development and enforcement of standards relating to issues covered by the plan which are or will be at least as effective in providing safe and healthful employment and places of employment for public employees as standards promulgated and enforced under section 6 of the Act. In determining whether a plan satisfies the requirement of effectiveness, the Assistant Secretary will measure the plan against the indices of effectiveness set forth in § 1956.11.

(b) *Developmental plan.* (1) Although a State plan for an occuptional safety and health program for public employees, upon submission, does not fully meet the criteria set forth in § 1956.10, the plan may nevertheless be approved if it includes satisfactory assurances by the States that it will take the necessary steps to bring the program into conformity with these criteria within the 3-year period immediately following the commencement of the plan's operation. In such case, the plan shall include the specific actions the State proposes to take and a time schedule for their accomplishment which is not to exceed 3 years, at the end of which time the plan will meet the criteria in § 1956.10. A developmental plan shall include the dates within which intermediate and final action will be accomplished. If necessary program changes require executive action by the Governor or legislative action by the State, a copy of the appropriate order, or of the bill or a draft of legislation that will be or has been proposed for enactment shall be submitted, accompanied by (i) a statement of the Governor's support of the legislation and (ii) a statement of legal opinion that the proposed legislation will meet the requirements of the Act and this part in a manner consistent with the State's constitution and laws. Although implementing legislation or administrative actions may be developmental to be considered for approval, a State plan for public employees must provide evidence of basic State constitutional and/or legal authority allowing coverage of State and local government employees to the fullest extent possible, including authority for enforcement of standards.

(2) On the basis of the State's submission, the Assistant Secretary will approve the plan, if he finds that there is a reasonable expectation that the plan for public employees will meet the criteria in § 1956.10 within the indicated period. In such cases, the Assistant Secretary shall not make a determination that a State is fully applying the criteria in § 1956.10 until the State has completed all the developmental steps specified in the plan which are designed to make it at least as effective as the Federal program for the private sector, and the Assistant Secretary has had at least 1 year to evaluate the plan on the basis of actual operations following the completion of all developmental steps. If at the end of 3 years from the date of commencement of the plan's operation, the State is found by the Assistant Secretary, after affording the State notice and an opportunity for a hearing, not to have substantially completed the developmental steps of the plan, he shall withdraw his approval of the plan.

(c) *Scope of a State plan for public employees.* (1) A State plan for public employees must provide for the coverage of both State and local government employees to the full extent permitted by the State legislative authority under its constitution. The qualification "to the extent permitted by its law" was provided to recognize the situation where a State may not constitutionally regulate public employees of certain political subdivisions.

(2) Each plan shall list the State and local government agencies covered by State health and safety legislative authority, and the industrial, occupational, or hazard issue for which Federal standards promulgated under section 6 of the Act are in effect for private employment, which regulate hazards in the employment in each such public agency, with an explanation, supported by appropriate data, for any variations the State proposes for application of comparable, at least as effective State standards to the hazards.

§ 1956.10 Specific criteria.

(a) *General.* A State plan for public employees must meet the specific criteria set forth in this section.

(b) *Designation of State agency.* (1) The plan shall designate a State agency or agencies which will be responsible for administering the plan throughout the State.

(2) The plan shall also describe the authority and responsibilities vested in such agency or agencies. The plan shall contain assurances that any other responsibilities of the designated agency shall not detract significantly from the resources and priorities assigned to the administration of the plan.

(3) A State agency or agencies must be designated with overall responsibility for administering the plan throughout

the State. However, if allowed by the State constitution and/or State law, individual State agencies and political subdivisions of the State may have the responsibility and authority for the development and/or enforcement of standards, provided that the designated State agency or agencies are given adequate authority by statute, regulation or agreement, to insure that the commitments of the State under the plan will be fulfilled.

(c) *Standards.* (1) The State plan for public employees shall include or provide for the development or adoption of standards which are or will be at least as effective as those promulgated under section 6 of the Act. The plan shall also contain assurances that the State will continue to develop or adopt such standards. Indices of the effectiveness of standards and procedures for the development or adoption of standards against which the Assistant Secretary will measure the plan in determining whether it is approvable are set forth in § 1956.11 (b).

(2) The State plan shall not include standards for products distributed or used in interstate commerce which are different from Federal standards for such products unless such standards are required by compelling local conditions and do not unduly burden interstate commerce. This provision, reflecting section 18(c)(2) of the Act, is interpreted as not being applicable to requirements for customized products or for parts not normally available on the open market, or to requirements for optional parts or additions to products which are ordinarily available with such optional parts or additions.

(d) *Enforcement.* (1) The State plan for public employees shall provide a program for the enforcement of the State standards which is, or will be, at least as effective as that provided private employees under the Federal standard, and shall provide assurances that the State's enforcement program for public employees will continue to be at least as effective as the Federal program in the private sector. Indices of the effectiveness of a State's enforcement plan against which the Assistant Secretary will measure the plan in determining whether it is approvable are set forth in § 1956.11(c).

(2) The plan shall require State and local government agencies to comply with all applicable State occupational safety and health standards included in the plan and with all applicable rules issued thereunder, and shall require employees to comply with all standards, rules, and orders applicable to their conduct.

(e) *Right of entry and inspection.* The plan shall contain adequate assurances that inspectors will have authority to enter covered workplaces which authority is at least as effective as that provided in section 8 of the Act for the purpose of inspection or monitoring. Where such entry is refused, the State agency or agencies shall have the authority through appropriate legal process to compel such entry.

(f) *Prohibition against advance notice.* The State plan shall contain a prohibition against giving advance notice of inspections. Any exception must be expressly authorized by the head of the designated agency or agencies or his representative and such exceptions may be no broader than those authorized under the Act and the rules published in Part 1903 of this chapter relating to advance notice.

(g) *Legal authority.* The State plan shall contain satisfactory assurances that the designated agency or agencies, have, or will have, the legal authority necessary for the enforcement of its standards.

(h) *Personnel.* The plan shall provide assurances that the designated agency or agencies and all State and local government agencies to which authority has been delegated, have, or will have, a sufficient number of adequately trained and qualified personnel necessary for the enforcement of standards. For this purpose, qualified personnel means persons employed on a merit basis, including all persons engaged in the development of standards and the administration of the plan. Conformity with the Standards for a Merit System of Personnel Administration, 45 CFR Part 70, issued by the Secretary of Labor, including any amendments thereto, and any standards prescribed by the U.S. Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970 modifying or superseding such standards, will be deemed to meet this requirement.

(i) *Resources.* The plan shall contain satisfactory assurances through the use of budget, organizational description, and any other appropriate means, that the State will devote adequate funds to the administration and enforcement of the public employee program. The Assistant Secretary will make periodic evaluations of the adequacy of the resources the State has devoted to the plan.

(j) *Employer records and reports.* The plan shall provide assurances that public employers covered by the plan will maintain records and make reports on occupational injuries and illnesses in a manner similar to that required of private employers under the Act.

(k) *State agency reports to the Assistant Secretary.* The plan shall provide assurances that the designated agency or agencies shall make such reasonable reports to the Assistant Secretary in such form and containing such information as he may from time to time require. The agency or agencies shall establish specific goals, consistent with the goals of the Act, including measures of performance, output and results which will determine the efficiency and effectiveness of the State program for public employees and shall make periodic reports to the Assistant Secretary on the extent to which the State, in implementation of its plan, has attained these goals. Reports will also include data and information on the implementation of the specific inspection and voluntary compliance activities included within the plan. Further, reports containing statistical information pertaining to work-related deaths, injuries and illnesses in employments and places of employment covered by the plan shall be provided by the designated agency or agencies to the Assistant Secretary as he may from time to time require.

§ 1956.11 Indices of effectiveness.

(a) *General.* In order to satisfy the requirements of effectiveness under § 1956.10(c)(1) and (d)(1), the State plan for public employees shall:

(1) Establish the same standards, procedures, criteria and rules as have been established by the Assistant Secretary under the Act, or

(2) Establish alternative standards, procedures, criteria, and rules which will be measured against each of the indices of effectiveness in paragraphs (b) and (c) of this section to determine whether the alternatives are at least as effective as the Federal program for private employees, where applicable, with respect to the subject of each index. For each index, the State must demonstrate by the presentation of factual or other appropriate information that its plan for public employees will to the extent practicable be at least as effective as the Federal program for private employees.

(b) *Standards.* (1) The indices for measurement of a State plan for public employees with regard to standards follow in paragraph (b)(2) of this section. The Assistant Secretary will determine whether the State plan for public employees satisfies the requirements of effectiveness with regard to each index as provided in paragraph (a) of this section.

(2) The Assistant Secretary will determine whether the State plan for public employees:

(i) Provides for State standards which are or will be at least as effective as the standards promulgated under section 6 of the Act. In the case of any State standards dealing with toxic materials or harmful physical agents, the standards should adequately assure, to the extent feasible, that no public employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life, by such means as, in the development and promulgation of standards, obtaining the best available evidence through research, demonstration, experiments, and experience under this and any other safety and health laws.

(ii) Provides an adequate method to assure that the plan's standards will continue to be at least as effective as Federal standards, including Federal standards which become effective subsequent to any approval of the plan.

(iii) Provides a procedure for the development and promulgation of standards which allows for the consideration of pertinent factual information and affords interested persons, including public employees, their employers and the public an opportunity to participate in such processes, by such means as

establishing procedures for consideration of expert technical knowledge, and providing interested persons, including employers, employees, recognized standards-producing organizations, and the public an opportunity to submit information requesting the development or promulgation of new standards or the modification or revocation of existing standards and to participate in any hearings. This index may also be satisfied by such means as the adoption of Federal standards, in which case the procedures at the Federal level before adoption of a standard under section 6 may be considered to meet the conditions of this index.

(iv) Provides authority for the granting of variances from State standards upon application of a public employer or employers which correspond to variances authorized under the Act, and for consideration of the views of interested parties, by such means as giving affected public employees notice of each application and an opportunity to request and participate in hearings on other appropriate proceedings relating to applications for variances.

(v) Provides for prompt and effective standards setting actions for the protection of public employees against new and unforeseen hazards, by such means as the authority to promulgate emergency temporary standards. Such authority is particularly appropriate for those situations where public employees are exposed to unique hazards for which existing standards do not provide adequate protection.

(vi) Provides that State standards contain appropriate provision for the furnishing to public employees of information regarding hazards in the workplace, including information about suitable precautions, relevant symptoms, and emergency treatment in case of exposure, by such means as labelling, posting, and, where appropriate, medical examination being furnished without cost to public employees, with the results furnished only to appropriate Federal and State officials and, if the employees so requests, to his physician.

(vii) Provides that State standards, where appropriate, contain specific provision for the protection of public employees from exposure to hazards, by such means as containing appropriate provision for the use of suitable protective equipment and for control or technological procedures with respect to such hazards, including monitoring or measuring such exposure.

(c) *Enforcement.* (1) The indices for measurement of a State plan for public employees with regard to enforcement follow in paragraph (c)(2) of this section. The Assistant Secretary will determine whether the plan satisfies the requirements of effectiveness with regard to each index as provided in paragraph (a) of this section.

(2) The Assistant Secretary will determine whether the State plan for public employees:

(i) Provides for inspection of covered workplaces in the State by the designated agency or agencies or any other agency which is duly delegated authority, including inspections in response to complaints where there are resonable grounds to believe a hazard exists, in order to assure, so far as possible, safe and healthful working conditions for covered public employees by such means as providing for inspections under conditions such as those provided in section 8 of the Act.

(ii) Provides an opportunity for public employees and their representatives, before, during, and after inspections, to bring possible violations to the attention of the State or local agency with enforcement responsibility in order to aid inspections, by such means as affording a representative of the employer and a representative authorized by the employees an opportunity to accompany the inspector during the physical inspection of the workplace, or where there is no authorized representative, consultation by the inspector with a reasonable number of employees.

(iii) Provides for the notification of public employees, or their representatives, when the State decides not to take compliance action as a result of violations alleged by the employees or their representatives; provides for informal review of the decisions, by such means as written notification of decisions not to take compliance action and of the reasons therefor; provides procedures for informal review of the decisions; and further provides for written statements of the disposition of the review.

(iv) Provides that public employees be informed of their protections and obligations substantially similar to those provided under the Act, including the provisions of applicable standards, by such means as the posting of notices or other appropriate sources of information.

(v) Provides necessary and appropriate protection to a public employee against discharge or discrimination in terms and conditions of employment because he has filed a complaint, testified, or otherwise acted on his own behalf, or that of others, to exercise rights under the State program for public employees, by such means as providing for appropriate sanctions against the State or local agency for discriminatory actions and by providing, upon request, for the withholding from the employer the names of complainants.

(vi) Provides that public employees have access to information on their exposure to toxic materials or harmful physical agents and receive prompt information when they have been or are being exposed to such materials or agents in concentrations or at levels in excess of those prescribed by the applicable safety and health standards, by such means as the observation by employees of the monitoring or measuring of such materials or agents, employee access to the records of such monitoring or measuring, prompt notification by a public employer to any public employee who has been or is being exposed to such agents or materials in excess of the applicable standards, and information to such employee of corrective action being taken.

(vii) Provides procedures for the prompt restraint or elimination of any conditions or practices in covered places of employment which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided for in the plan, by such means as immediately informing public employees and employers of such hazards, taking steps to obtain immediately abatement of the hazard by the employer, and where appropriate, authority to initiate necessary legal proceedings to require such abatement.

(viii) Provides that the designated agency (or agencies) and any agency to which it has duly delegated authority, will have the necessary legal authority for the enforcement of standards by such means as provisions for appropriate compulsory process to obtain necessary evidence or testimony in connection with inspection and enforcement proceedings.

(ix) Provides for prompt notice to public employers and public employees when an alleged violation of standards has occurred, including the proposed abatement requirements, by such means as the issuance of a written citation to the public employer and posting of the citation at or near the site of the violation; further provides for advising the public employer of any proposed sanctions, wherever appropriate, by such means as a notice to the employer by certified mail within a reasonable time of any proposed sanctions.

(x) Provides effective sanctions against public employers who violate State standards and orders. Such sanctions may, but need not, be monetary sanctions similar to those prescribed in the Act. Alternative sanctions or means of assuring compliance must provide employee protection which will be at least as effective as that provided by the Federal program in the private sector.

(xi) Provides for a public employer to have the right of review of violations alleged by the State or any agency to which it has duly delegated authority, abatement periods and proposed penalties, where appropriate, and for public employees or their representatives to have an opportunity to seek review of abatement periods and to participate in review proceedings, by such means as providing for administrative review, with an opportunity for a full hearing on the issues.

(xii) Provides that the State will undertake programs to encourage voluntary compliance by public employers and employees by such means as conducting training and consultation with such employers and employees, and encouraging agency self-inspection programs.

(d) *Additional indices.* Upon his own motion or after consideration of data, views, and arguments received in any

proceedings held under Subpart C of this part, the Assistant Secretary may prescribe additional indices for any State plan for public employees which shall be in furtherance of the purpose of this section.

§ 1956.12 Intergovernmental Cooperation Act of 1968.

This part shall be construed in a manner consistent with the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4201–4233), and any regulations pursuant thereto .

§ 1956.13 Consultation with National Institute for Occupational Safety and Health.

The Assistant Secretary will consult, as appropriate, with the Director of the National Institute for Occupational Safety and Health with regard to plans submitted by the States under this part.

Subpart C—Approval, Change, Evaluation and Withdrawal of Approved Procedures

§ 1956.20 Procedures for submission, approval and rejection.

The procedures contained in Subpart C of Part 1902 of this Chapter shall be applicable to submission, approval, and rejection of State plans submitted under this Part, except that information required in § 1902.20(b)(1)(iii) would not be included in decisions of approval.

§ 1956.21 Procedures for submitting changes.

The procedures contained in Part 1953 of this Chapter shall be applicable to submission and consideration of developmental, Federal program, evaluation, and State initiated change supplements to plans approved under this Part.

§ 1956.22 Procedures for evaluation and monitoring.

The procedures contained in Part 1954 of this Chapter shall be applicable to evaluation and monitoring of State plans approved under this part, except that the decision to relinquish Federal enforcement authority under section 18(e) of the Act is not relevant to Phase II and III monitoring under § 1954.2 and the guidelines for exercise of Federal discretionary enforcement authority provided in §1954.3 are not applicable to plans approved under this Part. Under this Part 1956, Phase II Monitoring would commence whenever the plan has achieved all it developmental steps within a maximum period of three years after plan approval and Phase III monitoring would generally commence and continue for one year thereafter. The factors listed in § 1902.37(b) of this chapter, except those specified in § 1902.37(b) (11) and (12), which would be adapted to the State compliance program, provide the basis for Phase II monitoring.

§ 1956.23 Procedures for certification of completion of development and determination on application of criteria.

The procedures contained in §§ 1902.33 and 1902.34 of this Chapter shall be applicable to certification of completion of development steps under plan approved in accordance with this Part. Such certification shall initiate Phase II of the monitoring of actual operations of the developed plan, which shall continue for at least a year after certification, at which time a determination shall be made under the procedures and criteria of §§ 1902.38, 1902.39, 1902.40 and 1902.41, that on the basis of actual operations, the criteria set forth in §§ 1956.10 and 1956.11 of this Part are being applied under the plan. The factors listed in § 1902.37(b) of this Chapter, except those specified in § 1902.37(b) (11) and (12), which would be adapted to the State's compliance program, provide the basis for making the determination of operational effectiveness.

§ 1956.24 Procedures for withdrawal of approval.

The procedures and standards contained in Part 1955 of this Chapter shall be applicable to the withdrawal of approval of plans approved under this Part 1956, except that no industrial or occupational issues may be considered a separable portion of a plan under § 1955.2(a)(10); and, as Federal standards and enforcement do not apply to State and local government employers, withdrawal of approval of a plan approved under this Part 1956 could not bring about application of the provisions of the Federal Act to such employers as set out in § 1955.4 of this Chapter.

Subpart D—General Provisions and Conditions [Reserved]

Subpart E—Decision of Approval [Reserved]

Signed at Washington, D.C. this 31st day of March 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-9828 Filed 4-5-76;8:45 am]

notices

DEPARTMENT OF THE TREASURY

Customs Service

CERTAIN SCISSORS AND SHEARS FROM BRAZIL

Receipt of Countervailing Duty Petition and Initiation of Investigation

A petition in satisfactory form was received on February 9, 1976, alleging that payments or bestowals, conferred by the Government of Brazil upon the manufacture, production or exportation of certain scissors and shears from Brazil constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

The scissors and shears are provided for in the Tariff Schedules of the United States as scissors and shears valued at more than $1.75 per dozen under item number 650.91.

Pursuant to section 303(a)(4) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Department of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of that statute within 6 months of the receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final decision must be issued within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than August 9, 1976, as to whether or not the alleged payments or bestowals, conferred by the Government of Brazil upon the manufacture, production, or exportation of the above described merchandise constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determinuation will be issued no later than February 9, 1977.

This notice is published pursuant to section 303(a)(3) Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)) and section 159.47(c), Customs Regulations (19 CFR 159.47(c)).

LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: March 31, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-9663 Filed 4-5-76;8:45 am]

[T.D. 76-100]

GENERALIZED SYSTEM OF PREFERENCES

Cost Or Value of Materials Produced in the Beneficiary Developing Country

MARCH 30, 1976.

Since the implementation of the Generalized System of Preferences (GSP) under Title V of the Trade Act of 1974 (Public Law 93-618, 88 Stat. 1978), hereinafter referred to as the "Trade Act", and the promulgation of sections 10.171-10.178 of the Customs Regulations (19 CFR 10.171-10.178) thereunder, a number of questions have been presented concerning what materials produced in the beneficiary developing country are to be included in the computation of the 35 percent criterion under Section 503 of the Trade Act. The following interpretations are being published in order to respond to those questions.

It is the position of the United States Customs Service that duty-free treatment under GSP will be accorded to an eligible article imported directly from a beneficiary developing country only if the sum of (1) the cost or value of the materials produced in the beneficiary developing country, as determined under the applicable law and Customs Regulations, plus (2) the direct costs of processing operations performed in such beneficiary developing country is not less than 35 percent of the value of the article as appraised in accordance with section 402 or 402a, Tariff Act of 1930, as amended (19 U.S.C. 1401a, 1402). The 35 percent criterion can be satisfied entirely by the cost or value of materials produced in the beneficiary developing country, the direct costs of processing operations, or, any combination of the two.

Section 10.177 of the Customs Regulations interprets the words "materials produced in the beneficiary developing country" as used in section 503(b)(2)(A)(i) of the Trade Act to include only constituent materials of which the eligible article is composed which are substantially transformed in the beneficiary developing country into new and different materials or articles of commerce, or which are wholly the growth, product or manufacture of the beneficiary developing country. Therefore, to be included as part of the 35 percent criterion a constituent element of the eligible article which is not wholly the growth, product, or manufacture of the beneficiary developing country must have undergone a substantial transformation in the beneficiary developinng country. That substantial transformation must result in a new material or article which is used in producing the eligible article which is exported directly to the United States. Such materials or articles which qualify for inclusion in the 35 percent requirement are referred to in this Treasury Decision as "substantially transformed constituent materials."

The following examples, which assume direct shipment from the beneficiary developing country to the United States, show the application of these rules:

Example No. 1. A product has an appraised value of $100. The composition of the product includes $20 of materials produced in the beneficiary developing country and the direct costs of processing operations amount to $20. Since the materials produced in the beneficiary developing country plus the direct costs of processing operations exceed 35 percent of the appraised value, the product qualifies for duty-free treatment.

Example No. 2. The product has an appraised value of $100. Materials valued at $20 are imported into the beneficiary developing country where they are substantially transformed into a new and different article. The value of the new article is $30. This new article then becomes a constituent element of the eligible article which is exported to the U.S. The direct costs of processing operations performed on the new article in order to manufacture it into the eligible article are $10. The value of the substantially transformed constituent material, $30, plus the direct costs of processing, $10, exceed 35 percent of the appraised value of the eligible article. Hence, the eligible article qualifies for duty-free treatment.

Example No. 3. The product has an appraised value of $100. Materials valued at $20 are imported into the beneficiary developing country where they are manufactured directly into an article which is exported to the U.S. The direct costs of processing operations amount to $30. The materials processed into the finished article are not themselves produced in the beneficiary developing country. Therefore the value of those materials cannot be added to the direct costs for processing operations to make up the 35 percent requirement.

Generally, goods that are undefined in final dimensions and shapes are considered materials, while goods that have been processed into a completed device or contrivance ready for ultimate use are not considered materials. For example, raw skins imported into a beneficiary developing country and tanned into leather could be a substantially transformed constituent material when used in the subsequent manufacture of a leather coat. Similarly, materials processed into certain articles may be considered substantially transformed constituent materials. For example, gold bars which are imported into a beneficiary developing country are cast into mountings—rings in which a stone is not yet set. Such mountings are substantially transformed constituent materials of the eligible articles of jewelry when those mountings become constituent elements of a ring mounted with a precious stone of the beneficiary developing country and then exported directly from that beneficiary developing country.

Articles produced by the joining and fitting together of components are not considered substantially transformed constituent materials. Articles of this kind may well have been substantially transformed, but they are not produced from substantially transformed constituent materials. Under this criterion, partially completed components which are completed and assembled in the beneficiary developing country into finished articles or components do not qualify as substantially transformed constituent materials. By the same token, most assembly operations and operations incidental to assembly will not qualify. For example, various electronic components and a bare but otherwise finished circuit board are imported into a beneficiary developing country and there assembled by soldering into an assembled circuit board for a computer. Although substantially transformed, the fabricated unit is not a substantially transformed constituent material of the computer, the exported eligible article produced in the beneficiary developing country.

Further questions concerning the interpretation of the term "materials" for GSP purposes may be submitted in accordance with Part 177 of the Customs Regulations (19 CFR Part 177). (043986) (CLA-2:R:CV:S)

LEONARD LEHMAN,
Assistant Commissioner, Regulations and Rulings.

[FR Doc.76-9712 Filed 4-5-76;8:45 am]

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 76-2; Reference: ATF O 1100.61]

DIRECTOR, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Authority to Maintain the National Firearms Registration and Transfer Record

Delegation Order. 1. Purpose. This Order delegates the authority to maintain custody and control of the National Firearms Registration and Transfer Record, and the authority to execute certifications relative thereto.

2. Cancellation. ATF Delegation Order No. 48, "Authority to maintain the National Firearms Registration and Transfer Record," dated December 29, 1972, is hereby cancelled.

3. Background. The authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, to maintain a central registry of all firearms in the United States which are not in the possession of or under the control of the United States, is contained in 27 CFR 179.101.

4. Delegation. a. Pursuant to the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by 27 CFR 179.101, there is hereby delegated to the Chief, Technical Services Division, the custody and control of the National Firearms Registration and Transfer Record, and the authority to execute certifications relative thereto.

b. The authority delegated herein, may be redelegated to Criminal Investigators, NFA Coordinators, NFA Specialists, Document Examiners in the National Firearms Act Branch, and Firearms Enforcement Officers who are named in redelegations of authority.

Signed: March 31, 1976.

REX D. DAVIS,
Director.

[FR Doc.76-9764 Filed 4-5-76;8:45 am]

Fiscal Service

(Dept. Circ. 570, 1975 Rev., Supp. No. 16)

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

Certificate of Authority

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $50,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated

Washington International Insurance Company
Phoenix, Arizona
Arizona

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Government Financial Operations, Audit Staff, Washington, D.C. 20226.

Dated: April 1, 1976.

S. COX,
Acting Fiscal Assistant Secretary.

[FR Doc.76-9829 Filed 4-5-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

UNDERWATER SOUND ADVISORY COMMITTEE

Establishment, Organization and Functions

In accordance with the provisions of Public Law 92-463, Federal Advisory Committee Act, notice is hereby given that the Underwater Sound Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed by the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory Committee and concurs with its establishment.

The nature and purpose of the Underwater Sound Advisory Committee is indicated below:

The purpose of the Underwater Sound Advisory Committee is to make available to the Navy technical guidance in scientifice areas relating to underwater acoustics and in developing improved means of exchange of information with other scientific establishments.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

APRIL 1, 1976.

[FR Doc.76-9761 Filed 4-5-76;8:45 am]

Office of the Secretary of Defense

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

The DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, 9th Floor, New York, New York 10014 on 20 April 1976.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of Electron Devices.

The meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The AGED will review programs on microwave devices, night vision devices, lasers, infrared systems, and microelectronics. The review will include classified program details throughout.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

APRIL 1, 1976.

[FR Doc.76-9812 Filed 4-5-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 28632-RW]

ROCKY MOUNTAIN NATURAL GAS CO.

Notice of Pipeline Application

MARCH 24, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Rocky Mountain Natural Gas Company, P.O. Box 700, Glenwood Springs, Colorado 81601, has applied for right-of-way C-23632 to include a 4½ inch o.d. natural gas gathering pipeline crossing approximately 8,129.3 feet of the following described National Resource Land in Mesa County, Colorado.

T 8 S., R. 104 W., 6th P.M.,
Sec. 33: SE¼, SE¼NW¼, SW¼NW¼.
T. 9 S., R. 104 W., 6th P.M.,
Sec. 3: Lot 6.

The facility will enable applicant to construct, operate and maintain the subject natural gas gathering pipeline and meet applicant's customer requirements for additional natural gas.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas gathering pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

RODNEY A. ROBERTS,
Acting Chief, Branch of Land Operations.

[FR Doc.76-9690 Filed 4-5-76;8:45 am]

[Wyoming 54524]

WYOMING

Notice of Application

MARCH 26, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Belle Fourche Pipeline Company has applied for a crude oil pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 36 N., R. 69 W.,
Sec. 19.

The pipeline will convey crude oil from wells located in secs. 19 and 20, T. 36 N., R. 69 W., to an existing facility in sec. 31, T. 36 N., R. 69 W., Converse County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 2834, Casper, Wyoming 82601.

HAROLD G. STINCHCOMB,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-9691 Filed 4-5-76;8:45 am]

NATIONAL ADVISORY BOARD

Meeting

Notice is hereby given that the National Advisory Board of the Bureau of Land Management, Department of the Interior, will meet in the Ramada Inn, Casper, Wyoming, May 24-27, 1976. Beginning at 8:00 a.m. on Monday, May 24, the Steering Committee of the Board will meet. The next morning, May 25, the full Board will gather at 8:00 a.m. to hear the report of the Bureau Director, as well as briefings on topics before the Board for consideration. Committee work will follow, beginning at 11:00 a.m. and continue throughout the day and evening. The committees and their assigned topics are:

Steering. Review of the charter of the National Advisory Board; preparation of recommendations concerning Board size, composition, operations, and 1977 rechartering.

Environmental Impact Statements. Evaluation of the Bureau's livestock grazing and regional coal environmental impact statement programs; make recommendations for process improvement as appropriate.

Legislative. Review of the history and current status of BLM "organic act" and other legislation; prepare recommendations as appropriate.

Recreation. Assess and make recommendations concerning recreation management, cultural and historic preservation and protection, on the National Resource Lands.

Wednesday, May 26, will involve field examination of mining and mineral leasing programs on the National Resource Lands. Members of the public wishing to participate in the field trip will have to furnish their own transportation. May 27, the final day of the meeting, will be devoted to additional committee work, followed by full Board consideration and voting upon committee reports and recommendations.

All meetings of the Board and its committees will be open to the public. Time will be made available by each committee from 11 a.m. to 12 noon on Tuesday, May 25, for brief oral statements by members of the public on the topics assigned to the committees. Such statements are not to exceed ten minutes and must be germane to the topics under consideration. Additionally, such statements are to be reduced to writing and two copies filed with the committee chairperson at the meeting. Anyone wishing to make an oral statement should notify the State Director, Bureau of Land Management, Joseph C. O'Mahoney Federal Center, 2120 Capitol Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001, before the close of business Friday, May 19, 1976. Such notification should specify the topic and committee to be addressed. Also, any interested person or organization may file a written statement with the Board for its consideration. Such may be submitted at the meeting or mailed to the Director (230), Bureau of Land Management, Washington, D.C. 20240. Early mailing of written statements is encouraged to ensure adequate opportunity for Board consideration.

Further information concerning the meeting may be obtained from the Public Affairs Office, Bureau of Land Management, Joseph C. O'Mahoney Federal Center, 2120 Capitol Avenue, Cheyenne, Wyoming 82001. The telephone number is (307) 778-2220.

CURT BERKLUND,
Director.

MARCH 30, 1976.

[FR Doc.70-9692 Filed 4-5-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-125]

CLINCHFIELD COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Clinchfield Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its following mines:

1. *Moss No. 1 Mine.* This mine is located near Dante, Virginia and operates 3 mining sections in seam heights ranging from 38 to 84 inches using a continuous miner with associated roof bolters and shuttle cars with heights from 22 to 34 inches. The primary hazards and problems occur with shuttle cars and roof bolters of 30 to 34 inch height.

2. *Camp Branch Mine.* This mine is located near Dante, Virginia, and operates

3 mining sections in seam heights ranging from 38 to 60 inches, using a continuous miner with associated roof bolters, shuttle cars and drill with heights from 24 to 37 inches. The primary hazards occur with shuttle cars and roof bolters of 24 to 37 inch height.

3. *Open Fork Mine.* This mine is near Dante, Virginia, and operates 1 mining section in seam heights ranging from 38 to 108 inches, using a continuous miner with associated roof bolters and shuttle cars with heights from 27 to 34 inches. The primary hazards occur with shuttle cars and drills of 27 to 34 inch height.

4. *Smith Gap Mine.* This mine is located near Dante, Virginia, and operates 1 mining section in seam heights ranging from 36 to 98 inches using a continuous miner with associated roof bolters and shuttle cars with heights from 21½ to 27 inches. The primary hazards and problem occur with shuttle cars and roof bolters of 21½ to 27 inch height.

5. *Chaney Creek Mine.* This mine is located near Dante, Virginia, and operates 1 section in seam heights ranging from 34 to 108 inches using a continuous miner with associated roof bolters and shuttle cars with heights from 27 to 28½ inches. The primary hazards and problems occur with shuttle cars and roof bolters of 21½ to 27 inch height.

6. *Wilder Mine No. 2.* This mine is located near Dante, Virginia, and operates 2 mining sections in seam heights ranging from 32 to 82 inches using a continuous miner with associated roof bolters and shuttle cars with heights from 27 to 37 inches. The primary hazards and problems occur with shuttle cars and roof bolters of 27 to 37 inches height.

7. *Lambert Fork Mine.* This mine is located near Dante, Virginia, and operates 3 mining sections in seam heights ranging from 38 to 63 inches using a continuous miner with associated roof bolters and shuttle cars with heights from 27 to 40 inches. The primary hazards and problems occur with shuttle cars and roof bolters of 27 to 37 inch height.

8. *Splashdam Deep Mine.* This mine is near Dante, Virginia, and operates 1 mining section in seam heights ranging from 28 to 48 inches using a continuous miner with associated continuous haulage with heights from 20 to 28 inches. The primary hazards and problems occur with continuous haulage of 20 to 28 inch height.

9. *Hagy No. 1.* This mine is located near Dante, Virginia, and operates 1 mining section in seam heights ranging from 24 to 36 inches using a continuous miner with associated continuous haulage with heights from 20 to 24 inches. The primary hazards and problems occur with continuous haulage of 20 to 24 inches.

10. *Hagy No. 2 Mine.* This mine is located near Dante, Virginia, and operates 1 mining section in seam heights ranging from 24 to 36 inches, using a continuous miner with associated continuous haulage with heights from 20 to 24 inches. The primary hazards and problems occur with continuous haulage of 20 to 24 inches.

11. *Birchfield No. 1 Mine.* This mine is located near Dante, Virginia, and operates 1 mining section in seam heights ranging from 24 to 36 inches using a continuous miner with associated continuous haulage with heights from 20 to 24 inches. The primary hazards and problems are with continuous haulage of 20 to 24 inches.

12. *Birchfield No. 2 Mine.* This mine is located near Dante, Virginia, and operates 1 mining section in seam heights ranging from 24 to 36 inches using a continuous miner with associated continuous haulage with heights from 20 to 24 inches. The primary hazards and problems are with continuous haulage of 20 to 24 inches.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.
• • •

The substance of Petitioner's statement is as follows:

1. Petitioner is constantly encountering undulations in the height of its coal seam.

2. As a result of the undulations in seam height the likelihood of jamming the canopy against the roof is increased. Moreover, safe clearance from the roof is not assured in that roof bolts have been and will continue to be shared or dislodged thereby creating a greater risk of roof fall and injury to employees than would exist otherwise.

3. Technology in the industry is not available to design and install canopies on existing equipment which will protect the operators in the conditions described above, insure visibility and safe operability, and prevent the hazards described herein.

(a) Cramped and awkward operator positions cause operators to leave cabs more frequently, and in situations which expose them to hazards of mining equipment.

(b) Poor visibility causes operators to put their heads outside of the equipment, which exposes them to hazards of moving equipment.

(c) Changes in conditions after installation of canopies, caused by variations in seam height and undulations, cause equipment clearance to be inadequate and cause collisions with the top, sheared roof bolts, damaged cross beams, and destroyed equipment and roof support.

4. Existence of the cab itself becomes a hazard in seams, or in portions of seams, in which the Petitioner operates as described above, because present equipment known to the Petitioner limits the paths of escape of an operator faced with a roof or rib fall in a confined space.

5. Much of the equipment used in these mines was not manufactured or designed for the installation of canopies and Petitioner has been unable to construct or purchase suitable canopies without encountering all of the foregoing problems.

6. In petitioning for modification of the mandatory standard herein, Petitioner is forced to request relief from all time limits set forth in 30 CFR 75–1710–1 as applied to date because of the variations described above within each mine. The standard prescribes time limits for use of canopies based upon maximum height within a mine. If the standard becomes immediately applicable throughout the mine, Petitioner is being forced to install canopies in the lower reaches of coal before other coal mine operators in like situations. If the different time limits are to apply to the separate mining sections or other areas in the mines, then Petitioner is faced with a vague situation as mining uncovers new conditions and he is faced with little time to comply or a situation where compliance is impossible as described herein, and his mine may be rendered worthless.

7. In view of the all of the foregoing, Petitioner requests that, since the standard involved herein will result in a diminution of safety at its mines, and since technology is not available at present to satisfactorily accomplish the desired result of increased safety, the standard be modified to not require Petitioner to install canopies at its mines.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 6, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of

the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

MARCH 23, 1976.

[FR Doc.76-9693 Filed 4-5-76;8:45 am]

[Docket No. M 76-112]

OMAR MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Omar Mining Company has filed a petition to modify the application of 30 CFR 75.1405 to its Chesterfield No. 1 Mine and its Chesterfield No. 5 Mine, both located in Boone County, West Virginia.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within four years after March 30, 1970.

The substance of Petitioner's statement is as follows:

1. Section 75.1405-1 of the Regulations issued by the Secretary and pertaining to the above provides generally as follows:

couplers applies only to track haulage cars which are regularly coupled and uncoupled.

2. The Respondent, Mining Enforcement and Safety Administration (MESA), has informed Petitioner that, contrary to earlier practice, § 314(f) and § 75.1405 would be deemed applicable and would be enforced with respect to all vehicles used on track. The application as contemplated by MESA will result in a diminution of safety of the miners in Petitioner's subject mines.

3. Petitioner's No. 1 and 5 mines employ a track and belt coal haulage system. Cars are now being handled and utilized in five (5) car trains. Supply cars are not regularly coupled and uncoupled. They are loaded in trains, transported to the working section and unloaded in unit trains. The cars are not coupled or uncoupled in or out of the mines.

4. Petitioner's Number 5 mine employs a belt coal haulage system exclusively; however, supply cars are utilized but are not regularly coupled and uncoupled. They are loaded in trains, transported into the mines and unloaded in trains and at no time are the cars coupled or uncoupled in or out of Mine Number 5.

5. Petitioner has designed semi-automatic type couplers with external lever apparatus for use on its supply haulage equipment which enables a miner to couple or uncouple said cars without physically positioning himself between the cars. Said system, furthermore, allows closer and more accessible inspection of coupling parts than possible with automatic couplers. Such inspection would aid in the prevention of coupling failure. Petitioner proposes to install said semi-automatic couplers on all of its supply haulage mine cars in the subject mines.

6. Petitioner states that its training program and safety record regarding the use of its coupling system has been excellent in each of its mines.

7. Because of the foregoing facts, installation of automatic couplers on the equipment used on track in the aforesaid mines would, in fact, create additional and high risk hazards not now present, and the use of semi-automatic couplers proposed by the Petitioner on said equipment would not diminish the safety afforded the miners.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 6, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

MARCH 23, 1976.

[FR Doc.76-9694 Filed 4-5-76;8:45 am]

[Docket No. M 76-78]

P AND G COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), P and G Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its P and G No. 1 Mine and its G and L No. 2 Mine, both located in Knott County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjuction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially consrtucted canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. The Petitioner respectfully requests the modification of the application of the mandatory safety standard 30 CFR 75.1710-1(a) with respect to the subject mines for reason that the application of such standard will result in a reduction of safety to the miners.

2. The Petitioner avers that technology does not presently exist to enable it to equip its self-propelled electric face equipment with suitable canopies to protect and provide for the safety of the operators of said equipment. The Petitioner further avers that based upon its recent experience with presently available canopies, the use of these canopies results in a reduction of safety to the miners in the above-named mines. The Petitioner's experience indicated the following:

(a) The Petitioner operates two mines in the Nos. 2 and 3 Elkhorn Coal Seams averaging 27 to 31 inches in height and at present is operating mining equipment averaging 30 to 31 inches in height. The above-named equipment is the lowest available at the present for seams of this height.

(b) While canopies of the type specified had the necessary height clearance in some instances under normal mining conditions, the necessary clearance diminished to zero when rolls or frequently adverse conditions were encountered. Petitioner was unable to get one particular piece of haulage equipment to the section before it became wedged against the roof, ripping the canopy off. The future use of these canopies will inadvertently cause injuries to the operators.

(c) When operating with the available canopies, the operator's vision is severely impaired to the point that operation of the equipment becomes hazardous to the operator and all other persons in the working area.

(d) Due to the combination of the severely limited vision and close confinement in the cab, appendages of the op-

erator's body, such as his head and limbs, hang out in such manner that they are in jeopardy of being crushed between the equipment and the coal rib.

(e) Ingress to and egress from the cab is so limited that the operator is held captive and cannot escape when the action of the roof clearly would warrant such retreat.

(f) Because of close confinement in the cab and severely limited ingress to and egress from the canopies, it is felt that the operator will attempt to control the equipment from outside the protection of the canopies and in doing so create the hazard of being crushed between the equipment and the rib.

(g) In case of machine malfunction, cable damage, or power failure of any kind, or in the event of a machine fire, the operators of the equipment may be held captive by the canopy for an indefinite period depending on the circumstance.

(h) The operators of this type of equipment are at all times under fully supported roof provided by an approved roof control plan. Such roof support is deemed satisfactory for all other personnel in the mine including the helpers on self-propelled electric face equipment. The helpers and other supporting personnel freely move around adjacent to the equipment under the protection of the proper roof support. Hence, the addition of canopies of the type presently available, rather than providing additional safety for the operators, introduces an instrument capable of inflicting serious bodily harm or death.

(i) Due to rolls and adverse conditions, the canopies were constantly striking the roof bolts and were shearing the bolts or destroying the torque of the roof bolts on the section, thus reducing their efficiency and exposing all employees to the hazard of a roof fall from damaged support.

3. The Petitioner only recovers 60 to 65 percent of the recoverable coal leaving the balance for support. No second mining or pillar retraction is practiced at any of the above named mines.

4. The Petitioner avers that with respect to low-ceiling mines, the use of currently available canopies with mobile electric face equipment severely diminishes rather than increases the overall safety of the miners.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 6, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition and the exhibits mentioned therein are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

MARCH 23, 1976.

[FR Doc.76-9695 Filed 4-5-76;8:45 am]

[Docket No. M 76-111]

W AND S COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), W and S Coal Company has filed a petition to modify the application of 30 CFR 75.301 to its No. 2 Slope Mine located in Schuylkill County, Pennsylvania.

30 CFR 75.301 provides in pertinent part:

> * * * The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be 9,000 cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face shall be 3,000 cubic feet a minute. * * *

The substance of Petitioner's statement is as follows:

1. It is requested that section 75.301 be modified for this anthracite mine to require, in part, that the minimum quantity of air reaching each working face shall be 1,500 cubic feet a minute, that the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries shall be 5,000 cubic feet a minute, and that the minimum quantity of air reaching the intake end of a pillar line shall be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

2. This petition requesting modification of 30 CFR 75.301 is submitted for the following reasons:

(a) Air sample analysis history reveals that harmful quantities of methane are nonexistent in the mine.

(b) Ignition, explosion and mine fire history are nonexistent for the time.

(c) There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

(d) Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

(e) Extremely high air velocities in small cross sectional areas of airways and manways required in friable anthracite veins for control purposes, particulary in steeply pitching mines, present a very dangerous flying object hazard to the miners.

(f) High velocities and large air quantities cause extremely uncomfortably damp and cold conditions in the already uncomfortable, wet mines.

(g) Difficulty in keeping miners on the job and securing additional mine help is due primarily to the conditions cited.

3. The Petitioner avers that a decision in its favor will in no way provide less than the same measure of protection afforded the miners under the existing standard.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 6, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

MARCH 23, 1976.

[FR Doc.76-9696 Filed 4-5-76;8:45 am]

National Park Service

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK GENERAL PLAN

Notice of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior, National Park Service, has determined that an environmental impact statement is not required for the General Plan for the Chesapeake and Ohio Canal National Historical Park, Washington, D.C. and Maryland.

Public input into the planning process has been obtained through a series of five public meetings in May and June 1972; written comments; discussions with many interested individuals and groups; wide distribution of an environmental assessment of the plan in March 1975; and another series of five public meetings in May and June 1975. In addition, this general plan for management of the historical park has been coordinated with the Chesapeake and Ohio Canal National Historical Park Advisory Commission, the State Historic Preservation Officers for Maryland and the District of Columbia, and the Advisory Council on Historic Preservation.

The environmental assessment of this Federal action indicates that implementation of the plan will not create significant 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. Manus J. Fish, Jr., Director, National Capital Parks, 1100 Ohio Drive, SW., Washington, D.C. 20242, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The general plan which has evolved from the planning process calls for the stabilization and partial restoration of the historic canal and its structures, the preservation and interpretation of the historical and natural values of the park, and provisions for as much outdoor recreation as will not intrude upon or impair the resources of the park. To provide for a variety of visitor experiences, a zoning system of five zones has been established for managing the park: National Interpretive Center Zone, Cultural Interpretive Zone, Short-term Recreation

Zone, Short-term Remote Zone, and Long-term Remote Zone. Thirty-two sections of the park have been identified, and a zoning classification has been assigned to each section.

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

National Capital Parks, 1100 Ohio Drive, SW., Room 208, Washington, D.C. 20242.

Signed at Washington, D.C., this 12th day of February 1976.

MANUS J. FISH, Jr.,
Director, National Capital Parks.

[FR Doc.76-9875 Filed 4-5-76;8:45 am]

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 10, 1976, Part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800.

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

The following properties have been added to the National Register since March 2, 1976. National Historic Landmarks are designated by NHL; proper-Buildings Survey are designated by HABS; properties recorded by Historic American Engineering Record are designated by HAER.

ARIZONA

Coconino County

Page vicinity, *Lees Ferry*, SW of Page at Colorado River (3-15-76).

CALIFORNIA

San Diego County

La Jolla, *Red Rest and Red Roost Cottages*, 1187 and 1179 Coast Blvd., (3-15-76).

CONNECTICUT

New Haven County

New Haven, *Mendel, Lafayette B., House*, 18 Trumbull St. (1-7-76) NHL.

DISTRICT OF COLUMBIA

Washington

White, David, House, 1459 Girard St., NW (1-7-76) NHL.

Woodward, Robert Simpson, House, 1513 16th St., NW (1-7-76) NHL.

FLORIDA

Calhoun County

Blountstown vicinity, *Cayson Mound and Village Site*, SE of Blountstown (3-15-76).

GEORGIA

Clarke County

Athens, *Ware-Lyndon House*, 293 Hoyt St. (3-16-76).

HAWAII

Kalawao County

Kalaupapa, *Kalaupapa Leprosy Settlement*, Molokai Island (1-7-76) NHL.

IDAHO

Ada County

Boise vicinity, *Diversion Dam and Deer Flat Embankments*, SE of Boise on Boise River (3-15-76) (also in Canyon County).

Canyon County

Diversion Dam and Deer Flat Embankments Reference—see Ada County.

Custer County

Challis vicinity, *Bayhorse*, S of Challis off U.S. 93 (3-15-76).

ILLINOIS

Clark County

Marshall, *Archer House Hotel*, 717 Archer Ave. (3-16-76).

Cook County

Chicago, *Fisher Building*, 343 S. Dearborn St. (3-16-76) HABS.

Chicago, *Holy Trinity Russian Orthodox* Cathedral and Rectory, 1117-1127 N. Leavitt (3-16-76) HABS.

Chicago, *Leiter II Building*, NE corner of S. State and E. Congress Sts. (1-7-76) NHL.

Chicago, *Manhattan Building*, 431 S. Dearborn St. (3-16-76) HABS.

Chicago, *Pontiac Building*, 542 S. Dearborn St. (3-16-76) HABS.

Chicago, *South Dearborn Street-Printing House Row Historic District*, 343, 407, 431 S. Dearborn St. and 53 W. Jackson Blvd. (1-7-76) NHL.

IOWA

Clinton County

Clinton, *Van Allen Store*, 5th Ave. and S. 2nd St. (1-7-76) NHL.

Poweshiek County

Grinnell, *Merchant's National Bank*, 4th Ave. and Broad St. (1-7-76) NHL.

KANSAS

Graham County

Nicodemus, *Nicodemus Historic District*, U.S. 24 (1-7-76) NHL.

KENTUCKY

Lincoln County

Stanford vicinity, *McCormack Church*, 4 mi. W. of Stanford on CR 1194 (3-16-76).

McCracken County

Paducah, *Grace Episcopal Church*, 820 Broadway (3-16-76).

Nicholas County

Ellisville, *Ellis, James, Stone Tavern*, U.S. 68 (3-16-76).

MARYLAND

Baltimore (independent city)

McCollum, Elmer V., House, 2301 Monticello Rd. (1-7-76) NHL.

Welch, William H., House, 935 St. Paul St. (1-7-76) NHL.

MASSACHUSETTS

Essex County

Swampscott, *Thomson, Elihu, House*, 33 Elmwood Ave. (1-7-76) NHL.

Middlesex County

Brookline, *Minot, George R., House*, 71 Sears Rd. (1-7-76) NHL.

Cambridge, *Daly, Reginald A., House*, 23 Hawthorn St. (1-7-76) NHL.

Cambridge, *Davis, William Morris, House*, 17 Francis St. (1-7-76) NHL.

Cambridge, *Richards, Theodore W., House*, 15 Follen St. (1-7-76) NHL.

Newton, *Fessenden, Reginald A., House*, 45 Waban Hill Rd. (1-7-76) NHL.

MINNESOTA

Becker County

Detroit Lakes, *Detroit Lakes Library*, 1000 Washington Ave. (3-16-76).

Hennepin County

Edina, *Grimes, Jonathan Taylor, House*, 4200 W. 44th St. (3-16-76).

Minneapolis, *Forum Cafeteria*, 36-40 S. 7th St. (3-16-76).

Minneapolis, *Smith, H. Alden, House*, 1405 Harmon Pl. (3-16-76).

Minneapolis, *Van Cleve, Horatio P.*, House, 603 5th St. SE (3-16-76).

Pipestone County

Pipestone, *Calmet Hotel*, 104 S. Hiawatha (3-16-76).

MISSISSIPPI

Lafiore County

Whaley vicinity, *Whaley Archeological Site*, NW of Whaley (3-15-76).

NEVADA

Churchill County

Lovelock vicinity, *Homboldt Cave*, S of Lovelock off U.S. 40/95 (3-15-76).

NEW JERSEY

Mercer County

NEW YORK

Schenectady County

Schenectady, *Langmuir, Irving, House*, 1176 Stratford Rd. (1-7-76) NHL.

Westchester County

Yonkers, *Armstrong, Edwin H., House*, 1032 Warburton Ave. (1-7-76) NHL.

NORTH CAROLINA

Guilford County

Jamestown, *Oakdale Cotton Mill Village*, SR 1352 and SR 1144 (3-16-76).

Warren County

Warrenton vicinity, *Shady Oaks*, SE of Warrenton on SR 1600 (3-16-76).

OHIO

Adams County

Harshaville, *Harshaville Covered Bridge*, CR 1 (3-16-76).

Clinton County

Lynchburg Covered Bridge. Reference—see Highland County.

Cuyahoga County

Cleveland, *Ford Motor Company Cleveland Plant*, 11610 Euclid Ave. (3-17-76).

Cleveland, *Pilgrim Congregational Church (United Church of Christ)*, 2592 W. 14th St. (3-17-76).

Cleveland, *Union Terminal Group*, Public Sq. (3-17-76).

Erie County

Birmingham, *Butler, Cyrus, House,* Edison Hwy. (3–17–76).

Hamilton County

Cincinnati, *Baum, Martin, House,* 316 Pike St. (1–7–76) NHL.
Cincinnati, *Old St. Mary's Church, School, and Rectory,* 123 E. 13th St. (3–13–76).
Cincinnati, *Wilson-Gibson House,* 425 Oak St. (3–17–76).
Indiana Hill, *Jefferson Schoolhouse,* Indian Hill and Drake Rds. (3–17–76).

Hancock County

Findlay, *First Hancock County Courthouse,* 819 Park St. (3–15–76).

Highland County

Lynchburg, *Lynchburg Covered Bridge,* East Fork of Little Miami River (3–16–76) (also in Clinton County).

Lorain County

Columbia Center, *Columbia Town Hall,* 25496 Royalton Rd. (3–17–76).
Crafton, *Immaculate Conception Church,* 708 Erie St. (3–16–76).

Mahoning County

Austintown vicinity, *Anderson, Judge William Shaw, House,* 7171 Mahoning Ave. (3–17–76).

Perry County

Shawnee, *Shawnee Historic District,* both sides of Main Street, 2nd St. to Walnut St. (3–17–76).

Pickaway County

Kingston vicinity, *Bellevue,* N of Kingston on OH 159 (3–17–76).

Portage County

Ravenna, *Riddle Block,* Public Sq., Chestnut, and Main Sts. (3–17–76).

Richland County

Bellville, *Bellville Village Hall,* Park Pl. and Church St. (3–17–76).

Vinton County

Arbaugh, *Eakin Mill Covered Bridge,* Mound Hill Rd. (3–16–76).
McArthur, *Trinity Episcopal Church,* Sugar and High Sts. (3–16–76).

Warren County

Franklin, *Old Log Post Office,* 5th and River Sts. (3–17–76).

OREGON

Polk County

Salem vicinity, *Phillips, John, House,* NW of Salem on Spring Valley Rd. (3–15–76).

TENNESSEE

Anderson County

Norris, *Arnwine Cabin,* TN 61 (3–16–76).

Campbell County

Fincastle, *Kincaid-Howard House,* TN 63 (3–16–76).

Lawrence County

Lawrenceburg, *Lawrence County Jail,* Waterloo St. (3–16–76).

Sevier County

Gatlinburg vicinity, *King-Walker Place,* W of Gatlinburg off TN 73, Great Smoky Mountains National Park (3–16–76).
Gatlinburg vicinity, *McCarter, Tyson, Place,* 10 mi. E of Gatlinburg on TN 73, Great Smoky Mountains National Park (3–16–76).
Gatlinburg vicinity, *Roaring Fork Historic District,* 5 mi. SE of Gatlinburg off TN 73, Great Smoky Mountains National Park (3–16–76) HABS.

Shelby County

Memphis, *First Methodist Church,* 204 N. 2nd St. (3–19–76).

TEXAS

Medina County

Castroville vicinity, *Medina Dam,* N of Castroville on the Medina River (3–15–76).

Tarrant County

Fort Worth, *Paddock Viaduct,* Main St. (3–15–76).

UTAH

Emery County

Hanksville vicinity, *Temple Mountain Wash Pictographs* (42EM65), N of Hanksville (3–15–76).

San Juan County

Monticello vicinity, *Indian Creek State Park,* 14 mi. N of Monticello (3–15–76).

Uintah County

Vernal vicinity, *Little Brush Creek Petroglyphs (42Un416),* N of Vernal (3–15–76).

WEST VIRGINIA

Harrison County

Good Hope vicinity, *Indian Cave Petroglyphs,* W of Good Hope (3–16–76).

Mercer County

Athens vicinity, *French, Col. William Henderson, House,* S of Athens off WV 20 (3–12–76).
Princeton, *Hale, Dr. James W., House,* 1034 Mercer St. (3–12–76).

Summers County

Lowell vicinity, *Graham, Col. James, House,* SW of Lowell on WV 3 (3–16–76).

WISCONSIN

Door County

Northport vicinity, *Porte des Morts Site,* S of Northport on Porte des Morts Straight (3–16–76).

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The following is a list of corrections to properties previously listed in the FEDERAL REGISTER:

CALIFORNIA

San Francisco County

San Francisco, *House at 33–35 Beideman Pl.,* 33–35 Beldeman Pl. (3–8–73) (formerly at 736–738 Franklin St.).

ILLINOIS

Cooks County

Chicago, *Glessner, John J., House,* 1800 S. Prairie Ave. (4–17–70) NHL; HABS; G.
Chicago, *Marquette Building,* 140 S. Dearborn St. (8–17–73) NHL; HABS.
Chicago, *Reliance Building,* 32 N. State St. (10–15–70) NHL.
Glenview, *Kennicott's Grove,* Milwaukee and Lake Aves. (8–13–73) NHL.
Oak Park, *Wright, Frank Lloyd, House and Studio,* 428 Forest Ave. (home), 951 Chicago Ave. (studio) (9–14–72) NHL; HABS.

Sangamon County

Springfield, *Dana, Susan Lawrence, House,* 301 Lawrence Ave. (7–30–74) NHL.

IOWA

Johnson County

Iowa City, *Old Capitol,* bounded by Washington, Madison, Jefferson, and Clinton Sts. (5–31–72) NHL; HABS; G.

KENTUCKY

Jefferson County

Louisville, *Louisville Free Public Library, Western Colored Branch,* 604 S. 10th St. (12–6–75).

LOUISIANA

Orleans Parish

New Orleans, *U.S. Customhouse,* 423 Canal St. (7–17–74) NHL.

MINNESOTA

Steele County

Owatonna, *Security Bank and Trust Company (National Farmers' Bank),* NW corner of Broadway and Cedar St. (8–26–71) NHL.

MISSOURI

St. Louis (independent city)

U.S. Customhouse and Post Office (Old Post Office), 8th and Olive Sts. (11–22–68) NHL; HABS (formerly listed as Old Post Office).

NEBRASKA

Lancaster County

Lincoln, *Nebraska State Capitol,* 1445 K St. (10–16–70) NHL.

NEW JERSEY

Mercer County

Princeton, *Henry, Joseph, House,* Princeton University campus (10–15–66) NHL; HABS.

Morris County

Morristown, *Nast, Thomas, House (Villa Fontana),* MacCulloch Ave. and Miller Rd. (10–15–66) NHL; HABS.

OHIO

Cuyahoga County

Cleveland, *Upson-Walton Company Building,* 1310 Old River Rd. (W. 11th St.) (1–21–74) (Formerly listed under the name Winslow Block).

PENNSYLVANIA

Lancaster County

Lancaster vicinity, *Herr, Hans, House,* 1851 Hans Herr Dr. (5–3–71) HABS; G.

Philadelphia County

Philadelphia, *Hill-Physick House,* 321 S. 4th St. (5–27–71) NHL; HABS.
Philadelphia, *U.S. Naval Home (Naval Asylum),* Grays Ferry Ave. at 24th St. (8–21–72) NHL; HABS.

WISCONSIN

Columbia County

Columbus, *Farmers' and Merchants' Union Bank,* 159 W. James St. (10–18–72) NHL.

Crawford County

Prairie du Chien, *Rolette House,* NE corner of N. Water and Fisher Sts. (2–1–72).

Dane County

Madison, *Bradley, Harold C., House,* 106 N. Prospect St. (2–23–72) NHL.

Iowa County

Spring Green vicinity, *Taliesin East,* 2 mi. S of Spring Green on WI 23 (4–14–73) NHL.

Racine County

Racine, *Johnson Wax Administration Building and Research Tower*, 1525 Howe St. (12-27-74) NHL.

* * * * *

The following properties have been either demolished or removed from the National Register of Historic Places:

COLORADO

Adams County

Thornton vicinity, *Wolpert, David, House*, 9190 River Dale Rd.

FLORIDA

Volusia County

Ormond Beach, *Ormond Garage*, 79 E. Granada Ave.

OHIO

Adams County

West Union, *Sinton Homestead*, 114 E. Main St.

* * * * *

The following properties were omitted from the February 10, 1976, listing of properties in the FEDERAL REGISTER.

KENTUCKY

Lawrence County

Louisa vicinity, *Garred House, Chapel, and Burial Vault*, 9 mi. S. of Louisa on U.S. 23 (10-29-75).

LOUISIANA

St. James Parish

Vacherie vicinity, *Oak Alley Plantation*, 2.5 mi. N of Vacherie (12-2-74) NHL.

NEW YORK

Queens County

Flushing, *King Manor*, 150th St. and Jamaica Ave. (12-2-74) NHL.

* * * * *

The following properties have been determined to be eligible for inclusion in the National Register. All determinations of eligibility are made at the request of the concerned Federal Agency under the authorities in section 2(b) and 1(3) of Executive Order 11593 as implemented by the Advisory Council on Historic Preservation, 36 CFR Part 800. This listing is not complete. Pursuant to the authorities discussed herein, an Agency Official shall refer any questionable actions to the Director, Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, for an opinion respecting a property's eligibility for inclusion in the National Register.

Historical properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

ALABAMA

Green County

Gainesville vicinity, *Archeological Sites in Gainesville Project*, Tombigbee Waterway (also in Pickens and Sumter counties).

Jefferson County

Site 1Je36, Project I-459-4(4).

Madison County

Huntsville, *Lee House*, Red Stone Arsenal.

ALASKA

Northwestern District

Little Diomede Island, *Iyapana, John, House*.

ARIZONA

Apache County

Flattop Site, Petrified Forest National Park,
Newspaper Rock Petroglyphs Archeological District, Petrified Forest National Park.
Puerco Ruin and Petroglyph, Petrified Forest National Park.
Twin Buttes Archeological District, Petrified Forest National Park.
Coconino County
Grand Canyon National Park, *Old Post Office*.

Graham County

Foote Wash—No Name Wash Archeological District.

Mohave County

Colorado City vicinity, *Short Creek Reservoir No. 1, Site NA 13,257*.
Colorado City vicinity, *Short Creek Reservoir No. 1, Site 13,258*.

Maricopa County

Cave Creek Archeological District.
New River Dams Archeological District.
Site T:4:6.
Skunk Creek Archeological District.

Navajo County

Painted Desert Petroglyphs and Ruins Archeological District, Petrified Forest National Park.
Polacca vicinity, *Walpi Hopi Village*, adjacent to Polacca.

Pima County

Tucson, *Armory Park Historic District*.
Tucson, *Convento Site*.
Tucson vicinity, *Old Santan*, NW of Tucson.

Yavapai County

Copper Basin Archeological District, Prescott National Forest.

Yuma County

Eagle Tail Mountains Archeological Site.
Yuma, *Southern Pacific Depot*.

ARKANSAS

Archeological Sites, Black River Watershed.

Clay County

Site CY34, Little Black River Watershed.

Faulkner County

Site 3WH145, E fork of Cadron Creek Watershed (also in White county).
Sites *3VB49-3VB51*, N fork Cadron Creek Watershed.

Hempstead County

Archeological Sites in Ozan Creeks Watershed

Ouchita County

Camden, *Old Post Office*, Washington St.

CALIFORNIA

Point Lobos Archeological Sites, Golden Gate National Recreation Area.

Benito County

Chalone Creek Archeological Sites, Pinnacles National Monument.

Calaveras County

New Melones Historical District, New Melones Lake Project area, Stanislaus River (also in Tuolumne County).

Colusa County

Stoney ford vicinity, *Upper and Lower Letts Valley Historical District*, 12 mi. SW of Stoneyford.

Del Norte County

Chimney Rock, Six Rivers National Forest.
Doctor Rock, Six Rivers National Forest.
Peak No. 8, Six Rivers National Forest.

El Dorado County

Giebenhahn House and Mountain Brewery Complex.

Fresno County

Gamlin Cabin, King's Canyon National Park.
Helms Pumped Storage Archeological Sites, Sierra National Forest.
Muir Hut, Kings Canyon National Park.

Glenn County

Willows vicinity, *White Hawk Top Site*, Twin Rocks Ridge Road Reconstruction project.

Imperial County

Glamis vicinity, *Chocolate Mountain Archeological District*.

Inyo County

Scotty's Castle, Death Valley National Monument.
Scotty's Ranch, Death Valley National Monument.

Lassen County

Archeologocial Site HJ-1.

Los Angeles County

Big Tujunga Prehistoric Archeological Site, I 210 Project.
Los Angeles, *Fire Station No. 26*, 2475 W. Washington Blvd.
Van Norman Reservoir, Site CA-LAN 646, CA-LAN 643, Site CA-LAN 490, and a cluster made up of Sites CA-LAN, 475, 491, 492, and 493.

Madera County

CA-MAD 176-185, Lower China Crossing, and New Site, in Hidden Dam-Hensley Lake Project Area, Fresno River.

Marin County

Point Reyes, *Olena Lime Kilns*, Point Reyes National Sea Shore.
Point Reyes, *Point Reyes Light Station*.

Modoc County

Alturas vicinity, *Rail Spring*, about 30 mi. N of Alturas in Modoc National Forest.
Tulelake vicinity, *Lava Bed National Monument Archeological District*, S of Tulelake (also in Siskiyou County).

Monterey County

Big Sur, *Point Sur Light Station*.
Pacific Grove, *Point Pinos Light Station*.

Napa County

Archeological Sites 4-Nap-14, 4-Nap-261, Napa River Flood Control Project.

Riverside County

Twentynine Palms, *Cottonwood Oasis (Cottonwood Springs)*, Joshua Tree National Monument.
Twentynine Palms, *Lost Horse Mine*, Joshua Tree National Monument.

Sacramento County

Sacramento River Bank Protection Project, Site 1, Sacramento River.

San Bernardino County

Twentynine Palms, *Keys, Bill, Ranch*, Joshua Tree National Monument.
Twentynine Palms, *Twentynine Palms Oasis*, Joshua Tree National Monument.

San Diego County

North Island, *Camp Howard, U.S. Marine Corps*, Naval Air Station.
North Island, *Rockwell Field*, Naval Air Station.
San Diego, *Marine Corps Recruit Depot*, Barnett Ave.

San Francisco County

San Francisco, *Alcatraz*.

San Luis Obispo County

New Cuyana vicinity, *Caliente Mountain Aircraft Lookout Tower*, 13 mi. NW of New Cuyana off Rte. 166.
San Luis Obispo, *San Luis Obispo Light Station*.

San Mateo County

Ano Nuevo vicinity, *Pigeon Point Light Station*.
Hillsborough, *Point Montara Light Station*.

Santa Barbara County

Santa Barbara, *Site SBa-1330*, Santa Monica Creek.

Santa Clara County

Sunnyvale, *Theuerkauf House*, Naval Air Station, Moffett Field.

Shasta County

Redding vicinity, *Squaw Creek Archcological Site*, NE of Redding.
Whiskeytown, *Irrigation System (165 and 166)*, Whiskeytown National Recreation Area.

Sierra County

Archeological Site HJ-5 (Border Site 26WA-1676).
Properties in Bass Lake Sewer Project.

Siskiyou County

Thomas-Wright Battle Site, Lava Beds National Monument.

Sonoma County

Dry Creek-Warm Springs Valley Archeological District.
Santa Rosa, *Santa Rosa Post Office.*

Tehama County

Los Molinos vicinity, *Ishi Site (Yahi Camp)*, E of Los Molinos in Deer Creek Canyon.

Tulare County

Atwell's Mill, Sequoia National Park.
Cattle Cabin, Sequoia National Park.
Quinn River Station Tharp's Log Smithsonian Institution Shelters Squatter's Cabin.

COLORADO

Denver County

Denver, *Eisenhower Memorial Chapel*, Building No. 27, Reeves St., on Lowry AFB.

Douglas County

Keystone Railroad Bridge, Pike National Forest.

El Paso County

Colorado Springs, *Alamo Hotel*, corner of Tejon and Cucharras Sts.
Colorado Springs, *Old El Paso County Jail*, corner of Vermijo and Cascade Ave.

Larimer County

Site 5-LR-257, Boxelder Watershed Project.

CONNECTICUT

Fairfield County

Norwalk, *Washington Street—S. Main Street Area.*

Hartford County

Hartford, *Colt Factory Housing*, Huyshope Ave., between Sequassen and Weehasset Sts.
Hartford, *Colt Factory Housing (Potsdam Village)*, Curcombe St. between Hendriexsen Ave. and Locust St.
Hartford, *Colt Park*, bounded by Wethersfield Ave., Stonington, Wawarme, Curcombe, and Marseek Sts., and by Huyshope and Van Block Aves.
Hartford, *Colt, Col. Samuel, Armory, and related factory buildings*, Van Dyke Ave.
Hartford, *Houses on Charter Oak Place.*
Hartford, *Houses on Wethersfield Avenue*, between Morris and Wyllys Sts., particularly Nos. 97-81, 65.

New Haven County

New Haven, *Post Office-Courthouse*, Church and Court Sts.

New London County

New London, *Williams Memorial Institute Building*, 110 Broad St.

DELAWARE

Sussex County

Lewes, *Delaware Breakwater.*
Lewes, *Harbor of Refuge Breakwater.*

DISTRICT OF COLUMBIA

Auditors' Building, 201 14th St. SW.
Brick Sentry Tower and Wall, along M St. SW, between 4th and 6th Sts. SW.
Central Heating Plant, 13th and C Sts. SW.
1700 Block Q Street NW, 1700-1744, 1746, 1748 Que St. NW.; 1536, 1538, 1540, 1602, 1604, 1606, 1608, 17th St. NW.

FLORIDA

Broward County

Hillsboro Inlet, *Coast Guard Light Station.*

Collier County

Marco Island, *Archcological Sites on Marco Island.*

Monroe County

Knights Key Moser Channel—Packet Channel Bridge (Seven Mile Bridge)
Long Key Bridge
Old Bahia Honda Bridge

Pinellas County

Bay Pines, *VA Center*, Sections 2, 3, and 11 TWP 31-S, R-15E.

GEORGIA

Bibb County

Macon, *Vineville Avenue Area*, both sides of Vineville Ave. from Forsyth and Hardman Sts. to Pio Nono Ave.

Chatham County

Archeological Site, end of Skidway Island.
Savannah, 516 Ott Street.
Savannah, 908 Wheaton Street.
Savannah, 914 Wheaton Street.
Savannah, 920 Wheaton Street.
Savannah, 928 Wheaton Streat.
Savannah, 930 Wheaton Street.

Chatooga County

Archeological Sites in area of Structure 1-M, and Trion Dikes 1 and 2, headwaters of Chatooga Watershed (also in Walker County).

Clay County

Archcological Site WGC-73, downstream from Walter F. George Dam.

De Kalb County

Atlanta, *Atkins Park Subdivision*, St. Augustine, St. Charles, and St. Louis places.
Decatur, *Sycamore Street Area.*

Gordon County

Haynes, Cleo, House and Frame Structure, University of Georgia.
Moss—Kelly House, Sallacoa Creek area.

Gwinnett County

Duluth, *Hudgins, Scott, Home (Charles W. Summerour House)*, McClure Rd.

Heard County

Philpott Homesite and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into river.

Richmond County

Augusta, *Blanche Mill.*
Augusta, *Enterprise Mill.*

Stewart County

Rood Mounds.

Sumter County

Americus, *Aboriginal Chet Quarry*, Souther Field.

HAWAII

Hawaii County

Hawaii Volcanoes National Park, *Mauna Loa Trail.*

Maui County

Hana vicinity, *Kipahulu Historic District*, SW of Hana on Rts. 31.

Oahu County

Moanalua Valey.

IDAHO

Ada County

Boise, *Alexanders*, 826 Main St.
Boise, *Falks Department Store*, 100 N. 8th St.
Boise, *Idaho Building*, 216 N. 8th St.
Boise, *Simplot Building (Boise City National Bank)*, 805 Idaho St.
Boise, *Union Building*, 712½ Idaho St.

Clearwater County

Orofino vicinity, *Canoe Camp—Suite 18*, W. of Orofino on U.S. 12 in Nez Perce National Historical Park.

Gem County

Marsh and Ireton Ranch, Montour Flood project.
Town of Montour, Montour Flood project.

Idaho County

Kamiah vicinity, *East Kamiah—Suite 15*, SE of Kamiah on U.S. 12 in Nez Perce National Historical Park.

Lemhi County

Tendoy, *Lewis and Clark Trail, Pattee Creek Camp.*

Lewis County

Jacques Spur vicinity, *St. Joseph's Mission (Slickpoo)*, S of Jacques Spur on Mission Creek off U.S. 95.

Nez Perce County

Lapwai, *Fort Lapwai Officer's Quarters*, Phinney Dr. and C St. in Nez Perce National Park.
Lapwai, *Spalding.*

ILLINOIS

Carroll County

Savanna vicinity, *Spring Lake Cross Dike Island Archeological Site*, 2 mi. SE of Savanna.

Cook County

Chicago, *McCarthy Building (Landfield Building)*, NE corner of Dearborn and Washington Sts.
Chicago, *Ogden Building*, 180 W. Lake St.
Chicago, *Oliver Building*, 159 N. Dearborn St.
Chicago, *Springer Block (Bay, State, and Kranz Buildings)*, 126–146 N. State St.
Chicago, *Unity Building*, 127 N. Dearborn St.

De Kalb County

De Kalb, *Haish Barbed Wire Factory*, corner of 6th and Lincoln Sts.

Lake County

Fort Sheridan, *Museum Bldg. 33*, Lyster Rd.
Fort Sheridan, *Water Tower*, Bldg. 49, Leonard Wood Ave.

Williamson County

Wolf Creek Aboriginal Mound, Crab Orchard National Wildlife Refuge.

INDIANA

Monroe County

Bloomington, *Carnegie Library*.

Orange County

Cox Site, Lost River Watershed.
Half Moon Spring, Lost River Watershed.

St. Joseph County

Mishawaka, *100 NW Block*, properties fronting N. Main St. and W. Lincoln Way.

Vermillion County

Houses in SR 63/32 Project, jct. of SR 32 and SR 63 and 1st rd. S. of Jct.

IOWA

Boone County

Saylorville Archeological District (also in Polk and Dallas counties).

Johnson County

Indian Lookout.

Muscatine County

Muscatine, *Clark, Alexander, Property*, 125–123 W. 3rd and 307, 309 Chestnut.

KANSAS

Douglas County

Lawrence, *Curtis Hall (Kiva Hall)*, Haskell Institute.

Pottawatomie County

Coffey Archeological Site, 14 PO 1.

KENTUCKY

Louisa County

Fort Ancient Archeological Site.

Trigg County

Golden Pond, *Center Furnace*, N of Golden Pond on Bugg Spring Rd.

MAINE

Washington County

Machiasport, *Libby Island Light Station*.

MARYLAND

Allegany County

Flintstone vicinity, *Martin-Gordon Farm*, Breakneck Rd. (Rte. 1).
Flintstone vicinity, *Martins Mountain Farm*, Breakneck Rd. (Rte. 1).

Anne Arundel County

Claiborne, *Bloody Point Bar Light*, on Chesapeake Bay.
Skidmore, *Sandy Point Shoal Light*, on Chesapeake Bay.

Baltimore County

Fort Howard, *Craghill Channel Upper Range Front Light*, on Chesapeake Bay.
New Owings Mills Railroad Station, W of Reisterstown Rd.
Old Owings Mills Railroad Station, Reisterstown Rd.
Sparrows Point, *Craighill Channel Range Front Light*, on Chesapeake Bay.

Carroll County

Bridge No. 1–141 on Hughes Road.

Cecil County

Sassafras Elk Neck, *Turkey Point Light*, at Elk River and Chesapeake Bay.

Dorchester County

Hoppersville, *Hooper Island Light*, Chesapeake Bay-Middle Hooper Island.

Harford County

Havre De Grace, *Havre De Grace Light*.

St. Marys County

Piney Point, *Piney Point Light Station*.
St. Inigoes, *St. Inigoes Manor House*, Naval Electronic System Test and Evaluation Detachment.
St. Marys City, *Point No Point Light*, on Chesapeake Bay.

Talbot County

Tilghman Island, *Sharps Island Light*, on Chesapeake Bay.

MASSACHUSETTS

Barnstable County

North Eastham, *French Cable Hut*, jct. of Cable Rd. and Ocean View Dr.
Rider, Samuel House, Gull Pond Rd. off Mid-Cape Hwy. 6.
Truro, *Highland Gold Course*, Cape Cod Light area.
Truro, *Highland House*, Cape Code Light (Highland Light) area.
Wellfleet vicinity, *Atwood—Higgins House*, Boundbrook Island.

Berkshire County

Adams, *Quaker Meetinghouse*, Maple Strect Cemetery.

Bristol County

New Bedford, *Fire Station No. 4*, 79 S. 6th St.

Hampden County

Holyoke, *Caledonia Building (Crafts Building)*, 185–193 High St.
Holyoke, *Cleary Building (Stiles Building)*, 190–196 High St.

Middlesex County

Wayland, *Old Town Bridge (Four Arch Bridge)*, Rte. 27, 1.5 mi. NW of Rte. 126 Jct.

Worcester County

North Brookfield, *Meadow Site No. 11*, Upper Quaboag River Watershed.
Worcester, *Oxford-Crown Streets District*, Chatham, Congress, Crown, Pleasant, Oxford Sts., and Oxford Pl.

MICHIGAN

Little Forks Archeological District.

MINNESOTA

Beltrami County

Blackduct, *Rabideau CCC Camp Site*, S. of Blackduct in Chippewa National Forest.

St. Louis County

Duluth, *Morgan Park Historic District*.

Winona County

Winona, *Second Street Commercial Block*.

MISSOURI

Buchanan County

St. Joseph, *Hall Street Historic District*, bounded by 4th St. on W. Robidoux on S. 10th on E., and Michel, Corby, and Ridenbaugh on N.

Dent County

Lake Spring, *Hyer, John, House*.

Franklin County

Leslie, *Noser's Mill and adjacent Miller's House*, Rural Rte. 1.

Henry County

La Due, *Batschelett House*, near Harry S. Truman Dam and Reservoir.

MONTANA

Big Horn County

Fort Smith, *Big Horn Canal Headgate*.

Carbon County

Hardin, *Pretty Creek Site (Hough Creek Site)*, Big Horn Canyon National Recreation Area.

Fergus County

Lewis & Clark, Campsite, May 23, 1805.
Lewis & Clark, Campsite, May 24, 1805.

Lewis and Clark County

Marysville, *Marysville Historic District*.

NEBRASKA

Cherry County

Valentine vicinity, *Fort Niobrara National Wildlife Refuge*.
Valentine vicinity, *Newman Brothers House*.

NEVADA

Clark County

Indian Springs vicinity, *Tim Springs Petroglyphs*, N of Indian Springs.
Las Vegas vicinity, *Blacksmith Shop*, Desert National Wildlife Range.
Las Vegas vicinity, *Mesquite House*, Desert National Wildlife Range.
Las Vegas vicinity, *Mormon Well Corral*, NE of Las Vegas.

Elko County

Carlin vicinity, *Archeological Sites 26EK1669—26EK1672*.

Nye County

Las Vegas vicinity, *Emigrant's Trail*, about 75 mi. NW of Las Vegas on U.S. 95.

Pershing County

Lovelock vicinity, *Adobe in Ruddell Ranch Complex*.
Lovelock vicinity, *Lovelock Chinese Settlement Site*.

Storey County

Sparks vicinity, *Derby Diversion Dam*, on the Truckee River 19 mi. E of Sparks, along I 80 (also in Washoe County).

NEW HAMPSHIRE

Rockingham County

Portsmouth, *Pulpit Rock Observation Station*, Portsmouth Harbor.

NEW JERSEY

Mercer County

Hamilton and West Windsor Townships, *Assunpink Historic District*.

Middlesex County

New Brunswick, *Delaware and Raritan Canal*, between Albany St. Bridge and Landing Lane Bridge.

Monmouth County

Long Branch, *The Reservation*, 1–9 New Ocean Ave.

Sussex County

Old Mine Road Historic District (also in Warren County).

NEW MEXICO

Chaves County

Cites LA11809—LA11822, Cottonwood-Walnut Creek Watershed (also in Eddy County).

Dona Ana County

Placitas Arroyo, *Sites SCSPA 1—8*.

Lea County

Laguna Plata Archeological District.

McKinley County

Zuni Pueblo Watershed, *Oak Wash Sites N.M.G.:13:19—N.M.G.:13:37*.

Otero County

Three Rivers Petroglyphs.

NEW YORK

Albany County

Guilderland, *Nott Prehistoric Site*.

Bronx County

New York, *North Brothers Island Light Station*, in center of East River.

Broome County

Vestal Nursery Site, Vestal Project (also in Union County).

Greene County

New York, *Hudson City Light Station*, in center of Hudson River.

Nassau County

Greenvale, *Toll Gate House*, Northern Blvd.

New York County

New York, *Harlem Courthouse*, 170 E. 121st St.

Orange County

Port Jervis, *Church Street School*, 55 Church St.

Port Jervis, *Farnum, Samuel, House*, 21 Ulster Pl.

Richmond County

New York, *Romer Shoal Light Station*, located in lower bay area of New York Harbor.

Saratoga County

Schuylerville, *Archeological Site*, Schuylerville Water Pollution Control Facility.

Schoharie County

Breakabeen, *Breakabeen Historic District*, between village of North Blenheim and Breakabeen.

Suffolk County

Janesport vicinity, *East End Site*.

Janesport vicinity, *Hallock's Pond Site*.

New York, *Fire Island Light Station*, U.S. Coast Guard Station.

New York, *Little Gull Island Light Station*, off North Point of Orient Point, Long Island.

New York, *Plum Island Light Station*, off Orient Point, Long Island.

New York, *Race Rock Light Station*, S. of Fishers Island, 10 mi. N. of Orient Point.

Northville Historic District, houses along Sound Ave.

Ulster County

Kingston vicinity, *Esopus Meadows Light Station*, middle of Hudson River.

New York, *Rondout North Dike Light*, center of Hudson River at Jct. of Rondout Creek and Hudson River.

New York, *Saugerties Light Station*, Hudson River.

Washington County

Greenwich, *Palmer Mill (Old Mill)*, Mill St.

Westchester County

Port Washington vicinity, *Execution Rocks Light Station*, lower SW portion of Long Island Sound.

NORTH CAROLINA

Alamance County

Burlington, *Southern Railway Passenger Depot*, NE corner Main and Webb Sts.

Brunswick County

Southport, *Fort Johnston*, Moore St.

Caswell County

Archeological Sites CS–12, County Line Creek Watershed Project (also in Rockingham County).

Womack's Mill, in County Creek Watershed Project (also in Rockingham County).

Cleveland County

Archeological Resources in Second Brood River Watershed Project (also in Rutherford County).

Cumberland County

Fayetteville, *Veterans Administration Hosital Confederate Breastworks*, 23 Ramsey St.

Dare County

Buxton, *Cape Hatteras Light*, Cape Hatteras National Seashore.

Durham County

Durham, *St. Joseph's A.M.F. Church*, Fayetteville St. at the Durham Expwy.

Hyde County

Ocracoke, *Ocracoke Lighthouse*.

New Hanover County

Wilmington, *Market Street Mansions District*, both sides of Market St. between 17th and 18th Sts.

NORTH DAKOTA

Burleigh County

Bismarck, *Fort Lincoln Site*.

OHIO

Clermont County

Neville vicinity, *Maynard House*, 2 mi. E of Neville off U.S. 52.

Pickaway County

Williamsport vicinity, *The Shack (Daugherty, Harry, House)*, 5.5 mi. NW of Williamsport.

Seneca County

Tiffin, *Old U.S. Post Office*, 215 S. Washington St.

OKLAHOMA

Comanche County

Fort Sill, *Blockhouse on Signal Mountain* off Mackenzie Hill Rd.

Fort Sill, Camp Comanche Site, E range on Cache Creek.

Fort Sill, *Chiefs Knoll, Post Cemetery*, N of Macomb Rd.

Fort Sill, *Geronimo's Grave*, N of Jct. of Dodge Hill and Elgin Rds.

Fort Sill vicinity, *Medicine Bluffs*, NW of Fort Sill.

Haskell County

Keota vicinity, *Otter Creek Archeological Site*, SW of Keota.

Kay County

Newkirk vicinity, *Bryson Archeological Site*, NE of Newkirk.

OREGON

Baker County

Baker vicinity, *Virtue Flat Mining District*, 10 mi. E of Baker off Hwy. 86.

Columbia County

Scappose vicinity, *Portland and Southwestern Railroad Tunnel*, 13 mi. NW of Scappose.

Coos County

Charleston, *Cape Arago Light Station*.

Curry County

Port Orford, *Cape Blanco Light Station*.

Douglas County

Winchester Bay, *Umpqua River Lighthouse*.

Gilliam County

Arlington vicinity, *Four Mile Canyon Area (Oregon Trail)*, 10 mi. SE of Arlington.

Crum Gristmill, Ghost Camp Reservoir area.

Old Wagon Road, Ghost Camp Reservoir area.

Olex School, Ghost Camp Reservoir Area.

Steel Truss Bridge, Ghost Camp Reservoir area.

Klamath County

Crater Lake National Park, *Crater Lake Lodge*.

Lane County

Roosevelt Beach, *Heceta Head Lighthouse*.

Roosevelt Beach, *Heceta Head Light Station*.

Lincoln County

Agate Beach, *Yakuina Head Lighthouse*.

Tillamook County

Tillamook, *Cape Meares Lighthouse*.

Wasco County

Memaloose Island, River Mile 177.5 in Columbia River.

Wheeler County

Antone, *Antone Mining Town*, Barite 1901–1906.

PENNSYLVANIA

Adams County

Gettysburg, *Barlow's Knoll*, adjacent to Gettsysburg National Military Park.

Allegheny County

Bruceton, *Experimental Mine*, U.S. Bureau of Mines, off Cochran Mill Rd.

Berks County

Mt. Pleasant, *Berger-Stout Log House*, near jct. of Church Rd. and Tulephocken Creek.

Mt. Pleasant, *Conrad's Warehouse*, near jct. of Rte. 183 and Powder Mill Rd.

Mt. Pleasant, *Heck-Stamm-Unger Farmstead*, Gruber Rd.

Mt. Pleasant, *Miller's House*, jct. of Rte. 183 and Powder Mill Rd.

Mt. Pleasant, *O'Bolds-Billman Hotel and* Store, Gruber Rd. and Rte. 183.

Mt. Pleasant, *Pleasant Valley Roller*, Gruber Rd.

Mt. Pleasant, *Reber's Residence and Barn*, on Tulephocken Creek.

Mt. Pleasant, *Union Canal*, Blue Marsh Lake Project area.

Clinton County

Lockhaven, *Apsley House*, 302 E. Church St.
Lockhaven, *Harvey Judge, House*, 29 N. Jay St.
Lockhaven, *McCormick, Robert, House*, 234 E. Church St.
Lockhaven, *Mussina, Lyons, House*, 23 N. Jay St.

Dauphin County

Middletown, *Swatara Ferry House (Old Fort)*, 400 Swatara, St.

Delaware County

I 476 Historic Sites (20 Historic Sites) Mid-County Expwy. (also in Montgomery County.)

Huntingdon County

Brumbaugh Homestead, Raystown Lake Project.

Lackawanna County

Carbondale, *Miners and Mechanics Bank* Bldg 13N., Main St.

Lehigh County

Dorneyville, *King George Inn and two other stone houses*, Hamilton and Cedar Crest Blvds.

Lycoming County

Williamsport, *Faxon Co., Inc.*, Williamsport Beltway.

Northampton County

Lehigh Canal.

Philadelphia County

Philadelphia, *Bridge on "I" Street*, over Tacony Creek.
Philadelphia, *Tremont Mills*, Wingonocking St. and Adams Ave.
U.S. Naval Base, *Quarters "A" Commandant's Quarters.*

Washington County

Charleroi, *Ninth Street School.*
Cross Creek Village, Cross Creek watershed.
Somerset Township, *Wright No. 22 Covered Bridge.*

SOUTH CAROLINA

Beaufort County

Parris Island, *Marine Corps Recruit Depot.*

Charleston County

Charleston, *139 Ashley St.*
Charleston, *69 Barre St.*
Charleston, *69r Barre St.*
Charleston, *316 Calhoun St.*
Charleston, *316r Calhoun St.*
Charleston, *268 Calhoun St.*
Charleston, *274 Calhoun St.*
Charleston, *Old Rice Mill*, off Lockwood Dr.

SOUTH DAKOTA

Pennington County

Rapid City, *Rapid City Historic Commercial District*, portions of 612–632 Main St.

TENNESSEE

Trousdale County

Dixon Springs, *McGee House.*

TEXAS

Bexar County

Fort Sam Houston, *Eisenhower House*, Artillery Post Rd.

Concho County

Middle Colorado River Watershed, *Prehistoric Archeology in the Southwest Laterals Subwatershed* (also in McCulloch County).

Denton County

Hammons, George, House, between Sangers and Pilot Point.

El Paso County

Castner Range Archeological Sites.

Galveston County

Galveston, *U.S. Customhouse*, bounded by Avenue B, 17th, Water, and 18th Sts.

Hardeman County

Quanah, *Quanah Railroad Station*, Lots 2, 3, and 4 in Block 2.

Uvalde County

Leona River Watershed Archeological Sites.

Webb County

Laredo, *Bertani, Paul Prevost House*, 604 Iturbide St.
Laredo, *De Leal, Viscaya, House*, 620 Zaragoza St.
Laredo, *Garza, Zoila De La, House*, 500 Iturbide St.
Laredo, *Leyendecker/Salinas House*, 702 Iturbide St.
Laredo, *Montemayor, Jose A., House (Carols Vela House)*, 601 Zaragosa St.

UTAH

Salt Lake County

Salt Lake City, *Karrick Building (Leyson-Pearsoil Building)*, 236 S. Main St.
Salt Lake City, *Lollin Block*, 238–240 S. Main St.

VERMONT

Franklin County

Highgate Falls, *Lenticular or Parabolic Truss Bridge*, over Missiquoi River.

Windsor County

Windsor, *Post Office Building.*

WASHINGTON

Benton County

Richland vicinity, *Hanford Island Archeological Site*, 18 mi. N of Richland.
Richland vicinity, *Hanford North Archeological District*, 22 mi. N of Richland.
Richland vicinity, *Paris Archeological Site*, Hanford Works Reservation.
Richland vicinity, *Snively Canyon Archeological District*, 25 mi. NW of Richland.
Richland vicinity, *Wooded Island Archeological District*, N of Richland.

Clallam County

Cape Alava vicinity, *White Rock Village Archeological Site*, S of Cape Alava.
Olympic National Park Archeological District, Olympic National Park (also in Jefferson County).
Segium, *New Dungeness Light Station.*

Franklin County

Richland vicinity, *Savage Island Archeological District*, 15 mi. N of Richland.

Grays Harbor County

West Port, *Grays Harbor Light Station.*

King County

Burton, *Point Robinson Light Station.*
Seattle, *Alki Point Light Station.*
Seattle, *West Point Light Station.*

Kitsap County

Hansville, *Point No Point Light Station.*

Pacific County

Ilwaco, *North Head Light Station.*

Pierce County

Fort Lewis Military Reservation, *Captain Wilkes, July 4, 1841, Celebration Site.*
Longmire, *Longmire Cabin*, Mount Rainier National Park.

San Juan County

San Juan Islands, *Patos Island Light Station.*

Skamania County

North Bonneville, *Site 45SA11*, Bonneville Dam Second Powerhouse Project.

Snohomish County

Mukilteo, *Mukilteo Light Station.*

WEST VIRGINIA

Cabell County

Huntington, *Old Bank Building*, 1208 3rd Ave.

Kanawha County

Charleston, *Kanawha County Courthouse.*
St. Albans, *Chilton House*, 439 B St.

Ohio County

Wheeling, *B & O Railroad Freight Station and Train Shed.*

Wood County

Parkersburg, *Wood County Courthouse.*
Parkersburg, *Wood County Jail.*

WISCONSIN

Ashland County

Ashland vicinity, *Madeline Island Site 7302.*

WYOMING

Goshen County

Torrington, *Union Pacific Depot.*

Natrona County

Casper, *Cantonment Reno.*
Casper, *Castle Rock Archeological Site.*
Casper, *Dull Knife Battlefield.*
Casper, *Middle Fork Pictograph-Petroglyph Panels.*
Casper, *Portuguese Houses.*

Park County

Mammouth, *Chapel at Fort Yellowstone*, Yellowstone National Park.

PUERTO RICO

Mona Island, *Sardinero Site and Ball Courts.*

[FR Doc.76-9773 Filed 4-5-76;8:45 am]

NATIONAL REGISTER OF HISTORIC PLACES

Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 26, 1976. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by April 16, 1976.

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

ALABAMA

Hale County

Greensboro, *Greensboro Historic District*, Main St.

Jefferson County

Birmingham, *Vulcan*, Vulcan Park, U.S. 31 South

Montgomery County

Montgomery vicinity, *Shine, Jere, Site*, NE of Montgomery off U.S. 231

Pike County

Troy, *College Street Historic District*, W. College St. between Pine and Cherry Sts.

CALIFORNIA

Marin County

Olema vicinity, *Olema Lime Kilns*, SE of Olema on CA 1

COLORADO

Grand County

Grand Lake vicinity, *Grand River Ditch*, N of Grand Lake

Grand Lake vicinity, *Lulu City Site*, Trail Ridge Rd. N of Grand Lake in Rocky Mountain National Park

Larimar County

Estes Park vicinity, *Rocky Mountain National Park Utility Area*, W of Estes Park off CO 262 in Rocky Mountain National Park

CONNECTICUT

Litchfield County

Colebrook, *Colebrook Store*, CT 183

New Milford vicinity, *Boardman's Bridge*, Boardman Rd. at Housatonic River, NW of New Milford

New Milford vicinity, *Lover's Leap Bridge*, Pumpkin Hill Rd. at Housatonic River, S of New Milford

Middlesex County

Old Saybrook, *Old Saybrook South Green*, Old Boston Post Rd., Pennywise Lane and Main St.

Portland, *Williams and Stancliff Octagon Houses*, 26 and 28 Marlborough St.

New London County

New London, *Barns, Acors, House*, 68 Federal St.

Windham County

Killingly vicinity, *Daniel's Village Archeological Site*, Aspinock/Putnam Rd., N of Killingly

FLORIDA

Duval County

Mayport, *St. Johns Lighthouse*, U.S. Naval Station

Lake County

Astor vicinity, *Bowers Bluff Middens District*, SE of Astor on the Ocala National Forest

Astor vicinity, *Kimball Island Midden Site*, SE of Astor on Ocala National Forest

GEORGIA

Greene County

Greensboro vicinity, *Scull Shoals Historic Site*, NW of Greensboro on Oconee National Forest

Greensboro vicinity, *Scull Shoals Indian Mounds Archeological Area*, NW of Greensboro on Oconee National Forest

Union County

Blairsville vicinity, *Blood Mountain Archeological Area*, S of Blairsville on Chattahoochee National Forest

Blairsville vicinity, *Track Rock Gap Archeological Area*, E of Blairsville on Chattahoochee National Forest

HAWAII

Honolulu County

Honolulu, *Palama Fire Station*, 879 N. King St.

Maui County

Hana vicinity, *Kipahulu Historic District*, about 9 mi. SW of Hana, Rte 31

ILLINOIS

Cook County

Chicago, *Roloson, Robert, Houses*, 3213-3219 Calumet Ave.

KENTUCKY

Calloway County

New Concord vicinity, *Fort Heiman Site*, about 5 mi. SE of New Concord off KY 121

Daviess County

Owensboro, *Smith, Maj. Hampden, House*, 909 Frederica St.

Franklin County

Jett vicinity, *Hearn, Andrew, Log House and Farm*, Hanley Lane, 3 mi. SW of Jett

Grayson County

Leitchfield, *Thomas, Jack, House*, 108 E. Main St.

Hancock County

Hawesville vicinity, *Beauchamp, Robert C., House*, NW of Hawesville on U.S. 60

Jefferson County

Louisville, *Church of the Messiah*, 805 S. 4th St.

Lee County

Beattyville, *St. Thomas Episcopal Church*, off KY 52

Logan County

Russellville vicinity, *McGready, Rev. James, House*, W of Russellville off U.S. 68

Mercer County

Salvisa vicinity, *Millwood (Lambert Brewer House)*, S of Salvisa off U.S. 127 on Garriot Rd.

LOUISIANA

Bossier Parish

Benton vicinity, *Hughes House*, 13 mi. NE of Benton on LA 160

Caddo Parish

Shreveport, *Tally's Bank*, 525 Spring St.

MAINE

Washington County

Calais vicinity, *St. Croix River Light Station*, 8 mi. S of Calais

NEBRASKA

Douglas County

Omaha, *Mercer, Dr. Samuel D., House*, 3920 Cuming St.

Gage County

Beatrice, *Beatrice City Library*, 220 N. 5th St.

NEW YORK

Jefferson County

Watertown, *Paddock Arcade*, Washington St. between Arsenal and Stone Sts.

Warren County

North Creek, *North Creek Railroad Station Complex*, Railroad Place

OHIO

Belmont County

St. Clairsville vicinity, *Brokaw Site (33Bl-6)*, W of St. Clairsville

Clark County

Springfield, *St. Raphael Church*, 225 E. High St.

Cuyahoga County

Independence vicinity, *South Park Site (33-Cu-8)*, E of Independence

Darke County

Greenville, *Greenville Mausoleum*, Greenville Cemetery, West St.

Hamilton County

Cincinnati, *First Congregational-Unitarian Church*, 2901 Reading Rd.

Cincinnati, *West Fourth Street Historic District*, bounded by Central Ave., W. 5th, Plum, and McFarland Sts.

Glendale, *Glendale Historic District*, OH 747

Harrison vicinity, *Roudebush Farm*, 8643 Kilby Rd.

Newtown and vicinity, *Perin Village (33Ha 124-38)*, off OH 32

Knox County

Fredericktown, *Tuttle House*, 33 E. College St.

Lake County

Perry, *Green, Lucius, House*, 4160 Main St.

Mahoning County

Lowellville, *Lowellville Railroad Station*, Penn Central Railroad

Youngstown, *Tod Homestead Cemetery Gate*, Tod Homestead Cemetery, Belmont Ave.

Portage County

Hiram vicinity, *Johnson, John, Farm*, SW of Hiram, 6203 Pioneer Trail

Preble County

Eaton vicinity, *Christman Covered Bridge*, 1.5 mi. NW of Eaton on CR 12

West Alexandria, *Unger, George B., House*, 29 E. Dayton St.

Stark County

Union town vicinity, *Lake Township School*, E of Uniontown, 1101 Lake Center St.

Summit County

Everett vicinity, *Everett Knoll Complex (33-Su-14)*, W of Everett

Warren County

Lebanon vicinity, *Rue, Benjamin, Tavern*, E of Lebanon on OH 350

Williams County

Kunkle vicinity, *Kunkle Log House (Jacob Young Log House)*, 1 mi. E of Kunkle

RHODE ISLAND

Bristol County

Bristol, *Mount Hope Farm (Gov. William Bradford House)*, Metacom Ave.

Newport County

Newport, *Malbone*, Malbone Rd.

Providence County

East Providence, *Crescent Park Carousel*, Bullock's Point Ave.

Pawtucket, *Pawtucket Post Office*, 56 High St.

Pawtucket, *Spaulding, Joseph, House*, 30 Fruit St.

Providence, *College Hill Historic District*, roughly bounded by Olney and Hope Sts., the harbor, and Providence River.

Providence, *Rhode Island Hospital Trust Building*, 15 Westminster St.

TEXAS

Terrell County

Dryden vicinity, *Bullis' Camp Site at Meyers Spring*, E of Dryden off TX 349.

WASHINGTON

Asotin County

Asotin vicinity, *Snake River Archeological District*, Snake River from Asotin to Oregon border (0.25 mi. inland and both banks of Grand Ronde for 0.66 mi. at its confluence with Snake River)

Clallam County

Ozette vicinity, *Roose, Peter A., Homestead*, W of Ozette in Olympic National Park

Clark County

Camas vicinity, *Parkersville Site (45–CL–115)*, S of Camas on Columbia River

King County

Seattle, *Rainier Club*, 810 4th Ave.
Seattle, *Turner-Koepf House (Jefferson Park Ladies Improvement Club)*, 2336 15th Ave. S.
Snoqualmie vicinity, *Snoqualmie Falls Cavity Generating Station*, N of Snoqualmie on Snoqualmie River

Pacific County

Oysterville, *Oysterville Historic District*, WA 103

Spokane County

Cheney vicinity, *Upper Kepple Rock Shelters (45–SP–7)*, SE of Cheney, Turnbull National Wildlife Refuge
Spokane, *Monroe Street Bridge*, Monroe St. between Ide Ave. and Riverfalls Blvd.
Spokane, *Natatorium Carousel*, Spokane Falls Blvd. at Howard

Stevens County

Ford vicinity, *Indian Painted Rocks*, 5.5 mi. SE of Ford

Wahkiakum County

Skamokawa, *Skamokawa Historic District*, WA4

[FR Doc.76-9774 Filed 4-5-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

BYLAWS OF CORPORATION

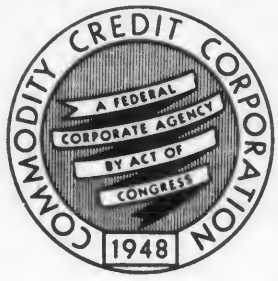
The bylaws of the Commodity Credit Corporation, amended March 17, 1976, are as follows:

OFFICERS

1. The principal office of the Corporation shall be in the City of Washington, District of Columbia, and the Corporation shall also have offices at such other places as it may deem necessary or desirable in the conduct of its business.

SEAL

2. There is impressed below the official seal which is hereby adopted for the Corporation. Said seal may be used by causing it or a facsimile thereof to be impressed or affixed or reproduced.



MEETINGS OF THE BOARD

3. Regular meetings of the Board shall be held, whenever necessary, on Wednesdays at 9:30 a.m. in the Board meeting room in the U.S. Department of Agriculture in the City of Washington, D.C. Notice of such meetings shall be provided in the same manner as is specified for special meetings in Paragraph 4.

4. Special meetings of the Board may be called at any time by the Chairman, the Vice Chairman, or by the President, or the Executive Vice President and shall be called by the Chairman, the Vice Chairman, the President, or the Executive Vice President at the written request of any four Directors. Notice of special meetings shall be given either personally or by mail (including the intradepartmental mail channels of the Department of Agriculture or interdepartmental mail channels of the Federal Government) or by telegram, and notice by telephone shall be personal notice. Any Director may waive in writing such notice as to himself, whether before or after the time of the meeting, and the presence of a Director at any meeting shall constitute a waiver of notice of such meeting. No notice of an adjourned meeting need be given. Any and all business may be transacted at any special meeting unless otherwise indicated in the notice thereof.

5. The Secretary of Agriculture shall serve as Chairman of the Board. The Under Secretary of Agriculture shall serve as Vice Chairman of the Board and, in the absence or unavailability of the Chairman, shall preside at meetings of the Board. In the absence or unavailability of the Chairman and the Vice Chairman, the President of the Corporation shall preside at meetings of the Board. In the absence or unavailabiilty of the Chairman, the Vice Chairman, and the President, the Directors present at the meeting shall designate a Presiding Officer.

6. At any meeting of the Board a quorum shall consist of four Directors. The Act of a majority of the Directors present at any meeting at which there is a quorum shall be the act of the Board.

7. The General Counsel of the Department of Agriculture, whose office shall perform all legal work of the Corporation, and the Assistant General Counsel in the Office of the General Counsel who is in immediate charge of legal work for the Corporation shall, as General Counsel and Assistant General Counsel of the Corporation, respectively, attend meetings of the Board.

8. The Executive Vice President, the Vice President who is the Associate Administrator of the Agricultural Stabilization and Conservation Service, and the Secretary shall attend meetings of the Board. Each of the other Vice Presidents and Deputy Vice Presidents, and the Controller shall attend meetings of the Board during such times as the meetings are devoted to consideration of matters as to which they have responsibility.

9. Other persons may attend meetings of the Board upon specific authorization by the Chairman, Vice Chairman, or President.

COMPENSATION OF BOARD DIRECTORS

10. The compensation of each Director shall be prescribed by the Secretary of Agriculture. Any director who holds another office or position under the Federal Government, the compensation for which exceeds that prescribed by the Secretary of Agriculture for such Director, may elect to receive compensation at the rate provided for such other office or position in lieu of compensation as a Director.

OFFICERS

11. The officers of the Corporation shall be a President, Vice Presidents, and Deputy Vice Presidents as hereinafter provided for, a Secretary, a Controller, a Treasurer, a Chief Accountant, and such additional officers as the Secretary of Agriculture may appoint.

12. The Assistant Secretary of Agriculture for International Affairs and Commodity Programs shall be ex officio President of the Corporation.

13. The following officials of the Agricultural Stabilization and Conservation Service (referred to as ASCS), the Office of the General Sales Manager (referred to as OGSM), Foreign Agricultural Service (referred to as FAS), Food and Nutrition Service (referred to as FNS), and the Agricultural Marketing Service (referred to as AMS) shall be ex officio officers of the Corporation.

Administrator, ASCS; Executive Vice President
General Sales Manager, OGSM; Vice President
Administrator, FAS; Vice President
Administrator, AMS; Vice President
Administrator, FNS; Vice President
Associate Administrator, ASCS; Vice President
Deputy Administrator, Programs, ASCS; Deputy Vice President
Deputy Administrator, Commodity Operations, ASCS; Deputy Vice President
Deputy Administrator, Management, ASCS; Deputy Vice President
Executive Assistant to the Administrator, ASCS; Secretary
Director, Fiscal Division, ASCS; Controller
Deputy Director, Fiscal Division, ASCS; Treasurer
Chief, Accounting Systems Branch, Fiscal Division, ASCS; Chief Accountant

The person occupying, in an acting capacity, the office of any person designated ex officio by this paragraph 13 as an officer of the Corporation shall, during his occupancy of such office, act as such officer.

14. Officers who do not hold office ex officio shall be appointed by the Secretary of Agriculture and shall hold office until their respective appointments shall have been terminated.

THE PRESIDENT

15. The President shall have general supervision and direction of the Corporation, its officers and employees.

THE VICE PRESIDENTS

16. (a) The Executive Vice President shall be the chief executive officer of the Corporation and shall be responsible for submission of all Corporation policies and programs to the Board. Except as provided in paragraphs (b), (c), (d) and (e) below, the Executive Vice President

shall have general supervision and direction of the preparation of policies and programs for submission to the Board, of the Administration of the policies and programs approved by the Board, and of the day-to-day conduct of the business of the Corporation and of its officers and employees.

(d) The Vice President who is the Administrator, Foreign Agricultural Service, shall be responsible for preparation for submission by the Executive Vice President to the Board of those policies and programs of the Corporation which are for performance through the facilities and personnel of the Foreign Agricultural Service. He shall also have responsibility for the administration of those operations of the Corporation, under policies and programs approved by the Board, which are carried out through facilities and personnel of the Foreign Agricultural Service. He shall also perform such special duties and exercise such powers as may be prescribed, from time to time, by the Secretary of Agriculture, the Board, or the President of the Corporation.

(c) The Vice President who is Administrator, Agricultural Marketing Service, shall be responsible for the administration of those operations of the Corporation, under policies and programs approved by the Board, which are carried out through facilities and personnel of the Agricultural Marketing Service. He shall also perform such special duties and exercise such powers as may be prescribed, from time to time, by the Secretary of Agriculture, the Board, or the President of the Corporation.

(d) The Vice President who is the General Sales Manager of the Office of the General Sales Manager shall be responsible for preparation for submission by the Executive Vice President to the Board of policies and programs of the Corporation which are for performance through the facilities and personnel of the Office of the General Sales Manager. He shall also have responsibility for the administration of those operations of the Corporation, under the policies and programs approved by the Board, which are carried out through facilities and personnel of the Office of the General Sales Manager. He shall also perform such special duties and exercise such powers as may be prescribed, from time to time, by the Secretary of Agriculture, the Board, or the President of the Corporation.

(e) The Vice President who is the Administrator, Food and Nutrition Service, shall be responsible for the administration of those operations of the Corporation, under policies and programs approved by the Board, which are carried out through facilities and personnel of the Food and Nutrition Service. He shall also perform such special duties and exercise such powers as may be prescribed, from time to time, by the Secretary of Agriculture, the Board, or the President of the Corporation.

17. The Vice President who is the Associate Administrator, Agricultural Stabilization and Conservation Service, and the Deputy Vice Presidents shall assist the Executive Vice President in the performance of his duties and the exercise of his powers to such extent as the President or the Executive Vice President shall prescribe, and shall perform such special duties and exercise such powers as may be prescribed from time to time by the Secretary of Agriculture, the Board, the President of the Corporation, or the Executive Vice President of the Corporation.

THE SECRETARY

18. The Secretary shall attend and keep the minutes of all meetings of the Board; shall attend to the giving and serving of all required notices of meetings of the Board; shall sign all papers and instruments to which his signature shall be necessary or appropriate; shall attest the authenticity of and affix the seal of the Corporation upon any instrument requiring such action and shall perform such other duties and exercise such other powers as are commonly incidental to the office of Secretary as well as such other duties as may be prescribed from time to time by the President or the Executive Vice President.

THE CONTROLLER

19. The Controller shall have charge of all fiscal and accounting affairs of the Corporation, including all borrowings and related financial arrangements, claims activities, and formulation of prices in accordance with established policies; and shall perform such other duties as may be prescribed from time to time by the President or the Executive Vice President.

THE TREASURER

20. The Treasurer, under the general supervision and direction of the Controller, shall have charge of the custody, safekeeping and disbursement of all funds of the Corporation; shall designate qualified persons to authorize disbursement of corporate funds; shall direct the disbursement of funds by disbursing officers of the Corporation or by the Treasurer of the United States, Federal Reserve Banks and other fiscal agents of the Corporation; and shall issue instructions incidental thereto; shall be responsible for documents relating to the general financing operations of the Corporation, including borrowings from the United States Treasury, commercial banks and others; shall arrange for the payment of interest on and the repayment of such borrowings; shall arrange for the payment of interest on the capital stock of the Corporation; shall coordinate and give general supervision to the claims activities of the Corporation and shall have authority to collect all monies due the Corporation, to receipt therefor and to deposit same for the account of the Corporation; and shall perform such other duties relating to the fiscal and accounting affairs of the Corporation as may be prescribed from time to time by the Controller.

THE CHIEF ACCOUNTANT

21. The Chief Accountant, under the general supervision and direction of the Controller, shall have charge of the general books and accounts of the Corporation and the preparation of financial statements and reports. He shall be responsible for the initiation, preparation and issuance of policies and practices related to accounting matters and procedures, including official inventories, records, accounting and related office procedures where standardized, and adequate subsidiary records of revenues, expenses, assets and liabilities; and shall perform such other duties relating to the fiscal and accounting affairs of the Corporation as may be prescribed from time to time by the Controller.

OTHER OFFICIALS

22. Except as otherwise authorized by the Secretary of Agriculture or the Board, the operations of the Corporation shall be carried out through the facilities and personnel of the Agricultural Stabilization and Conservation Service, the Office of the General Sales Manager, the Foreign Agricultural Service, the Food and Nutrition Service, and the Agricultural Marketing Service in accordance with any assignment of functions and responsibilities made by the Secretary of Agriculture and, within his respective agency or office, by the Administrators of the Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, Food and Nutrition Service, Agricultural Marketing Service, or the General Sales Manager of the Office of the General Sales Manager.

23. The Directors of the divisions and commodity offices of the Agricultural Stabilization and Conservation Service shall be contracting officers and executives of the Corporation in general charge of the activities of the Corporation carried out through their respective divisions or offices. The responsibilities of such Directors in carrying out activities of the Coropration, which shall include the authority to settle and adjust claims by and against the Corporation arising out of activities under their jurisdiction, shall be discharged in conformity with these bylaws and applicable programs, policies, and procedures.

CONTRACTS OF THE CORPORATION

24. Contracts of the Corporation relating to any of its activities may be executed in its name by the Secretary of Agriculture or the President. The Vice Presidents, the Deputy Vice Presidents, the Controller, the Treasurer, and the Directors of the divisions and commodity offices of the Agricultural Stabilization and Conservation Service may execute contracts relating to the activities of the Corporation for which they are respectively responsible.

25. The Executive Vice President who is the Administrator of ASCS and, subject to the written approval by such Executive Vice President of each appointment, the Vice Presidents, the Deputy Vice Presidents, the Controller, and the

Directors of the divisions and commodity offices of the Agricultural Stabilization and Conservation Service may appoint, by written instrument or instruments, such Contracting Officers as they deem necessary, who may, to the extent authorized by such instrument or instruments, execute contracts in the name of the Corporation. A copy of each such instrument shall be filed with the Secretary.

26. Appointments of Contracting Officers may be revoked by written instrument or instruments by the Executive Vice President or by the official who made the appointment. A copy of each such instrument shall be filed with the Secretary.

27. In executing a contract in the name of the Corporation, an official shall indicate his title.

ANNUAL REPORT

28. The Executive Vice President shall be responsible for the preparation of an annual report of the activities of the Corporation, which shall be filed with the Secretary of Agriculture and with the Board.

AMENDMENTS

29. These bylaws may be altered or amended or repealed by the Secretary of Agriculture, or subject to his approval by action of the Board at any regular meeting of the Board or at any special meeting of the Board, if notice of the proposed alteration, amendment, or repeal be contained in the notice of such special meeting.

APPROVAL OF BOARD ACTION

30. The actions of the Board shall be subject to the approval of the Secretary of Agriculture.

I, Frank G. McKnight, Secretary, Commodity Credit Corporation, do hereby certify that the above is a full, true, and correct copy of the bylaws of Commodity Credit Corporation, as amended March 17, 1976.

In witness whereof I have officially subscribed my name and have caused the corporate seal of the said Corporation to be affixed this 31st day of March, 1976.

[SEAL] FRANK E. MCKNIGHT,
Secretary,
Commodity Credit Corporation.

[FR Doc.76-9848 Filed 4-5-76;8:45 am]

Forest Service

BIG PINEY PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Big Piney Planning Unit, Bridger-Teton National Forest, Wyoming. The Forest Service report number is USDA-FS-FES (Adm) R4-75-21.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Big Piney Planning Unit on the Bridger-Teton National Forest, Wyoming. The purpose of the plan is to allocate National Forest lands within the unit to specific resource uses and activities; establish management objectives; and provide the land manager and the public with documented management decisions and coordination between resource uses.

This final environmental statement was transmitted to CEQ on March 30, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., S.W., Washington, D.C. 20250.
Regional Planning Office, USDA, Forest Service, Federal Building, Room 4408, 324 25th Street, Ogden, Utah 84401.
Forest Supervisor, Bridger-Teton National Forest, Forest Service Building, P.O. Box 1888, Jackson, Wyoming 83001.
District Forest Ranger, Big Piney Ranger District, P.O. Box 218, Big Piney, Wyoming 83113.
District Forest Ranger, Greys River Ranger District, P.O. Box 338, Afton, Wyoming 83110.

A limited number of single copies are available upon request from Forest Supervisor H. Reid Jackson, Bridger-Teton National Forest, Forest Service Building, P.O. Box 1888, Jackson, Wyoming 83001.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: March 30, 1976.

DONALD A. SCHULTZ,
Acting Director,
Regional Planning and Budget.

[FR Doc.76-9789 Filed 4-5-76;8:45 am]

NORTH SLOPE PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the North Slope Planning Unit, Wasatch National Forest, Utah and Wyoming. The Forest Service report number is USDA-FS-DES (Adm) R4-76-12.

A draft environmental statement has been prepared on the proposed land use plan of the North Slope Planning Unit on the Wasatch National Forest. Approximately 336,000 acres of National Forest lands and 90,500 acres of others lands are involved in this planning unit. The land use plan is a planning document which allocates lands within the unit to: (1) Meet basic requirements of law, regulation, and policy; (2) Establish and optimum mix of uses; (3) Resolve problems or conflicts in land and resource use; and (4) Meet economic and social needs in a manner generally acceptable to the public.

This draft environmental statement was transmitted to CEQ on March 29, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
Regional Planning Office, USDA, Forest Service, Federal Building, Room 4408, 324-25th Street, Ogden, Utah 84403.
Forest Supervisor, Wasatch National Forest, 4311 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.
District Forest Ranger, Evanston Ranger District, Federal Building, Evanston, Wyoming 82930.
District Forest Ranger, Mountain View Ranger District Mountain View, Wyoming 82939.

A limited number of single copies are available upon request to Forest Supervisor Chandler P. St. John, Wasatch National Forest, 4311 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Chandler P. St. John, Wasatch National Forest, 4311 Federal Building, 125 South State Street, Salt Lake City, Utah 84138 by May 28, 1976, in order to be considered in the preparation of the final environmental statement.

Dated: March 29, 1976.

P. M. REES,
Director, Regional
Planning and Budget.

[FR Doc. 76 9790 Filed 4-5-76;8:45 am]

WOODS PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a draft environmental statement for the Woods Planning Unit in Arizona, USDA-FS-DES(Adm.) R3-76-04.

The environmental statement considers probable environmental effects of various alternatives for management of the Woods Planning Unit.

The draft environmental statement was transmitted to CEQ on March 16, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Rm. 3230, 14th & Independence Ave., SW, Washington, D.C. 20250.
USDA, Forest Service, Southwestern Region, 517 Gold Avenue, SW, Albuquerque, New Mexico 87102.
Forest Supervisor, Coconino National Forest, 114 No. San Francisco Street, Flagstaff, Arizona 86001.

Single copies are available upon request from the Forest Supervisor of the Coconino National Forest. Copies are also available from the Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Arizona 86001. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, State, and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to the Forest Supervisor, Coconino National Forest, 114 North San Francisco Street, Flagstaff, Arizona 86001. Comments must be received within 60 days from the date the statement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

M. J. HASSELL,
Deputy Regional Forester, Region 3.

MARCH 16, 1976.

[FR Doc.76-9791 Filed 4-5-76;8:45 am]

COPPER BASIN LAND EXCHANGE, PHELPS DODGE CORP.

Notice of Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Copper Basin Land Exchange, Prescott National Forest. USDA-FS-DES(Adm)76-07.

This environmental statement concerns a Phelps Dodge Corporation proposal for a land exchange whereby the United States would receive 1,618.29 acres of Corporation land and Phelps Dodge Corporation would acquire 5,976.53 acres of public land. The land selected by Phelps Dodge Corporation is located in Yavapai County, Prescott National Forest.

This draft environmental statement was transmitted to CEQ on March 29, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Room 3230, 12th & Independence Ave. SW., Washington, DC 20250.
USDA, Forest Service, Southwestern Region, 517 Gold Ave. SW., Albuquerque, NM 87102.
Prescott National Forest, 344 South Cortez Street, Prescott, Arizona 86301.

A limited number of single copies are available upon request to the Forest Supervisor, Prescott National Forest; and the Regional Forester, 517 Gold Avenue, SW, Albuquerque, New Mexico 87102.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Donald Bolander, Prescott National Forest, P.O. Box 2549, Prescott, Arizona 86301. Comments must be received within 60 days from the date the statement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

Dated: March 30, 1976.

EINAR L. ROGET,
Acting Deputy Chief.

[FR Doc.76-9847 Filed 4-5-76;8:45 am]

Soil Conservation Service

BAYOU BOEUF WATERSHED, LOUISIANA

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 remaining portion of the Bayou Boeuf Watershed Project, Rapides Parish, Louisiana.

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 controversy is associated with this portion of the project. As a result of these findings, Mr. Alton Mangum, State Conservationist, Soil Conservation Service, U.S.D.A., P.O. Box 1630, 3737 Government Street, Alexandria, Louisiana 71301, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The remaining measures within this action reflect an overall plan for drainage, flood damage reduction, and agricultural water management. The measures include 10.6 miles of channel improvement in a natural, ephemeral channel that has been previously modified. Conservation land treatment, a dam and drainage structure, and a pumping unit complete the proposed measures. An earth fill dam with a built-in drainage structure will allow water to be held in the improved channel and provide for the efficient removal of storm runoff. The pumping unit will provide a supplemental source of irrigation water to the benefit area. The pumping unit is physically a part of the dam-drainage structure complex.

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

Soil Conservation Service, USDA, 3737 Government Street, Alexandria, Louisiana 71301.

Single copies of the negative declaration are available from the State Conservationist.

No administrative action on implementation will be taken until April 21, 1976.

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

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

MARCH 30, 1976.

[FR Doc.76-9771 Filed 4-5-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

HOWARD UNIVERSITY HOSPITAL

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00177-39-43780. Applicant: Howard University Hospital, 2041 Georgia Avenue, NW., Washington, D.C. 20001. Article: OCCC Electric Elbow, Model 056. Manufacturer: Variety Village Electro-Limb Production Center, Canada. Intended use of article: The article is intended to be used in a hybrid prosthesis which will also utilize an electric book in an effort to provide improved function for children with upper extremity amelia (without arms) or severe phocomelia (seal like arms). After fitting with the devices, an assessment will be made to determine proficiency in terms of manual dexterity and activities of daily living. This combination will be tested with respect to feasibility of combining the two battery powered systems in one prosthesis.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article utilizes a light-weight elbow locking mechanism and operates on battery power as opposed to a body power. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 4, 1976 that the capability described above is pertinent to the applicant's intended use which includes evaluation and testing the feasibility of combining two battery powered systems. HEW also advises that it knows of no domestic apparatus of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

B. BLANKENHEIMER,
Director,
Office of Import Programs.

[FR Doc.76-9755 Filed 4-5-76;8:45 am]

NORTHWESTERN UNIVERSITY

Decision on Application for Duty-Free Entry of Scentific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00187-33-46070. Applicant: Northwestern University Medical School, Northwestern Memorial Hospital, Superior Street and Fairbanks Court, Chicago, Illinois 60611. Article: Scanning Electron Microscope, Model PSEM-500. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for a number of research projects particularly those involving the liver. Both normal and pathological structures of tissues from human liver biopsies will be analyzed. The article will also be used in surgical biopsy material in order to search for further aids in the diagnosis of clinical problems.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a motor driven full-eucentric goniometer stage with stepping motor control (1 micron (μm) reproducible to 0.2 μm) digital readout on v, y, and z translation; and precision rotation, and tilt for exact specimen positioning and best precision goniometry. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated March 4, 1976 that the capabilities described above are pertinent to the applicant's use which includes 3-dimensional studies of hepatic fibrosis wherein structural interrelationships between fibroblasts and newly formed collagen fibers are to be quantitatively determined. HEW further advised, that domestic instruments do not provide an eucentric goniometer with equivalent precision of movement.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

B. BLANKENHEIMER,
Director,
Office of Import Programs.

[FR Doc.76-9756 Filed 4-5-76;8:45 am]

UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCE

Decision on Application for Duty-Free Entry of Scentific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00188-00-66700. Applicant: University of Arkansas for Medical Sciences, Department of Pathology, 4301 West Markham, Little Rock, Arkansas 72201. Article: Projection Table for Morphometric Analysis. Manufacturer: Anatomisches Institute, Switzerland. Intended use of article: The article is a custom designed instrument for use in morphometric analysis of biological tissue for use in studying alterations in volumes of different components of tissue in experimental and pathological conditions. Micrographs or electron micrographs are projected by the instrument in a fixed fashion on a specially calibrated screen, with special geometric markings. The incidence of different cells, organs and organelles are then counted for mathematical computation of their relative volumes.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability to project micrographs or electron micrographs in a fixed fashion and a specially calibrated screen, with special geometric markings. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 4, 1976 that the capability described above is pertinent to the applicant's intended use which includes morphometric evaluations of micrographs involving metastatic bone disease and kidney biopsies. HEW also advises that it knows of no comparable domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

B. BLANKENHEIMER,
Director,
Office of Import Programs.

[FR Doc.76-9757 Filed 4-5-76;8:45 am]

UNIVERSITY OF TENNESSEE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00259-33-46040. Applicant: University of Tennessee, Center for the Health Sciences, Department of Anatomy, 875 Monroe Avenue, Memphis, Tenn. 38163. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in an investigation involving a study of the basic cellular mechanisms involving pronuclear development and association and demonstrate aspects of fertilization which may be capable of regulation. The research project will consider the following aspects of fertilized mammalian eggs: (1) The relation of the synthesis of specific macromolecules such as protein, RNA, and DNA, to the ultrastructural events of pronuclear development and

association and (2) what effects alteration of the maternal (egg) cytoplasm as determined by electron microscopic analysis, have on the events of fertilization (specifically pronuclear development and morphogenesis) and the synthesis of RNA, DNA and protein. The article will also be used to train pre- and postdoctoral students in the methodology of electron microscopy.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 74–00532–33–46040 which was denied without prejudice to resubmission on September 17, 1974 for informational deficiencies. The applicant, in response to Question 8, alleges that the foreign article provides the following features which are pertinent to his intended uses in research and teaching. Features which the applicant alleges are pertinent to teaching beginning users of an electron microscope:

"1. *Sigle condenser system* with attendant fewer controls than double condenser instruments.

"2. *Easy to use wobbler for focusing*—an invaluable aid to beginners as well as experienced operators for low magnifications.

"3. *Very high level of illumination at all magnifications*—particularly helpful to beginners trying to focus at the higher ranges of magnification.

"4. *Automatic vacuum system.* Allows the beginner to make the microscope operational with a single switch, and to operate only those controls needed to image and photograph.

"5. *Programmed alignments.* The article's optics are essentially pre-aligned, thus making the training of beginners more efficient.

"6. *Easy filament change.* The use of a spare wehnelt assembly coupled with electromagnetic beam alignment makes this routine operation by an operator most straightforward. This operational feature plus extremely long filament life in the [article] further recommends the instrument for beginning students.

"7. *Automatic photometer system.* Further frees the beginning student to concentrate on the more elemental task of learning to focus the image properly.

"8. *Minimum number of controls.* Only those controls to change the basic parameters are used on the article. These are placed in a well-planned arrangement to provide stigmator adjustment, filament saturation, focusing, beam centering, magnification changes, kilovoltage changes and camera operation.

"9. *High quality micrographs with flat field* on all magnifications are easily obtained."

Other alleged features of the article which the applicant compares with alleged features of the Model EMU–4C electron microscope manufactured by Adam David Company (Adam David):

"a. High resolution capability of 3.5 Angstroms (Å) point to point (point) guaranteed for the article instead of 5Å fringe width high resolution capability of the domestic instrument.

"b. Airlock. The domestic instrument has a specimen airlock chamber device that is unworkable and cumbersome. Reports from the field indicate that the present design and operation of said instrument was judged to be inadequate. Attempts to insert or retrieve specimens with the apparatus resulted in several specimen holders being left partially or totally in the column with the only recourse for retrieval being the breaking of column vacuum. Although the trained electron microscopist may have little difficulty with such an airlock chamber, it would be unsuitable for student training and use.

"c. The article permits a view of the specimen throughout the magnification range and a pole piece change is not required. The unique single condenser "mini-lens" provides superior illumination at high magnifications and a beam spot size of 6 microns fully focused. The domestic instrument neither permits operation throughout the entire manification range of the article (200x–200,000x) without a pole piece change nor can the view of the specimen be maintained throughout this range.

"d. The article provides a choice of multiple camera use, i.e., plate, 35 and 70 mm. The installed instrument presently has the plate and 35 mm capabilities while the 70 mm camera will be purchased within one year. On the same purchase order, a Philips EM 301 has been ordered and the roll film cameras can be used interchangeably on either instrument.

"e. The single condenser design of the article provides a level of operation very close to that of a double condenser system but with only one control."

The EMU–4C is the most closely comparable domestic instrument. Based on the Department of Health, Education, and Welfare (HEW) memorandum dated March 25, 1975, we find that the applicant provides no specifications which are pertinent within the meaning of Subsection 301.2(n) upon which duty-free entry could be based. HEW advises the intended use of the article is "research oriented and the teaching is at a sophisticated level, therefore, simplicity and ease of operation are not pertinent features." According to HEW, features 1–9 summarized above and claimed pertinent to teaching beginning users of electron microscopes in reply to Question 8 relate to simplicity and ease of operation and are not pertinent.

In claiming that the EMU–4C is more complicated for a beginner than the EM 201, the applicant cites the Department's decision appearing in the FEDERAL REGISTER on Tuesday, October 8, 1974 (39 Fed. Reg. 36125) and quotes in pertinent part, "The EMU–4C was a relatively complex instrument designed primarily for research * * *." Regarding this claim, HEW advises that "the article is also a relatively complex research instrument."

We would point out that the decisions cited by the applicant was based not only on simplicity but the low distortion low magnification capability of the foreign instrument. The cited decision involved educationally oriented purposes and a comparison of the domestic EMU–4C with the Zeiss EM 9S–2, which is less complex than either the EMU–4C or the EM 201 and, unlike these two instruments, is designed for essentially teaching uses. Moreover, several precedents involving a comparison of the EMU–4C and the EM 201 (or 201C) can be cited wherein HEW has advised simplicity and ease of operation of the EM 201 are not established or proven and are not pertinent (e.g. Docket Numbers 74–00392–33–46040, 74–00384–33–46040, 74–00403–33–46040). Finally, we would note that the manufacturer of the Zeiss 9S–2, which was compared with the EMU–4C in the FEDERAL REGISTER decision quoted by the applicant, was given an opportunity by the applicant to bid an equivalent instrument to the EM 201, and did not bid the 9S–2. We note that the 9S–2 and the EM 201 represent essentially two different classes of electron microscopes. As to its a. through e. listed above and claimed pertinent by the applicant, the following is noted:

RESOLUTION

a. The application does not expressly state whether a Model EM 201 electron microscope (Guaranteed resolution 5Å point) or an EM 201C (Guaranteed resolution 4Å point or 3.4Å lattice) was ordered. For example, the purchase order for the article and the applicant's reply to Question 5 identify the article as an EM 201 but the applicant has continuously maintained that the electron microscope ordered had a guaranteed resolution of 3.5Å. The foreign manufacturer has verified the applicant's claim and has informed the Department that the applicant received a 201C. In view of this HEW's review applies to the 201C.

HEW advises that there is no scientifically significant difference between the 4Å point or 3.4Å lattice guarantee of the article and the 5Å point guarantee of the EMU–4C.

b. *Airlock.*—If there is any difference in the performance of the airlock of the EMU–4C and the article, that difference must lie in the area of simplicity and ease of operation which HEW has pointed out is non-pertinent. We, therefore, find feature b. to be a non-pertinent convenience.

c. *Magnification and Mini-condenser.*—The EMU–4C provides a magnification range of 1400 to 240,000× plus 400× and lower for scanning without a pole piece change. The article provides a magnification range of 1500 to 200,000× plus 200× for scanning (not 200 to 200,000× as quoted by the applicant) without a pole piece change. In addition, the 4C is available with either a single- or pre-aligned double-condenser lens (with a standard minimum beam spot size of 2 microns) and a high intensity grid cap

and plug in filament to provide adequate illumination. The applicant states that the mini-condenser lens (a single-condenser lens) provides a level of operation very close to that of a double-condenser lens system but with only one control. Thus, if there is any difference between the 4C and the article with respect to feature c., that difference lies in the area of simplicity and ease of operation which is non-pertinent. HEW advises that feature c. is non-pertinent since it is either a convenience feature or is cost-related.

d. *Cameras.*—The applicant states that the installed instrument has plate, and 35 mm and 70 mm camera capabilities and that the 70 mm camera will be purchased in the future. We note, however, that the purchase order for the article does not list a 35 mm camera (either as part of the article or the EM 301 electron microscope which was also ordered). Inasmuch as Subsections 301.2(c), 301.2(d) and 301.6(a)(3) of the regulations prohibit consideration of accessories which were not originally purchased with the article, the article's capabilities with respect to the 35 mm and 70 mm cameras cannot enter into our determination. In any case, plate, 35 mm and 70 mm cameras are available with the EMU–4C. Moreover, HEW advises that feature d. is a no-pertinent convenience feature which at any rate is matched by the EMU–4C.

e. *Mini-condenser lens.*—As noted in the discussion of feature c. above, the only possible advantage of the mini-condenser lens system over the EMU-4Cs' double-condenser lens system lies in the area of simplicity and ease of operation which are both non-pertinent. Moreover, HEW advises that e. is a non-pertinent convenience feature matched in the EMU–4c.

For the foregoing reasons, we find that the Model EMU–4C electron microscope is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

B. BLANKENHEIMER,
Director,
Office of Import Programs.

[FR Doc.76-9758 Filed 4-5-76;8:45 am]

National Oceanic and Atmospheric Administration

OFFICE OF COASTAL ZONE MANAGEMENT

Public Hearing

Notice hereby is given that the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold a public hearing for the purpose of receiving comments on the draft environmental impact statement concerning the establishment of an estuarine sanctuary in Waimanu Valley, County of Hawaii, State of Hawaii. The Hawaii State Department of Planning and Economic Development has submitted an application for approval by the Secretary of Commerce according to Section 312 of the Coastal Zone Management Act of 1972.

The hearing will be held in two sessions: the first in the Honoka'a District Courthouse in Honoka'a, Hawaii, at 7:30 p.m., Monday, April 26, 1976; the second the following morning at 10:00 a.m., April 27, 1976, in the County Council Room, County Building, 25 Aupune Street, Hilo, Hawaii. Statements, both written and oral, are invited from the general public and interested organizations. Presentations will be scheduled on a first-come, first-served basis, but may be limited to a maximum of ten or as otherwise appropriate.

Priority will be given to those with prepared statements; time will be available, however, at the end of the meeting for those persons without statements to present their views. The Office of Coastal Zone Management staff may question any speaker following presentation of his statement. No verbatim transcript of the hearing will be maintained, but staff present will record the general thrust of remarks.

Persons or organizations wishing to be heard on this matter should contact the Office of Coastal Zone Management as soon as possible so that an appearance schedule may be drawn up and definite times established for presentations. Please contact:

Office of Coastal Zone Management, 3300 Whitehaven Street, N.W., Page Building No. 1, Washington, D.C. 20235, 202–634–4241.

Written comments may also be submitted by mail to the Office of Coastal Zone Management. Such comments must be received before May 10, 1976, in order to be considered for inclusion in the final environmental impact statement.

Copies of the draft environmental impact statement may be obtained by contacting the Office of Coastal Zone Management or:

Department of Planning and Economic Development, P.O. Box 2359, Honolulu, Hawaii 96804, 808–548–3047.

The statement is also available for inspection by the public, both at the Office of Coastal Zone Management and at the following locations:

Department of Planning and Economic Development, Kamamalu Building, 250 South King Street, Honolulu, Hawaii.
Hawaii Document Center, State Libraries, 478 South King Street, Honolulu, Hawaii.

Comments may address the adequacy of the impact statement and/or the nature of the estuarine sanctuary proposal itself.

Following consideration of the comments received at this hearing, as well as written comments submitted to the Office of Coastal Zone Management, the Office of Coastal Zone Management will prepare the final environmental impact statement pursuant to the National Environmental Policy Act of 1969 and implementing guidelines.

T. P. GLEITER,
Assistant Administrator
for Administration.

[FR Doc.76-9853 Filed 4-5-76;8:45 am]

PATENT AND TRADEMARK OFFICE ADVISORY COMMITTEE

Meeting

The Patent and Trademark Office Advisory Committee will meet from 10:00 a.m. to 5 p.m. on May 24, 1976, in Room 3–11C28 (Commissioner's Conference Room), Patent and Trademark Office, Crystal Plaza Building 3, Arlington, Virginia.

This Committee was established on December 15, 1975 to advise the Patent and Trademark Office on matters concerning the patent system and the administration of the Office. Since this will be the first meeting of the Committee, this morning session will be devoted to a general briefing on operations of the Patent and Trademark Office and a tour of the office facilities at Crystal Plaza.

The agenda for the afternoon session is:

(1) A general discussion of the effectiveness of the patent system and of the patent operations of the Patent and Trademark Office in fulfilling the needs of the nation.

(2) Consideration of what steps should be taken by the Patent and Trademark Office to improve its patent operations.

(3) Specific evaluation of short term (1976–1977) objectives of the Patent and Trademark Office, including views as to how they might be achieved.

The meeting will be open to public observation; approximately 15 seats will be available for the public on a first-come first-served basis. A period will be set aside for oral comments or questions by public observers of 3 minutes per individual on each of the agenda items. More extensive comments or questions should be submitted in writing before May 21. Oother public statements may be submitted at any time before or after the meeting.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Committee Control Officer, Herbert C. Wamsley, Office of the Commissioner of Patents and Trademarks, Washington, D.C. 20231, telephone: 703–557–3071; or to the Executive Secretary, David B. Allen, Office of Legislation and International Affairs, Patent and Trademark Office, Washington, D.C. 20231, telephone: 703–557–3065.

Dated: March 25, 1976.

C. MARSHALL DANN,
Commissioner of Patents
and Trademarks.

Approved:

BETSY ACKNER-JOHNSON,
Assistant Secretary for Science
and Technology.

[FR Doc.76-9801 Filed 4-5-76;8:45 am]

[Department Organization Order 15-3; Transmission 1288]

OFFICE OF COMMUNICATIONS

Department Organization Order Series

This order effective March 22, 1976, supersedes the material appearing at 40 FR 36608 of August 21, 1975.

SECTION 1. PURPOSE

.01 This order prescribes the responsibilities and functions of the Office of Communications.

.02 This revision changes the position title from Assistant to the Secretary and Director of Communications to read Director of Communications; deletes the position of Deputy Director; deletes the function of preparing speeches for the Secretary and Under Secretary, which is now assigned to the Special Assistant to the Secretary; and makes other minor language changes.

SECTION 2. GENERAL

The Office of Communications, which is continued as a Departmental office, is headed by the Director of Communications, who reports and is responsible to the Secretary. The Director is the principal advisor to the Secretary on public affairs matters, and is responsible for the overall public information program of the Department. He serves as the primary liaison for the Department with other Departments and agencies, and provides functional supervision to the public information offices in the operating units.

SECTION 3. FUNCTIONS

The Office of Communications shall:

a. Plan, develop and implement a coordinated public information program throughout the Department;

b. Prepare and issue press releases and TV/radio material on matters involving the Secretary or Under Secretary, and other officials in the Office of the Secretary as appropriate;

c. Provide, or supervise the provision of, other public affairs services required by the Secretary, Under Secretary, and other officials, including the handling of news conferences, arrangements for radio and television boardcasts, and arranging personal appearances;

d. Maintain liaison with the White House Office of Communications and the counterpart offices in other Departments and agencies to assure that the Department's public information activities are consistent and properly coordinated with those of the entire Executive Branch;

e. Prepare and publish the publication Commerce America;

f. Provide liaison with outside public groups and organizations concerned with Department activities;

g. Advise and assist the Office of the Secretary, and other offices as appropriate, by providing information, analysis, and news services concerning press and radio/TV coverage of Department activities;

h. Review and approve for release all Commerce news items and other informational material such as speeches and publications, and review and approve all graphics, films, exhibits and advertising or promotional programs of the Department's public affairs offices; and

i. Exercise functional supervision of the public information activities of the operating units, whether performed by information staffs or otherwise, and review and advise on the effectiveness of the operating units in public affairs matters.

Effective date: March 22, 1976.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76-9788 Filed 4-5-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON BILINGUAL EDUCATION

Meeting; Correction

In FR Doc. 76-9136 appearing at page 13647 in the FEDERAL REGISTER of March 31, 1976, the first paragraph is corrected in the sixth line of that paragraph by changing 23 to 24.

Dated: March 31, 1976.

JOHN C. MOLINA,
Director, Office of Bilingual Education.

[FR Doc.76-9769 Filed 4-5-76;8:45 am]

Food and Drug Administration

[Docket No. 76N-0110; DESI 11802]

CERTAIN SOLID DOSAGE FORMS OF ORAL POTASSIUM SALT DRUG PRODUCTS INTENDED FOR PROPHYLAXIS OR TREATMENT OF POTASSIUM DEPLETION

Notice of Opportunity for Hearing on Proposal to Withdraw Approval of New Drug Applications

This notice proposes to withdraw approval of the new drug applications described below for oral potassium salt drug products intended for prophylaxis or treatment of potassium depletion. This action is being taken on the basis of new reports of small-bowel lesions associated with the use of these products and because of the availability of alternative methods for prophylaxis or treatment of potassium depletion. Persons who wish to request a hearing on this proposal to withdraw approval of these new drug applications may do so on or before May 6, 1976.

NDA No.	Drug name	Firm name
10-802	Rautrax Tablets containing flumethiazide, potassium chloride, and rauwolfia serpentina.	E. R. Squibb & Sons, P.O. Box 4000, Princeton, N.J. 08540.
12-163	Naturetin W/K Tablets containing bendroflumethiazide and potassium chloride.	Do.
12-243	Di-Ademil-K 25-625 Tablets and Di-Ademil-K 50-625 Tablets containing hydroflumethiazide and potassium chloride.	Do.
12-244	Rautrax Improved Tablets and Rautrax Improved 25 Tablets containing hydroflumethiazide, potassium chloride, and rauwolfia serpentina.	Do. Do.
12-320	Those parts of the NDA pertaining to Rautrax-N Modified Tablets and Rautrax-N Tablets containing bendroflumethiazide, potassium chloride, and rauwolfia serpentina.	Do.
16-281	Potassium Chloride Enteric Coated Tablets	Cooper Laboratories, Inc., Parsippany, N.J. 07054.
16-285	do	Stanley Drug Products, Inc., Division Sperti Drug Products Inc., P.O. Box 3108, Portland, Oreg. 97208.
16-286	Potassium Chloride Enseals	Eli Lilly & Co., P.O. Box 613, Indianapolis, Ind. 46206.
16-287	Kaon Coated Tablet containing potassium gluconate.	Warren-Teed Pharmaceuticals, Inc., 582 West Goodale St., Columbus, Ohio 43215.
16-289	Potassium Chloride Emplet	Parke Davis & Co., Joseph Campau Ave., Detroit, Mich. 48232.
16-292	Potassium Chloride Enteric Coated Tablets	Richlyn Laboratories, 3725 Castor Ave., Philadelphia, Pa. 19124.
16-302	Potaklor Plus Enteric Coated Tablets containing potassium chloride.	Kirkman Labs., Inc., 924 Northeast 25th Ave., Portland, Oreg. 97232.
16-313	Potassium Chloride Enteric Coated Tablets	Strong Cobb & Co., 11700 Shaker Blvd., Cleveland, Ohio 44120.
16-314	do	American Pharmaceutical Co., Inc., 120 Bruckner Blvd., Bronx, N.Y. 10453.

Each of these drug products is a solid oral dosage form of potassium chloride or other potassium salt, alone or in combination with other active ingredients, that is intended to be administered in solid form for prophylaxis or treatment of potassium depletion and that supplies 100 milligrams or more of potassium per dosage unit.

SAFETY OF POTASSIUM SALT DRUG PRODUCTS

In a statement of policy in § 201.306 (21 CFR 201.306), the Food and Drug Administration (FDA) concluded that potassium salt drug products that supply 100 milligrams or more of potassium per tablet or, in liquid preparations, supply 20 milligrams or more of potassium per milliliter are not safe for use unless restricted to dispensing on prescription and unless their labeling bears adequate information for use of the drugs by practitioners. That statement of policy, based on an increasing incidence of small-bowel lesions associated with those drug products, gave notice that those products could be marketed only if they were labeled in accordance with that statement of policy and, if coated or in capsule form, were the subject of a new drug application. Although a causal relationship had not been definitely established, the labeling of coated tablets and capsules was to include a warning statement concerning the reported occurrence of nonspecific small-bowel lesions associated with the administration of enteric-coated potassium preparations and advising that such preparations should only be used when indicated and when adequate dietary supplementation was not practicable. The labeling of uncoated tablets containing potassium chloride or

other potassium salts that supply 100 milligrams or more of potassium per tablet or of liquid preparations containing potassium salts that supply 20 milligrams or more of potassium per milliliter was to include a recommendation that patients be directed to dissolve any such tablets in an appropriate amount of liquid and to dilute any such liquid preparations adequately to assure against gastrointenstinal injury associated with the oral ingestion of concentrated potassium salt preparations.

The Director of the Bureau of Drugs concludes that the statement of policy in § 201.306(a), which states that the Food and Drug Administration will not initiate regulatory action with respect to the continued marketing of coated tablets and capsules of potassium chloride and other potassium salt preparations if certain conditions are met, does not affect the issuance of this notice. That section was not intended to foreclose further FDA regulation of these products. Rather, it was intended to advise manufacturers of the products described therein that the FDA would initiate no regulatory action with respect to the continued marketing of such products without giving prior notice of such action to the manufacturers. The Director of the Bureau of Drugs concludes that this proposal to withdraw approval of the approved new drug applications for the products described above is adequate notice of such action. He advises that the FDA intends to publish a notice of proposed rulemaking to revoke § 201.306 (a), in the near future.

The Director of the Bureau of Drugs proposes to withdraw approval of these new drug applications on the ground that new evidence of clinical experience, not contained in the applications or not available to the Food and Drug Administration until after such applications were approved, evaluated together with the evidence available when the applications were approved, shows that these drug products are not shown to be safe for use under the conditions for use upon the basis of which the applications were approved. Specifically, the Director refers to new evidence of the high incidence of nonspecific small-bowel lesions associated with these products, consisting of stenosis (with or without ulceration), causing obstruction, hemorrhage, and perforations, and necessitating surgery. These adverse effects give an unfavorable benefit-to-risk ratio to these drug products for which equally effective alternative drug products having less potential for risk are readily available.

Since the statement of policy was issued in 1965, incidents of small-bowel lesions consisting of stenosis (with or without ulceration) associated with the administration of potassium preparations have continued to be reported to the FDA and in the scientific literature. Copies of the reports have been placed on public display in the Office of the Hearing Clerk, Food and Drug Administration. The Director of the Bureau of Drugs finds that the potassium lesion relationship is not limited to enteric-coated potassium preparations. Apparently any concentrated potassium in tablet or capsule dosage form for direct ingestion into the gastrointestinal tract without prior dissolution in a volume of liquid may produce small-bowel lesions.

Alternative methods of potassium depletion therapy are available without having to resort to the conventional solid oral dosage forms. These alternative methods that have not been implicated, or have rarely been implicated, in the occurrence of small-bowel lesions include dietary management, liquid preparations intended to be diluted, and effervescent tablets or powders intended for solution prior to ingestion. Additionally, the FDA has recently approved for marketing two controlled release tablet formulations containing potassium chloride that, although associated with small-bowel lesions, have a much lower propensity (less than one per 100,000 patient-years) for causing such lesions than do enteric-coated potassium chloride preparations (40 to 50 per 100,000 patient-years) and, thus, a more favorable benefit-to-risk ratio. These controlled release dosage forms offer an alternative means of potassium supplementation to those patients who cannot tolerate, either because of taste or gastric symptoms, liquid potassium preparations and effervescent products that are dissolved prior to ingestion.

Having reviewed the available evidence, the Director of the Bureau of Drugs concludes that the benefit-to-risk ratio of solid oral dosage forms of potassium salts that are administered in solid dosage form and supply 100 milligrams or more of potassium per dosage unit is unacceptable in consideration of their recognized hazards and the availability of acceptable alternative therapy. This conclusion applies both to products containing a potassium salt as the only active ingredient and to combination products that contain a potassium salt as one component.

Effectiveness of Potassium Salt Combination Drug Products

In addition, the Director of the Bureau of Drugs proposes to withdraw approval of the new drug applications for Rautrax (NDA 11–802), Naturetin W/K (NDA 12–163), Di-Ademil-K (NDA 12–243), Rautrax Improved (NDA 12–244), and Rautrax-N (NDA 12–320), held by E. R. Squibb & Sons on the ground that new information, evaluated together with the evidence available to the Food and Drug Administration when the applications were approved, shows there is a lack of substantial evidence that combination drugs containing a thiazide and potassium chloride or a thiazide, potassium chloride, and rauwolfia serpentina, will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling. Potassium loss is variable. Thus, the amount of postassium necessary to prevent hypokalemia varies greatly among patients and the dose of potassium must be individualized. The fixed-combination drug products do not permit the necessary individualization of the dose among patients and, therefore, they do not satisfy the requirement for fixed-combination prescription drugs in 21 CFR 300.50.

In the Federal Register of October 23, 1971 (36 FR 20543; DESI 11802), the Commissioner issued a notice withdrawing approval of the new drug applications for certain combination drugs containing thiazides and potassium chloride or thiazides, potassium chloride, and reserpine or rauwolfia serpentina. Included in that notice were the various drug products of E. R. Squibb & Sons (Squibb) listed above. At that time the Commissioner entered a summary judgment against Squibb denying its request for an evidentiary hearing on his proposal to withdraw approval of the firm's new drug applications on the ground that Squibb failed to set forth specific facts showing that there was a genuine and substantial issue of fact that required a hearing. In response to the October 23, 1971 notice, Squibb petitioned the United States Court of Appeals for the Third Circuit to review the Commissioner's order withdrawing approval of its new drug applications. *E. R. Squibb & Sons* v. *Weinberger*, 483 F. 2d 1383 (3d Cir., 1973). The Court remanded the case to the Food and Drug Administration directing it to review the Squibb hearing request in light of *Weinberger* v. *Hynson, Wescott & Dunning, Inc.*, 412 U.S. 609 (1973), and to apply an articulated standard to determine the propriety of an administrative summary judgment on the issues of the safety of Squibb's products raised in its hearing request.

This notice affords Squibb the opportunity to submit data in addition to that on which its request for a hearing was denied. If Squibb does not submit any additional data, but requests a hearing pursuant to this notice, it may rely on the material previously submitted regarding the safety and effectiveness of its products. If Squibb's information does not demonstrate that its combination products are safe and effective and in compliance with the requirements of § 300.50 for fixed-combination prescription drugs and if it does not demonstrate that there is a genuine and substantial issue of fact that requires a hearing, a final order, complying with the Third Circuit's opinion, will be published.

Applicability of Notice

Therefore, notice is given to the holders of the new drug applications and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug applications listed above (or those parts of the applications providing for the drug products listed above) and all amendments and supplements thereto on the grounds (1) that new evidence of clinical experience, not contained in such applications or not

available until after such applications were approved, evaluated together with the evidence available when the applications were approved, shows that such drugs are not shown to be safe for use under the conditions of use on the basis of which the applications were approved; and (2), for those new drug applications providing for combination drug products containing a thiazide and potassium chloride or a thiazide, potassium chloride, and rauwolfia serpentina, that new information before him with respect to the drug products, evaluated together with the evidence available to him at the time of approval of the applications, shows there is a lack of substantial evidence that the drug products will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

In addition to the holders of the new drug applications specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852. The Director of the Bureau of Drugs advises that all solid dosage forms of potassium salt drug products, except controlled release dosage forms, that are not formulated and labeled for solution prior to ingestion are subject to this notice of opportunity for hearing.

In addition to the grounds for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962, or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicants and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of their new drug applications should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before May 6, 1976, a written notice of appearance and request for hearing, and (2) on or before June 7, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR Part 314.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during working hours, Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: April 1, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76-9876 Filed 4-5-76;8:45 am]

[Docket No. 76N-0081]

CONDITIONS FOR MARKETING INTRAOCULAR LENSES

Notice to Manufacturers

The Food and Drug Administration (FDA) is announcing its determination that intraocular lenses are new drugs subject to the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355). All intraocular lenses within the jurisdiction of the act after October 7, 1976, must comply.

This notice sets forth the policy FDA will follow in applying the requirements of section 505 and implementing regulations to the distribution, investigation, and use of intraocular lenses. Because this announcement represents a clarification of agency policy, and because intraocular lenses are already in wide use without observance of the requirements for new drugs, the Commissioner of Food and Drugs is affording a period of 180 days for manufacturers, distributors, and investigators of the lenses to achieve compliance with section 505 and the regulations promulgated thereunder. At the expiration of this period, intraocular lenses manufactured for distribution within the jurisdiction of the Federal Food, Drug, and Cosmetic Act that are not the subject of an approved new drug application (NDA) or "Notice of Claimed Investigational Exemption for a New Drug" (IND) shall be subject to regulatory action. Interested persons have until June 7, 1976 to submit written comments regarding the implementation of the Commissioner's determination that intraocular lenses shall be regulated as new drugs, and specifically the development of guidelines for the testing and clinical investigation of such lenses.

BACKGROUND

Intraocular lenses are defined as lenses intended to replace surgically the natural lens of the human eye. They are primarily used to replace natural lenses that have been damaged or rendered useless, generally as a result of cataracts. In addition, they may be used for: correcting a high degree of myopia (shortsightedness, near-sightedness); for cosmetic purposes; as a mechanical support; for use in conjunction with spectacles, i.e., to produce a Galilean telescope; for use in patients with defects of the macula; or in the treatment of aniridia, i.e., complete or partial absence of the iris (Ref. 1).

Intraocular lenses may be grouped into four classes according to the method used to fix them to the interior of the eye. They are, in chronological order of their development: posterior chamber lenses, anterior chamber lenses, iris fixa-

tion lenses, and iridocapsular-capsular fixation lenses. Within each of these classes are a variety of lens designs (Ref. 2). Most lenses presently used are of the iris fixation or iridocapsular-capsular fixation type, although at least one of the anterior chamber lenses is still being used.

After cataract extraction, an artificial lens must be used to restore vision. Spectacle lenses, contact lenses, or intraocular lenses can be used. All of these lenses produce various degrees of magnification of the image as compared to the natural lenses of the eye.

Spectacles may present certain disadvantages for patients who have had a cataractous lens removed only from one eye. These patients may find it difficult to fuse two images together when the disparity of vision between their eyes is relatively great (Refs. 2, 3, and 4). Also, correction of aphakia (absence of the natural lens of the eyes) by spectacle lenses results in restricted peripheral vision, distortion of peripheral images, and scotoma (a circular area of shadow at the lens edge). These characteristics require adjustment to be made by the patient.

Contact lenses result in no distortion, no scotoma, full peripheral vision, and an image which may be fused even by the patient who has had a lens removed from only one eye. However, contact lenses also present certain disadvantages. Many individuals purportedly do not use their contact lenses (Ref. 2). The elderly may not have the dexterity required to use them.

Because of the disadvantages of spectacles and contact lenses, intraocular lenses were developed and have received sporadic acceptance as a means of therapy in the United States. Recently their use has increased. Intraocular lenses may provide greater convenience to the patient in that they are placed in the eye, with the hope that the lenses will be a permanent implant. Also, the image is closer to that of the normal eye. However, their use has produced a wide variety of complications. These are discussed in the following portion of this preamble, *Experience With Intraocular Lenses.*

Experience With Intraocular Lenses

Intraocular lenses have been available for experimental use since 1949. In 1953, the Panel for Cataract Survery, appointed by the American Academy of Ophthalmology, reviewed the use of the lenses in cataract surgery. The panel concluded that the use of intraocular lenses produced results inferior to those of conventional cataract surgery techniques. The panel also recommended that further investigational work be discontinued until a longer followup study of eyes already implanted with the lenses showed that delayed complications were exceptional (Ref. 5). Thereafter, intraocular lenses were seldom used in the United States. In Europe, however, experimentation continued with a variety of intraocular lens designs. There was renewed interest in intraocular lens implantation in the United States beginning in 1967. In 1969 the safety and effectiveness of this procedure in the treatment of aphakia was questioned by Richard C. Troutman, M.D., Professor and Head, Division of Ophthalmology, Downstate Medical Center, State University of New York, in a letter to the American Journal of Ophthalmology (Ref. 6).

Subsequently, clinical experience and data have been developed concerning a variety of intraocular lenses which raise additional questions as to the safety and effectiveness of such lenses. Complications arising as a result of intraocular lens implantation include the following:

Endothelial corneal dystrophy (clouding of the "eye's window") which is virtually negligible after ordinary cataract surgery (Ref. 7), was a major problem with early types of intraocular lenses. It is more likely to occur after intraocular lens surgery than conventional cataract surgery (Ref. 8) and frequently becomes manifest years after implantation (Refs. 2 and 9). While endothelial corneal dystrophy may result from mechanical contact of any portion of an intraocular implant with the cornea, it may also result even where no contact takes place, possibly from a chemical mechanism due to the release of degradation products of the plastic, catalysts, additives, or other contaminating chemicals (Refs. 1 and 10). It is not clear that endothelial corneal dystrophy has been reduced to an acceptable incidence with modern lenses. The incidence varies from 3.6 percent to 13 percent in studies where the average observation period ranged from 1.5 years to 4.5 years (Refs. 2, 11, 12, and 13). The Commissioner is concerned that endothelial corneal dystrophy may occur long after implant surgery and may not be diagnosed since the average observation period for implant surgery, as reported in published studies, covers only a fraction of the time that an intraocular lens normally remains implanted in the eye.

Dislocation, i.e., forward or backward displacement of the lens, is a complication unique to intraocular lenses. The incidence varies from 0 percent to 11 percent and appears to be related to lens design (Refs. 2, 11, 12, and 14). While a dislocated lens can usually be repositioned by an ophthalmologist without elaborate surgical procedures, it may result in blurred vision, discomfort, glaucoma, or endothelial corneal dystrophy (Ref. 2).

Decentration of the lens, i.e., movement of the lens to the side, was found in about 3.5 percent of the patients in one study (Ref. 2). A lens that is not properly centered may cause a stigmatism or threaten visual acuity due to contact of the lens with the cornea.

Sutures are required for the fixation of some modern intraocular lenses. The inventor of one intraocular lens that is currently being sold in the United States has partially abandoned the technique because of the unreliability of available suture material (Ref. 15). If sutures fail, there is a greater likelihood that the lens will dislocate.

Retrolental membranes (membrances which grow behind the lens with the effect of drawing a curtain across the back of the eye) may occur after implantation of intraocular lenses following extracapsular cataract extraction. In one study, the incidence was approximately 7 percent after lens implantation (Ref. 2). These membranes may interfere with vision and decrease visual acuity. Their removal requires surgery.

Cystoid macular edema (degenerative changes of the macula), which causes a loss of central vision without which one cannot clearly distinguish fine detail or read, is a relatively uncommon complication of conventional cataract surgery occurring in approximately 2 percent of the cases (Ref. 7), usually shortly after operation. Recently, however, several authors have described cystoid maculopathy (cystoid macula edema) following intraocular lens insertion that occurred months to years after surgery. It is uncertain, at present, whether this is a consequence of the intraocular lens or a normal but hitherto undescribed occurrence. The Commissioner notes that a controlled study of this question has been in process for some 8 months, but that definitive results are not yet available (Ref. 16). There is cause for serious concern that the incidence of cystoid maculopathy following intraocular lens insertion is so much higher, i.e., 6.4 percent to 17 percent (Ref. 11, 12, 13, and 17), than that which was previously considered to be normal, and that there are no data from long term studies utilizing control groups.

Uveitis, which is irritation or inflammation of the inside of the eye, associated with the implantation of intraocular lenses, has been reported to range from 0.6 percent to 63 percent in studies where the average period of observation was 0.6 years to 4.5 years (Refs. 2, 11, 12, and 17). Uveitis may indicate an adverse reaction of the eye to the chemical constituents of intraocular lenses, a response to a foreign body, or it may be related to surgical procedure. Extracapsular extraction is recommended or required for the use of some intraocular lenses. This may result in a higher incidence of iridocyclitis (inflammation of the front portion of the eye), or sympathetic uveitis (inflammation of the back portion of the eye) (Ref. 7). Control of uveitis may require the use of corticosteroids which in turn may increase the likelihood of steroid-induced glaucoma (Ref. 18). The query whether chronic uveitis can cause glaucoma has been raised (Ref. 19). Other consequences of long term uveitis remain undecided.

"Iridocapsular" lenses (lenses whose attachment loops are held in place by inserting them into the bag remaining after the removal of the natural lens) require the formation of natural adhesions around the loops which are inserted into the fornices of the capsular sac. If adhesions do not form, other methods of fixation such as sutures or installation of miotics (agents that cause the pupil to contract) must be used to prevent lens dislocation.

Prolonged use of the miotic agent, pilocarpine, to prevent lens dislocation after intraocular lens implantation, may result in atrophy of the iris and sphincter oculi (iris muscle) (Refs. 15 and 20).

Surgical complications including flat anterior chamber, temporary corneal edema, striate keratitis, pupillary block, iridocyclitis, corneal dystrophy due to temporary flat chamber, and transient glaucoma may be more likely to occur following insertion of intraocular lenses (Refs. 2, 8, 21, and 22).

It appears difficult to fit patients with intraocular lenses so that normal vision (emmetropia) is restored (Refs. 3, 23, and 24) and the majority of patients must use other corrective articles such as spectacles or contact lenses, as well. In one study, only 26 percent of the patients had a correction of 20/40 or better without additional corrective articles, whereas 83 percent could be corrected to 20/40 (Ref. 24) provided additional corrective devices were used.

Many intraocular lenses are manufactured from polymethylmethacrylate which is degraded slowly in vivo (Ref. 25). Thus the degradation of the lenses may cause changes in the refractive properties of the eye. The Commissioner is not aware of studies of visual acuity or of changes in the refractive property of lenses as a function of time. This is of special concern since these lenses are placed into the eye for periods extending to the remainder of an individual's life.

Some manufacturers sterilize intraocular lenses by treatment with caustic solution, e.g., sodium hydroxide, for 1 hour at 30 degrees Centigrade, thereafter maintaining and shipping the lenses in weaker caustic solutions (Ref. 26). Before use, the lenses are immersed into sodium bicarbonate for a measured time and then rinsed. The Commissioner is concerned that this procedure may not be safe and effective in terms of both the adequacy of the sterilization process and the adequacy of the final neutralization step. Some manufacturers use an ethylene oxide method of sterilization which requires that the lenses be thoroughly degassed after sterilization to reduce the content of ethylene oxide in the lens to negligible levels. Should ethylene oxide remain in the lens, ethoxylation of molecule ends could affect ocular tissue. The Commissioner is not aware of studies that demonstrate the safety and effectiveness of the ethylene oxide procedure.

During the months of October and November 1975, physicians in 4 states reported 11 cases that were investigated by FDA of unusual ocular infection in patients who had had an intraocular lens implanted in the eye after cataract extraction. Ocular cultures from 8 of the 11 patients have grown a fungus, *Paecilomyces*. Vision was seriously impaired in all patients and removal of the eye was required in 5 of the 11 patients.

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Copies of the references listed in this proposal have been placed on file for public review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5500 Fishers Lane, Rockville, MD 20852 and may be seen in that office during working hours, Monday through Friday.

FOOD AND DRUG ADMINISTRATION REVIEW

The Opthalmic Drug Advisory Committee reviewed data pertaining to intraocular lenses on February 25, 1974, but deferred a decision on intracular lenses because medical device legislation then appeared imminent.

On April 3 and 4, 1975, the Panel on the Review of Ophthalmic Devices of the Bureau of Medical Devices and Diagnostic Products reviewed the status of intraocular lenses and recommended that such lenses be classified into the premarket approval category. The panel felt that the risks involved were substantial and that it was impossible at present to apply standards that would assure safety and effectiveness. The panel recognized that this was an important subject and one of relatively high priority.

On July 14, 1975, the Ophthalmic Drug Advisory Committee was again asked to review the status of intraocular lenses. This Committee reviewed available data and concluded that intraocular lenses should be declared new drugs and as such should be regulated under the authority provided by the new drug provisions of the Federal Food, Drug, and Cosmetic Act. Copies of the minutes of the advisory committee meetings referred to are on display at the office of the Hearing Clerk, address noted above.

The Bureau of Drugs and the Bureau of Medical Devices and Diagnostic Products of the Food and Drug Administration have considered the views of their advisory committees and thoroughly reviewed all published data relating to the safety and efficacy of these lenses. The Commissioner concludes that intraocular lenses must be declared "new drugs" to provide the public with the necessary degree of protection and should be subject to the premarket approval procedures applicable to new drugs.

AUTHORITY

The Commissioner's determination and declaration that intraocular lenses are new drugs is based on the Federal Food, Drug, and Cosmetic Act as interpreted in relevant court decisions. Section 201(g)(1) of the act (21 U.S.C. 321(g)(1)) defines the term "drug" to mean "(A) articles recognized in the official United States Pharmacopeia, official Homeopathic Pharmacopeia of the United States, or official National Formulary, or any supplement to any of them; and (B) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (C) articles (other than food) intended to affect the struc-

ture or any function of the body of man or other animals; and (D) articles intended for use as a component of any articles specified in clause (A), (B), or (C); but does not include devices or their components, parts, or accessories." Section 201(p) of the act defines the term "new drug" to mean "Any drug (except a new animal drug or an animal feed bearing or containing a new animal drug) the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended or suggested in the labeling thereof * * *".

The Commissioner has determined that intraocular lenses are drugs since they art articles intended for use in the cure, mitigation, and treatment of diseases of the natural lenses of the human eye, circumstances within the statutory definition of a drug. Moreover, the Commissioner regards intraocular lenses as new drugs within the meaning of the act because they are not generally recognized by qualified experts as safe and effective for their intended use. This determination is based on a careful consideration of the available experience data, the recommendations of two advisory committees, and a review of the published literature, all of which have raised serious and substantial questions regarding the safety and effectiveness of intraocular lenses.

The agency's policy of regarding intraocular lenses as new drugs is consistent with the decisions of the Supreme Court in *United States* v. *An Article of Drug * * * Bacto-Unidisk*, 394 U.S. 784 (1969), and of the United States Court of Appeals for the Second Circuit in *AMP Inc.* v. *Gardner*, 389 F. 2d 825 (C.A. 2), *cert. denied sub nom, AMP, Inc.* v. *Cohen*, 393 U.S. 825 (1969). These decisions recognized that products falling within the act's broad definition of "drug" may properly be regulated as new drugs to accomplish the act's basic purpose of protecting the public health. As Chief Justice Warren stated in *United States* v. *Bacto-Unidisk*, *supra* at 793, 798, 799, in his opinion for the court:

> [I]t is clear from § 201 that the word "drug" is a term of art for the purposes of the Act, encompassing far more than the strict medical definition of that word * * * The historical expansion of the definition of drug, and the creation of a parallel concept of devices, clearly show * * * that Congress fully intended that the Act's coverage be as broad as its literal language indicates—and equally clearly, broader than any strict medical definition might otherwise allow * * * [L]egislative history, read in light of the statute's remedial purpose, directs us to read the classification "drug" broadly, and to confine the device exception [to a relatively narrow interpretation] * * *.

The Commissioner's determination that intraocular lenses are new drugs and therefore subject to premarket approval is also consistent with legislation pending in Congress (S. 510 and H.R. 11124) to amend the Federal Food, Drug, and Cosmetic Act. The proposed legislation will expand considerably the authority of the Food and Drug Administration to regulate medical devices and will classify as devices a number of articles now regulated as drugs, including intraocular lenses. Some of these articles, again including intraocular lenses, will continue to be subject to premarket approval under the proposed legislation.

The notice is published to inform manufacturers and other interested persons of the Commissioner's interpretation of a statute that he administers. There is no statutory requirement that the agency publish notice in the FEDERAL REGISTER of a determination that an article is a new drug. See, e.g., *AMP, Inc.* v. *Gardner*, *supra*. However, the Food and Drug Administration frequently publishes notice of such important determinations, especially where a different legal interpretation has been prevalent; there has been widespread lack of compliance by regulated firms; or there is need for an orderly transition period.

Under the order of the United States District Court for the District of Columbia on July 29, 1975, as amended on October 31, 1975, in the case of *Hoffmann-LaRoche, Inc.* v. *Mathews*, Civil Action No. 75–0270, a prescription drug not previously declared to be subject to the requirement of an approved new drug application may continue to be marketed pending studies only when the Commissioner has made and published a determination that the product is medically necessary. The Commissioner has determined that, based on current information, intraocular lenses appear to be medically necessary at least for a limited category of patients who cannot use spectacles or contact lenses, and that therefore a transitional period prior to institution of new drug controls is appropriate.

Although this notice solicits certain information from interested persons, comment is not invited on the Commissioner's determination that intraocular lenses are new drugs. The classification of products regulated by the Food and Drug Administration is a matter of administrative judgment for the Commissioner. *AMP, Inc.* v. *Gardner, supra; United States* v. *Bacto-Unidisk, supra.*

IMPLEMENTATION OF NEW DRUG PROCEDURES

As stated above, all intraocular lenses distributed within the jurisdiction of the Federal Food, Drug, and Cosmetic Act after (*insert date 180 days after date of publication in the* FEDERAL REGISTER) must be the subject of an approved NDA under 21 CFR Part 314 or IND under 21 CFR Part 312.

The Commissioner believes that the establishment of a 180-day time period for submission of data required under 21 CFR Parts 312 and 314 permits ample time for manufacturers of intraocular lenses to comply with the act. The Commissioner will, however, consider petitions requesting extensions of the 180-day transition period. Such petitions must contain sufficient data to demonstrate that intraocular lenses are medically necessary beyond the 180-day transition period and the petitioner must specify the reasons for not being able to meet the requirements of 21 CFR Parts 312 and 314 within the 180-day transition period.

Physicians will not be authorized to implant intraocular lenses that are not the subject of an approved NDA after October 7, 1976 unless they are named as investigators under an IND filed pursuant to this notice.

The Food and Drug Administration intends to aid manufacturers of intraocular lenses in fulfilling the requirements of 21 CFR Part 312 by making available IND guidelines setting forth the minimum requirements for good manufacturing practice, preclinical toxicity testing, sterility, and clinical testing including Phase I, Phase II, and Phase III Clinical Studies.

A working draft of IND guidelines can be obtained from Richard Hawkins, Ph. D. (HFK–400), Executive Secretary, Panel on Review of Ophthalmic Devices, 8757 Georgia Avenue, Silver Spring, MD 20910, telephone 301–427–7238.

The Food and Drug Administration's Opthalmic Prosthetic Devices Subcommittee of the Panel on Review of Ophthalmic Devices held public meetings (announcement published in the FEDERAL REGISTER of February 12, 1976 (41 FR 6305)), on March 18 and 19, 1976 for the purpose of discussing the application of the above referenced IND requirements to intraocular lenses.

Interested persons should submit comments and suggestions pertinent to the development of IND guidelines applicable to intraocular lenses by June 7, 1976 to Richard Hawkins, Ph. D. (HKF–400), Executive Secretary, Panel on Review of Ophthalmic Devices, 8757 Georgia Avenue, Silver Spring, MD 20910. Requests for copies of 21 CFR Parts 312 and 314 should be sent to the Division of Classification and Scientific Evaluation (HFK–400), Bureau of Medical Devices and Diagnostic Products, Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910.

Any manufacturer or distributor interested in shipping intraocular lenses within the jurisdiction of the act after October 7, 1976 may submit a new drug application or a "Notice of Claimed Investigational Exemption for a new New Drug" at any time during the 180-day transition period, to the Division of Classification and Scientific Evaluation (HFK–400), Bureau of Medical Devices and Diagnostic Products, Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910.

Dated: March 30, 1976.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.76–9782 Filed 4–5–76;8:45 am]

ADVISORY COMMITTEE

Notice of Meeting

This notice announces the forthcoming meeting of a public advisory committee of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meeting and the methods by which interested persons may participate in the open public hearing conducted by the committee. The notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)). The following advisory committee meeting is announced:

Committee name	Date, time, and place	Type of meeting and contact person
Antibiotics in Animal Feeds Subcommittee of the National Advisory Food and Drug Committee.	Apr. 26, 27, and 28, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open committee discussion Apr. 26, 9 a.m. to 4:30 p.m.; Apr. 27, 9 a.m. to 4:30 p.m.; open public hearing Apr. 28, 9 a.m. to 12 m.; open committee discussion Apr. 28, 1 to 4:30 p.m.; Gerald B. Guest (HFV-5), 5600 Fishers Land, Rockville, Md. 20852, 301-443-1414.

General function of the committee. Reviews and evaluates agency programs and advises on policy matters of national significance as they relate to the statutory mission of the Food and Drug Administration in the areas of food, drugs, cosmetics, medical devices, biological products, and electronic products. Reviews and makes recommendations on applications for grants-in-aid for research projects relevant to the mission of the Food and Drug Administration as required by law.

Agenda—Open committee discussion. Discussion of penicillin and sulfaquinoxaline use in animal feeds; discussion of summary, conclusions, and recommendations for future uses. Discussion of tetracyclines and tetracycline drug combinations use in animal feeds—efficacy and safety considerations.

Open public hearing. During this portion of the meeting any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Agenda items are subject to change as priorities dictate.

Dated: March 31, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-9783 Filed 4-5-76;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, 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 and related task force meetings will be held at the HEW-Switzer Building, 330 C Street, S.W., Washington, D.C. on April 21-23, 1976.

The agenda involves Committee sessions and task force sessions leading to the development of specific recommendations from this meeting, areas of priority study for development of recommendations at the next meeting, and long-term study areas. The schedule of sessions is:

April 21:
9:00 AM-10:30 AM—Committee Meeting.
10:45 AM-5:00 PM—Task Force Meetings.
April 22:
9:00 AM-10:30 AM—Committee Meeting.
10:45 AM-4:00 PM—Task Force Meetings.
April 23:
9:00 AM-10:00 AM—Task Force Meetings.
10:00 AM-4:00 PM—Committee Meeting.

All Committee meetings will be held in Room 3065 Mary E. Switzer Building. Task Force meeting rooms and agenda items are as follows:

Quality Control Task Force—Room 3065 Mary E. Switzer Building: Benefit-Cost Studies and Decisions, Continuity of Services, Research, Training, UAF and VR Efforts, Peer Review, and Rehabilitation Counselor (Capabilities in Placement).

Environment & Employment Task Force—Room 3065 Mary E. Switzer Buildng: Facilities, Housing, Public Information. Barriers, Transportation, Linkages of VR with School Programs, Subsidized Employment, Government Contracts (NISH & Wagner O'Day), Labor Union Activities, Civil Rights Issue, Affirmative Action, and Enlightening Industry.

Severely Handicapped Task Force—Room 3173 HEW North Building: Definition (Generic and Existing Definition), How Progress is Measured (Re: Severely Disabled), and Issues Related to Specific Disabilities.

Federal/State Program Task Force—April 21 & 23, Room 4173 HEW North Building; April 22, Room 3131 HEW North Building: Work Disincentives, SSI & SSDI, Legislation Policy, Communications (Federal, Regional, State, Facilities and Services Providers), Rehabilitation Facilities, and Individualized Written Plans, and Client Rights.

All Committee and Task Force Meetings are open to the general public.

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

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

MARCH 30, 1976.

[FR Doc.76-9770 Filed 4-5-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-322; FDAA-495-DR]

MICHIGAN

Amendment to Notice of Major Disaster

Notice is hereby given that on March 26, 1976, the President amended his declaration of a major disaster of March 19, 1976, for the State of Michigan as follows:

I have determined that the damage in certain areas of the State of Michigan resulting from tornadoes occurring on March 20, 1976, is of sufficient severity and magnitude to warrant amendment of my March 19, 1976, declaration of a major disaster under Public Law 93-288. I therefore amend my March 19, 1976, major disaster declaration for the State of Michigan.

I do hereby determine the following areas of the State of Michigan to be eligible for Federal disaster assistance under the President's March 26, 1976, amended declaration of a major disaster:

The Counties of:
Macomb
Oakland

Dated: March 26, 1976.

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

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

[FR Doc.76-9786 Filed 4-5-76;8:45 am]

[Docket No. NFD-321; FDAA-494-DR]

NEW YORK

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of New York, dated March 19, 1976, is hereby amended to include the following town among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 19, 1976:

The Town of:
Ferrysburg (Cattaraugus County)

Dated: March 29, 1976.

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

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

[FR Doc.76-9787 Filed 4-5-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 28194]

EASTERN AIR LINES, INC.-PIEDMONT AVIATION, INC.

Route Exchange Agreement; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 18, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, University North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Ronnie A. Yoder.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements and issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before April 30, 1976, and the other parties on or before May 10, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., April 1, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-9819 Filed 4-5-76;8:45 am]

[Order 76-3-197; Docket Nos. 26290; 23080-2]

EASTERN AIR LINES, INC.

Priority and Nonpriority Domestic Service Mail Rates—Phase 2

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 31st day of March, 1976.

Application of Eastern Air Lines, Inc., for review of Order of Postmaster General pursuant to section 405(b) of the Federal Aviation Act of 1958, as amended.

The Board, by Order 74-5-93,[1] upheld an order of the Postmaster General issued under section 405(b) of the Act directing Eastern Air Lines to retain for mail transportation purposes, a late night Boston-New York-Atlanta flight that Eastern had determined to eliminate from its general schedules. In order to assure that Eastern was adequately compensated for the provision of the service required by the Postmaster General, the Board also established a minimum temporary rate of $2500 for the transportation of mail on the ordered flights (or the amount which the Postal Service would be required to pay Eastern for the mail it tenders using the current temporary mail rate, whichever is higher) pending the establishment of a final rate of compensation in the Priority and Nonpriority Domestic Service Mail Rate Investigation (Docket 23080-2). This temporary rate of compensation was based on the average daily mail volume that the Postal Service stated it would tender to Eastern on the ordered flights applied to the domestic temporary industry service mail rate then in effect.

Eastern has filed a petition requesting that the Board modify and increase the foregoing temporary rate retroactive to June 3, 1974, the date when the operations required by the Postmaster General began. Eastern requests that the new amount of temporary compensation be set at the level set forth in the brief of the U.S. Postal Service to the Administrative Law Judge in Docket 23080-2. More specifically, Eastern requests additional mail compensation in the amounts of $420,000 and $623,000, respectively, for the periods June 3 through December 31, 1974, and January 1 through September 30, 1975, and a rate of $5369.51 per flight for the period beginning October 1, 1975.

In support of its petition, Eastern alleges, inter alia, that it was the Board's objective, in establishing a temporary rate of compensation for the flight required by the Postmaster General, to insure that Eastern was not financially encumbered by the mandatory operation of the flight; that historic experience with respect to the ordered flight shows that such flight is uneconomic at present temporary rate levels; that passenger load factors on the flight have been low; and that the revenue from some of this passenger traffic, as well as revenue from the carriage of freight and express, represents diverted revenue that does not contribute to the reduction of the costs of operating the ordered flights. In light of these factors, Eastern contends that under current temporary mail rate levels, Eastern is being severely encumbered by the requirement of the Postal Service that it continue to offer the ordered flights. However, Eastern asserts that since the position of the Postal Service in the final rate proceeding provides for a level of compensation above that established in Order 74-5-93, the Board should increase the present temporary rate so as to provide for the payment to Eastern of at least the amount of compensation inherent in the Postal Service position.

The U.S. Postal Service has answered in support of Eastern's request for increased temporary rates, agreeing that Eastern should be paid an additional $420,000 for the period June 3 through December 31, 1974, and an additional $623,000 for the period January 1 through September 30, 1975. The Postal Service also agrees with Eastern that the temporary rate on and after October 1, 1975, should be $5369.51 per flight subject to adjustment when actual costs and revenues are available and all subject to retroactive adjustment depending upon the Board's final decision in Docket 23080-2 for the required services.

Upon review of the petition and all other relevant matters, the Board has determined that the increased temporary rates proposed by Eastern are warranted. Accordingly, the Board tentatively finds and concludes that the fair and reasonable temporary mail rates to be paid to Eastern by the Postmaster General for the operation of the Boston-New York-Atlanta flight ordered by the Postmaster General, the facilities used and useful therefor, and the services connected therewith shall be as follows: $4680 per one-way flight for the period June 3 through December 31, 1974; and $5369.51 per one-way flight for the period beginning January 1, 1975. These new temporary rates are the rates proposed by Eastern and agreed upon by the Postal Service as the reasonable interim compensation for the operation of the mandatory flights. However, the lump-sum amounts of mail revenue requested by Eastern for the period prior to October 1, 1975, have been converted to rates per one-way flight in order to correspond with the basis established in Order 74-5-93 and used by the Postmaster to make payment for the ordered flights.

In reaching these tentative conclusions, we do not, of course, prejudge in any way the issues that are under consideration in the final rate proceeding. Nor should our adoption, on a temporary basis, of the rate levels proposed in Eastern's petition be interpreted as accepting the underlying costing basis by which Eastern arrived at those rates. However, data submitted by Eastern show that Eastern has incurred substantial operating deficits on the required mail segment which the carrier has been unable to offset with the carriage of additional commercial traffic.[2] In these circumstances and in light of the willingness of the Postal Service to pay the proposed increased temporary rates, it is believed reasonable to provide Eastern with additional revenue relief pending the establishment of final rates which, of course, are subject to retroactive application.

On the basis of the foregoing, the Board tentatively finds and concludes that the rates proposed herein will provide fair and reasonable temporary compensation to Eastern for the operation of the Boston-New York-Atlanta mail service requested by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 405, and 406 thereof, and the regulations promulgated in 14 CFR, Part 302,

It is ordered, That:

1. Eastern Air Lines, Inc., the Postmaster General, and all other interested persons are directed to show cause why the Board should not amend Order 74-5-93, May 20, 1974, so as to adopt the following temporary rates of compensation to be paid by the Postmaster General to Eastern for the operation of a Boston-New York-Atlanta flight as or-

[1] May 20, 1974.

[2] These data show that the southbound mail segment incurred an operating deficit (operating expense over operating revenues) of $898,000 for the 13 months ended September 30, 1975.

dered by the Postmaster General in his order issued January 3, 1974:

(a) From June 3 through December 31, 1974, $4680 per one-way flight, or the amount which the Postmaster General would be required to pay Eastern for the mail it tenders using the current temporary mail rate, whichever is higher, *Provided*, that, if the Postmaster General tenders to Eastern a volume of mail sufficient to generate $4680 or more of revenue using the current temporary mail rate, which volume in whole or in part cannot be accommodated by Eastern on the subject flight, then the rate shall be computed based upon the amount of mail tendered to and accommodated by Eastern, using the current temporary mail rate;

(b) On and after January 1, 1975, $5369.51 per one-way flight, or the amount which the Postmaster General would be required to pay Eastern for the mail it tenders using the current temporary mail rate, whichever is higher, *Provided*, That, if the Postmaster General tenders to Eastern a volume of mail sufficient to generate $5369.51 or more of revenue using the current temporary mail rate, which volume in whole or in part cannot be accommodated by Eastern on the subject flight, then the rate shall be computed based upon the amount of mail tendered to and accommodated by Eastern, using the current temporary mail rate;

2. Further procedures herein shall be in accordance with the Rules of Practice, 14 CFR Part 302, and if there is any objection to the rates and charges or to the other findings and conclusion proposed herein, notice thereof shall be filed within 8 days, and, if notice is filed, written answer and supporting documents shall be filed within 15 days, after the date of service of this order;

3. If notice of objection is not filed within 8 days, or if notice is filed and answer is not filed within 15 days, after service of this order, or if an answer timely filed raises no material issue of fact, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of an order fixing temporary service mail rates and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the temporary rates herein specified;

4. If notice of objection and answer are filed presenting issues for hearing, issues going to the establishment of the fair and reasonable temporary rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR section 302.307; and

5. This order shall be served upon all parties to Docket 23080–2.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76–9821 Filed 4–5–76;8:45 am]

[Order 76–3–202; Docket 29081]

FRONTIER AIRLINES, INC.

Certificate of Public Convenience and Necessity

In the matter of Frontier Airlines, Inc., amendment of certificate of public convenience and necessity for Route 73.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 31st day of March, 1976.

By Order 76–3–201, issued concurrently herewith, the Board has realigned the domestic route system of Texas International Airlines (TXIA) in a manner which would, inter alia, give TXIA unrestricted authority in the Memphis-Salt Lake City market (a market generating less than ten true O&D passengers a day), where it previously had only one-stop authority. Frontier Airlines has one-stop authority in this market. As discussed in Order 76–3–201, we recognize that it would not be equitable to grant unrestricted authority to only one carrier when both carriers previously held comparable authority. Because of the size of the market, however, we believe both carriers should have unrestricted authority.

Upon consideration of the above matters, we tentatively find and conclude that the elimination of the restriction on Frontier's operations in the Memphis-Salt Lake City market is required by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions in minor markets.

Interested persons will be given 20 days following the date of service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Frontier's certificate for route 73 so as to remove the one-stop restriction in the Memphis-Salt Lake City market;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth herein shall, within 20 days after the date of service of this order, file with the Board and serve upon all persons listed in Appendix B of Order 76–3–201 a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board; [1]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in Appendix B of Order 76–3–201.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76–9822 Filed 4–5–76;8:45 am]

[Docket 21670]

FRONTIER AIRLINES, INC.

Notice of Subsidy Mail Rates; Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on May 18, 1976, at 10:00 a.m. (local time) in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 31, 1976.

[SEAL] THOMAS P. SHEEHAN,
Administrative Law Judge.

[FR Doc.98–9820 Filed 4–5–76;8:45 am]

[Docket 27813 Agreements C.A.B. 25684 R–1 through R–8, 25708 R–1 through R–24, 25720; Order 76–3–180]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

North Atlantic Passenger Fares to/from Africa and Mid-Atlantic Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of March 1976.

By Orders 76–2–73, February 20, 1976, and 76–3–5, March 1, 1976, the Board directed the United States air carrier members of the International Air Transport Association (IATA) to submit justifica-

[1] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

tion in support of the above agreements, which establish air fares over the North Atlantic to/from Africa and fares over the Mid-Atlantic for effect from April 1, 1976.

The agreement relating to North Atlantic fares to/from Africa provides for an increase of 5 percent in passenger fares between the United States and West Africa and, with one exception, 3 percent between the United States and the rest of Africa.[1] The exception is fares to/from Ethopia which remain at status quo. In addition, the agreement would impose a surcharge, generally 20 percent of the applicable first-class fare, for travel on supersonic aircraft between points in the United States and points in Africa via the North Atlantic. The agreement covering the Mid-Atlantic, which directly affects U.S. air transportation only insofar as Puerto Rico and the U.S. Virgin Islands are concerned, would increase first-class and economy fares by 6 and 5 percent, respectively; promotional fares would, in general, be increased by 10 percent, except in the case of the basic season 14/45-day excursion fare which would be increased by 7 percent. The agreement would also impose a surcharge for supersonic travel via the Mid Atlantic route similar to that for U.S.-Africa travel. Agreement C.A.B. 25720, adopted by mail vote, would simply amend the resolution concerning South Atlantic supersonic fares to align it with the North and Mid-Atlantic supersonic-fares resolution.

Pan American World Airways, Inc. (Pan American), the only U.S. carrier IATA member providing passenger service over the North Atlantic to Africa, has submitted justification in response to our order and has also specifically addressed, as requested, the issue of fares from Miami to points in Africa vis-a-vis fares from New York. Comments on the latter point have also been filed by Mr. Donald L. Pevsner. Pan American alleges that during calendar year 1975 it achieved a 1.9 percent return on investment (ROI) in its U.S.-Africa operations, whereas during the forecast period (year ending March 31, 1977) it expects to achieve returns of −5.66 and −1.76 percent under present and proposed fares, respectively. Pan American alleges that the proposed fare increases coupled with the anticipated effect of demand elasticity will only produce a 2 percent increase in revenues during the forecast period, although yield is expected to increase by more than 4 percent. Total cost is expected to increase by 8.5 percent over the historical level, and load factor is expected to increase from 48.1 to 51.4 percent as a result of both an increase in traffic and a reduction in capacity.

In its comments on the issue of fares from Miami to points in Africa vis-a-vis fares from New York, Pan American contends that Miami is not intermediate to New York on the New York-Rio de Janeiro-Johannesburg route from a fare-construction standpoint, since the shortest operated route between New York and Johannesburg is via Ilha do Sal, Cape Verde Islands. The distance between Miami and Johannesburg exceeds that from New York by 636 miles, and the Miami fare should therefore be higher on a strict mileage basis. Pan American claims that it is attempting to change the fare structure to Johannesburg because of its new route via Rio de Janeiro, but that such a change is complicated by the fact that it is difficult to treat the whole of Africa consistently with Johannesburg.

Mr. Donald Pevsner takes the position that the Miami-Africa fares should be less than the New York-Africa fares, when both are served via Rio, "by a sum equal to the difference between the New York-Rio de Janeiro and Miami-Rio de Janeiro fares" for a given class of service. He suggests that the solution for other Eastern seaboard cities, such as Atlanta, might be to common-rate the entire east coast at the New York-Africa level.

In support of the agreement on Mid-Atlantic passenger fares, Pan American, again the only U.S. IATA carrier providing passenger service in this market, has submitted justification showing a −26.96 percent ROI for the historical period, and a −23.41 percent ROI for the forecast period under the proposed fares. The carrier anticipates an increase in load factor from 41.2 to 44.7 percent from the historical to the forecast period, as a result of a 14.6 percent reduction in capacity in the latter period. In addition, as requested by the Board in its procedural order, Pan American addresses the issue of certain promotional fares in the Mid-Atlantic structure which involve discounts in excess of 50 percent from normal fares. The carrier contends that, although such fares remain in the instant agreement, they have received a higher level of increase than other fares in the structure so that the amount of the discount has been reduced. Pan American points out that its bargaining position is limited due to the small scale of its operations in the Mid-Atlantic, but states that it will continue to support a restructuring of the fare relationships in this market to further reduce these discounts.

After full consideration of the comments submitted by all of the parties, we have concluded to approve the agreements within the limits discussed below.

Pan American emphasizes in both of its justifications that its cost data excludes anticipatory cost increases; that it merely annualized the effect of cost increases experienced during the historical period to the end of the period, and provided for cost increases relative to wages and salaries, and fuel and oil, which are reflected in contracts or agreements previously reached by Pan American. However, from Pan American's description of its procedure for estimating fuel cost increases during the period of the agreement, it appears that an element of anticipatory costs is included. The carrier projects a 38 percent increase in the average price of fuel for the forecast period for its U.S.-Africa services. This is equivalent to an additional fuel cost of $2.1 million based on the carrier's anticipated fuel consumption. We have adjusted Pan American's estimate to reflect the difference in average fuel price between the historical period, as provided by the carrier, and the latest month for which such data are available for Atlantic service—January 1976. This procedure results in an estimated $0.4 million additional fuel cost for the forecast period, based on Pan American's anticipated fuel consumption during that period. As a result of this adjustment, Pan American's ROI under the proposed fares would be 8.48 percent, compared with the −1.76 percent which it has forecast. See Appendix A.

The Board continues to question the validity of Pan American's application of an elasticity factor to moderate the effect of fare increases which are within the range of overall inflationary trends. As previously noted, Pan American anticipates a 2 percent increase in revenue from its U.S.-Africa services despite an increase of more than 4 percent in yield, a result which stems directly from the application of this elasticity factor. We find it unlikely that many passengers will be deterred from traveling in this market due to a 4 percent increase in average price. Accordingly, Pan American's revenues have been adjusted to eliminate the decline in revenue passenger-miles (RPM's) resulting from the demand elasticity adjustment.[2] This adjustment would add $714,000 to Pan American's revenue estimate and raise their ROI from 8.48 percent (with the fuel adjustment) to 12.43 percent, only slightly above the 12 percent guideline.

We agree with Pan American that the relationship between the New York and Miami fares to Johannesburg (both served via Rio) is a complex issue, since it involves fare relationships for most of the east coast cities and most of Africa. Nevertheless, a significant amount of traffic in these markets will move via Rio and this factor must be appropriately reflected in the fare structure. Accordingly, we will limit our approval of proposed New York-Johannesburg fares, which are used for construction purposes, to a three-month period during which time we expect the carriers to resolve the issue.

With respect to the Mid-Atlantic agreement, we note that Pan American's analysis presents the same difficulties as does their analysis of the U.S.-Africa agreement. We have similarly adjusted Pan American's estimate of fuel cost escalation and have eliminated the elasticity factor.[3] Pan American's fuel cost escalation has been adjusted to reflect the difference in average fuel price paid in the historical period and that paid in Atlantic services in January 1976. This adjustment reduces the $354,000 fuel cost escalation estimated by Pan American to

[1] Africa, as defined in IATA Resolution 012e, excludes Algeria, Morocco, Egypt and Sudan.

[2] See Appendix A.

[3] See Appendix B.

$155,000 and results in an improvement in ROI from −23.41 to −21.82 percent. Elimination of the elasticity factor would increase passenger revenues by $384,000, and further improves the ROI to −19.09 percent. The resulting negative ROI remains substantial, and clearly warrants approval of the agreement.

Finally, while the fare structure continues to incorporate fares which are discounted in excess of 50 percent from normal fares, we nevertheless note that the agreement reflects some move in the direction of reducing the size of the discount. We will expect further improvement in this direction in future agreements.[4]

[4] We are approving the two resolutions dealing with supersonic fares inasmuch as this aircraft is not scheduled to operate to/from the U.S. over the routes covered in these agreements. The merits of such fares therefore, need not be addressed here. The justification of such fares to/from the U.S. will be addressed in the context of the North Atlantic agreement currently pending before the Board.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. It is not found that the following resolutions, set forth in the agreements indicated, are adverse to the public interest or in violation of the Act, provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
25684:			
R-1	001b	North Atlantic—Special Effectiveness Resolution	1/2 (North Atlantic-Africa).
R-2	001dd	North Atlantic—Escape for Normal and Special Fares (Revalidating and Amending).	1/2.
R-3	001qq	Special Escape for JT12 North Atlantic Agreement (Revalidating and Amending).	1/2.
R-4	001vv	Special Effectiveness Resolution	1/2.
R-5	002	Standard Revalidation Resolution	1/2 (North Atlantic-Africa).
R-7	054f	North Atlantic-Africa Supersonic Fares (New)	1/2.
25708:			
R-1	001b	Mid-Atlantic Special Effectiveness Resolution	1/2.
R-2	001pp	Special Mid-Atlantic Escape Resolution (Revalidating and Amending).	1/2.
R-3	001xx	Mid-Atlantic Escape for Normal and Special Fareas (Revalidating and Amending).	1/2.
R-4	001yy	Special Mid-Atlantic Escape Resolution (Revalidating and Amending).	1/2.
R-5	002	Standard Revalidation Resolution	1/2.
R-6	022n	JT12 and JT23 (Mid-Atlantic) Special Rules for Sales of Passenger Air Transportation (Revalidating and Amending).	1/2; 1/2/3.
R-7	022y	JT12 (Mid-Atlantic) Special Rules for Sales of Passenger Air Transportation between TC2 and TC1 (Revalidating and Amending).	1/2.
R-8	054b	Mid-Atlantic First-Class Fares	1/2.
R-9	054h	Mid-Atlantic Supersonic Fareas (New)	1/2.
R-10	064b	Mid-Atlantic Economy-Class Fareas	1/2.
R-11	070ff	Mid-Atlantic 14- to 45-day Excursion Fares (Revalidating and Amending).	1/2.
R-17	084f	Mid-Atlantic 14- to 28-Day Group Inclusive Tour Fares to TC1 Revalidating and Amending).	1/2.
R-24	084y	Mid-Atlantic 10- to 28-Day Group Inclusive Tour Fares—Haiti, Puerto Rico, Santo Domingo, to Europe (Revalidating and Amending).	1/2.
25720	054d	South Atlantic Supersonic Fares (Amending)	1/2.

2. It is not found that the following resolution set forth in Agreement C.A.B. 25708 and which has indirect application in air transportation as defined by the Act, is adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25708:			
R-12	070gg	Mid-Atlantic Excursion Fares between Bermuda/Bahamas and TC2 (Revalidating and Amending).	1/2

3. It is not found that the following resolutions set forth in Agreement C.A.B. 25684 are adverse to the public interest or in violation of the Act except insofar as New York-Johannesburg fares are used to construct through fares to and from Miami, Florida and points intermediate thereto and provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
25684:			
R-4	001vv	Special Effectiveness Resolution as it applies to promotional fares between New York and Johannesburg.	1/2
R-6	054a	North Atlantic First-Class Fares	1/2
R-8	064a	North Atlantic Economy-Class Fares	1/2

4. It is not found that, for the period April 1, 1976 through June 30, 1976, the following resolutions as set forth in Agreement C.A.B. 25684 are adverse to the public interest or in violation of the Act insofar as New York-Johannesburg fares are used to construct through fares to and from Miami, Florida and points intermediate thereto and provided that approval is subject, where applicable, to conditions previously imposed by the Board.

Effective July 1, 1976 these resolutions as they relate to the above construction of through fares are found adverse to the public interest and in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25684:			
R-4	001vv	Special Effectiveness Resolution as it applies to promotional fares between New York and Johannesburg.	1/2
R-6	054a	North Atlantic First-Class Fares	1/2
R-8	064a	North Atlantic Economy-Class Fares	1/2

5. It is not found that the following resolutions, incorporated in Agreement C.A.B. 25708 as indicated, affect air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
25708:			
R-13	070v	Mid-Atlantic 14- to 30-Day Excursion Fares—Havana (Revalidating and Amending).	1/2
R-14	071e	Mid-Atlantic 22- to 30-Day Excursion Fares—Colombia/Panama (Revalidating and Amending).	1/2
R-15	071o	Mid-Atlantic Special Excursion Fares UK-Caribbean (Revalidating and Amending.	1/2
R-16	083d	Mid-Atlantic 10- to 30-Day Individual Inclusive Tour Fares—Germany/Belgium-Bahamas (Amending).	1/2
R-18	084n	Mid-Atlantic 6- to 30-Day Group Inclusive Tour Fares—Germany/Belgium-Bahamas (Amending).	1/2
R-19	084o	Mid-Atlantic Special Group Inclusive Tour Fares—U.K. to Caribbean (Amending).	1/2
R-20	084q	Group Inclusive Tour Fares—Scandinavia-Barbados/Trinidad/Tobago (Revalidating and Amending).	1/2
R-21	084qq	Mid-Atlantic 14- to 28-Day Group Inclusive Tour Fares—Cuba to Eastern European Countries (Amending).	1/2
R-22	084rr	Mid-Atlantic Special Group Resolution (Revalidating and Amending)	1/2
R-23	084vv	Mid-Atlantic 14- to 28-Day Group Inclusive Tour Fares from Central America to Spain (New).	1/2

Accordingly, it is ordered, That 1. Those portions of Agreements C.A.B. 25684, 25708 and 25720 set forth in finding paragraphs 1, 2 and 3 above be and hereby are approved;

2. Those portions of Agreement C.A.B. 25684 set forth in finding paragraph 4 above be and hereby are approved for the period April 1, 1976 through June 30, 1976. Effective July 1, 1976 those portions of Agreement C.A.B. 25684 set forth in finding paragraph 4 above be and hereby are disapproved;

3. Jurisdiction be and hereby is disclaimed with respect to those portions of Agreement C.A.B. 25708 set forth in finding paragraph 5;

4. The carriers are hereby authorized to file tariffs implementing the approved IATA resolutions on not less than one day's notice for effectiveness not earlier than April 1, 1976. The authority granted in this paragraph expires April 30, 1976;

5. Tariffs implementing the approvals contained in finding paragraphs 1, 2 and 3 above shall be marked to expire March 31, 1977; and

6. Tariffs implementing the limited duration approval contained in finding paragraph 4 above shall be marked to expire June 30, 1976.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

APPENDIX A.—*Pan American's forecast for the year ending Mar. 31, 1977, under proposed rates—United States-African operations*

	As presented	Adjustment 1 [1]	Adjustment 2 [2]	Adjustment 3 [3]
Revenues:				
Passenger	$32,105	$32,819	$32,105	$32,819
Other	2,971	2,971	2,971	2,971
Total	35,076	35,790	35,076	35,790
Expenses:				
Operating	32,267	32,289	32,267	32,289
Cost escalation	3,507	3,514	1,726	1,730
Total	35,774	35,803	33,993	34,019
Operating profit (loss)	(698)	(13)	1,083	1,771
Interest	(425)	(425)	(425)	(425)
Net increase before tax	(1,123)	(438)	658	1,346
Tax (credit) at 48 percent	(539)	(210)	316	646
Net income after tax	(584)	(228)	342	700
Return element	(159)	197	767	1,125
Investment	9,048	9,048	9,048	9,048
Return on investment	(1.76)	2.18	8.48	12.43

[1] Effect of elasticity eliminated; revenue calculated as the product of yield under proposed fares and revenue passenger-miles under present fares.

[2] Fuel-cost escalation adjusted; fuel-cost escalation calculated at difference between average price per gallon during calendar year 1975 as presented by Pan American and average price per gallon in Atlantic services for January 1976 ($0.4040) multiplied by Pan American's estimated gallons consumed in forecast period.

[3] This adjustment eliminates the effect of elasticity and adjusts the carrier's fuel cost escalation.

APPENDIX B.—*Pan American's forecast for the year ending Mar. 31, 1977, under proposed rates—mid-Atlantic operations*

	As presented	Adjustment 1 [1]	Adjustment 2 [2]	Adjustment 3 [3]
Revenue:				
Passenger	$8,013	$8,397	$8,013	$8,397
Other	750	750	750	750
Total	8,763	9,147	8,763	9,147
Expenses:				
Operating	11,132	11,168	11,132	11,168
Cost escalation	860	864	661	664
Total	11,992	12,032	11,793	11,832
Operating profit (Loss)	(3,229)	(2,885)	(3,030)	(2,685)
Interest	(307)	(307)	(307)	(307)
Net increase before tax	(3,536)	(3,192)	(3,337)	(2,992)
Tax (credit) at 48 percent	(1,697)	(1,532)	(1,602)	(1,436)
Net income after tax	(1,839)	(1,660)	(1,735)	(1,556)
Return element	(1,532)	(1,353)	(1,428)	(1,249)
Investment	6,544	6,544	6,544	6,544
Return on investment	(23.41)	(20.67)	(21.82)	(19.09)

[1] Effect of elasticity eliminated; revenue calculated as the product of yield under proposed fares and revenue passenger-miles under present fares.

[2] Fuel-cost escalation adjusted; fuel-cost escalation calculated at difference between average price per gallon during calendar year 1975 as presented by Pan American and average price per gallon in Atlantic services for January 1976 ($0.4040) multiplied by Pan American's estimated gallons consumed in forecast period.

[3] This adjustment eliminates the effect of elasticity and adjusts the carrier's fuel cost escalation.

[FR Doc.76-9627 Filed 4-5-76;8:45 am]

[Docket 28866]

SINGAPORE AIRLINES LTD.

Foreign Permit Application (Singapore-U.S.) Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on April 22, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before April 15, 1976.

Dated at Washington, D.C., April 1, 1976.

[SEAL] JANET D. SAXON,
Administrative Law Judge.

[FR Doc.76-9818 Filed 4-5-76;8:45 am]

[Order 76-3-201; Docket Nos. 27161, 28128]

TEXAS INTERNATIONAL AIRLINES, INC. AND CONTINENTAL AIR LINES, INC.

Order Amending Certificate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 31st day of March, 1976.

Application of Texas International Airlines, Inc. requesting route realignment by a show-cause order.

Application of Continental Air Lines, Inc. for amendment of its certificate of public convenience and necessity for Route 29.

By Order 75-7-15, July 2, 1975, the Board directed all interested persons to show cause why the Board should not amend or modify the certificate of public convenience and necessity for Route 82 held by Texas International Airlines, Inc. (TXIA) to the extent necessary to eliminate certain restrictions.[1]

Interested persons having objection to the issuance of an order making final the proposed findings and conclusions set forth in Order 75-7-15 were required to file their objections within 30 days of service of the order. TXIA, Continental Air Lines, Inc., Frontier Airlines, Inc., Southern Airways, Inc. and the Jackson, Mississippi Chamber of Commerce have filed responses to Order 75-7-15.[2]

Upon consideration of the foregoing pleadings and all the relevant facts, the Board concludes that the tentative findings and conclusions set forth in Order 75-7-15 should be made final, except to the extent modified herein, and that an amended certificate in the form attached hereto should be issued to TXIA. We also find that this action is not a major Federal action having a significant impact upon the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

OBJECTIONS OF CONTINENTAL

Continental has objected to the improved authority proposed by the Board in the Dallas/Fort Worth-Los Angeles and Denver-Los Angeles markets, arguing that the grant by show cause of one-stop authority in these markets to TXIA is inconsistent with our refusal in Order 73-2-30 to remove the restriction on Continental's one-stop authority in the Dallas/Fort Worth-Los Angeles market by show-cause procedures. We are not persuaded that Continental's objection has merit. As stated in Order 75-7-15, granting TXIA one-stop authority in the Dallas/Fort Worth-Los Angeles and Denver-Los Angeles markets provides little or no actual improvement to TXIA's existing authority. TXIA already holds one-stop authority via Albuquerque in the Dallas/Fort Worth-Los Angeles market, unlike Continental who was specifically granted only nonstop authority and whose service is currently suspended. In addition, Albuquerque (which TXIA is already authorized to serve) is the only strong intermediate TXIA could serve on Dallas-Los Angeles one-stop flights. Other restrictions eliminate Amarillo, Lubbock, El Paso, Midland, Austin, and San Antonio, leaving no other available intermediate exchanging as much as 10 passengers a day with Los Angeles. Continental, on the other hand, would gain one-stop authority via the strong intermediates El Paso and Midland if its Dallas-Los Angeles single-plane restriction were removed. One-stop authority in the Denver-Los Angeles market is virtually useless for TXIA since there are no intermediate points on its system which TXIA could use to satisfy the stop restriction which would not involve extreme circuity. Our disposition with respect to TXIA in these markets is in no way analogous to our refusal to allow one-stop service by Continental in the Dallas/Fort Worth-Los Angeles market, a situation with significant competitive implications.

Continental has also filed an application in Docket 28128 for amendment of condition (8) of its certificate for Route 29 to enable it to provide one-stop service between Dallas/Fort Worth and Los Angeles as well as a motion requesting disposition of its application by show-cause order and contemporaneous decision with our action on TXIA's route realignment request.[3] In support of its motion, Continental again argues that it is inconsistent to grant one-stop authority in the Dallas/Fort Worth-Los Angeles market to TXIA by show-cause procedures while refusing to grant Continental the same authority by those same procedures, which argument was discussed and dismissed above. We will, therefore, deny Continental's motion.

SOUTHERN'S OBJECTION

Southern has renewed its objection to the grant of nonstop authority to TXIA in the Baton Rouge-Jackson, Miss. market. The nonstop improvement was proposed because of the small size of the market (640 O&D for the year ended March 31, 1975). Southern contends that this improvement would be inconsistent with the Board's action involving the realignment of North Central,[4] wherein restrictions in four small markets were retained because the objecting carrier offered single-plane or on-line connecting service. Southern states that it offers on-line connections in this market which

[1] TXIA's route system was consolidated into one segment by Order 73-4-97, April 24, 1973.

[2] See Appendix A, which lists the proposed authority objected to.

[3] American Airlines, Inc. and Delta Air Lines, Inc. filed answers opposing the motion.

[4] Order 7-7-63, July 16, 1974 and Order 75-2-22, February 5, 1975.

are not listed in the Official Airline Guide. We do not believe that any interest in so small a market warrants protection, particularly in the present circumstances where Southern only provides unpublished connecting service.

OBJECTIONS OF FRONTIER

Frontier objects to our proposals for improved TXIA authority in nine markets.

With respect to the Amarillo-Denver and Amarillo-Salt Lake City markets, Frontier argues that removal of TXIA's long-haul restrictions will divert traffic from Frontier and thereby increase its subsidy need. TXIA already provides two daily nonstop round trips in the Amarillo-Denver market, while Frontier provides only one daily one-stop round trip. OAG, March 1. In addition, traffic for the year ended 3/31/75 was only 14,080 passengers, so it appears unlikely that TXIA would increase its service as a result of our proposed improvement. In the Amarillo-Salt Lake City market, the only services provided are the on-line connections offered by TXIA. Frontier's objections have no merit in such contexts.

Frontier also objects to the proposed unrestricted authority in the Amarillo-Hot Springs market and the proposed one-stop authority in the Amarillo-Little Rock/Memphis markets, stating in support that the proposed changes would reduce TXIA's mileage circuity and would significantly cut into the substantially improved participation which Frontier has been able to achieve. We cannot sustain the carrier's arguments. Frontier's present flights are obviously being supported by traffic moving to and from the strong terminal and intermediate points (Denver, Oklahoma City, Tulsa, and Memphis) and not to any significant extent by the small amount of traffic in the three Amarillo markets. TXIA's strongest routing would be the one it is already authorized to serve, via Dallas/Ft. Worth (just as Frontier's strongest routing is via Oklahoma City and Tulsa).[5] If, by any chance, TXIA were to route a flight directly from Amarillo to Hot Springs, Little Rock, and Memphis, it could hope to capture only a fraction of the traffic in the three markets, particularly in the largest, Amarillo-Memphis, where Braniff's multiple daily one-stop connecting service over Dallas would continue to be superior. In short, the diversion from Frontier's flights would be insignificant.

With respect to the Denver-Hot Springs market, Frontier argues that the grant of nonstop authority to another carrier will inhibit the possibility of jet service in the market and the Frontier's participation is substantially greater than TXIA's. Essentially the same arguments are made concerning the Hot Springs/Little Rock-Salt Lake City markets. Frontier has nonstop authority in each of these three markets but the only service it currently provides is one daily eastbound four-stop between Denver and Hot Springs. Considering the long distances and small traffic flows involved for any TXIA service in these markets, it is unlikely that TXIA would be able to operate any service in these markets other than via a large intermediate, such as Amarillo or Dallas, which would involve substantial circuity. Since there is little likelihood of any impairment of Frontier's competitive position in these markets we will grant TXIA nonstop authority in these markets.

Finally, Frontier objects to our proposed nonstop authority for TXIA in the Memphis-Salt Lake City market, arguing that a grant of nonstop authority to TXIA over Frontier's existing one-stop authority would have a clearly adverse competitive impact on Frontier, and since TXIA's and Frontier's present authorities are comparable, TXIA's present restrictions should be continued. We see no reason to sustain the restriction against nonstop service in this minor market[6] as to either TXIA or Frontier. Consequently, we propose to finalize the award of nonstop authority to TXIA and, in a companion show-cause order issued contemporaneously herewith, we propose to grant unrestricted authority to Frontier.

OBJECTIONS OF TXIA

TXIA's objections are directed toward nine markets.[7]

In the Amarillo/Lubbock-Houston markets, TXIA currently has nonstop authority on flights which serve Denver and Salt Lake City. The carrier requests unrestricted nonstop authority, arguing that the change would be only a minor improvement since TXIA already has nonstop authority on some flights, and that since TXIA provides all of the single-plane service between Amarillo and Houston and two-thirds of the single-plane service between Lubbock and Houston, the deletion of TXIA's long-haul restriction would not have substantial competitive implications. We have decided to grant TXIA's request for unrestricted authority in these markets. We do not believe that the traveling public should be deprived of single-plane service improvements which would result from the removal of TXIA's long-haul restriction merely to protect connecting traffic carried by the trunkline carriers (Braniff in Amarillo-Houston and Continental in Lubbock-Houston) from diversion. The benefits of improved single-plane service to passengers in these markets clearly outweigh the limited diversion of connecting traffic which may result.

With respect to the Austin-New Orleans market, TXIA argues that it has the best authority and the greatest share of the traffic, and that the requested modification of the long-haul restriction in the market would not have any impact. We must reject TXIA's contentions. First, it is not clear that TXIA has the best authority. While the carrier does have nonstop authority in the market, it is subject to a substantial long-haul service requirement of approximately 700 miles. Looking at TXIA's restriction as a whole, therefore, it is not clear that such authority is better than Braniff's one-stop authority. Second, while TXIA's market share is greater than that of any other individual carrier, Braniff and Continental together carry a greater share of the traffic than TXIA. In such a situation, it cannot be said that modification of the long-haul restriction as requested by TXIA would not have a competitive impact.

TXIA requests liberalization of its long-haul restriction in the Denver-Salt Lake City market so as to only require service to a point beyond Denver. TXIA argues that this request involves only a minor improvement over its existing authority since the closest point beyond the city pair (Amarillo) is 356 miles from Denver. We agree that the long-haul requirement requested by TXIA would remain a substantial restriction. In addition, the small size of the Salt Lake City/Denver-Amarillo markets (1,610 and 14,080 O&D passengers, respectively, for the year ended March 31, 1975) makes it likely that TXIA will continue to extend its Salt Lake City-Denver flights to other, larger points such as Houston, San Antonio, and New Orleans. TXIA should have the flexibility to experiment with other routings. Therefore, we will grant the requested modification of the long-haul requirement.

TXIA also argues, with respect to the Los Angeles-Houston/New Orleans markets, that no good reason has been shown for refusing to improve TXIA's authority to one stop more than the best single-plane service offered by a competitor, and that in the face of the substantial service in these markets operated by trunk carriers, an improvement in TXIA's authority would have only slight competitive impact. We have decided to grant TXIA one-stop authority in these markets. Because of other restrictions, TXIA has only very weak intermediates it could serve on one-stop Los Angeles-Houston/New Orleans flights.[8] This, coupled with the long distances involved,

[5] All of the points involved exchange more traffic with Dallas/Ft. Worth than they do with Oklahoma City and Tulsa combined.

[6] The market had only 2760 O&D passengers in calendar 1974, considerably less than our "minor-market" standard of 10 passengers a day.

[7] See Appendix A. For a discussion of the objections of other carriers to TXIA's requested improvements in these markets, see Appendix A to Order 75-7-15.

[8] Albuquerque, Amarillo, Lubbock, El Paso, Midland-Odessa, Dallas-Fort Worth, Austin, and San Antonio are all eliminated as possible intermediates by other restrictions. The only permissible Houston-Los Angeles intermediate which exchanges as much as 10 passengers per day with Los Angeles would be Corpus Christi (7,610 O&D passengers for the year ended March 31, 1975, or a mere 10 per day each way). For the New Orleans market, Beaumont-Port Arthur would be available in addition to Corpus Christi. (The Beaumont-Port Arthur-Los Angeles market is about half the size of the Corpus Christi-Los Angeles market at 3,780 annual passengers.)

indicates that one-stop operations by TXIA are unlikely to be a significant factor in these markets and that modifying TXIA's restrictions as requested will thus not have significant competitive implications.

TXIA also requests one-stop authority in the Jackson, Miss.-Memphis/New Orleans markets, arguing that such an improvement could have no significant effect, considering the amount of nonstop service in the markets. In addition, TXIA maintains that any one-stop authority in these markets would be highly circuitous. The Jackson, Miss. Chamber of Commerce filed an answer stating that a one-stop restriction in the Jackson-New Orleans market would enable TXIA to be competitive and provide needed additional service between these two points. We agree with TXIA's contentions concerning these markets. Between Jackson and Memphis there are six daily nonstop round trips in a market of 28,530 O&D passengers for the year ended March 31, 1975, and there are no noncircuitous intermediates on TXIA's system. Therefore, it is doubtful that granting TXIA one-stop authority would have any competitive effect and we have decided to improve TXIA's authority in this market. While the Jackson-New Orleans market does not receive as much service, the market is so short (160 miles) that one stop would virtually double travel time. Thus, authorizing one-stop operations by TXIA in this market will not result in movement of a significant share of the traffic to TXIA, but will merely give the carrier added scheduling flexibility.

Finally, TXIA argues that one-stop service in the Memphis-New Orleans market by TXIA would be circuitous, could only be attractive by offering the airline some scheduling flexibility, and that one-stop service by TXIA would not have any competitive impact in a market which is covered with nonstop flights. We will grant TXIA's request for one-stop authority. In a market of this distance (349 miles) which currently receives 7½ daily nonstop round trips, the great bulk of the traffic is undoubtedly moving on the nonstop flights. It is extremely unlikely that one-stop operations by TXIA could have any serious competitive impact.

In addition to the substantive modifications of TXIA's certificate discussed above, the attached certificate incorporates a number of technical changes in the wording of some of the restrictions. First, the restriction in the Denver/Salt Lake City-Austin/Houston/San Antonio markets stating that TXIA "may not serve Dallas-Ft. Worth as an intermediate point" is superfluous in view of the explicit "no single-plane service" restriction in the Dallas-Denver/Salt Lake City markets. Second, we have simplified the complicated restriction in the Memphis-Monroe market to read: "one-stop if the holder schedules two daily round trips between Little Rock and El Dorado-Camden, on the one hand, and Monroe or points south thereof, on the other; otherwise two-stop." The restriction in the Austin/Midland/San Antonio-New Orleans markets requiring "one-stop, except on flights serving Denver or Salt Lake City" has been revised to read: "Nonstop on flights serving Denver or Salt Lake City; otherwise one-stop." Similarly, the restriction in the Amarillo/Lubbock-New Orleans/San Antonio markets now more clearly reads: "Nonstop on flights serving Albuquerque, Denver, or a point west of either; otherwise one-stop." Finally, the restriction in the Denver-Memphis market has been changed to read: "Must stop at San Antonio, or at two points of which one is Houston." None of these changes gives different authority to TXIA from what it now has.

For purposes of determining a license fee in accordance with the schedules set forth in section 389.25 of the Board's Organization Regulations (14 C.F.R. 389.25), the Board finds that the additional gross annual transport revenues for the first full year of operations by TXIA as a result of the new authority granted herein will be within the $100,000–$1,000,000 range.[9]

Accordingly, it is ordered, That:

1. The tentative findings and conclusions set forth in Order 75–7–15, July 2, 1975, as modified herein, be and they hereby are made final;

2. An amended certificate of public convenience and necessity for route 82 in the form attached hereto be issued to Texas International Airlines, Inc.;

3. Such certificate shall be signed on behalf of the Board by its Secretary, shall have affixed thereto the seal of the Board and shall be effective on June 1, 1976: *Provided, however,* That the effective date of said amended certificate shall be automatically postponed until further Board order if the appropriate license fee is not paid pursuant to section 389.21(b) of the Regulations;

4. The motion of Continental Air Lines, Inc. for show-cause order and contemporaneous decision on its application in Docket 28128 be and it hereby is denied;

5. Except to the extent granted herein all applications, requests, and motions involved in this proceeding be and they hereby are denied; and

6. A copy of this order shall be served upon the parties listed in Appendix B.[10]

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[9] While TXIA argues that its certificate amendments consists for the most part of technical corrections and minor, internal improvements, we note that TXIA is receiving actual improved authority (i.e., other than amendments which are changes in language only or where circuitry is improved so little that no actual improvement is involved) in 32 markets. Under these circumstances, we are not persuaded by TXIA's assertion that a $100,000 revenue increase is unlikely.

[10] Appendix A and B filed as part of original document.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LOCAL OR FEEDER SERVICE (AS REISSUED FOR ROUTE 82

TEXAS INTERNATIONAL AIRLINES, INC.

is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in air transportation with respect to persons, property, and mail, as follows:

Between the terminal point Los Angeles-Long Beach, Calif., the intermediate points Albuquerque, N. Mex., Salt Lake City, Utah, Denver, Colo., Amarillo and Lubbock, Tex., Clovis and Roswell, N. Mex., El Paso, Tex., Carlsbad and Hobbs, N. Mex., Midland-Odessa, San Angelo, Brownwood, Abilene, Wichita Falls, Dallas-Fort Worth, Waco, Temple, Austin, San Antonio, Laredo, Mission-McAllen-Edinburg, Harlingen-San Benito, Corpus Christi, Victoria, Houston, Beaumont-Port Arthur, Tyler and Longview - Kilgore - Gladewater, Tex., Shreveport, La., Texarkana, Tex.-Ark., Hot Springs, Little Rock, and Jonesboro, Ark., Memphis, Tenn., El Dorado-Camden, Ark., Monroe, Alexandria, Lake Charles, Lafayette, Baton Rouge and New Orleans, La., and the terminal point Jackson, Miss.

The service herein authorized is subject to the following terms, conditions, and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly, any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service hereinabove expressly prescribed, regularly serve a point named herein, other than a point required to be served through a single airport, through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of Route 82, the holder shall stop at each point named between the point of origin and point of termination of such trip, except a point or points with respect to which (a) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (b) the holder is authorized by the Board to suspend service, (c) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control, or (d) the holder has scheduled at least two daily round trips, in which case the holder may omit such point or points on any additional trip scheduled over all or part of said route; *Provided, however,* That the holder may

omit service to El Paso, Tex., Monroe, La., or Salt Lake City, Utah, in excess of one daily round trip.

(4) Subject to other provisions of this certificate, the holder may operate unrestricted nonstop service between any two points listed above: *Provided, however*, That the holder's authority in the below-listed city-pair markets should be restricted as follows:

Market	Stop restrictions	Other restrictions
Albuquerque to:		
Amarillo	1-stop	
Denver	do	
El Paso	do	
Houston	do	
New Orleans	2-stop	
Salt Lake City	do	
San Antonio	1-stop	
Alexandria to:		
Baton Rouge	do	
Dallas-Fort Worth	do	
Los Angeles-Long Beach	2-stop	
Shreveport	1-stop	
Amarillo to:		
El Paso	do	
Little Rock	do	
Los Angeles-Long Beach	2-stop	
Memphis	1-stop	
New Orleans	Nonstop on flights serving Albuquerque, Denver, or a point west of either; othersiwe 1-stop.	
San Antonio	do	
Austin to:		
Los Angeles-Long Beach	1-stop	
New Orleans	Nonstop on flights serving Denver or Salt Lake City; otherwise 1-stop.	
Baton Rouge to:		
Dallas-Fort Worth	1-stop	
Los Angeles-Long Beach	2-stop	
Memphis	1-stop	
Monroe	do	
Shreveport	do	
Beaumont-Port Arthur to: Shreveport.	do	
Corpus Christi to:		
Dallas-Fort Worth	do	
Denver	do	
Memphis	do	
Dallas-Fort Worth to:		
Denver		No single-plane service.
El Paso	1-stop	
Jackson, Miss	do	
Los Angeles-Long Beach	do	
Lubbock	do	
Memphis	do	
Monroe	do	
New Orleans	do	
Salt Lake City		Do.
Shreveport	1-stop	
Denver to:		
El Paso	2-stop, including Abilene, or a point east thereof	
Jackson, Iss	1-stop	
Little Rock	1-stop at Abilene or a point south thereof	
Los Angeles-Long Beach	1-stop	
Memphis	Must stop at San Antonio, or at 2 other points of which 1 is Houston.	
Midland-Odessa		Must also serve San Antonio or Houston or New Orleans.
New Orleans	1-stop	
Salt Lake City		Must serve a point beyond this city pair.
El Paso to:		
Houston	1-stop	
Little Rock	do	
Los Angeles-Long Beach	do	
Lubbock	do	
Memphis	do	
New Orleans	2-stop	
Salt Lake City	2-stop (including Abilene or a point east thereof)	
San Antonio	1-stop	
Houston to:		
Little Rock	do	
Los Angeles-Long Beach	do	
Memphis	do	
San Antonio		Do.
Jackson, Miss., to:		
Los Angeles-Long Beach	1-stop	
Memphis	do	
Monroe	do	
New Orleans	do	
Shreveport	do	
Little Rock to: Los Angeles-Long Beach.	2-stop	
Los Angeles-Long Beach to:		
Lubbock	1-stop	
Memphis	2-stop	
Midland-Odessa	1-stop	
Monroe	2-stop	
New Orleans	1-stop	
Salt Lake City	do	
San Antonio	2-stop	
Shreveport	1-stop	
Wichita Falls, Tex	2-stop	

Market	Stop restrictions	Other restrictions
Lubbock to:		
Memphis	1-stop	
New Orleans	Nonstop on flights serving Albuquerque, Denver, or a point west of either; otherwise 1-stop.	
San Antonio	do	
Memphis to:		
Monroe	1-stop if the holder schedules 2 daily round trips between Little Rock and El Dorado-Camden, on the one hand, and Monroe or points south thereof, on the other; otherwise 2-stop.	
New Orleans	1-stop	
Shreveport	do	
Midland-Odessa to: New Orleans	Nonstop on flights serving Denver or Salt Lake City; otherwise 1-stop.	
Monroe to:		
New Orleans		No single-plane service.
Shreveport	1-stop	
New Orleans to: San Antonio	Nonstop on flights serving Denver or Salt Lake City; otherwise 1-stop.	

(5) The holder is authorized to render flag-stop service at any of the above points by omitting physical landing of its aircraft at any intermediate point scheduled to be served on a particular flight: *Provided*, That there are no persons, property, or mail on the aircraft destined for such point and no such traffic available at such point for the flight at the scheduled time of departure: *Provided, further*, That the Board in its discretion may at any time disapprove the use of such authority with respect to service to any point on any flight or flights.

(6) The holder's authority to engage in the transportation of mail with respect to those operations set forth in Appendix A to Order 73-4-97 is limited to the carriage of mail on a nonsubsidy basis, i.e., on a service mail rate to be paid entirely by the Postmaster General and the holder shall not be entitled to any subsidy with respect to such operations.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

The holder acknowledges and agrees that it is entitled to receive only service mail pay for the mail service rendered or to be rendered solely in connection with the operations specified in paragraph (6) and that it is not authorized to request or receive any compensation for mail service rendered or to be rendered for such operations in excess of the amount payable by the Postmaster General.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate, the holder acknowledges and agrees that the primary purpose of this certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service of the character described above.

This certificate shall be effecive on June 1, 1976; *Provided, however*, That the effective date of said certificate shall be automatically postponed until further Board order if the appropriate license fee is not paid pursuant to section 389.21(b) of the Regulations.

In witness whereof, The Civil Aeronautics Board has caused this certificate to be executed by the Secretary of the Board and the seal of the Board to be affixed hereto, on 31st day of March, 1976.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

COMMISSION ON CIVIL RIGHTS

NEBRASKA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Nebraska Advisory Committee (SAC) to this Commission will convene at 9:00 am. and end at 4:00 pm. on April 30, 1976, at the Hilton Hotel, 1616 Dodge, Omaha, Nebraska 68102.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting: Recharter State Advisory Committee orientation and new program planning.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 1, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-9845 Filed 4-5-76;8:45 am]

NORTH CAROLINA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the North Carolina Advisory Committee (SAC) to the Commission will convene at 1:30 p.m. and end at 5:30 p.m. on April 20, 1976, at the Pullen Memorial Baptist Church, Hillsborough Street at Cook Avenue, Raleigh, North Carolina 27605.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Citizens Trust Bank Bldg., Rm. 362, 75 Piedmont Ave., NE., Atlanta, Georgia 30303.

The purpose of this meeting is to discuss comprehensive planning session for June and discuss follow-up to Prison project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 1, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-9846 Filed 4-5-76;8:45 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

PROTECTION OF HISTORIC AND CULTURAL PROPERTIES

Executed Memoranda of Agreement

Pursuant to section 800.6(a) of the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties" (C.F.R. Part 800), notice is hereby given that the following Memoranda of Agreement were executed during the months of December 1975 and January, February and March 1976:

Pioneer Courthouse, Multnomah County, Oregon, affected by restoration and development funded by the Department of Transportation, Urban Mass Transportation Administration (12/9/75);

Mammoth Cave National Park, Hart County, Kentucky, affected by measures to stabilize the Floyd Collins House and the Ticket Office building undertaken by the Department of the Interior, National Park Service (21/17/75);

Carl Sandburg Home National Historic Site, Henderson County, North Carolina, affected by archeological investigations undertaken by the Department of the Interior, National Park Service (12/29/75);

Manchester Historic District, Allegheny County, Pennsylvania, affected by demolition of two properties as part of the Manchester Urban Renewal Project, an undertaking assisted by the Department of Housing and Urban Development (12/29/75);

Fort Point National Historic Site, San Francisco County, California, affected by installation of asphalt paving with a chip-seal coating on the existing parking area undertaken by the Department of the Interior, National Park Service (12/31/75);

Mammoth Cave National Park, Hart County, Kentucky, affected by archeological investigations at four sites undertaken by the Department of the Interior, National Park Service (12/31/75);

Delaware and Raritan Canal, Metlar House, and Ivy Hall, Middlesex County, New Jersey, affected by the extension of Route 18, an undertaking requiring a permit from the Department of Transportation, United States Coast Guard (1/2/76);

Cave Creek Archeological District, Phoenix County, Arizona, affected by the construction of Reach 10 of the Granite Reef Aqueduct of the Central Arizona Project, an undertaking of the Department of the Interior, Bureau of Reclamation (1/6/76);

Pennsylvania Avenue National Historic Site, Washington, D.C., affected by construction of "WMATA" Project Section FD–1 at Federal Triangle Station undertaken by the Washington Metropolitan Area Transit Authority (1/6/76);

Lahaina Historic District, Maui County, Hawaii, affected by restoration of Hale Aloha undertaken by the Department of Housing and Urban Development (1/7/76);

Tower House Historic District, Shasta County, California, affected by installation of a house trailer for use as a caretaker's residence in Whiskeytown National Recreational Area undertaken by the Department of the Interior, National Park Service (1/7/76);

Chickamauga and Chattanooga National Military Park, Catoosa County, Georgia, affected by the redesign and construction of a new intersection at the junction of Lafayette and Reeds Bridge and McFarland Road undertaken by the Department of the Interior, National Park Service (1/20/76);

Mansfield House, Saugus Ironworks National Historic Site, Essex County, Massachusetts, affected by proposed demolition undertaken by the Department of the Interior, National Park Service (1/20/76);

Fort Jefferson National Monument, Monroe County, Florida, affected by conversion of two casements into employee quarters by the Department of the Interior, National Park Service (2/6/76);

Naval Live Oaks Reservation, Gulf Island National Seashore, Escambia County, Florida, affected by archeological investigations undertaken by the Department of the Interior, National Park Service (2/12/76);

Keys Desert Queen Ranch, San Bernadino County, California, affected by a Bicentennial Interpretive Program undertaken by the Department of the Interior, National Park Service (2/19/76);

Montclair Railroad Station, Essex County, New Jersey, affected by the Lackawanna Plaza Urban Renewal Project, an undertaking assisted by the Department of Housing and Urban Development (2/23/76);

Old Farm School House, Hartford County, Connecticut, affected by the Community Development Block Grant funding of the realignment of the north leg of Connecticut Route 178 at Park Avenue and School Street, a project undertaken by the Town of Bloomfield, assisted by the Department of Housing and Urban Development (3/7/76);

Old Stone House, Jefferson County, Indiana, affected by the Indiana State Highway Commission's construction of Indiana Project (F–164(4) assisted by the Department of Transportation (3/7/76);

Arkansas Post National Memorial, Arkansas County, Arkansas, affected by construction of a wayside exhibit undertaken by the Department of the Interior, National Park Service (3/8/76);

Assunpink Creek Historic District, Mercer County and Monmouth County, New Jersey, affected by construction of the Assunpink Creek Watershed Project undertaken by the Department of Agriculture, Soil Conservation Service (3/8/76);

Historic Properties in Ithaca, Tompkins County, New York, affected by Community Development Block Grant projects of the City of Ithaca, assisted by the Department of Housing and Urban Development (3/8/76);

Allegheny Portage Railroad National Historic Site, Blair and Cambrian Counties, Pennsylvania, affected by the relocation of U.S. Route 22, an undertaking of the Department of Transportation, Federal Highway Administration (3/11/76);

Becker Barn, Pictured Rocks National Seashore, Alger County, Michigan, affected by proposed demolition undertaken by the Department of the Interior, National Park Service (3/11/76);

Historic Properties in East Greenwich, Kent County, Rhode Island, affected by the Community Development Block Grant program, an undertaking assisted by the Department of Housing and Urban Development (3/11/76);

Historic Properties in Newport, Newport County, Rhode Island, affected by the Community Development Block Grant program, an undertaking assisted by the Department of Housing and Urban Development (3/11/76);

Old Harbor District, Fort Island Site, Block Island Archeological District, Washington County, Rhode Island, affected by construction of sewage transmission and treatment facilities, a project of the Town of New Shoreham assisted by the Environmental Protection Agency (3/11/76);

Broad Street Market, Dauphin County, Pennsylvania, affected by the Hamilton Neighborhood Development Project, an undertaking assisted by the Department of Housing and Urban Development (3/16/76);

Historic Properties in Hopkinton, Washington County, Rhode Island, affected by a Housing Rehabilitation Program in the Village of Hope Valley, an undertaking funded by a Department of Housing and Urban Development Community Development Block Grant (3/16/76);

Chesapeake and Ohio Canal, National Historical Park, Berkeley County, West Virginia, affected by construction of an outfall line in the Potomac River at Jellystone Park by Great American Land Corporation, requiring a permit from the Department of the Army, Corps of Engineers (3/19/76);

Sudbrook Park Historic District, Owings Mills Railroad and Reisterstown Historic District, Baltimore County, Maryland, affected by the construction of the Northwest Transportation Corridor undertaken by the Department of Transportation, Federal Highway Administration (3/22/76).

These Memoranda were executed in accordance with Section 800.5 of the Advisory Council's Procedures, in fulfillment of Federal Agency responsibilities to afford the Advisory Council on Historic Preservation an opportunity to comment on Federal, federally assisted, and federally licensed undertakings which have an effect upon properties included in or eligible for inclusion in the National Register of Historic Places. These agency responsibilities derive from Section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470 (f), and Sections 1(3) and 2(b) of Executive Order 11593, "Protection and Enhancement of the Cultural Environment," (16 U.S.C. 470, 36 Fed. Reg. 8921). The Memoranda are available for inspection at the Advisory Council offices, Suites 430 and 1030, 1522 W Street, NW., Washington, D.C. 20005. Further information is available from the Director, Office of Review and Compliance Advisory Council on Historic Preservation, at the above address.

Dated: April 2, 1976.

ROBERT R. GARVEY, Jr.,
Executive Director.

[FR Doc.76–9944 Filed 4–5–76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN MAN-MADE FIBER TEXTILE FROM HAITI

Adjusting Import Level

MARCH 31, 1976.

On October 29, 1975, there was published in the FEDERAL REGISTER (40 F.R. 50303) a letter dated October 24, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, establishing levels of restraint applicable to man-made fiber products in Categories 233 and 238, produced or manufactured in Haiti and exported to the United States during the twelve-month period beginning on August 29, 1975 and extending through August 28, 1976.

Paragraph 5 of Annex B of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973 provides, in substance,

that where more than one product is under restraint, the level of restraint for any one product may be exceeded by 7 percent, provided that the total exports subject to restraint do not exceed the aggregate level for all products so restrained.

The Government of Haiti has requested that such an increase be applied to Category 233.

Accordingly, there is published below a letter of March 31, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the directive of October 24, 1975 by adjusting the level of restraint applicable to imports of man-made fiber textile products in Category 233.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

MARCH 31, 1976.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive issued to you on October 24, 1975 by the Chairman, Committee for the Implementation of Textile Agreements, regarding imports into the United States of man-made fiber textile products in Categories 233 and 238, produced or manufactured in Haiti.

Under the terms of Annex B of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on April 1, 1976, and for the twelve-month period beginning on August 29, 1975 and extending through August 28, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 233, produced or manufactured in Haiti, in excess of an adjusted level of restraint of 86,742 dozen.[1]

The actions taken with respect to the Government of Haiti and with respect to imports of man-made fiber textile products from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76-9759 Filed 4-5-76;8:45 am]

[1] The level of restraint has not been adjusted to reflect any entries made after August 29, 1975.

COMMODITY FUTURES TRADING COMMISSION

HEADQUARTERS

Change in Location

Effective April 5, 1976, the Commodity Futures Trading Commission will move to new Headquarters located at 1007 21st Street, N.W., Washington, D.C. The mailing address is 2033 K Street, N.W., Washington, D.C. 20581.

Dated: March 31, 1976.

WILLIAM T. BAGLEY,
Chairman.

[FR Doc.76-9760 Filed 4-5-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[Docket No. 1]

PATENT COMPENSATION BOARD

Grossman Application

Notice is hereby given that Dr. Cornell Joel Grossman has filed an application before the Patent Compensation Board for compensation under the Atomic Energy Act of 1954 for the disclosure of an atomic hydrogen bomb.

The application of Dr. Grossman is on file with the Patent Compensation Board. Any person other than the applicant desiring to be heard with reference to the application should file with the Patent Compensation Board, U.S. Energy Research and Development Administration, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545, within thirty (30) days from the date of publication of this notice, a statement of facts concerning the nature of his interest.

Dated: Germantown, Md., March 19, 1976.

JEANNETTE S. WHITE,
Clerk,
Patent Compensation Board.

[FR Doc.76-9802 Filed 4-5-76;8:45 am]

EVIRONMENTAL PROTECTION AGENCY

[FRL 516—3; OPP-50091]

MOBIL CHEMICAL CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the Mobil Chemical Company, Richmond, Virginia 23261. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 2224-EUP-11) allows the use of 1,125 pounds of the herbicides Bifenox on rice to evaluate control of Duck Salad, Redstem, and Water Hyssop. A total of 450 acres is involved; the program is authorized only in the States of Arkansas, California, Louisiana, Mississippi, and Texas. The experimental use permit is effective from March 12, 1976 to March 12, 1977. A temporary tolerance for residues of the active ingredient in or on rice has been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 30, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-9704 Filed 4-5-76;8:45 am]

[FRL 516-4; OPP-50092]

MOBIL CHEMICAL CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Mobil Chemical Company, Richmond, Virginia 23261. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172, Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 2224-EUP-4) allows the use of 2,515 pounds of the herbicide Bifenox on rice, grain sorghum, barley, oats, and wheat to evaluate control of various weeds. A total of 1,240 acres is involved; the program is authorized only in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Texas, and Washington. The experimental use permit is effective from March 12, 1976, to March 12, 1977. Temporary tolerances for residues of the active ingredient in or on rice, barley, oats, sorghum, and wheat have been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 30, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-9705 Filed 4-5-76;8:45 am]

[FRL 516-5; OPP-50093]

MOBIL CHEMICAL CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Mobil Chemical Company, Richmond, Virginia 23261. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 2224-EUP-5) allows the use of 4,000 pounds of the herbicide Bifenox on rice, grain sorghum, barley, oats, and wheat to evaluate control of various weeds. A total of 2,370 acres is involved; the program is authorized only in the States of Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Dakota, Oklahoma, Oregon, South Carolina, Texas, and Washington. The experimental use permit is effective from March 12, 1976, to March 12, 1977. Temporary tolerances for residues of the active ingredient in or on barley, oats, rice, wheat, and sorghum have been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 29, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-9706 Filed 4-5-76;8:45 am]

[FRL 516-6; OPP-50094]

MOBIL CHEMICAL CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Mobil Chemical Company, Richmond, Virginia 23261. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 224-EUP-10) allows the use of 6,587.5 pounds of the herbicide Bifenox on soybeans, corn, rice, sorghum, barley, oats, and wheat to evaluate control of various weeds. A total of 3600 acres is involved; the program is authorized only in the States of Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, and Wisconsin. The experimental use permit is effective from March 12, 1976, to March 12, 1977. Temporary tolerances for residues of the active ingredient in or on barley, oats, rice, sorghum, and wheat have been established. Permanent tolerances for residues of the active ingredient in or on soybeans and corn have been established; refer to Title 40 CFR 180.351.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is sugested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 30, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-9707 Filed 4-5-76;8:45 am]

EPA SCIENCE ADVISORY BOARD ADVISORY COMMITTEES

Renewal

Pursuant to section 7(a) of OMB Circular No. A-63, Transmittal Memorandum No. 1, dated July 19, 1974, it is hereby determined that renewal of the nonstatutory advisory committees shown below is in the public interest in connection with the performance of duties imposed on the U.S. Environmental Protection Agency by law. Charters are on file at the Library of Congress continuing these committees for two-year periods, unless otherwise sooner terminated.

Environmental Health Advisory Committee
Environmental Measurements Advisory Committee
Environmental Pollutant Movement and Transformation Advisory Committee
Technology Assessment and Pollution Control Advisory Committee

RUSSELL E. TRAIN,
Administrator.

MARCH 31, 1976.

[FR Doc.76-9858 Filed 4-5-76;8:45 am]

[FRL 517-5; PP3G1377/T40]

SHELL CHEMICAL CO.

Extension of a Temporary Tolerance

On March 21, 1975, the Environmental Protection Agency (EPA) announced (40 FR 12843) that Shell Chemical Co., Div. of Shell Oil Co., Suite 200, 1025 Connecticut Ave. NW, Washington DC 20036, has been granted a one-year renewal of a temporary tolerance for residues of the herbicide 2-[[4-chloro-6-(ethylamino)-s-triazin-2-yl]amino]-2 - methylpropionitrile in or on the raw agricultural commodity soybeans at 0.05 part per million (ppm) in connection with pesticide petition PP 3G1377. This temporary tolerance expired March 17, 1975.

Shell Chemical Co. has requested a one-year extension of this temporary tolerance to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodity treated in accordance with an experimental use permit that is to be extended concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that an extension of the temporary tolerance will protect the public health, and it has been concluded, therefore, that the temporary tolerance should be extended on condition that the herbicide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the herbicide to be used must not exceed the quantity authorized by the experimental use permit.

2. Shell Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires March 17, 1977. Residues not in excess of 0.05 ppm remaining in or on soybeans after this expiration date will not be considered actionable if the herbicide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this herbicide indicate such revocation is necessary to protect the public health.

Dated: March 29, 1976.

AUTHORITY: Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a (j)].

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-9702 Filed 4-5-76;8:45 am]

ROHM AND HAAS CO.

[FRL 517-6; PP5G1566/T42]

Notice of Extension of a Temporary Tolerence

On April 18, 1975, the Environmental Protection Agency (EPA) announced (40 FR 17315) that in response to a pesticide petition (PP 5G1566) submitted by the Rohm and Haas Co., Independence Mall West, Philadelphia PA 19105, a temporary tolerance was established for residues of the herbicide 2-chloro-1-(4-nitrophenoxy)-4-trifluoromethyl benzene and its metabolites containing the diphenyl ether linkage in or on the raw agricultural commodity soybeans at 0.05 part per million (ppm). This temporary tolerance is scheduled to expire April 11, 1976.

Rohm and Haas Co. has requested a one-year extension of this temporary tolerance to permit continued testing to obtain additional data and to permit the marketing of soybeans treated in accordance with an experimental use permit that is to be extended concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that an extension of the temporary tolerance will protect the public health, and it is concluded, therefore, that the temporary tolerance should be extended on condition that the herbicide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the herbicide to be used must not exceed the quantity authorized by the experimental use permit.

2. Rohm and Haas Co. must immediately notify the EPA of any findings from the experimental use that have a hearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires April 11, 1977. Residues not in excess of 0.05 ppm remaining in or on soybeans after this expiration date will not be considered to be actionable if the herbicide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this herbicide indicate such revocation is necessary to protect the public health.

Dated: March 29, 1976.

AUTHORITY: Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a (j)].

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-9703 Filed 4-5-76;8:45 am]

[OPP-30000/5; FRL 517-2]

PESTICIDE PROGRAMS

Notice of Presumption Against Continued Registration of Pesticide Product—Chloroform (Trichloromethane)

The Deputy Assistant Administrator of the Office of Pesticide Programs, Environmental Protection Agency (EPA), has determined that a rebuttable presumption exists against continued registration for all pesticide products containing chloroform ($CHCl_3$) as an active ingredient for all uses.

The Environmental Protection Agency amended Part 162 of 40 CFR by promulgation on July 3, 1975, of its new regulations on the registration, reregistration and classification of pesticides (40 FR 28242). Section 162.11 of these regulations provides that a rebuttable presumption against registration shall arise if it is determined that a pesticide meets or exceeds any of the criteria for risk set forth in 40 CFR 162.11(a)(3). If it is determined that such a presumption against continued registration of a pesticide has arisen, the regulations require that the registrant be notified, by certified mail, that he has the opportunity to submit evidence in rebuttal of the presumption in accordance with section 162.11(a)(4). As is explained below, the registrants of pesticide products containing chloroform are being notified. The Agency is taking this opportunity to inform the registrants and the public at large of the presumption against continued registration of pesticide products containing chloroform and to solicit comments from interested parties relevant to the presumption.

A notice of a rebuttable presumption against continued registration of a pesticide is not to be confused with notice of intent to cancel a pesticide. The latter is issued when it is determined that the pesticide may generally cause unreasonable adverse effects on the environment. A notice of a rebuttable presumption against continued registration of a pesticide is issued, on the other hand, when the pesticide meets or exceeds the indicated criteria for risk. As is discussed below, this presumption may be rebutted. In addition, a party, seeking continued registration, may submit evidence as to whether the economic, social and environmental benefits from use of the pesticide outweigh the risks. Thus, issuance of a notice of rebuttable presumption will not necessarily lead to a notice of intent to cancel the pesticide.

Pesticide products containing chloroform as an active ingredient meet or exceed the following risk criteria, set forth in 40 CFR 162.11, for presuming against the registration of a pesticide product under Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended:

(I) Chronic Toxicity.

(A) Oncogenic Effects.

40 CFR 162.11(a)(3)(ii)(A) provides that "(a) rebuttable presumption shall arise if a pesticide's ingredients * * * [i]nduces oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation or dermal exposure * * *" Available data indicate that chloroform induces oncogenic effects in mice and rats as a result of oral exposure. "The Report on Carcinogenesis Bioassay of Chloroform" prepared by the Carcinogenesis Program, Division of Cancer Cause and Prevention National Cancer Institute, released on March 1, 1976, reports the results of a long-term study on the oncogenic effects of chloroform on both sexes of Osborne-Mendel rats and B6C3F$_1$ mice. This report indicates that chloroform induced heptocellular carcinomas in both male mice and female mice ($P<.001$) and renal epithelial tumors ($P<.0016$) in male rats. A statistically significant ($P<.05$) incidence of total thyroid tumors in treated female rats was not considered to be biologically significant by the National Cancer Institute. Dosage levels used in this study ranged from 90 to 250 mg/kg for rats and 100 to 500 mg/kg for mice. Dosage levels for mice and rats were changed during the study depending on tolerance. Treatment periods ranged from 126 to 400 days for mice and 154 to 546 days for rats. The incidence of renal epithelial tumors in male rats was 0% in controls, 8% for low-dose animal and 24% in high-dose animals. The incidence of hepatocellular carcinomas in mice was 0 to 6% in controls, 36% and 80% for males and females in the low-dose group, and 98% and 95% for males and females in the high-dose group, respectively.

For the foregoing reasons, the Deputy Assistant Administrator has determined that a rebuttable presumption exists against continued registration of pesticide products containing chloroform as an active ingredient for all uses. The registrants may rebut this presumption by sustaining the burden of proving:

(1) that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment likely to result in any significant chronic adverse effects; or (2) that the determination by the Agency that the pesticide meets or exceeds the chronic risk criteria set forth in 40 CFR 162.11(a)(3)(ii) was in error.

At the time that a registrant submits evidence in rebuttal of the presumption, he may also submit evidence as to whether the economic, social and environmental benefits of the use of chloroform as an active ingredient outweigh the risk of use.

Registrations currently in effect for the following products containing chloroform as an active ingredient are:

EPA reg. No.	Product	Registrant
5382-15	Frontier Chloro Fume Grain Fumigant	Vulcan Material Co., Chemical Division, Wichita, Kans. 67201.
410-68	Franklin Kiltect-100 Screw Worm Killer and Fly Repellant.	Franklin Laboratories, Inc., P.O. Box 22335, Wellshire Station, Denver, Colo. 80222.
410-73	Franklin Kiltect-100 Bomb	
2800-61	Humco Chloroform and Benzene Mixture	Humco Laboratory, Inc., P.O. Box 2550, 1008 Whitaker St., Texarkana, Tex. 75501.
773-4	Canex Oil Solution of Rotenone	Pitman-Moore Co., P.O. Box 344, Washington Crossing, N.J. 08560.
778-30	Sergeant's Ear Mite Preparation for Cats	Miller Morton Co., 2007 North Hamilton St., Richmond, Va. 23230.

The above registrants are being notified by registered mail of the rebuttable presumption existing against the continued registration of their products.

The registrants shall have, until May 21, 1976, to submit evidence in rebuttal of the presumption. However, the Administrator may, for good cause shown, grant an additional 60 days in which such evidence may be submitted. Notice of such an extension, if granted, will appear in the FEDERAL REGISTER.

During the time allowed for submission of rebuttal evidence, any member of the public or any other federal agency is invited to submit written comments and other information relevant to the presumption against continued registration contained in this notice. Such comments or information should be submitted in triplicate to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Rm. 401, East Tower, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should bear the identifying notation "OPP-30000/5". Comments and information received within the specified time limit shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 136 (d)(b)(1). Comments received after the specified time period will be considered only to the extent feasible consistent with the time limits imposed by 40 CFR 162.11 (a)(5)(ii). All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. during normal working days.

Dated: March 24, 1976.

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

[FR Doc.76-9700 Filed 4-5-76;8:45 am]

[OPP-33000/387; FRL 517-3]

NOTICE OF RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered In Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [P.L. 94-140], and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, S.W., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, S.W., Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

The Interim Policy Statement requires that claims for compensation be filed within 60 days of publication of this notice. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before May 6, 1976.

Dated: March 26, 1976.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

APPLICATONS RECEIVED (OPP-33000/387)

EPA File Symbol 10373-I. All-Brite Sales Co., 2204 Haines St., Jacksonville FL 32206. PINE ODOR CLEANER DISINFECTANT DEODORANT. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%; Alkyl (C14, 58%; C16, 28%; C12, 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 10373-U. All-Brite Sales Co. PINE ODOR PLUS CLEANER, DISINFECTANT DEODORANT. Active Ingredients: Isopropanol 9.50%; Pine oil 7.90%; Alkyl (C14, 58%; C16, 28%; C12, 14%) dimethyl benzyl ammonium chloride 3.95%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 2312-RT. Allied Block Chemical Co., PO Box 455, New Eagle PA 15067. AER-O-MATIC CLOSET FRESHNERS. Active Ingredients: Paradichlorobenzene 99%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 37942-R. Animal Health & Nutrition Div., Western Operations, PO Box 7457, Phoenix AR 85014. RABON 7.76 ORAL LARVACIDE PREMIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 8102-RL. Cadco, Inc., 10100 Douglas Ave., Des Moines IA 50322. RABON ORAL LARVICIDE PREMIX MEDICATED. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 37950-R. Carolina Milling Co., Inc., PO Box 346, Laurens SC 29360. SOUTH STATES—RABO 7.76 ORAL LARVACIDE PREMIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Suppor: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 38094-U. Central Carolina Farmers, Inc., 801 Gilbert St., Durham NC 27702. CCF RABON 7.76% ORAL LARVICIDE PREMIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl di-

methyl phosphate 7.76%. Method of Support: Application proceeds under (2b) of interim policy. PM15

EPA File Symbol 37912–R. Coast Grain Co., 12948 S. Pioneer Blvd., Norwalk CA 90650. COAST GRAIN COMPANY RABON 7.76 ORAL LARVICIDE PREMIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 37903–E. Culpeper Farmers' Cooperative, Inc., PO Box 231, Culpeper VA 22701. CO-OP RABON 7.76 ORAL LARVICIDE PREMIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 32695–A. Dale Alley Co., 222 Sylvanie, St. Joseph MO 64502. RABON 7.76 ORAL LARVICIDE PREMIX. Active Ingredients: 2 - chloro-1-(2,4,5 - trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 2846–R. John Danais Co., Inc., 229 Shasta St., Manchester NH 03103. DANA CLOR FOR SWIMMING POOL CHLORINATION. Active Ingredients: Sodium hydrochlorite 10.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 36116–R. DAP Inc., General Offices, PO Box 277, Dayton OH 45401. DAP BATHROOM CLEANER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.10%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.10%; Tetrasodium ethylenediamine tetraacetate 1.54%; Sodium Metasilicate 0.24%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 1757–AU. Drew Chemical Corp, United States Filter, 701 Jefferson Rd, Parsippany NJ 07054. BIOSPERSE 231A. Active Ingredients: Trichloro-S-triazinetrione 100%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 5736–25. DuBois Research Lab Chem. Div., 3630 E. Kemper Rd., Sharonville OH 45241. CONTROL CLEANER-SANITIZER DEODORIZER. Active Ingredients: n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.25%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 7997–RU. Farmers Union Grain Terminal Assn., General Offices, PO Box 1447, St Paul MN 55165. ROL LARVICIDE PREMIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 37774–L. Feed Specialties Co., 1877 N.E. 58th Ave., Des Moines IA 50313. R.O.L. HI-MAG MINERAL MIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 0.463%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM15

EPA File Symbol 37983–R. A. L. Gilbert Co., 304 N. Yosemite Ave., Oakdale CA 95361. RABON/R/7.76 ORAL LARVICIDE PREMIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM15

EPA File Symbol 2269–RTN. Gold Kist, Inc., General Offices, PO Box 2210, Atlanta GA 30301. GK ORAL LARVICIDE PREMIX (CONTAINS RABON ORAL LARVICIDE). Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 7698–A. Hubbard Milling Co., General Offices, 424 N. Front St, Mankato MN 56001. HUBBARD ROL PREMIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 33431–G. Interchem Inc., 3516 N. 14th St., St. Louis MO 63107. TRI-BAC DISINFECTANT CLEANER. Active Ingredients: Didecyl dimethyl ammonium chloride 2.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.5%. Method of Support. Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 7455–EG. International Multifoods Corp., 1200 Multifoods Bldg., Minneapolis MN 55402. SUPERSWEET RABON 7.76% PREMIX MEDICATED. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support. Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 37699–R. Lavergne Supplement Co., 1038 Space Park South, Nashville TN 37211. CHALLENGER-3 PREMIX CONTAINS RABON 7.76 ORAL LARVICIDE. Active Ingredients: 2 - chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM15

EPA File Symbol 37927–R. Marbut Milling Co., Inc., PO Box 610, Augusta GA 30903. FAIRWAY ORAL LARVICIDE BLEND (CONTAINS RABON ORAL LARVICIDE). Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 37968–R. McArthur Mills Inc., PO Box 1205, Okeechobee FL 33472. McARTHUR DAIRY PREMIX WITH RABON 7.76 ORAL LARVICIDE PREMIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM15

EPA File Symbol 1180–UL. Midland Cooperatives, Inc., PO Box 1395, Minneapolis MN 55440. RABON FLY-CON PREMIX CONTAINS RABON ORAL LARVICIDE. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 38240–R. Music City Supplement Co, 155 1st Ave. South, PO Box 1286, Nashville TN 37202. MUSIC CITY 12.5X PREMIX—CONTAINS RABON ORAL LARVICIDE. Active Ingredients: 2-chloro-1-(2,4,5 - trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 5550–I. Peavey Co., 730 2nd Ave., South, Minneapolis MN 55402. PEAVEY BAN-FLY RABON ORAL LARVICIDE PREMIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 38137–E. Pro Tec Chemical Co., 176 Clara St., San Francisco CA 94107. MICROBICIDE "P". Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylenedichloride] 8.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39119–E. Quali-Tech Products, Inc., 318 Lake Hazeltine Dr., Chaska MN 55318. QUALI-TECH RABON FLY KILL PREMIX. Active Ingredients: 2-chloro-1-(2,4,5 - trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 38119–G. Quali-Tech Products, Inc. QUALI-TECH RABON FLY CONTROL PREMIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 9779–EUA. Riverside Chemical Co., A Subsidiary of Cook Industries, Inc., PO Box 171199, Memphis TN 38117. 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 5741–RU. Spartan Chemical Co., Inc., 110 N. Westwood Ave., Toledo OH 43607. SPARTAN'S T'N T TUB & TILE CLEANER. Active Ingredients: n-alkyl (60% C14, 30%, C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.075%; n-alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.075%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement. PM31

EPA Reg. No. 476–2153. Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804. FYBRLUF G+. Active Ingredients: n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 3.0% n-alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 3.0%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement. PM31

EPA File Symbol 37775–R. Superene Feed Supplements, Inc., 5421 Philo St., PO Box 400, Cypress CA 90630. SUPERENE RABON 7.76 ORAL LARVICIDE PREMIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Suport: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 11668–T. T & R Chemicals, Inc., PO Box 315, El Paso TX 79941. T & R SUPER PINE DISINFECTANT. Active Ingredients: Isopropanol 9.50%; Pine oil 7.90%; Alkyl (C14, 58%; C16, 28%; C12, 14%) dimethyl benzyl ammonium chloride 3.95%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 11668–A. T & R Chemicals. T & R PINE DISINFECTANT. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%; Alkyl (C14, 58%; C16, 28%; C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 8139–RR. Triple "F" Feeds, 10104 Douglas Ave., Des Moines IA 50322. TRIPLE F FEEDS ROL PREMIX NO. 9470. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 10461–A. V.M.S., Inc., PO Box 406, Montgomery AL 36101. V.M.S. RABON 7.76 ORAL LARVICIDE PREMIX. Active Ingredients: 2-chloro-1-(2,4,5-

trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA Reg. No. 984–65. Whitmoyer Laboratories, Inc., 19 N. Railroad St., Myerstown PA 17067. CLEAN HATCH. Active Ingredients: Methyldodecyl trimethyl ammonium chloride 10.00%; Methyldodecylxylylene bis (trimethyl ammonuim chloride) 2.50%; Tetrasodium ethylenediamine tetraacetate 0.38%; Sodium carbonate 0.50%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM31

[FR Doc.76-9710 Filed 4-5-76;8:45 am]

[OPP-33000/388; FRL 518-2]

NOTICE OF RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3 (c) (1) (D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c) (1) (D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [P.L. 94–140], and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street, S.W., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street, S.W., Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

The Interim Policy Statement requires that claims for compensation be filed within 60 days of publication of this notice. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before May 6, 1976.

Dated: March 26, 1976.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED (OPP–33000/388)

EPA Reg. No. 31910–2. Alco Chemical Corporation, Trenton Avenue & Williams St., Philadelphia, PA 19134. AQUATREAT DNM–30. Active Ingredients: Sodium Dimethyldithiocarbamate 15%; Nabam (Disodium Ethylene Bisdithiocarbamate 15%). Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA File Symbol 38330–T. Arco Chemical Co., PO Box 370, 9000 W. 21st St., Sand Springs, Okla. 74063. ARCOCIDE B–615 INDUSTRIAL MICROBIOCIDE/CORROSION INHIBITOR. Active Ingredients: N-Alkyl (derived from oleic acid) 1,3-propylene diamine diacetate 42%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA Reg. No. 8991–11. Ayerst Laboratories, Inc., 685 Third Ave., New York, NY 10017. SONACIDE STERILIZING AND DISINFECTING SOLUTION. Active Ingredients: Glutaraldehyde 2%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 1660–IR. Chemical Specialties Co., Inc., 51–55 Nassau Ave., Brooklyn, NY 11222. DRO No. 2 BOMB. Active Ingredients: Petroleum Distillates 96.0%; Pyrethrins 0.2%; Piperonyl Butoxide 0.8%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM17

EPA Reg. No. 239–2428. Chevron Chemical Company—Ortho Division, 940 Hensley St., Richmond, CA 94804. ORTHOCIDE HCB 2–2 FLOWABLE SEED PROTECTANT. Active Ingredients: Captan 18%; Hexachlorobenzene 18%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Changed use pattern. PM21

EPA File Symbol 12610–G. Columbia Organic Chemicals Co., Inc., 912 Drake St., PO BOX 9096, Columbia, SC 29209. ROACH KILLER, YEIDEMAN'S SPECIAL. Active Ingredients: Pyrethrins .052%; Piperonyl butoxide, technical .26%; O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) Phosphorothiate .500%; Petroleum distillate 99.-112%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Offer to pay statement submitted. PM15

EPA File Symbol 11598–EL. Connecticut Aerosols, Inc., 85 Furniture Row, Milford, Conn. 06460. CONNECTICUT FLYING INSECT KILLER PRESSURIZED SPRAY .116%. Active Ingredients: d-trans-chrysanthemum monocarboxylic acid ester of d-2-allyl-4-hydroxy-3-methyl 2-cyclopenten-1-one .116%; Other isomers .009%; Piperonyl butoxide, technical .625%; Petroleum Distillate 5.250%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 11598–EA. Connecticut Aerosols, Inc., 85 Furniture Row, Milford, Conn. 06460. CONNECTICUT FLYING INSECT KILLER PRESSURIZED SPRAY .186%. Active Ingredients: d-trans-chrysanthemum monocarboxylic acid ester of d-2-allyl-4-hydroxy-3-methyl-2-cyclopenten-1-one .186%; Other isomers .014%; Piperonyl butoxide, technical .600%; N-octyl bicycloheptene dicarboximide 1.000%; Petroleum distillate 4.200%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM17

EPA File Symbol 35955–R. Electro Chem., PO Box 11091, Fort Worth, Texas 76109. MICROBIOCIDE. Active Ingredients: Didecyl dimethyl ammonium chloride 12.5%; Isopropyl alcohol 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA Reg. No. 1990–362. Farmland Industries, Inc., PO Box 7305, Kansas City, MO 64116. COOP LAWN AND GARDEN WEED KILLER. Active Ingredients: Dimethyl Ester of Tetrochloroterephthalic acid 5.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA Reg. No. 270–100. Farnam Companies, Inc., PO Box 2151, Phoenix, AZ 85001. FARNAM REPEL-X PLUS EMULSIFIABLE FLY PROTECTANT. Active Ingredients: d-trans-chrysanthemum monocarboxylic acid ester of d-2-allyl-4-hydroxy-3-methyl-2-cyclopenten-1-one 0.319%; Other isomers 0.035%; Piperonyl Butoxide Technical 1.593%; Butoxypolypropylene Glycol 25.00%; Pine Oil 26.950%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM17

EPA File Symbol 729–TN. Gulf Oil Corporation, Gulf Bldg., Houston, TX 77002. GULF-SPRAY PROFESSIONAL STRENGTH FLYING INSECT KILLER FORMULA 14. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related Compounds 0.027%; d-trans Allethrin (allyl homolog of Cinerin 1) 0.500%; Aromatic Petroleum Hydrocarbon 0.265%;

Petroleum Distillates 6.566%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM17

EPA Reg. No. 7245-3. Hi-Brett Chemical Co., Inc., PO Box 1072A, 26-28 W. Inman Ave., Rahway, NJ 07065. FORMULA 1881. Active Ingredients: n-Alkyl (50% C12, 30% C14, 17% C16, 3% C18) dimethyl ethylbenzyl ammonium chlorides 5.000%; n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.000% Tetra sodium ethylene diamine tetraacetate .025%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 38055-R. International Water Systems, Inc., 6497 Proprietors Rd., Worthington, Ohio 43085. COLLARD BACTERIOSTATIC WATER FILTER UNIT. Active Ingredients: Metallic Silver 1.05%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 38347-R. Kern Livestock Supplement Co., Inc., A Harvest Industries Co., PO Box 4056, 130 Industrial Street, Bakersfield, CA 93307. STOCKADE NO FLY RABON 7.76 ORAL LARVICIDE PREMIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 961-GGN. Lebanon Chemical Corp., PO Box 180, Lebanon, PA 17042. LEBANON COUNTRY CLUB 12-4-8 FERTILIZER WITH BALAN. Active Ingredients: N-butyl-N-ethyl-a,a,a-trifluoro-2,6-dinitro-p-toluidine 0.84%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 6836-UA. Lonza, Inc., 22-10 Route 108, Fair Lawn, NJ 07410. LONZA GLYODIN FRUIT FUNGICIDE. Active Ingredients: Glyodin (2-heptadecylimidazoline acetate) 30%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM21

EPA File Symbol 3125-GRN. Chemagro Agricultural Division, Mobay Chemical Corporation, Box 4913, Kansas City, MO 64120. DASANIT 8. Active Ingredients: O,O-Diethyl O-[4-(methylsulfinyl)phenyl] phosphorothicate 80%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA Reg. No. 524-285. Monsanto Chem. Co., Agr. Div., 800 N. Lindbergh Ave., St. Louis, MO 63166. LASSO. Active Ingredients: Alachlor 43.0%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: New use and revised offer to pay statement submitted. PM25

EPA File Symbol 10462-U. Multi Chemical Products, Inc., G.P.O. Box 2380, San Juan, Puerto Rico 00936. DIACICLON KILLS ROACHES. Active Ingredients: Petroleum Distillate 87.80%; O,O-Diethyl O-12-isopropyl-6-methyl-4-pyrimidinyl) phosphoronthioate 6.25%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM15

EPA Reg. No. 1258-840. Olin Chemicals, 120 Long Ridge Rd., Stamford, Conn. 06904. ZINC OMADINE POWDER INDUSTRIAL MICROBIOSTAT. Active Ingredients: Zinc 2-pyridinethiol 1-oxide 95%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted and added uses. PM33

EPA File Symbol 38323-R. Robinson Chemical Co., Inc., Cambridge, Maryland 21613. COMPRESSED CHLORINE GAS. Active Ingredients: Chlorine 100%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 359-620. Rhodia, Inc., Agricultural Division, PO Box 125, Monmouth, NJ 08852. ZOLONE EC ON ALFALFA. Active Ingredients: Phosalone [O,O-diethyl S-(6-chloro-2-oxo benzoxazolin-3-yl)methyl]phosphorodithioate] 34.4%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA File Symbol 707-REO. Rohm and Haas Co., Independence Mall, West Philadelphia, PA 19105. KATHONE 886MF. Active Ingredients: 5-Chloro-2-methyl-4-isothiazolin-3-one 8.6%; 2-Methyl-4-isothiazolin-3-one 2.6%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 201-279. Shell Chemical Co., A Division of Shell Oil Co., Agricultural Division, 1025 Connecticut Ave., NW, Washington, DC 20036. BLADEX 80 WETTABLE POWDER HERBICIDE. Active Ingredients: 2-(4-chloro-o-ethylamino-s-triazin - 2 - yl-amino) - 2 - methylproprionitrile 80.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New Amended Label submitted. PM25

EPA File Symbol 11556-UO. Cutter Animal Health Laboratories, Division of Bayvet Corp., PO Box 390, Shawnee Mission, KS 66201. CO-RAL BRAND OF COUMAPHOS 50% DUST BASE. Active Ingredients: O,O-Diethyl O-[3-chloro-4-methyl-2-oxo-(2H)-1-benzopyran-7-yl]phosphorothioate 50%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM15

EPA File Symbol 11656-UT. Shell Chemical Co., Agriculture Div., 1025 Conn. Ave., NW, Washington, DC 20036. GRANULAR SIMAZINE 2.0-U HERBICIDE. Active Ingredients: Simazine (2-chloro-4,6-bis[ethylamino]-s-triazine) 2.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM 24

EPA File Symbol 11656-AU. Shell Chemical Co., a Division of Shell Oil Co., Agriculture Division, 1025 Conn. Ave., NW, Washington, DC 20036. TELONE II SOIL FUMIGANT. Active Ingredient: 1,3-Dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 2279-A. Southern Protective Products Co., 1135 Sylvan St., SW, Atlanta, GA 30310. SOUTHERN 2611 CLEAR WOOD PRESERVATIVE. Active Ingredient: Zinc Naphthenate 13.34%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM22

[FR Doc.76-9711 Filed 4-5-76;8:45 am]

[OPP-30112; FRL 517-4]

PESTICIDE PROGRAMS

Notice of Receipt of Application To Register a Pesticide Product Containing a New Active Ingredient

E. I. du Pont de Nemours & Co., Wilmington DE 19898, has submitted to the Environmental Protection Agency (EPA) an application to register the pesticide product DUPONT LIGNASAN BLP FUNGICIDE (EPA File Symbol 352-GTO), containing 0.7% of the active ingredient Methyl 2-benzimidazolecarbamate phosphate which has not been included in any previously registered pesticide products. The application received from du Pont proposes that the product be classified for general use as an aid for the control of Dutch Elm disease. PM22

Application was made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 7 U.S.C. 136 et seq.), and the regulations thereunder (40 CFR 162). Notice of receipt of this application is made in accordance with the provisions of Section 3(c)(4) of FIFRA [40 CFR 162.2(b)(6)] and does not indicate a decision by the Agency on the application.

Any Federal agency or other interested persons are invited to submit written comments on this application to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW, Washington, DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before May 6, 1976 and should bear a notation indicating the EPA File Symbol 352-GTO. Comments received within the specified time period will be considered before a final decision is made with respect to the pending application. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Notice is approval or denial of this application to register DUPONT LIGNASAN BLP FUNGICIDE will be announced in the FEDERAL REGISTER. The label furnished by du Pont, as well as all written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 26, 1976.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.76-9701 Filed 4-5-76;8:45 am]

[OPP-42015; FRL 516-7]

HAWAII

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136) and 40 CFR Part 171 [39 FR 36446 (October 9, 1974) and 40 FR 11698 (March 12, 1975)], the Honorable George R. Ariyoshi, Governor of the State of Hawaii, has submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingency basis. Contingency approval is being requested pending promulgation of addi-

tional regulations implementing their legislation. An amendatory letter to the Hawaii State Plan was submitted on February 20, 1976, to clarify some additional points. Copies of the amendatory letter, legislation, regulations and proposed regulations are attached to the plan.

Notice is hereby given of the intention of the Regional Administrator, EPA, Region IX, to approve this plan on a contingency basis.

A summary of this plan follows. The entire plan, together with all attached appendices (except sample examinations), may be examined during normal business hours at the following locations:

Department of Agriculture, 1428 South King Street, Honolulu, Hawaii 96814.

Room 360, 100 California Street, San Francisco, CA 94111 (Pesticides Branch, Air & Hazardous Materials Control Division, EPA Region IX, (415) 556-3352).

Room 401, East Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460 (Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, (202 755-4854).

SUMMARY OF HAWAII STATE PLAN

The Hawaii Department of Agriculture has been designated as the State lead agency for the administration, implementation, coordination and enforcement of the pesticide applicator certification program.

The cooperating agencies in the certification program include the Cooperative Extension Service, University of Hawaii; Vector Control Branch, Department of Health; and the Pest Control Board, Department of Regulatory Agencies.

The Cooperative Extension Service will prepare a training program for pesticide applicators, conduct such training, administer written examinations for private and commercial applicators and submit lists of applicators (private and commercial) to the lead agency for certification.

The Pest Control Board of the Department of Regulatory Agencies under Chapter 460J, HRS, is responsible for licensing structural pest control operators. The licenses are issued by the Pest Control Board to qualified operators who successfully pass the Board's written examination.

Legal authority for the program is contained in the following statutes and regulations:

Chapter 149A, HRS, as amended.

Regulation 1, Department of Agriculture, as amended.

Chapter 33, Regulation of the Pest Control Board, Department of Regulatory Agencies.

The plan indicates that the State lead agency and the cooperating agencies have sufficient qualified personnel and funds necessary to carry out the proposed programs. The funding in support of this program for fiscal year 1976 is approximately $423,307 of which $53,500 is Federal funds, primarily applicator training monies.

The State indicates that 1,294 commercial and 6,000 private applicators will need to be certified. Two different wallet sized identification cards will be issued, one for private applicators and one for commercial applicators.

The State lead agency will submit an annual report to EPA by March 31 of each year to include information specified in Sec. 171.7(d), FIFRA, as amended.

The commercial applicator categories and standards of competence proposed are those which are described in 40 CFR 171.3, 171.4 and 171.6. No new categories are proposed. New subcategories are proposed for the following category:

(7) Industrial, Institutional, Structural and Health Related Pest Control
(a) Fumigation Pest Control
(b) General Pest Control
(c) Termite Pest Control

As requested by the Department of Agriculture in their amendatory letter of February 20, 1976, EPA has reviewed the examination used in the training program conducted by the University of Hawaii Cooperative Extension Service March 7-April 18, 1975 for structural pest control operators (Category 7). It was determined that the examination meets the general and specific standards of competency of Sections 171.4(b) and 171.4(c) of the amended FIFRA. Individuals who have successfully passed the examination during the training program may be deemed eligible for certification without further examination if the Department of Agriculture concurs.

The State of Hawaii plans to certify commercial applicators by means of a written examination that will cover both the Federal general standards or "core" material and the specific standards as required in 40 CFR 171.4 and 171.6. Applicators may be certified by one of the following methods: (1) applicators will attend a training program and successfully pass a written examination administered by the Cooperative Extension Service; (2) take and pass a written examination to be administered by the Department of Agriculture if the applicator does not wish to attend the Cooperative Extension course; and (3) commercial applicators in Category (8), Public Health Pest Control, will be required to present appropriate evidence of attending and successfully passing the written examination administered by the Department of Health, Vector Control Branch.

Cooperating agencies will submit to the Department of Agriculture a list of applicators qualifying for certification, including examination questions and the passing scores of each applicant. Certification credentials will be issued by the Department to qualified applicators upon completion of an applicator certification form.

Private applicators will be certified by satisfactorily completing a training course and passing a written examination conducted by the Cooperative Extension Service. The training will be based on the EPA private applicator core manual being used. Private applicators can also be certified by a written or oral examination (rather than attending a Cooperative Extension training course) given by the Department of Agriculture's Pesticide-Weed Control Branch. The Department will supply the EPA core manual as study material, and subsequently offer a test. The private applicator examinations were reviewed by EPA personnel and the exam satifies the standards of competency (Section 171.5).

Private applicators with poor reading ability or who cannot read may have someone else read the EPA manual to them and then take an oral test administered by the Department of Agriculture. Certification for non-readers will be limited to the specific pesticide products for which the private applicator has demonstrated competency.

The length of certification for both commercial and private applicators will be for three years.

The State of Hawaii does not anticipate the development of reciprocal agreements with other mainland states.

The State plan also indicates that within 60 days of the final approval of the Government Agency Plan (GAP) by EPA, a statement concerning the acceptance of GAP qualified Federal employees for inclusion in its State plan will be prepared.

Other regulatory activities listed in the Hawaii State plan which will supplement the certification program are pesticide registration, inspection, sampling of pesticide products, licensing of dealers, and special permits for aerial application of restricted use pesticides. Hawaii has an interim certification program for private and commercial applicators that has been instituted by the Department of Agriculture since July 1, 1974. Temporary credentials are being issued to private and commercial applicators. Since commercial and private applicators are expected to be certified in accordance with the State's certification program plan, the Department of Agriculture hopes to phase out the interim certification program by June 30, 1976, but due to the extension of Section 4 of the amended FIFRA the target date may not be realized. The interim program shall, however, not extend after the date of October 21, 1977.

Maintenance of the State plan, including monitoring and spot checking of certified applicators will be carried out by personnel in the Pesticide-Weed Control Branch of the Department of Agriculture. They will perform regular inspections and follow up with reports of suspected violations and perform other regulatory functions as necessary to carry out the State's certification program.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed State plan for the State of Hawaii to the Chief, Pesticides Branch, Air and Hazardous Materials Division, Region IX, Environmental Protection Agency, Room 360, 100 California Street, San Francisco, California 94111. The comments must be received within thirty days after date of publication of this notice and should bear the identifying notation [OPP-42015]. All written comments filed pursuant to this notice will be available for public inspection at the above men-

tioned locations from 8:30 a.m. to 4:30 p.m. Monday through Friday.

Dated: March 9, 1976.

L. RUSSELL FREEMAN,
Acting Regional Administrator,
Region IX.

[FR Doc.76-9708 Filed 4-5-76;8:45 am]

[FRL 516-3; OPP-42006A]

WEST VIRGINIA

Approval of State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973); 7 U.S.C. 136), and the implementing regulations of 40 CFR Part 171 require each State desiring to certify applicators to submit a plan for its certification programs. Any State certification program under this section shall be maintained in accordance with the State Plan approved under this section.

On December 23, 1975, notice was published in the FEDERAL REGISTER (40 FR 59375) of the intent of the Regional Administrator, EPA Region III, to approve, on a contingency basis, the West Virginia State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides (West Virginia State Plan). Contingency approval was requested by the State of West Virginia pending promulgation of regulations pursuant to the West Virginia Pesticide Use and Application Act of 1975. Complete copies of the West Virginia State Plan were made available for public inspection at the Agency's Region III office in Philadelphia, Pennsylvania, at the office of the West Virginia Department of Agriculture, Charleston, West Virginia, and at the Agency's Technical Service Division, Federal Register Section, Office of Pesticide Programs, EPA Headquarters, Washington, D.C.

There were no comments received concerning the State Plan during the 30 day comment period.

The West Virginia State Plan will remain available for public inspection at the West Virginia Department of Agriculture, Room E-121, Capitol Building, Charleston, West Virginia.

It has been determined that the West Virginia State Plan will satisfy the requirements of Section 4(a)(2) of the amended FIFRA and of 40 CFR Part 171 if proposed regulations as described in the Plan are promulgated by the West Virginia Department of Agriculture. Accordingly, the West Virginia State Plan is approved contingent upon promulgation of implementing regulations in accordance with and as prescribed in the West Virginia State Plan.

This contingency approval shall expire one (1) year from its effective date, if these terms and conditions are not satisfied by that time. On or before the expiration of the period of contingency approval, a notice shall be published in the FEDERAL REGISTER concerning the extent to which these terms and conditions have been satisfied, and the approval status of the West Virginia State Plan as a result thereof.

Effective date.—Pursuant to Section 4 (d) of the Administrative Procedures Act, 5 U.S.C. 553(d), the Agency finds that there is good cause for providing that the one year contingency approval granted herein to the West Virginia State Plan shall be effective immediately. Neither the West Virginia State Plan itself nor this Agency's contingency approval of the Plan creates any direct or immediate obligations on pesticide applicators or other persons in the State of West Virginia. Delays in starting the work necessary to implement the Plan, such as may be occasioned by providing some later effective date for this contingency approval, are inconsistent with the public interest. Accordingly, this contingent approval shall become effective immediately.

Dated: March 8, 1976.

DANIEL J. SNYDER III,
Regional Administrator,
Region III.

[FR Doc.76-9709 Filed 4-5-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20742; File No. 20430-C2-P-(4)-74 etc.]

AIRSIGNAL INTERNATIONAL, INC. ET AL.

Memorandum Opinion and Order

In re applications of Airsignal International, Inc., St. Paul, Minnesota, Docket No. 20742; File No. 20430-C2-P-(4)-74; Minnesota Communications Corporation, Minneapolis, Minnesota, Docket No. 20743, File No. 20548-C2-P-(4)-74; Minnesota Mobile Telephone Company, Inc., Minneapolis, Minnesota, Docket No. 20744; File No. 20690-C2-P-(4)-74; Metro Fone Communications, Inc., Columbia Heights, Minnesota, Docket No. 20745, File No. 20508-C2-P-(4)-74.

1. The Commission, by the Chief, Common Carrier Bureau, acting pursuant to delegated authority, has before it for consideration applications filed by Airsignal International, Inc. (Airsignal) on October 12, 1973, Metro Fone Communications, Inc. (Metro Fone) on November 6, 1973, Minnesota Communications Corporation (Minnesota Communications) on November 13, 1973 and Minnesota Mobile Telephone Company, Inc. (Minnesota Mobile) on December 13, 1973 for additional two-way facilities in the Domestic Public Land Mobile Radio Service (DPLMRS) in the St. Paul-Minneapolis, Minnesota area. All applications are for two-way frequencies 454.-125 MHz, 454.175 MHz, 454.275 and 454.-325 MHz. Also before the Commission are: (a) Motion for Conditional Grant filed by Minnesota Communications on November 27, 1974; (b) Opposition to Motion for Conditional Grant of Application filed by Minnesota Mobile on December 10, 1974; (c) Opposition of Metro Fone to Motion for Conditional Grant of Application filed on December 27, 1974; (d) Opposition to Motion for Conditional Grant filed by Airsignal on January 9, 1975; (e) Reply to Opposition to Motion for Conditional Grant of Application filed by Minnesota Communications on January 21, 1975.

2. In its Motion for Conditional Grant of Application, Minnesota Communications asserts that it alone of the four applicants has demonstrated the insufficiency of its existing facilities, and each day that passes "means additional hardship to those in the Minneapolis area who require Minnesota (Communications) mobile radio service." Motion, 5. 6. Rule 21.31(b), cited by movant, permits the conditional grant of an application where it appears that the public interest requires the prompt establishment of radio service in a particular community or area. In ATS Mobile Telephone Inc., 35 F.C.C. 2d 443, a conditional grant was made where "there (were) strong and compelling reasons favoring the commencement of service" on the applied for frequency. 35 F.C.C. 2d at 459. Here, all applicants have submitted channel loading studies for their existing facilities in accordance with Rule 21.516. The number of subscribers presently served by each applicant, considered with forecasted growth in the number of subscribers, indicates that each applicant has a need for additional facilities. However, the number of current subscribers, considered alone, does not indicate that all two-way mobile channels presently available in the Minneapolis-St. Paul area are now filled to capacity. Thus, there are no "strong and compelling reasons" to allow Minnesota Communications to add to spectrum space already available in the area pending resolution of this matter, and its Motion for Conditional Grant is denied.

3. Insofar as the contents of the four applications are concerned, they propose to use the same frequencies in the same area and are thus mutually exclusive. Since all applicants appear to be legally, financially and technically qualified to operate the proposed facilities, a comparative hearing must be held to determine which applicant is the best qualified to operate the proposed facilities in the public interest. *Ashbacker Radio Corp.* v. *F.C.C.*, 328 U.S. 327 (1945).

4. In view of the foregoing, It is ordered, That pursuant to Sections 309 (d) and (e) of the Communications Act of 1934 as amended (47 U.S.C. Sections 309 (d) and (e)) that the captioned applications of Airsignal, Minnesota Communications, Minnesota Mobile and Metro-Fone are designated for hearing in a consolidated proceeding upon the following issues:

1. To determine the total area and population to be served by each applicant within the 39 dbu contour of its proposed station based upon the standards set forth in Section 21.504 of the F.C.C. Rules and Regulations, and to determine the need for its proposed service in that area.

2. To determine on a comparative basis the nature and extent of the services proposed by each applicant.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above captioned applications would best serve the public interest, convenience and necessity.

5. It is further ordered, That the hearing shall be held at a place, time and before a judge to be designated in a subsequent order.

6. It is further ordered, That the Chief, Common Carrier Bureau is made a party to the proceeding.

7. It is further ordered, That applicants may avail themselves of an opportunity to be held by filing with the Commission pursuant to Section 1.221 (c) of the Rules within twenty days of the release date hereof, a written notice stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

8. It is further ordered, That the Motion for Conditional Grant of Application filed by Minnesota Communications Corporation is denied.

Adopted: March 17, 1976.

Released: March 30, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOSEPH A. MARINO,
Deputy Chief,
Common Carrier Bureau.

[FR Doc.76-9809 Filed 4-5-76;8:45 am]

[Docket No. 20682]

ENTERTAINMENT FORMATS OF BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of Development of Policy re: Changes in the Entertainment Formats of Broadcast Stations.

1. On December 22, 1975, the Commission adopted a Notice of Inquiry in the above-entitled proceeding (41 Fed. Reg. 2859). The dates originally set for the filing of comments and reply comments were February 19 and March 3, 1976, respectively. On February 18, 1976, an Order extending the time for filing comments and reply comments (41 Fed. Reg. 8213) was granted to April 5 and May 5, 1976, respectively.

2. On March 26, 1976, American Broadcasting Companies, Inc. (ABC), by counsel, requested that the time for filing comments and reply comments be extended to and including April 20 and May 25, 1976, respectively. On March 29, 1976, National Broadcasting Company, Inc. filed comments in support of this petition for extension. Counsel for ABC states that they have been working with an ouside consultant and programming expert in attempting to examine certain practical conditions that exist in different radio markets. Counsel points out that while they are hopeful the results of this study will be beneficial to the inquiry, the scope of the task and the personal schedule demands of the consultant have given rise to complications that were not originally contemplated.

3. We are persuaded that such an extension is warranted in order to assure development of a sound and comprehensive record on which to base a final decision in this proceeding. However, because we have already granted a previous extension, we wish to alert parties that we do not contemplate any further requests for additional time for the filing of comments.

4. Accordingly, it is ordered, that the above petition for extension of time filed by American Broadcasting Companies, Inc., is granted to the extent that the dates for filing comments and reply comments are extended to April 20 and May 20, 1976, respectively, and is denied in all other respects.

5. 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 Section 0.281 of the Commission's Rules.

Adopted: March 31, 1976.

Released: April 1, 1976.

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

[FR Doc.76-9808 Filed 4-5-76;8:45 am]

[Docket No. 20718]

ISM EQUIPMENT

Correction

In the matter of Overall revision of Part 18—ISM equipment.

1. In the Notice of Inquiry adopted March 9, 1976 and released March 15, 1976, FCC 76-211, mimeo 39641, the accession numbers listed for the FAA reports are in error. These numbers are required when purchasing the referenced FAA reports from the National Technical Information Service (NTIS) Springfield, Va. 22151.

2. The correct numbers are given below:

Report No.: FAA-RD-72-80 Vol. 1, "Radio Frequency Emission Characteristic and Measurement Procedures of Incidental Radiation Devices and Industrial, Scientific and Medical Equipment." Sept. 1972. *Accession No. AD-771 099*, cost $5.00.

Report No.: FAA-RD-72-80 Vol. 2, "The Electromagnetic Compatibility of Aeronautical and Navigational Systems with Radio Frequency Dielectric Heaters and Superregenerative Receivers." Oct. 1975. *Accession No. AD-771 088*, cost $6.00.

Released: April 1, 1976.

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

[FR Doc.76-9807 Filed 4-5-76;8:45 am]

PRIVATE MICROWAVE ADVISORY COMMITTEE

Notice of Meeting

In preparation for the 1979 World Administrative Radio Conference (WARC), the Private Microwave Advisory Committee, headed by Thomas L. Johnson, will hold its next meeting on April 20 and 21, 1976, in Washington, D.C. The meeting will be held in Conference Room 7002, Federal Communications Commission, 2025 M St., NW., at 9:00 A.M. The meeting is open to the public and will be conducted in accordance with the following agenda: (1) Call of the agenda, (2) Opening Remarks of the Chairman, (3) Review Work Accomplished, and (4) Adjournment.

The public may participate by presenting oral or written statements.

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

[FR Doc.76-9954 Filed 4-5-76;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Comission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and Section 311 (p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/operator and vessels*
01203---	Rederiaktiabolaget Monacus: *Nanny.*
01301---	Skipsreder Kristian Ravn: *Olanda.*
01505---	Servicios Maritimos Mexicanos, S.A.: *Morelia II.*
01637---	Sidarma Societa Italiana di Armamento S.P.A.: *Sebastiano Venier.*
01641---	The Bank Line Ltd.: *Wavebank.*
01857---	OHG. I. FA. Bernhard Schulte: *Astrid Schulte.*
01874---	A/S Sobral: *Nopal Sun.*
02001---	Rederiaktiebolaget Transatlantic: *Indiana, Cirrus.*
02198---	Peninsular & Oriental Steam Navigation Company: *Talamba.*
02431---	Victoria Transport Corp.: *Hilda.*
02520---	Northern Petroleum and Bulk Freighters Limited: *Avonfield.*
02583---	Pacific Inland Navigation Co. Inc.: *Tyee, Inland Chief, ZB 1003, ZB 1002, 551, 545, 544, 542, 541, 513, 509, 505.*
02877---	Nippon Yusen Kabushiki Kaisha: *Tatsuta Maru, Saitama Maru, Satsuma Maru, Hampton Maru, Nagato Maru, Tokushima Maru, Yamashiro Maru, Wakato Maru, Izumi Maru, Arita Maru, Gloria Maru, Toba Maru, Takasago Maru, Takasaki Maru, Sumida Maru, Boston Maru, Iwaki Maru, Izumo Maru, Iwashiro Maru, Yamanashi Maru, Sapporo Maru, Arima Maru.*
03087---	Atlantic Far East Lines, Inc.: *Oriental Enterprise, Oriental Mariner.*
03098---	Pacific Tankers, Inc.: *Pacific Satellite.*
03108---	Chinese Maritime Trust, Ltd. Taipei: *Sian Yung.*
03109---	Oriental Latin American Lines, Inc.: *Oriental Esmeralda.*
03276---	Universe Tankships, Inc.: *Ore Chief.*

Certificate No.	Owner/operator and vessels
03639---	Naviteck Company: *Phosphore Conveyor.*
03730---	Brown & Root, Inc.: *BAR 344.*
03756---	Orenavi Societa' Di Navigazione per Azione: *Rina Lolli-Ghetti.*
04150---	Jan C. Uiterwyk Co., Inc.: *Laurie U.*
04154---	Caribbean Industrial Molasses Co.: *SBI 551.*
04184---	M/G Transport Services, Inc.: *Tennessee, Wasson No. 5, Wasson No. 8, Wisconsin, SB-40, Wasson No. 1, Wasson No. 2, AT 705, Chippewa, Arkansas, AORS 223, GTC 9, GTC 8, Eau Claire.*
04301---	Compania Maritima Hari Ltda. S.A. Panama: *Angela Venizelos.*
04306---	Ocean Transport Ltd. Monrovia: *Helena Venizelos.*
04307---	Hariclia Navigation Ltd. Monrovia: *Hariclia Venizelos.*
04309---	Thieressia Navigation Ltd. Monrovia: *Thiressia Venizelos.*
04616---	Alaska-Shell, Incorporated: *Deep Sea.*
04629---	Smith International (Antilles) N.V.: *Schelde.*
04803---	Brent Towing Company Inc.: *Linda Anne.*
05157---	Symco Shipping Co. Ltd.: *Common Entrance.*
05328---	Carlyle Shipping Co. S.A.: *Friedland.*
05437---	The Dow Chemical Company: *TCB-301.*
06019---	Field Tank Steamship Co. Ltd.: *Avonfield.*
06115---	Cosatmar S.P.A.-Compagnia Sarda Transporti Marittimi: *Fiamma.*
06501---	Seven Seas Navigation Corporation Ltd.: *Dianna.*
06672---	Bulkcargo Navigation Corporation Ltd.: *Zorina.*
06684---	Explorer Navigation Corporation Ltd.: *Rowena.*
06785---	Universal Enterprise Inc.: *Oriental Ace.*
07065---	Sea Tankers, Inc.: *Overseas Evelyn.*
07140---	Ehime Prefectural Government: *Ehime Maru.*
07636---	Arkansas Barge Company: *ABC-1, ABC-2, ABC-3.*
07736---	Buques Mercantes del Caribe, C.A.: *Gabriela B.*
07868---	Dolphin Maritime Corporation: *Takis.*
07869---	Omicron Management Co. Ltd.: *Akrotiri, Anette.*
07946---	Midway Operations, Inc.: *MMS-102, MMS-101.*
08172---	Canadian Overseas Telecommunication Corporation: *John Cabot.*
08390---	The Interlake Steamship Company: *Frank Armstrong, Samuel Mather.*
08410---	Oceangas Shipping (Far East) Inc.: *Zeilen.*
08559---	Pescapuerta, S.A.: *Pescapuerta Segundo, Pescapuerta Tercero.*
08627---	Terminales Maracaibo, C.A.: *Temar I.*
08787---	Smit International Zeesleep-En Bergingsbedrijf BV: *Mississippi.*
09135---	Alefani Maritime Company Limited: *Alefani.*
09539---	Raymond - Kiewit - Tidewater, a joint venture: *Gerard, Mount Pleasant.*
09589---	Union Heung San Co. Ltd.: *Il Woo No. 51, Il Woo No. 3.*
09625---	Scheepvaartagentuur Orionbel N.V.: *Sarandi.*
09706---	Molena Trust Incorporated: *Andwi.*
09713---	Iwakiri Suisan K.K.: *Yashima Maru No. 3.*
09990---	Alaska Aggregate Corporation: *Kevalaska.*
10062---	Gala Shipping Company Inc.: *Young Soul.*
10724---	Exeter Shipping Company S.A.: *Capetan Lazaros.*
11007---	Sea Containers Limited: *Isbrit.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-9844 Filed 4-5-76;8:45 am]

[No. 76-15]

THOMAS P. GONZALEZ CORP. V. WESTFAL LARSEN & CO. A/S

Joint Petition for Declaratory Order

Thomas P. Gonzalez and Westfal Larsen Line have jointly petitioned for a declaratory order to resolve a controversy regarding a contract between the parties for the carriage of a shipment of garbanzo and frijoles rojos beans from Puntarenas, Costa Rica to Ensenada, Baja California, Mexico. The shipment arrived at Ensenada but subsequently proceeded to Los Angeles because necessary discharge permits were lacking when the cargo arrived at Ensenada. The petition raises the questions (1) whether or not the tariff of the Latin America/Pacific Coast Steamship Conference governs the movement between Ensenada and Los Angeles and (2) if the tariff does apply what is the total amount of freight and other charges resulting from such application.

This petition arises out of the same facts which are the subject of a current complaint proceeding between the same parties (Docket 75-39). The parties ask that this petition be consolidated with Docket 75-39.

Inasmuch as this petition is so closely related to proceedings in Docket 75-39, and inasmuch as the petition recognizes there are facts in dispute which may require evidentiary hearing, we have determined to order the following action in regard thereto:

Accordingly, it is hereby ordered, That the petition for declaratory order be assigned to a formal docket, be referred to the Office of Administrative Law Judges for initial decision, and be consolidated with Docket 75-39. Hearing in this matter shall commence on or before September 29, 1976.

It is further ordered that all persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein should notify the Secretary of the Commission immediately and file a petition for leave to intervene in accordance with Rule 5(1) of the Commission's Rules of Practice and Procedure (46 CFR 502.72), with a copy to all parties to this proceeding.

It is further ordered that this order be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-9842 Filed 4-5-76;8:45 am]

[Docket No. 76-19]

PACIFIC WESTBOUND CONFERENCE

Tariff Rules Establishing a Credit Administrative Charge; Order To Show Cause

The Pacific Westbound Conference (PWC) is a conference of carriers operating pursuant to Commission-approved Agreement Number 57, as amended, in trades between Pacific Coast ports of the United States and Canada and the Far East and the Republic of the Philippines. A list of the members lines is attached as Appendix "A".

PWC has filed Local Tariff FMC-12 and Overland Tariff FMC-13, effective April 1, 1976, amending its credit agreement rules to provide for a credit administrative fee of $25.00 to be charged all shippers applying for credit privileges. The amendment is contained in sub-paragraph (b), paragraph 7 of Rules 29 and 37 and reads as follows:

(b) Each Shipper's Credit Agreement shall be subject to a credit administrative fee of twenty-five ($25.00) dollars payable to the Conference and the Credit Agreement shall become effective upon receipt of payment and execution by the Conference. The Shipper's Credit Agreement shall remain in effect for two (2) years from the effective date and the credit administrative fee shall not be subject to refund if terminated earlier by shipper's notice or by suspension for failure to comply with the terms of the Agreement.

Publication of this amendment results in the termination of all current PWC Shipper Credit Agreements as of midnight March 31, 1976. All shippers who desire credit privileges on ocean freight charges after that date will be required to execute a new credit agreement effective for a period of two years and pay an administrative fee of $25.00.

The Commission is aware of several shipper complaints submitted to the Conference in response to this proposed amendment.

It appears to the Commission that a credit administrative fee is a novel and unique charge the assessment of which is beyond the scope of authority granted by the Commission in its approval of the basic Conference Agreement. While the Conference bases its claim of authority for collecting such a fee on Article 7 of Agreement 57 which states in pertinent part that "* * * [t]he parties hereto shall consider and pass upon any matter involving * * * tariffs, freight, brokerage or other charges, or the regulation of westbound cargo * * *," it appears to the Commission that such authority can only be applied to charges which are ordinary and routine. It further appears that maintenance of such a credit system should be carried by the Conference as a

general operating expense and not as a specific and separate charge to shippers.

Now, therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, the Pacific Westbound Conference and its member lines as listed in Appendix "A" be named respondents in this proceeding and that such respondents be ordered to Show Cause why the Commission should not find the Conference's publication of a Tariff Rule establishing a credit administrative charge to be in violation of section 15 of the Shipping Act, 1916, and accordingly, why such rule and charge should not be stricken from conference tariffs and moneys collected thereunder refunded;

It is further ordered, That this proceeding be limited to submission of affidavits of fact and memoranda of law, and replies thereto. Should any party feel that an evidentiary hearing is required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, a description of the evidence which would be adduced to prove those facts, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before April 30, 1976. Affidavits of fact and memoranda of law shall be filed by respondents and served upon all parties no later than the close of business April 30, 1976. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, no later than close of business May 17, 1976.

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon the respondents;

It is further ordered, That persons other than those already party to this proceeding who desire to become parties and participate herein shall file a petition to intervene pursuant to Rule 5(1) of the Commission's Rules of Practice and Procedure (46 CFR 502.72) no later than close of business April 16, 1976.

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, in an orginal and 15 copies, as well as being mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

American President Lines Ltd. (American Mail Line), 601 California Street, San Francisco, California 94108.

Barber Blue Sea Line, P.O. Box 1330, Vika, Oslo, 1, Norway.

Japan Line, Ltd., Kokusai Building 12, 3 Marunouchi, Chiyoda-Ku, Tokyo, Japan, "Japan Line".

Kawasaki Kisen Kaisha, Ltd., 8 Kaigan-dori, Ikuta-Ku, Kobe, Japan.

Knutsen Line: *Dampskibsaktieselskapet Jeanette Skinner, Skibsaktieselskapet Pacific, Skibsaktieselskapet Marie Bakke, Dampskibsaktieselskapet Golden Gate, Dampskibsaktieselskapet Lisbeth, Skibsaktieselskapet Ogeka, Hvalfangstaktieselskapet Suderoy*, Knut Knutsen, O.A.S., Haugesund, Norway.

A. P. Moller-Maersk Line, A Joint Service of Dampskibsselskabet AF 1912 Aktieselskab, Aktieeelskabet Damskibsselskabet Svenborg, Managed by A. P. Moller, 8 Kongens Nytorv, Copenhagen K, Denmark.

Martime Company of the Philippines, 205 Juan Luna, Manila, Philippines.

Mitsui O.S.K. Lines, Ltd., 36 Hitotsugi-cho, Akasaka, Minato-ku, P.O. Box 6, Akasaka, Tokyo, Japan, "Mitsui O.S.K. Lines".

Nippon Yusen Kaisha, 20, 2-Chome, Marunouchi, Chiyoda-Ku, Tokyo, Japan.

Pacific Far East Line, Inc., One Embarcadero Center, San Francisco, California 94111.

Phoenix Container Liners Ltd., Alexander House, Hon Kong.

Sea-Land Service, Inc., P.O. Box 1050, Elizabeth, New Jersey 07207.

Seatrain International, S.A., 1395 Middle Harbor Road, Oakland, California 94607.

Showa Line, Ltd., (Showa Kaiun Kaisha, Ltd.), Ida Building, No. 1 Yaesu 2-Chome, Chuo-ku, Tokyo, Japan.

States Steamship Company, 320 California Street, San Francisco, California 94104.

Scindia Steam Navigation Co., Ltd., The, Scindia House, Ballard Estate, Bombay, 1 B.R., India.

United States Lines, Inc., One Broadway, New York, New York 10004.

Yamashita-Shinnihon Steamship Co., Ltd., 6th Floor Palaceside Building, No. 1, Takehira-Cho, Chiyoda-Ku, Tokyo, Japan.

Zim Israel Navigation Co., Ltd., (Zim Container Service Division) (Zim American Israeli Shipping Co., Inc., General Agents), 7/9 Ha'atzmaut Road, Haifa, Israel.

Shipping Corporation of India, Ltd., Steelcrete House, Dinshaw Wacha Road, Bombay 1, India.

Waterman Steamship Co., Ltd., 140 Broadway New York, New York 10005.

[FR Doc.76-9843 Filed 4-5-76; 8:45 am]

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

NATIONAL CRIME INFORMATION CENTER ADVISORY POLICY BOARD'S SECURITY AND CONFIDENTIALITY (S & C) COMMITTEE

Notice of Meeting

Pursuant to the provisions of Public Law 92-463, notice is hereby given that a meeting of the National Crime Information Center (NCIC) Advisory Policy Board's Security and Confidentiality (S & C) Committee will be held on April 21, 1976, at the Holiday Inn, 2300 Phillips Highway, Jacksonville, Florida. The meeting will begin at 9 a.m. and conclude at 5 p.m.

The purpose of the S. & C. meeting will be to discuss the security and privacy aspects of the NCIC.

The meeting will be open to the public. Persons who wish to make statements and ask questions of the Committee must file written statements or questions at least twenty-four hours prior to the commencement of the meeting. These statements or questions shall be delivered to the person of the Designated Federal Employee or the Assistant Director, Computer Systems Division of the FBI.

Further information may be obtained from Mr. Frank B. Buell, Chief, NCIC Section, Computer Systems Division, FBI Headquarters, Washington, D.C. 20535, at telephone number 202/324-2606.

Minutes of the meeting will be available upon request from the above designated FBI official.

CLARENCE M. KELLEY,
Director.

[FR Doc.76-10042 Filed 4-5-76;10:32 am]

FEDERAL RESERVE SYSTEM

BANCOKLAHOMA CORP.

Proposed Acquisition of BancOklahoma Life, Inc.

BancOklahoma Corporation, Tulsa, Oklahoma, has applied, pursuant to § 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 acquire voting shares of BancOklahoma Life, Inc., Tulsa, Oklahoma. Notice of the application was published on February 7, 1976 in Tulsa Daily World, a newspaper circulated in Tulsa, Oklahoma.

Applicant states that the proposed subsidiary would engage in the activities of underwriting and reinsuring credit life and credit accident and health insurance in connection with extensions of credit by Applicant's lending subsidiaries. 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 interests, 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 April 28, 1976.

Board of Governors of the Federal Reserve System, March 30, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-9813 Filed 4-5-76;8:45 am]

BARNETT BANKS OF FLORIDA, INC.

Order Approving Acquisition of Banks

Barnett Banks of Florida, Inc., Jacksonville, Florida, a bank holding company within the meaning of the Bank

Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of each of the following proposed new banks: Barnett Bank of Orange Park, National Association, Clay County, Florida ("Orange Park Bank"), and Barnett Bank of Gainesville, National Association, Alachua County, Florida ("Gainesville Bank").

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in § (a) of the Act (12 U.S.C. 1842 (c)).

Applicant is the second largest banking organization in Florida, controlling 58 banks with aggregate deposits of $1.9 billion, representing 8.2 percent of the total deposits in commercial banks in the State.[1] Since each Bank is a proposed new bank, no existing competition would be eliminated nor would concentration be increased in any relevant area.

Gainesville Bank will represent Applicant's initial entry into the Gainesville banking market[2] and is located 45 miles from Applicant's closest banking subsidiary. Applicant's acquisition of Gainesville Bank should have a favorable competitive effect by introducing a new competitior into the Gainesville banking market in which four of the eleven banking organizations competing in that market control over 75 per cent of market deposits. Six of the competing banking organizations are multi-bank holding companies. Applicant's entry would not have any adverse effect on any competing bank.

Orange Park Bank will be located in the Orange Park area of Clay County, a rapidly growing part of the Jacksonville banking market.[3] Applicant is the third largest banking organization in the market and controls 20.4 per cent of market deposits. Already competing in the market are 16 banking organizations (42 banks), including the six largest banking organizations in Florida. Applicant closest subsidiary banking office is about 10 miles north of Orange Park Bank. The projected area Orange Park Bank will serve is expected to continue to experience significant growth.[4] Moreover, this area is presently served directly by only one bank which is a subsidiary of the State's largest banking organization. It therefore appears that consummation of the proposal would not adversely affect the competitive situation nor increase the concentration of resources in the market. Furthermore, there is no evidence in the record that Applicant's proposal is an attempt to preempt a site before there is a need for a bank.

The financial and managerial resources and future prospects of Applicant and its subsidiaries are regarded as generally satisfactory. Prospects for both Banks appear favorable since they would have capable and experienced management and would be adequately capitalized. Each Bank would be able to provide an additional source of full banking services for the community. Considerations relating to the convenience and needs of the areas to be served lend weight toward approval. It is the Board's judgment that the proposed acquisitions would be in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions 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, and (c) Barnett Bank of Orange Park, National Association, Clay County, Florida, and Barnett Bank of Gainesville, National Association, Alachua County, Florida, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[5] effective March 29, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-9814 Filed 4-5-76;8:45 am]

[1] All banking data are as of December 31, 1974, and reflect bank holding company formations and acquisitions approved as of January 31, 1976.

[2] The Gainesville banking market consists of Alachua County.

[3] The Jacksonville banking market comprises Duval County, plus the Orange Park area in northern Clay County.

[4] Most of the past (42.7 per cent population increase from 1970 to 1974) and projected growth of Clay County is in the Orange Park area.

[5] Voting for this action: Chairman Burns, Governors Gardner, Holland, Wallich, Coldwell. Absent and not voting: Governors Jackson and Partee.

DORSET BANCSHARES, INC.

Formation of Bank Holding Company

Dorset Bancshares, Inc., Dorset, Minnesota, has applied for the Boards' approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 86.5 per cent of the voting shares of Farmers State Bank of Dorset, Dorset, Minnesota. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 20, 1976.

Board of Governors of the Federal Reserve System, March 30, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-9815 Filed 4-5-76;8:45 am]

UNITED MISSOURI BANCSHARES, INC.

Order Approving Acquisition of Bank

United Missouri Bancshares, Inc., Kansas City, Missouri ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Gillioz Bank and Trust Company, Monett, 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. The time for filing comments and views has expired, and the Reserve Bank has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act.

Applicant, the fifth largest banking organization in Missouri, controls 18 operating banks with aggregate deposits of approximately $749.4 million, representing 4.64 percent of the commercial bank deposits in the State.[1] Acquisition of Bank would increase Applicant's share of State deposits only slightly, and would not result in a significant increase in the concentration of banking resources in Missouri. Applicant's ranking among banking organizations in the State would remain unchanged.

Bank ($19.5 million in deposits) is the largest of ten banking organizations in the Monett banking market and holds 21.12 percent of the deposits in commercial banks in the market.[2] None of Applicant's subsidiary banks are located in the relevant market area. Applicant's nearest subsidiary is located in Carthage, Missouri, approximately 37 miles from Bank. The record indicates that there is no significant existing competition between Bank and any of Applicant's subsidiaries, and it is not likely that significant future competition will develop in view of the distances involved and Missouri's restrictive branching laws. Furthermore, the possibility that approval would eliminate some potential competition is considered remote. Low population growth in the Monett market and the large number of banking alternatives suggest that de novo entry is unattractive and unlikely at this time. Competitive considerations are, therefore, consistent with approval of the application.

[1] All banking data are as of June 30, 1975, and reflect bank holding company formations and acquisitions approved by the Board to date.

[2] The relevant market includes Lawrence County, the northern quarter of Barry County and the northwest corner of Stone County.

The financial and managerial resources and future prospects of Applicant and its subsidiaries appear satisfactory. The financial condition and prospects of Bank are consistent with approval.

Affiliation with Applicant should enable Bank to offer expanded banking services, including trust services. These factors, as they relate to the convenience and needs of the community to be served, lend some weight for approval of the application. It is the Reserve Bank's judgment that consummation of the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth 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 of Governors or by the Federal Reserve Bank of Kansas City, pursuant to delegated authority.

[SEAL] WILBUR T. BILLINGTON,
Senior Vice President.

MARCH 26, 1976.

[FR Doc.76-9816 Filed 4-5-76;8:45 am]

WELEETKA BANCSHARES, INC.

Formation of Bank Holding Company

Weleetka Bancshares, Inc., Weleetka, Oklahoma, has applied for the board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of The State National Bank of Weleetka, Weleetka, Oklahoma. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the 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 April 26, 1976.

Board of Governors of the Federal Reserve System, March 30, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-9817 Filed 4-5-76;8:45 am]

CONSUMER ADVISORY COUNCIL

Solicitation of Suggestions for Members

Recent amendments to the Equal Credit Opportunity Act (P.L. 94-239) require the Board to establish a Consumer Advisory Council. Under the Act, the Council has the responsibility to advise and consult with the Board in the areas of the Board's functions under the Consumer Credit Protection Act—currently the Truth in Lending Act, as well as the Fair Credit Billing Act, Equal Credit Opportunity Act, Fair Credit Reporting Act, and Consumer Leasing Act. The Board may also place before the Council other consumer-related matters for its advice. The Act does not specify the number of members of the Council or their length of service. The amendments also abolish the section of the Truth in Lending Act establishing the Truth in Lending Advisory Committee, which has been in existence since 1968.

The Board is soliciting suggestions for qualified individuals to serve on the Council, which should be representative of the interests of both creditors and consumers. In submitting suggestions, it would be extremely helpful if biographical material highlighting the qualifications of the person suggested to serve on the Council would also be supplied.

Suggestions should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, and should be received not later than April 30, 1976. Such information will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

For convient reference, the applicable provisions of P.L. 94-239 are reproduced below:

"'(b) The Board shall establish a Consumer Advisory Council to advise and consult with it in the exercise of its functions under the Consumer Credit Protection Act and to advise and consult with it concerning other consumer related matters it may place before the Council. In appointing the members of the Council, the Board shall seek to achieve a fair representation of the interests of creditors and consumers. The Council shall meet from time to time at the call of the Board. Members of the Council who are not regular full-time employees of the United States shall, while attending mectings of such Council, be entitled to receive compensation at a rate fixed by the Board, but not exceeding $100 per day, including travel time. Such members may be allowed travel expenses, including transportation and subsistence, while away from their homes or regular place of business.'

"(b)(1) Section 110 of the Truth in Lending Act is repealed.

"(2) The table of sections of Chapter 1 of such Act is amended by striking out item 110."

By order of the Board of Governors, March 31, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-9851 Filed 4-5-76;8:45 am]

[Docket No. R-0031]

EQUAL CREDIT OPPORTUNITY ACT AMENDMENTS

Hearing

The President recently signed the Equal Credit Opportunity Act Amendments of 1976 (P.L. 94-239) which, among other things, adds as prohibited bases of discrimination in granting credit: race, color, religion, national origin, age, receipt of income from public assistance programs and a person's having exercised rights under the Consumer Credit Protection Act. Pursuant to the authority contained in section 703 of the Equal Credit Opportunity Act, the Board will be prescribing amended regulations to carry out the purposes of the Act, as amended.

To aid in preparation of the regulation, a hearing will be held before available members of the Board in the Board Room, second floor of the Board's building on 20th and C Streets NW., Washington, D.C., beginning at 10 a.m., on Tuesday April 27, 1976. The proceeding will consist of presentations of statements in oral or written form. Interested persons need not, however, participate in the proceedings through oral presentation in order to have their views considered.

Any persons desiring to submit written comments, give testimony, present evidence, or otherwise participate in these proceedings should file with the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551, on or before Monday, April 19, 1976, their written comments or a written request containing a statement of the nature of the petitioner's interest in the proceedings, the extent of participation desired, a summary of the matters concerning which petitioner wishes to give testimony or submit evidence, and the names and identity of witnesses who propose to appear. Written comments will be made available for public inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information. All material submitted should include the Docket No. R-0031.

The Board is especially interested in comment on the following subjects:

1. Examples of existing discrimination based on race, color, national origin, religion or age, and approaches to eliminating the discrimination;

2. Examples of existing discrimination based upon the receipt of income from public assistance programs, and approaches to eliminating the discrimination;

3. Standards for determining what constitutes a statistically sound credit scoring system;

4. Standards for determining what constitutes negative scoring as it relates to elderly persons;

5. Standards for determining what qualifies as a credit assistance program for economically disadvantaged persons;

6. Standards for determining what qualifies as a special assistance program offered by for-profit institutions to meet special social needs;

7. Standards for determining what classes of business credit might be exempted from all or part of the provisions of the Act because the application of the provision does not contribute substantially to carrying out the purpose of the Act;

8. Standards for determining whether State laws are more protective, inconsistent, or substantially similar;

9. Types of records creditors should be required to retain and the length of the retention period;

10. The information which creditors should be permitted or required to request relating to the prohibitions of the Act as amended, and

11. The cost of implementing the Act and the impact of the Act on the availability and cost of credit to the user of credit.

This notice is published pursuant to section 553(b) of Title 5 United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 C.F.R. 262.2(a)).

By order of the Board of Governors, March 31, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-9852 Filed 4-5-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Temp. Reg. G-22; Supplement 1]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Change in Motor Vehicle Reporting Requirements

1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation G-22, dated August 28, 1975, and revises paragraph 6 to reflect current policy.

2. *Effective date.* This supplement is effective upon publication in the FEDERAL REGISTER.

3. *Expiration date.* FPMR Temporary Regulation G-22 and this supplement expire September 30, 1976, unless sooner revised or superseded.

4. *Applicability.* The provisions of this supplement apply to all executive agencies holding or using commercially designed motor vehicles.

5. *Background.* The expiration date is extended to allow GSA time to develop a permanent regulation to replace FPMR Temporary Regulation G-22 based on the recommendations submitted by interested parties in response to paragraph 9 of the regulation.

6. *Changes.* FPMR Temporary Regulation G-22 is revised by the following pen-and-ink changes.

a. *Paragraph 3.* Delete "March 31, 1976" and substitute "September 30, 1976."

b. *Paragraph 6.* Delete the second sentence.

JACK ECKERD,
Administrator of General Services.

MARCH 26, 1976.

[FR Doc.76-9685 Filed 4-5-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

CERTAIN CERAMIC TABLEWARE ARTICLES

Report to the President

In accordance with section 203(i) of the Trade Act of 1974 (88 Stat. 1978), the United States International Trade Commission herein reports the results of an investigation conducted under sections 203(i)(2) and 203(i)(3) of that act with respect to certain ceramic tableware articles.

The investigation to which this report relates was undertaken for the purpose of gathering evidence in order that the Commission might advise the President of its judgment as to the probable economic effect on the domestic industry producing articles like or directly competitive with—

articles chiefly used for preparing, serving, or storing food or beverages, or food or beverage ingredients, all the foregoing temporarily provided for in items 923.01 through 923.15, inclusive, of the appendix of the Tariff Schedules of the United States.

of the termination of import relief presently in effect with respect to such articles. Import relief presently in effect with respect to such articles is scheduled to terminate on April 30, 1976, unless extended by the President.

The investigation was instituted on November 24, 1975, following receipt on October 30, 1975, of a petition filed by the American Dinnerware Emergency Committee.

Notice of the investigation and hearing was duly given by publishing the original notice in the FEDERAL REGISTER of December 2, 1975 (40 FR 55907). A supplemental notice announcing that the Commission was interested in receiving evidence and testimony with respect to all relevant considerations, including those set forth in section 202(c) of the Trade Act of 1974, was published in the FEDERAL REGISTER of January 15, 1976 (41 FR 2279).

A public hearing in connection with the investigation was held on January 20, 1976, in the Commission's hearing room in Washington, D.C. All interested parties were afforded an opportunity to be present, to produce evidence, and to be heard. A transcript of the hearing and copies of briefs submitted by interested parties in connection with the investigation are attached.

The information contained in this report was obtained from field-work, from responses to questionnaires sent to domestic manufacturers, importers, and distributors, and from the Commission's files, other Government agencies, and evidence presented at the hearing and in briefs filed by interested parties.

PROBABLE ECONOMIC EFFECT OF THE TERMINATION OF THE IMPORT RELIEF APPLICABLE TO CERTAIN CERAMIC TABLEWARE ON THE U.S. INDUSTRY PRODUCING EARTHEN TABLE AND KITCHEN ARTICLES

In the opinion of the Commission (Commissioner Ablondi dissenting), the termination of the import relief applicable to certain ceramic tableware would adversely affect the competitive position of the domestic industry producing earthen table and kitchen articles.

* * * * *

By order of the Commission.

Issued: April 1, 1976.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.76-9857 Filed 4-5-76;8:45 am]

[337-TA-13]

LIQUID PROPANE HEATERS

Commission Action Terminating Investigation; Notice and Order

Upon consideration of the presiding administrative law judge's Recommendation and the record in this investigation,

The Commission hereby orders the termination of investigation No. 337-TA-13, Liquid Propane Heaters, on the basis of a finding that no violation of section 337 now exists.

Copies of the Commission Memorandum Opinion in support of the Commission action are available to the public during official working hours at the Office of the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436.

The notice and order concerning the procedure for Commission action on termination was published in the FEDERAL REGISTER of March 24, 1976 (41 F.R. 12248); notice of the redesignation of the preliminary inquiry (No. 337-L-77) as investigation No. 337-TA-13 was published in the FEDERAL REGISTER of June 4, 1975 (40 F.R. 24056); and notice of the Commission's initiation of a preliminary inquiry based upon receipt of a complaint filed by Scheu Products Co. was published in the FEDERAL REGISTER of October 10, 1974 (39 F.R. 36519).

By order of the Commission.

Issued: April 1, 1976.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.76 9856 Filed 4-5-76;8:45 am]

WATCHES AND WATCH MOVEMENTS FROM INSULAR POSSESSIONS

Determination of Apparent United States Consumption of Watch Movements in 1975 and of Quotas for Duty-Free Entry in 1976 of Watches and Watch Movements from Insular Possessions

In accordance with headnote 6(c) of schedule 7, part 2, subpart E, of the Tar-

iff Schedules of the United States (TSUS), the United States International Trade Commission has determined that the apparent United States consumption of watch movements for the calendar year 1975 was 51,516 thousand units, and that the number of watches and watch movements, the product of the Virgin Islands, Guam, and American Samoa, which may be entered free of duty during the calendar year 1976 under headnote 6(b) of said subpart E of the TSUS is as follows:

	Thousand units
Virgin Islands	5,008
Guam	477
American Samoa	239

* * * * *

By order of the Commission:

Issued: April 1, 1976.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.76-9855 Filed 4-5-76;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

MEETING

Notice is hereby given, pursuant to PL 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on April 29 thru May 1, in San Francisco, California. The meeting will be a joint session with the National Association of Administrators of State and Federally Assisted Education Programs' Second Annual Inservice Conference, and the regular Council meeting will be scheduled for April 30 from 1:30 p.m. to May 1, from 9:00 a.m. to 12 noon.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congres, on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The purpose of the joint session and the council meeting is for the Council to participate in the activities of the conference and conduct a workshop on April 29, from 1:30 p.m. to 3:30 p.m. and to participate in the national session. The 30th of April there will be a full Council meeting beginning at 3:30 p.m. and May 1 the Council will meet from 8:30 until 12:00 noon.

Because of limited space, all persons wishing to attend should call for reservations by April 22, 1976, Area Code 202/382-6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street, N.W., Suite 1012, Washington, D.C.

Signed at Washington, D.C. on March 30, 1976.

GLORIA STRICKLAND, *Acting Executive Director.*

[FR Doc.76-9798 Filed 4-5-76;8:45 am]

NATIONAL FOUNDATIONS ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

ADVISORY COMMITTEE EDUCATION PANEL

Meeting

MARCH 22, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Education Panel will meet at 9 a.m. to 1 p.m., Washington, D.C., on April 23, 1976.

The purpose of the meeting is to review Development Grant Program applications submitted to the National Endowment for the Humanities for grants to educational institutions and non-profit organizations.

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 on the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN, *Advisory Committee Management Officer.*

[FR Doc.76-9753 Filed 4-5-76;8:45 am]

ADVISORY COMMITTEE ON SCIENCE, TECHNOLOGY AND HUMAN VALUES

Part-Open Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Endowment for the Humanities announces the following meeting:

Name: Advisory Committee on Science, Technology and Human Values (STHV) Meeting in Collaborative Session with the Advisory Committee on Ethical and Human Value Implications of Science Technology (EHVIST) of the National Science Foundation.

Date: April 26, 1976.

Time: 9:30 a.m.

Place: Room 543, National Science Foundation, 1800 G Street, N.W., Washington, D.C.

Type of meeting: Part-Open.

Contact person: Dr. Richard Hedrich, Coordinator, Program of Science, Technology and Human Values, Office of Planning, National Endowment for the Humanities, Washington, D.C., 20506 (Telephone 202-382-5996). Individuals planning to attend are requested to notify Dr. Hedrich by April 23.

Purpose of Advisory Committee: To provide advice and recommendations concerning support of scholarly activities in the field of ethical and human value relationships to developments in science and technology, in conjunction with cooperative programs of the National Endowment for the Humanities (NEH) and the National Science Foundation (NSF).

AGENDA

9:30 a.m.-2:00 p.m. (Open).

Report on EHVIST Program operations to date for FY 1976.

Report on STHV Program operations to date for FY 1976.

Discussion of State of the Field concerning: Interdisciplinary Studies of Values Related to Science and Technology; Development of Guidelines for Ethical Practice in Specific Areas of Science and Technology; International Communications; College-level Educational Programs in the Science/Values Area.

Discussion of Program Priorities for FY 1977 and 1978.

New Business.

2:00 p.m.-5:00 p.m. (Closed).

Reason for closing: The categories and quality of applications presently under consideration for funding will be discussed. This will involve consideration of individual proposals currently being reviewed which include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act.

Authority to close: The determination made by the Committee Management Officer, pursuant to provisions of Section 10(d) of Public Law 92-463.

JOHN W. JORDAN, *Advisory Committee Management Officer.*

[FR Doc.76-9754 Filed 4-5-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 31, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF DEFENSE

Department of the Air Force: AFLCM/AFSCM 800-4 "Optimum Repair Level Analysis", other (see SF-83), defense aerospace contractors, Harry B. Sheftel, 395-5870.

Department of the Navy: Weight and Balance Control System for Missiles, MIL-W-3947B, on occasion, NavAir aerospace contractors, Harry B. Sheftel, 395-5870.

Departmental and other:
MIL-STD-490 "Specification Practices", other (see SF-83), defense aerospace contractors, Harry B. Sheftel, 395-5870.
MIL-STD-470 Maintainability Program Requirements (for Systems and Equipments), other (see SF-83), defense aerospace contractors, Harry B. Sheftel, 395-5870.
Product Quality Program Requirement for Fleet Ballistic Missile Weapon System Contractors, MIL-0-21549 B, on occasion, FBM contractors, Harry B. Sheftel, 395-5870.
MIL-STD-785, Reliability Program for Systems and Equipment Development and Production, other (see SF-83), contractors, Harry B. Sheftel, 395-5870.
MIL-Q-9858A Quality Program Requirements, other (see SF-83), defense aerospace contractors, Harry B. Sheftel, 395-5870.

Department of the Navy:
Support Requirements Progress and Status Reporting (AR-31), on occasion, contractors, Harry B. Sheftel, 395-5870.
Prompt Management System Report (AR 59B), monthly, defense contractors, Harry B. Sheftel, 395-5870.

Departmental and other:
Line of Balance Technology Navmat P1851, monthly, defense contractor, Harry B. Sheftel, 395-5870.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control:
. Study of repeat gonococcal infections, single-time, VD clinic patients, Richard Eisinger, 395-6140.

Office of the Secretary:
Supply study survey questionnaire, quarterly, day care centers in 50 States and D.C., Human Resources Division, Reese, B. F., 395-3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary:
Coinsured mortgage record change, on occasion, approved coinsurance mortgage, Community and Veterans Affairs Division, 395-3532.

Office of the Secretary:
Survey questionnaire on the expedience of remote terminal transmission of MBS pool balance data, single-time, financial and mortgage banking firms, Community and Veterans Affairs Division, 395-3532.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
Request for Inventory Adjustment, OE-3127, on occasion, SEA's, Lowry, R. L., 395-3772.

National Institutes of Health: Pilot Phase: National Survey of the Incidence, Prevalence, and Costs of Multiple Sclerosis, OSNIHND-8, single-time, Richard Eisinger, 395-6140.

EXTENSIONS

DEPARTMENT OF THE TREASURY

Bureau of Customs: Crew's Effects Declaration, CF-1304, on occasion, brokers and masters of vessels, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-9895 Filed 4-5-76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 30, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF DEFENSE

Departmental and other:
Policies and Procedures for Alteration of FBM Weapon System Equipment (SPALTS) SSPINST P 4720.1C, on occasion, FBM contractors, Harry B. Sheftel, 395-5870.
Technical Manuals: Functionally Oriented Maintenance Manuals (FOMM) for Equipment and Systems (MIL-M-34100B), on occasion, defense contractors, Harry B. Sheftel, 395-5870.
Major Missile Component File Reporting Procedures, SSPINST 4840.1B, on occasion, defense contractors, Harry B. Sheftel, 395-5870.
Fleet Ballistic Missile Weapon System Trouble and Failure Report Program, SSPINST 3100.LD, on occasion, FBM activities, Harry B. Sheftel, 395-5870.
Level of Repair (MIL-STD-1390 (Navy)), on occasion, electronic equipment manufacturers, Harry B. Sheftel, 395-5870.
FBM Training System Development Production and Support Requirements NAVORD OD 23520 Rev. 3, on occasion, FBM activities, Harry B. Sheftel, 395-5870.
Electromagnetic compatibility requirements, systems, on occasion, defense aerospace contractors, Harry B. Sheftel, 395-5870.
Product Assurance Requirements for Navy SSPO Programs, OS 21549, on occasion, FBM contractors, Harry B. Sheftel, 395-5870.
Inventory and financial management requisitioning reporting of SSPO FBMWS material, on occasion, defense contractors, Harry B. Sheftel, 395-5870.
Contractor Progress Reporting in the SSPO, SSPINST, Monthly, defense contractor, Harry B. Sheftel, 395-5870.
Specifications, Types and Forms (MIL-S-83490), other (see SF-83), defense aerospace contractors, Harry B. Sheftel, 395-5870.
Corrective Action and Disposition System for Nonconforming Material (MIL-STD-1520 (USAF)), other (see SF-83), defense aerospace contractors, Harry B. Sheftel, 395-5870.
Spare Parts and Maintenance Support of Space and Missile Systems (MIL-STD-1538 (USAF)), other (see SF-83), defense aerospace contractors, Harry B. Sheftel, 395-5870.
Integrated Logistic Support Program Requirements for Aeronautical Systems and Equipment (AR-30A), on occasion, contractors, Harry B. Sheftel, 395-5870.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-9896 Filed 4-5-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 9226; (812-3900)]

FIDELITY EXCHANGE FUND

Filing of Application

MARCH 30, 1976.

Notice is hereby given that Fidelity Exchange Fund (A Nebraska Limited Partnership) (the "Fund") 35 Congress Street, Boston, Massachusetts, 02109, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 (the "Act"), filed an application on January 23, 1976, and amendments thereto on February 13, 1976, March 5, 1976, and March 17, 1976, for an order of exemption, pursuant to Section 6(c) of the Act, from certain provisions of Sections 2(a)(3), 2(a)(19), 18(f), and 22(e) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

On December 22, 1975, the Fund filed its Certificate and Agreement of Limited Partnership under the Uniform Limited Partnereship Act of Nebraska (the "Nebraska Partnership Act"). The Fund states that it will file a Restated Certificate and Agreement of Limited Partnership (the "Partnership Agreement") in Nebraska. The Fund has also filed a Registration Statement on Form S-5, pursuant to the Securities Act of 1933, to register its Units of Limited Partnership Interest (the "Shares") for public sale. The Fund does not intend to continuously offer shares, but reserves the right to do so.

The Fund intends to provide an investment medium for persons who have substantial holdings of appreciated equity securities that are acceptable to the Fund and who wish to exchange such holdings for Shares. The Fund has submitted to the Internal Revenue Service (the "IRS") a request for a ruling (the "IRS ruling") that, for federal income tax purposes, the Fund will be treated as a partnership and not as an association taxable as a corporation and that no gain or loss will be recognized by an investor upon the exchange of securities for Shares. If these rulings are issued, they are expected to be based on the fact that the Fund is organized as a partnership and lacks the corporate characteristics of limited liability and continuity of life. The Fund was organized under the Nebraska Partnership Act because it specifically permits limited partners to exercise voting rights required by the Act.

The Fund submits that Section 721 of the Internal Revenue Code of 1954 ("Code") presently provides that no gain or loss shall be recognized to a partnership or to any of its partners upon the contribution of property to the partnership in exchange for an interest in the partnership. Under existing law, investors in the Fund would not recognize gain for Federal income tax purposes on the contribution of appreciated securities in exchange for shares of the Fund by reason of the non-recognition provisions of Section 721.

However, the Fund also states that on February 17, 1976, Representative Ullman introduced H.R. 11920 ("Bill") which was referred to the Committee on Ways and Means of the House of Representatives ("Committee"). The Bill would, if enacted without modification, make Section 721 of the Code inapplicable in the case of gain if property is transferred to a partnership which would be treated as an investment company (within the meaning of Section 351 of the Code) if the partnership were incorporated. The Bill provides that the proposed amendment to Section 721 would be applicable to transfers made after February 17, 1976.

The Fund submits that if the Bill were enacted in its present form, investors could not contribute appreciated securities in exchange for Shares without recognizing gain for Federal income tax purposes and that, in such circumstances, the Fund would not proceed with a public offering of its shares.

The Fund states that the Committee has announced that it will conduct a hearing on the Bill on March 29, 1976, and that the Fund has been advised by counsel that there is a substantial possibility that the Congress will adopt transition rules to the statutory amendments embodied in the Bill that might permit contributions by investors of appreciated securities to a partnership in exchange for partnership interests without the recognition of gain if, among other things, a registration statement was filed with the Commission before a specified date and the transfer of securities to the partnership is made on or before some future date. If the Bill is so modified, the Fund wishes to be in a position to sell its shares to the public, in accordance with its registration statement filed pursuant to the Securities Act of 1933, if all the conditions set forth in such modified Bill for the application of existing Section 721 to the transfer of securities in exchange for its shares have been or will be met.

In view of the pendency of H.R. 11920, which, in its present form, applies to transfers made after February 17, 1976, and in view of the Fund's representation that if the Bill were enacted in its present form it would not offer its Shares for public sale, the Fund agrees that the Commission need not act on this application so long as the Bill remains in its present form. The Fund requests, however, that interested persons be notified of this application so that, if the Bill should be modified so that the proposed amendment to Section 721 would not be applicable to transfers by investors of appreciated securities in exchange for shares of the Fund made on or before some future date (either unconditionally or conditionally, if it appears that all such conditions will be met), the Commission may act on this application without further notice.

The Fund represents that if H.R. 11920 is not modified, as hereinabove described, by the end of the Second Session of the 94th Congress, the Fund will voluntarily withdraw the application. For this purpose, the Fund states that the Bill shall be deemed modified if the Bill is amended, a new bill is substituted in its place either by the sponsors of the Bill or by the Committee, the Bill is withdrawn and no new bill is substituted in its place, or other action takes place which has the effect of any of the above. The expiration of the current session of the Congress without the Bill having been acted upon shall not be deemed a modification thereof.

As a limited partnership, the Fund will have two classes of partners: general partners, which will include managing general partners and non-managing general partners, and limited partners (collectively "partners"). The entire interest of the partners in the Fund will be represented by Shares. All Shares have equal rights and equal participation in the Fund's profits and losses, and have one vote per share on all matters to be voted upon by partners. All Shares are also redeemable. Because the Fund's initial portfolio may have a low tax basis, the Fund reserves the right to redeem its Shares either in cash or by the distribution of portfolio securities in kind.

At the present time, the Fund has one corporate and two individual general partners, all of whom are interested persons of the Fund for reasons other than being general partners of the Fund. Prior to the public offering of Shares, the number of general partners will be increased to six: one corporate general partner, Fidelity Management & Research Company, the investment adviser to the Fund, and five individual general partners, three of whom will not be interested persons of the Fund except by reason of their interest as general partners of the Fund. The Partnership Agreement provides that the Fund will be managed by those general partners who are individuals ("managing general partners"). Any general partner which is a corporation, association, partnership, joint venture or trust will be a non-managing general partner and will take no part in the management, conduct or operation of the business of the Fund.

The Fund asserts that the managing general partners will perform the same functions as directors of incorporated investment companies. The Partnership Agreement further provides that the managing general partners shall act only by majority vote at a meeting duly called at which a quorum is present or by unanimous written or telephonic consent without a meeting, unless otherwise required by the Act. Each managing general partner will have one vote. No single managing general partner will have the authority to act on behalf of the Fund or bind the Fund. The managing general partners may appoint agents to perform duties on behalf of the Fund. Each general partner will be elected annually by the partners of the Fund.

The Fund understands that, under its current rulings policy, the IRS would not issue a ruling with respect to the Fund's classification as a partnership unless the general partners of the Fund maintain, in the aggregate, an interest of at least 1% in each material item of partnership income, gain, loss, deduction, and credit. In order to meet this condition, the Partnership Agreement will provide that the non-managing general partner shall make a capital contribution to the Fund which shall be not less than 1% of the total capital contributions of the partners. Thereafter, the non-managing general partner, so long as it continues to act as such, will not redeem or assign its Shares, or accept distributions in cash or property, if its Shares would thereby constitute less than 1% of the outstanding Shares. The non-managing general partner may not voluntarily withdraw except upon two year's notice or upon the assumption by another general partner of its 1% capital contribution obligation.

The Fund represents that it is covered as an insured by certain stock brokers blanket bonds and by an errors and omissions insurance policy. The Fund states that it will not voluntarily cancel such insurance.

Applicant states that prospective investors who wish to become limited partners, through the exchange of securities for Shares, will deposit their securities with an escrow agent together with appropriate instruments of transfer and a duly executed transmittal letter. Shortly after the termination of the offering period, each investor will receive a report describing the securities then on deposit and the investor will then have 20 days to withdraw his securities if he so desires. Following the termination of the withdrawal period, all securities still on deposit will be exchanged for Shares and

the depositors will become limited partners.

A limited partner will not be entitled to take part in the control of the Fund's business, but each Share will carry one vote on all matters to be voted upon by partners. A limited partner may assign any or all of his interest in the Fund by written instrument of assignment. An assignee, in addition to his rights to receive distributions made to Shareholders and to redeem the Shares, has the right to be substituted as a limited partner if he accepts and adopts the terms and conditions of the Partnership Agreement and executes the necessary documents. General partners must obtain the consent of the managing general partners to assign their Shares.

SECTION 2(a)(3)

Section 2(a)(3)(D) of the Act defines "affiliated person" of another person as "any * * * partner of such other person." Investors in the Fund will be limited partners and thereby may, pursuant to Section 2(a)(3)(D), be deemed affiliated persons of the Fund. The Fund submits that its limited partners are equivalent to shareholders of a corporation. The Fund states that the extension of "affiliated person" status to such persons creates the possibility of violation of Section 17(a) of the Act upon the redemption of Shares by a distribution of securities in kind and renders meaningless those provisions of Section 2(a)(3)(A) and (B) that require a minimum percentage ownership before a shareholder is considered an affiliated person. The Fund, therefore requests an order, pursuant to Section 6(c) of the Act, exempting from the definition of affiliated person any person who would come within the definition solely because he was a limited partner of the Fund. The exemption would not apply to any limited partner who is an "affiliated person" of the Fund by any other reason such as ownership of 5% or more of the Shares of the Fund.

SECTION 2(a)(19)

Section 10(a) of the Act provides that no registered investment company shall have a board of directors more than 60 percent of the members of which are persons who are interested persons of such registered company. Section 2(a)(12) of the Act defines "director" to include any director of a corporation or any person performing similar functions with respect to any organization whether incorporated or unincorporated.

Section 2(a)(19)(A) of the Act provides, in part, that an "interested person" of another person, when the other person is an investment company, means (1) any affiliated person of such company and (2) any interested person of any investment adviser for such company. Section 2(a)(19)(B) of the Act provides, in part, that an "interested person" of another person, when the other person, is an investment adviser for any investment company, means any affiliated person of such investment adviser. Section 2(a)(3)(D) of the Act provides, in part, that an 'affiliated person" of another person means any partner or co-partner of such person.

The Fund currently has two managing general partners, both of whom are interested persons of the Adviser, and a non-managing general partner, the Adviser. The Fund proposes to add three additional managing general partners, each of whom presently serves as a non-interested director of other investment companies advised by the Adviser. The Fund states that such persons, upon becoming managing general partners, would become partners in the Fund and co-partners of the Adviser and thus both interested persons and affiliates of the Adviser and the Fund.

The Fund submits that such a finding would conflict with the intention of Section 2(a)(19) of the Act which provides that "No person shall be deemed to be an interested person of an investment company solely by reason of his being a member of its board of directors * * *". The Fund asserts that the relationship of the managing general partners to the Fund is essentially identical to the relationship of directors to a corporate investment company. To resolve this conflict and assure compliance with the provisions of Section 10(a) of the Act by the Fund and those investment companies on whose boards the above non-interested directors serve, the Fund requests an order, pursuant to Section 6(c) of the Act, exempting it and its general partners from the provisions of Section 2(a)(19) of the act which would make the general partners interested persons of any other person solely because they are general partners of the Fund or co-partners in the Fund of general partners who are otherwise interested persons of the Fund.

SECTION 18(f)

Section 67-223 of the Nebraska Partnership Act provides that limited partners shall be entitled to priority over general partners in distributions in dissolution. The Fund has ben advised by its Nebraska counsel that modifications of such priorities are permissible. Nevertheless, the Partnership Agreement will provide that limited partners will have priority over general partners, in distributions in liquidation, to the extent of their capital contributions.

Section 18(f)(1) of the Act provides, in pertinent part, that it shall be unlawful for any registered open-end company to issue any class of senior security or to sell any senior security of which it is the issuer. Section 18(g) of the Act defines "senior security" to mean, in pertinent part, any stock of a class having priority over any other class as to distribution of assets or payment of dividends.

To the extent that Shares held by limited partners may be deemed to be senior securities because they possess a priority in distributions upon dissolution, such priority, the Fund contends, runs in favor of the persons whom the Act is intended to protect. The Fund, therefore, requests an order of exemption, pursuant to Section 6(c) of the Act, from the provisions of Section 18(f) to the extent necessary to permit it to issue Shares to limited partners having priority over Shares held by general partners in distributions after dissolution.

SECTION 22(e)

As noted above, the non-managing general partner of the Fund will agree to acquire and continue to own, in the aggregate, not less than 1% of the Shares. The Partnership Agreement specifically provides that the non-managing general partner may not redeem or assign any of its Shares if its Shares would thereby constitute less than 1% of the outstanding Shares.

Section 22(e) of the Act provides, in pertinent part, that no registered investment company shall suspend the date of redemption or postpone the date of payment or satisfaction upon redemption of any redeemable security in accordance with its terms for more than seven days after tender of such security. Section 47(b) of the Act provides, in part, that every contract the performance of which involves the violation of, or the continuance of any relationship or practice in violation of, any provision of the Act, or any rule, regulation, or order thereunder shall be void.

The Fund submits that the commitment of the non-managing general partner not to tender is similar to the commitment made by the original subscribers to the shares of an investment company organized as a corporation that they are taking the shares with an investment intent. The Fund further submits that the commitment of the non-managing general partner would not adversely affect, but, rather, would benefit public investors in the Fund. To prevent the non-managing general partner from tendering its Shares for redemption in violation of its commitment and alleging, upon doing so, that the commitment was in contravention of Section 22(e) and therefore void under Section 47(b) of the Act, the Fund requests, pursuant to Section 6(c) of the Act, an exemption from Section 22(e). This would permit the Fund to obtain enforcement of the commitment in the event of its violation.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provision of the Act. Applicant submits that the requested exemptions are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes of the Act.

Notice is further given that any interested person may, not later than April 19, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to

be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (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 any notices and orders issued in this matter, including the date of the hearing (if order) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-9766 Filed 4-5-76;8:45 am]

[Release No. 9225; (812-3916)]

HOME LIFE INSURANCE CO., ET. AL.

Application for an Order

MARCH 30, 1976.

Notice is hereby given that Home Life Insurance Company ("Home Life"), a New York mutual life insurance company, Home Life Separate Account C ("Account C") and Home Life Separate Account D ("Account D"), 253 Broadway, New York, New York 10007, separate accounts of Home Life registered under the Investment Company Act of 1940 ("Act") as unit investment trusts (hereinafter collectively referred to as "Applicants"), filed an application on February 20, 1976, and an amendment thereto on March 26, 1976, pursuant to Section 6(c) of the Act for an order of the Commission granting exemption from the provisions of Section 27(a)(3) of the Act and Rule 27a–2 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Accounts C and D were established as facilities for issuing certain variable annuity contracts. All amounts allocated to the Accounts are invested in shares of Home Life Equity Fund, Inc. ("Fund"), a diversified, open-end investment company registered under the Act. The individual variable annuity contracts participating in Account C are designed to provide retirement annuity benefits in connection with (1) annuity purchase plans adopted by public school systems and certain tax-exempt organizations pursuant to Section 403(b) of the Internal Revenue Code of 1954 ("Code") and (2) individual retirement accounts or annuities pursuant to Section 408 of the Code. Contracts participating in Account D are designed to provide retirement annuity benefits where special tax treatment is not available.

Under the periodic purchase payment contracts currently offered by Home Life for participation in Accounts C and D, a sales charge of 6¾% is deducted from each purchase payment. An administrative charge at a rate of $15 a year and a collection fee of $1 are also deducted from each purchase payment. Under the single purchase payment contracts currently offered by Home Life, the sales charge is 5% for amounts ranging from $2,000 to $50,000 (scaling down for amounts in excess thereof), and the administration charge is $25.00. In addition, any applicable premium taxes are deducted from purchase payments.

The periodic purchase payment contracts offered by Home Life specify an initial annual rate of purchase payments, which may be payable in monthly, quarterly, semi-annual or annual installments as selected by the contract owner (hereinafter "contract rate"). Actual purchase payments made in any contract year may vary from the contract rate subject to a maximum of three times the contract rate, or such higher amount as may be agreed to by Home Life, and a minimum of $240.00. Home Life proposes to reduce to 5% the sales charge deducted from that portion of each purchase payment under a periodic purchase payment contract which is at least $2,000 more than an installment payment made at the contract rate. Applicants state that the purpose of the proposed reduction is to make the sales charge provided under single purchase payment contracts for amounts ranging from $2,000 to $50,000 applicable to that portion of a payment under a periodic payment contract which exceeds a payment at the contract rate by an amount equal to or in excess of the $2,000 minimum payment currently required for the purchase of a single purchase payment contract.

Applicants represent that if at some future time Home Life should change the minimum payment required for the purchase of a single purchase payment contract, periodic purchase payment contracts issued thereafter will be modified so as to make the reduced load applicable to that portion of each payment exceeding a payment at the contract rate by an amount equal to or in excess of the new minimum for single purchase payment contracts.

Section 27(a)(3) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificates if the amount of sales load deducted from any one of the first 12 monthly payments exceeds proportionately the amount deducted from any other such payment or if the amount of sales load deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment. Rule 27a–2 provides, in pertinent part, that a registered separate account, and any depositor of or underwriter for such account, shall be exempt from Section 27(a)(3) provided that the proportionate amount of sales load deducted from any payment during the contract period shall not exceed the proportionate amount deducted from any prior payment during the contract period.

Applicants state that the proposed sales load schedule would result in subsequent payments not exceeding a payment at the contract rate by at least $2,000 being subject to a sales load deduction exceeding proportionately the sales load deducted from a prior payment which exceeded a payment at the contract rate by $2,000 or more. Accordingly, Rule 27a–2 would not be applicable and the uniformity of deduction provisions of Section 27(a)(3) would be violated. Therefore, Applicants request an exemption from Section 27(a)(3) and Rule 27a–2 to the extent necessary to permit a sales load schedule which provides for a reduction in sales load for that portion of a purchase payment under a periodic purchase payment contract which exceeds a payment at the contract rate by an amount equal to or in excess of the minimum payment required for the purchase of single purchase payment contracts being issued at the time the periodic purchase payment contract was issued.

Applicants state that the proposed reduction in load is designed to put the purchaser of a periodic purchase payment contract in as favorable a position as he would be in if he were to apply the portion of a payment exceeding a payment at the contract rate to the purchase of a single purchase payment contract. Absent such reduction, according to Applicants, owners of periodic purchase payment contracts intending to make a payment at least $2,000 more than a payment at the contract rate might prefer to purchase a single purchase payment contract with such excess amount in order to obtain the lower sales charge. Applicants state that issuing one or more additional contracts to the same contract owner for the sole purpose of making a reduced load available to such owner is inconvenient to both Home Life and such owner, and in Applicants' view no useful purpose is served thereby.

Applicants assert that Section 27(a)(3) was designed to lessen losses which might be incurred upon early termination of periodic payment certificates involving front-end load arrangements. Applicants represent that the sales load deduction schedule does not exceed the statutory limitation of 9% nor involve a front-end load arrangement and it cannot lead to the abuses intended to be curbed by Section 27(a)(3). Applicants further state that the circumstances in which the lower sales load is applicable are sufficiently distinct that it is unlikely that any person will be misled or confused.

Section 6(c) of the Act provides, in pertinent part, that the Commission may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities

or transactions, from any provisions of the Act or from any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 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, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following April 26, 1976, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–9767 Filed 4–5–76;8:45 am]

[Release No. 19450; 70–5827]

THE SOUTHERN CO.

Proposed Issue and Sale of Common Stock Pursuant to Dividend Reinvestment Plan; Exception from Competitive Bidding

MARCH 30, 1976.

NOTICE IS HEREBY GIVEN that The Southern Company ("Southern"), Perimeter Center East, P.O. Box 720071, Atlanta, Georgia 30346, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50(a)(1) promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Southern proposes to issue and sell from time to time through March 31, 1977, up to 2,000,000 shares of its authorized but unissued common stock, par value $5 per share, pursuant to a Dividend Reinvestment and Stock Purchase Plan ("Plan"). The proceeds of the sale will be used, pursuant to Commission authorization (HCAR No. 19422, March 8, 1976), to make capital contributions to Southern's operating subsidiaries, to make loans to Southern Services, Inc. and to repay short-term debt.

The Plan will be administered by The First National Bank of Atlanta, which will make purchases of shares as agent for the participants, and all holders of record of Southern's common shares will be eligible to participate. Participants in the Plan will be able to (a) have dividends on their shares automatically reinvested, (b) continue to receive their cash dividends on shares registered in their names and invest by making optional cash payments of not less than $25 per payment nor more than $3,000 per quarter or (c) invest both their cash dividends and optional cash payments. A participant will be able to withdraw from the Plan at any time upon written notice. Upon withdrawal, the participant will be issued a certificate for the number of shares credited to his account and will receive a cash payment for the value of any fractional share. Without withdrawing from the Plan, a participant will be entitled to demand and receive a certificate representing the full shares of common stock credited to his account under the Plan. Southern reserves the right to suspend, modify (subject to Commission approval) or terminate the Plan at any time.

Participants will retain all voting rights relating to shares purchased under the Plan and credited to their accounts, and shares will be voted in accordance with the instructions of the participant to whose account they are credited. It is stated that no service charge or commission will be paid by participants in connection with purchases under the Plan. There may, however, be a brokerage fee payable in connection with a transfer of shares to participants withdrawing from the Plan.

Southern states that the transaction is excepted from the competitive bidding requirements of the Act by virtue of Rule 50(a)(1). Since the number of shares which any shareholder may purchase under the Plan by reinvestment of cash dividends will be, like his dividend, proportionate to his holdings, the preemptive right of each shareholder will be maintained. Since optional cash payments will be applied to the purchase of shares only to the extent such common stock is offered to and not purchased by holders of shares of common stock with their cash dividends and at the same purchase price as offered to such holders, preemptive rights will have been satisfied as to such shares issued under the Plan.

A statement of the expenses to be incurred in connection with the proposed transaction will be filed by amendment. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 23, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants 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 application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or 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.76–9768 Filed 4–5–76;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on April 26, 1976, at 10:00 A.M., the Indianapolis Regional Office Station Committee on Educational Allowances shall at 575 North Pennsylvania Street conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Lockyear College, Evansville, Indiana should be discontinued, as provided in 38 C.F.R. 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

JAMES D. CROWE,
Director, VA Regional Office.

MARCH 29, 1976.

[FR Doc.76–9784 Filed 4–5–76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP74-61 (PGA); Docket No. RP76-10 (PGA)]

ARKANSAS LOUISIANA GAS CO.

Notice of Filing of Revised Tariffs Sheets

MARCH 29, 1976.

Take notice that on March 19, 1976, Arkansas Louisiana Gas Company tendered for filing in Docket No. RP74-61 (PGA) Seventh Revised Sheet No. 4 in its Rate Schedule G-2, FPC Gas Tariff, First Revised Volume No. 1 and in Docket RP76-10 (PGA) Fourth Revised Sheet No. 185 in its Rate Schedule X-26, FPC Gas Tariff Original Volume No. 3. These tariff sheets and supporting information are being mailed 30 days before the effective date of May 1, 1976, pursuant to Arkla's tariffs and in compliance with the provisions of Order Nos. 452 and 452-A.

The company states that copies of the revised tariff sheets and supporting data are being mailed to Arkla's jurisdictional customers and other interested parties.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street, 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 April 14, 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.76-9741 Filed 4-5-76;8:45 am]

[Docket No. G-5236]

CABOT CORP.

Petition to Amend

MARCH 29, 1976.

Take notice that on March 12, 1976, Cabot Corporation (Applicant), P.O. Box 1473, Charleston, West Virginia 25325, filed a petition to amend the order of the Commission issued pursuant to Section 7(c) of the Natural Gas Act granting a certificate of public convenience and necessity to include authorization to exchange gas from two leases in McDowell County, West Virginia, and to add one delivery point to Consolidated Gas Supply Corporation (Consolidated) through which exchange volumes of natural gas would be delivered to Consolidated and redelivered to Petitioner at an existing point of delivery from Consolidated to Petitioner, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner requests authorization to deliver up to 25,000 Mcf of gas per day to Consolidated pursuant to a supplement to a gas exchange agreement between themselves dated February 20, 1976. The aforesaid supplement is said to provide for the delivery of natural gas by Petitioner to Consolidated from two leases in McDowell County, West Virginia, which leases are said further to be distant from Petitioner's gas system. Petitioner proposes to construct and operate all gathering facilities and states that Consolidated would provide a tap and metering facilities for such deliveries, which facilities would be located at a point on Consolidated's 6⅝-inch pipeline on Big Branch 1½ miles southeast of its confluence with Clear Fork Creek in McDowell County, West Virginia.

The deliveries from the aforestated leases would not exceed 25,000 Mcf per day Petitioner states, and Consolidated would charge Petitioner 3.0 cents per Mcf of gas, a negotiated rate said to be based on Consolidated's average unit cost of service for the transmission zone of the transportation service proposed.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protests partics 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.76-9744 Filed 4-5-76;8:45 am]

[Docket No. ER76-157]

CAMBRIDGE ELECTRIC LIGHT CO.

Settlement Conference

MARCH 30, 1976.

Take notice that on April 14, 1976, Commission Staff is convening an informal conference for the purpose of discussing the issues in the above-referenced docket with a view toward settling this proceeding. The conference will be held in Room 8402 of the Federal Power Commission offices, 825 North Capitol Street, NE., Washington, D.C. at 10:00 a.m.

All parties will be expected to come fully prepared to discuss all issues involved in this proceeding, both procedural and substantive, and to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in this proceeding. A petition to intervene filed pursuant to Section 1.8 of the Commission's Rules of Practice and Procedure is required for that purpose.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9731 Filed 4-5-76;8:45 am]

[Docket No. RP75-8; PGA76-3A]

COMMERCIAL PIPELINE CO., INC.

Notice of PGA Filing

MARCH 30, 1976.

Take notice that on March 15, 1976 Commercial Pipeline Company, Inc. (Commercial) tendered for filing Substitute Tenth Revised Sheet No. 3A reflecting Purchased Gas Adjustments and an effective date as set out below:

Sheet No.	Current adjustments	Cumulative adjustments	Effective date
3A substitute 10th revised	$0.1243	$0.2565	Mar. 23, 1976

Commercial states that these revisions track similar revisions in the tariff of Cities Service Gas Company, its sole supplier. Commercial requests waiver of notice to the extent required to permit said tariff sheets to become effective as proposed.

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 April 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.76-9729 Filed 4-5-76;8:45 am]

[Docket No. ER76-568]

CONNECTICUT LIGHT AND POWER CO.

Nctice of Filing

MARCH 30, 1976.

Take notice that on March 19, 1976 the Connecticut Light and Power Company (CL&P) tendered for filing its Purchase Agreement with respect to Middletown Unit No. 4, dated February 9, 1976, between Hartford Electric Light Company and the City of Burlington, Vermont Electric Department. The parties

request that the Commission waive its notice requirements so as to permit the Agreement to become effective on February 9, 1976.

CL&P states that the aforementioned parties to the Agreement have been sent copies of it.

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 April 14, 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.76-9733 Filed 4-5-76;8:45 am]

[Docket No. ER76-569]

CONNECTICUT LIGHT AND POWER CO.

Notice of Filing

MARCH 30, 1976.

Take notice that on March 19, 1976 the Connecticut Light and Power Company (CL&P) tendered for filing an amendment to the Northfield Mountain Purchase Agreement dated September 1, 1974 between CL&P and (1) The Hartford Electric Light Company, and Western Massachusetts Electric Company, and (2) City of Holyoke Gas and Electric Department. CL&P states that this change increases the purchaser's entitlement from 2000 kilowatts to 4000 kilowatts for the period commencing at 7:00 A.M. on March 29, 1976 and terminating at 11:59 on October 31, 1978. CL&P states that the Agreement is unchanged in all other respects, and that no facilities need be installed or modified under the proposed Amendment. Certificates of Concurrence accompanied this filing. CL&P states that each of the aforementioned companies has been mailed copies of this filing.

CL&P requested a waiver of section 35.11 of the Commission's regulations so as to permit this Amendment to become effective on March 29, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 April 14, 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.76-9735 Filed 4-5-76;8:45 am]

[Docket No. RP75-91]

CONSOLIDATED GAS SUPPLY CORP.

Further Extension of Time

MARCH 26, 1976.

On March 24, 1976, Staff Counsel filed a motion to extend the time for service of Staff's rate of return evidence fixed by order issued May 19, 1975, as most recently modified by notice issued March 22, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the time for filing Staff's rate of return evidence in the above matter is extended from March 24, 1976 to and including April 5, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9722 Filed 4-5-76;8:45 am]

[Project No. 2232]

DUKE POWER CO.

Notice of Application for Approval of An Easement

MARCH 29, 1976.

Public notice is hereby given that an application was filed on December 3, 1975, under the Federal Power Act, 16 U.S.C. §§ 791a–825r, by Duke Power Company (Correspondence to: William L. Porter, Esq., Associate General Counsel, Duke Power Company, Box 2178, Charlotte, North Carolina 28242) for Commission approval of an easement over project lands and waters to be granted to Spring Mills, Inc. (Grantee) for construction, operation, and maintenance of an effluent line. The proposed effluent line would transport industrial wastewater from Grantee's existing Grace Wastewater Treatment Plant to a point of discharge in the reservoir of the Fishing Creek Development of Catawba—Wateree Project No. 2232. The Grace Wastewater Treatment Plant is located outside the boundary of Project No. 2232. The effluent line would be situated in Lancaster County, South Carolina, about 2,400 feet north of the confluence of the Catawba River and Cane Creek.

The right-of-way within the boundary of Project No. 2232 for the proposed effluent line would be approximately 523 feet long and 100 feet wide. The effluent line itself would be comprised of a 30-inch reinforced concrete pipe about 373 feet long, a manhole five feet in diameter and five feet deep, and a 28-inch high density polyethelene pipe about 138 feet long. The concrete pipe and the manhole have already been constructed; these facilities were installed below ground level.

The polyethelene segment of the pipe would extend about 85 feet from the normal high water mark of the reservoir at elevation 417.2 feet m.s.l. (mean sea level) to the main channel of the Catawba River. This submerged pipe would be anchored to the bottom of the reservoir by four steel piles and seven concrete collars. A 26-by-20-inch concentric reducer on the end of the pipe would function as a nozzle to facilitate mixing the effluent with river water.

The normal vertical drawdown of the reservoir is ten feet, to elevation 407.2 feet m.s.l., and the maximum drawdown is 15 feet, to elevation 402.2 feet m.s.l. The highest point of discharge from the effluent line would be at elevation 403.0 feet m.s.l. During any drawdown in excess of ten feet, buoys would be placed in the interest of boating safety.

Grantee has obtained National Pollutant Discharge Elimination System (NPDES) Permit No. SC 0003255 and Construction Permit No. 3404 from the South Carolina Department of Health and Environmental Control for the construction and operation of the treatment plant and effluent line. The NPDES permit, which provides for the discharge of a maximum of 12 million gallons per day at the water surface, expires on May 31, 1976.

Applicant has requested the shortened procedures pursuant to Section 1.32(b) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.32(b) (1975).

Any person desiring to be heard or to make any protest with reference to said application should on or before May 14, 1976, file with the Federal Power Commission, 825 N. Capitol St. NE, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1975). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. § 825g and § 825h, and the Commission's Rules of Practice and Procedure, specifically Section 1.32 (b), as amended by Order No. 518, a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9739 Filed 4-5-76;8:45 am]

[Docket No. ER76-571]

DUKE POWER CO.

Filing of Contract Supplement

MARCH 30, 1976.

Take notice that on March 22, 1976, Duke Power Company (Company) tendered for filing a supplement to the company's Electric Power Contract with York Electric Cooperative, Inc. (designated) Duke Power Company Rate Schedule FPC No. 146). The date on which the documents comprising the supplement are requested to become effective is April 21, 1976.

Company states that the tendered supplement includes documents which increase Kw demand at Delivery Point Nos. 7 and 10, and one which initiates delivery at Delivery Point No. 12. Company further states that these charges were made at the request of the customer and that a copy of the filed exhibits was mailed to the customer.

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 April 15, 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.76-9730 Filed 4-5-76;8:45 am]

[Docket No. RP75-114]

EAST TENNESSEE NATURAL GAS CO.

Further Extension of Procedural Dates

MARCH 26, 1976.

On March 18, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 14, 1975, as most recently modified by notice issued March 12, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor, Testimony, April 16, 1976.
Service of Company, Rebuttal, May 7, 1976.
Hearing, May 25, 1976 (10:00 a.m. EDT).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9718 Filed 4-5-76;8:45 am]

[Docket No. CP76-289]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

MARCH 26, 1976.

Take notice that on March 8, 1976, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida 32789, filed in Docket No. CP76-289 an application pursuant to Section 7 of the Natural Gas Act, as implemented by Sections 157.7(b) and 157.7(g) of the Commission's Regulations thereunder (18 CFR 157.7(b) and 157.7(g)), for permission and approval to abandon and for a certificate of public convenience and necessity authorizing the construction during the twelve-month period commencing July 1, 1975, and operation of facilities to enable Applicant to take into its certificated system natural gas purchased from producers thereof and the construction, relocation, removal or abandonment, during the same period, and operation of field compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this application is (1) to augment its ability to act with reasonable dispatch in connecting to and contracting for its pipeline system supplies of natural gas which it purchases which may become available from various producing areas generally coextensive with Applicant's pipeline system or other pipeline systems authorized to transport for or exchange gas with Applicant and (2) to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which would 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 gas purchase facilities would not exceed $7,500,000, no single onshore project expenditure would exceed $1,500,000 and no single offshore project expenditure would exceed $2,500,000, and that the total cost of its proposed construction, relocation removal or abandonment of field compression facilities would not exceed $3,000,000, and no single project would exceed $500,000. Applicant states that these costs would be financed from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 20, 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 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.76-9716 Filed 4-5-76;8:45 am]

[Docket No. ER76-536]

GEORGIA POWER CO.

Order Accepting for Filing and Suspending Proposed Rate Changes, Granting Intervention, Providing for Hearing and Establishing Procedures

MARCH 29, 1976.

On March 1, 1976, Georgia Power submitted for filing a proposed rate increase to its total requirements wholesale customers served under its FPC Electric Tariff Original Volume No. 1.[1] The proposed rates (Service Schedule WR-9) would effect an annual increase in revenue of $25,937,000 (33.86%) based on Georgia Power's test period, calendar year 1976. Revenues from Georgia Power's present rates for total-requirements service (Rate WR-8R) to these customers are being collected subject to refund pursuant to Commission Order dated December 26, 1974, in Docket No. E-9091. The requested effective date of the proposed WR-9 rate is April 1, 1976.

Public notice of Georgia Power's filing was issued on March 9, 1976, with protests or petitions to intervene due on or before March 22, 1976. On March 4, 1976, the Board of Water, Light and Sinking Fund Commissions of the City of Dalton, Georgia filed a petition to intervene and requested suspension of the proposed increase for five months. On March 22, 1975, a joint petition to intervene was filed by the Cities of Ackworth, Georgia, et al.,[2] and ElectriCities of Georgia, Georgia Municipal Association (Cities), petitioning to intervene and requesting rejection or suspension of the proposed increase. The Honorable Dawson Mathis, M.C., filed a telegram protesting the in-

[1] Designated as shown on Attachment A.
[2] The individual cities are listed on Attachment B hereto.

crease and requesting that it be suspended pending formal hearing.

Cities state as basis for rejection that Georgia Power seeks to circumvent the Commission's policy against inclusion of Construction Work in Progress (CWIP) in rate base by claiming an "exorbitant" return on comomn equity. This argument does not state a basis for rejection, but should be the subject of the evidentiary hearing herein ordered. Other matters raised by Cities in its petition are also properly the subject of the evidentiary hearing, except for the "price squeeze" issue alleged. This issue should be excluded from the hearing herein ordered, pending resolution of the *Conway* case.[1]

Georgia Power asserts that its costs have escalated steadily since the filing of its WR–8 rate, resulting in a large increase in the revenue requirement from full requirements wholesale service. The data submitted with the Georgia Power filing alledgedly demonstrates that rate WR–8, as presently in effect subject to refund, does not provide a fair rate of return on the Company's full requirements wholesale service. The Company's filed Statement M for the test period indicates that the proposed rate increase will result in an earned rate of return of 11.01%.

Commission review of Georgia Power's filing indicates, that the proposed rate increase has not been shown to be just and reasonable and that it may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, pursuant to authority of Section 205 of the Federal Power Act, we shall suspend the use thereof for one month until May 1, 1976, at which time the rates will be permitted to become effective, subject to refund. In addition, we shall provide for the establishment of hearing procedures to determine the justness and reasonableness of the rate increase proposed in Companies' filing.

Our decision to suspend the proposed rates for one month rather than the five months requested in the petition to intervene is based on our review of the Companies' filing and the testimony and exhibits tendered in support thereof and the petitioners' pleadings. Based on that review, we have exercised our independent judgment in light of our expertise in this area and concluded that a one month suspension is sufficient to protect the public interest and the interest of any customers in this proceeding.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that Georgia Power's proposed rate increase as tendered on March 1, 1976, be accepted for filing and suspended for one month until May 1, 1976, at which time it shall become effective subject to refund and that the Commission enter upon a hearing to determine the lawfulness of the rate proposed.

(2) Good cause exists to allow the above-named petitioners to intervene in this proceeding.

(3) Good cause exists to deny the request in the petitions to intervene to suspend the proposed rate increase for five months.

The Commission orders: (A) Pending a hearing and final decision thereon, Georgia Power's proposed change in the rates as filed on March 1, 1976, is accepted for filing and suspended for one month and the use deferred until May 1, 1976, when the proposed rate shall become effective, subject to refund. Georgia Power shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by Section 35.19a of the Commission Regulations, 18 CFR Section 35.19a.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at an initial conference in this proceeding at 9:30 a.m., April 22, 1976, at 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, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure), subject to review by the Commission.

(C) Petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; Provided, however, that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petitions to intervene; and Provided, further, that the admission of such intervenors shall not be construed as recognition that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(D) The request in the Petitions to Intervene that the proposed rate increase tendered for filing by Georgia Power on March 1, 1976 be suspended for five month is hereby denied.

(E) 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.

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

By the Commission.

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

ATTACHMENT A

RATE SCHEDULE DESIGNATIONS

Georgia Power Company, FPC Electric Tariff Original Volume No. 1, Docket No. ER76–536, Filed: March 1, 1976

Designation	*Supersedes*
Third Revised Sheet No. 1	Second Revised Sheet No. 1.
Original Sheet No. 2–A	
Original Sheet No. 4–A	
Fifth Revised Sheet No. 23	Fourth Revised Sheet No. 23.
Fifth Revised Sheet No. 24	Fourth Revised Sheet No. 24.
Fourth Revised Sheet No. 25	Third Revised Sheet No. 25.
First Revised Sheet No. 25–A	Original Sheet No. 25–A.

ATTACHMENT B

GEORGIA CITIES

Acworth	Griffin
Adel	Hampton
Albany	Hogansville
Barnesville	Jackson
Blakely	LaFayette
Braselton	LaGrange
Brinson	Lawrenceville
Buford	Mansfield
Cairo	Marietta
Calhoun	Monroe
Camilla	Monticello
Cartersville	Moultrie
College Park	Newnan
Commerce	Norcross
Covington	Palmetto
Doerun	Quitman
Douglas	Sandersville
East Point	Sylvania
Elberton	Sylvester
Ellaville	Thomaston
Fairburn	Thomasville
Fitzgerald	Washington
Forsyth	West Point
Fort Valley	Whigham
Grantville	

[FR Doc.76–9748 Filed 4–5–76;8:45 am]

[Project No. 1971]

IDAHO POWER CO.

Application for Amendment of License

MARCH 29, 1976.

Public notice is hereby given that an application for amendment of license was filed on October 14, 1975, under the Federal Power Act (16 U.S.C. §§ 971a–825r) by Idaho Power Company (Correspondence to: Mr. Lee S. Sherline, Leighton and Sherline, Suite 406, 1701 K Street N.W., Washington, D.C. 20006; and Mr. William R. Fleming, General Counsel, Idaho Power Company, 1220 Idaho Street, P.O. Box 70, Boise, Idaho 83721) for Project No. 1971, known as the Hells Canyon Project, located on the Snake River in Adams and Washington Counties, Idaho, and Wallowa, Baker, and Malheur Counties, Oregon. The Snake River is a navigable waterway of the United States.

Idaho Power Company, Licensee for constructed Hells Canyon Project No.

[1] *Federal Power Commission* v. *Conway Corporation, et al.*, Case No. 75–342.

1971, requests that the Commission issue an order, pursuant to Article 40 of its license, directing the installation of a fifth generating unit of 225 MW at the Brownlee Development of the project.

According to the application, a semi-outdoor powerhouse would be constructed adjacent to the existing powerhouse utilizing an existing diversion tunnel, a portion of which would function as a tailrace for the new generating unit. The proposal would also require construction of a 660-foot long penstock tunnel to hydraulically connect the new generating unit to an existing intake, and a new 1400-foot long transmission line between the proposed unit and the existing switchyard. No additional land outside the project boundary would be required.

Idaho Power Company asserts in its application that operation of the proposed unit would not change seasonal operation of Brownlee Reservoir or alter the present flow conditions below the Hells Canyon Development. According to the application, the proposed unit would reduce the use of costlier sources of power in meeting the needs of the Company's customers and would make use of high river flows that are presently being spilled.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 10, 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 C.F.R. § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. 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.

The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. §§ 825(g) and 825 (h), and the Commission's Rules of Practice and Procedure, and specifically Section 1.32(b), 18 C.F.R. § 1.32(b) (1975), as amended by Order No. 518, a hearing before the Commission may be held on this application without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. Applicant has requested that the shortened procedure of Section 1.32(b) be used. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9726 Filed 4-5-76;8:45 am]

[Docket No. RI75-21]

INDEPENDENT OIL & GAS ASSOCIATION OF WEST VIRGINIA

Order Accepting and Approving Settlement

MARCH 22, 1976.

On December 22, 1975, Presiding Administrative Law Judge Ernst Liebman certified to the Commission a Settlement Proposal, which proposal, if approved, would resolve all issues and cause the termination of proceedings in Docket No. RI75-21. Finding the terms of this Settlement Proposal, taken together, to be just and reasonable, we shall accept it and make it effective in accordance with its terms.

PROCEDURAL HISTORY

As early as December, 1972, we recognized that the rate structure promulgated in Order No. 411 [1] for the Appalachian area did not provide a complete answer to the need of the consuming public for adequate and reliable sources of raw gas, and determined that affected producers might obtain appropriate relief under the optional procedure [2] provisions contained in our Regulations.[3] The Appalachian area question arose again in connection with our nationwide rate proceedings in Docket R-389-B. On August 12, 1974 the Independent Oil and Gas Association of West Virginia (IOGA) filed a petition in Docket No. R-389-B seeking to have special area rate or other special relief prescribed for the Appalachian area.

By order of December 2, 1974, we instituted the instant special relief proceeding. Shortly thereafter, we issued Opinion No. 699-H, in which we chose to defer the question of separate rates for the Appalachian area to the biennial review proceedings in Docket No. RM75-14 and ordered the record in the instant proceeding incorporated into Docket No. RM75-14 for that purpose.[4]

By order of April 10, 1975 in the instant proceeding, in response to a certified question from the Presiding Judge, we (1) reiterated that the instant proceeding is a traditional one for special relief from the national rate, (2) enlarged the scope of the proceedings to apply to any interested small West Virginia producers, regardless of membership in IOGA, and (3) rejected a proposed settlement by IOGA for its failure to rely upon actual cost and reserve data rather than upon unsubstantiated estimates and judgements.

According to the Presiding Judge's December 22, 1975 certification it appears that the instant settlement proposal (hereinafter "the settlement") came about as the result of a Staff field study and numerous negotiating sessions and prehearing conferences among the parties. The Presiding Judge recites that the settlement was received into evidence as Exhibit No. 9 at a hearing held on December 19, 1975 and was agreed to by all parties there present, with the exception of Carnegie Natural Gas Corporation, whose management had not had time to review it. In his only substantive comment on the settlement, the Presiding Judge mentioned that, "although sufficient to supply an evidentiary basis for a negotiated settlement, the instant record might be inadequate to support a rate in a litigated case of more general applicability".

Notice of the settlement was issued on January 19, 1976 and provided that comments thereon would be due by January 30, 1976, reply comments by February 9, 1976.

By comments duly filed, the following parties have responded in general support of the settlement: IOGA, Columbia Gas Transmission Corporation (Columbia), Consolidated Gas Supply Corporation (Con Gas), Fuel Resource Inc., Monitor Petroleum Corporation, and Monitor Resources Corporation (FRI and the Monitor Company), the Public Service Commission of the State of New York (NYPSC), and the Commission Staff. Only Cabot Corporation (Cabot) has affirmatively withheld its support of the settlement.

THE SETTLEMENT

The settlement consists of nine (9) numbered sections, some with two or more subdivisions. Section 1 defines "producers" as those IOGA members listed in Annex 1 (appended to the settlement) and those non-IOGA members admitted to this proceeding by Commission order of July 3, 1976. All together, those producers number more than 300. All are located in West Virginia. "Contracts" is defined as contracts between the producers and Con Gas, Columbia, Equitable Gas Company, and "any other purchaser of gas in interstate commerce in respect of which wells were commenced on or after January 1, 1973".

Section 2 provides for a contract rate of $1.00 Mcf for all gas from wells commencing jurisdictional sales during 1973, 1974, or 1975, and $1.158 per Mcf for wells commencing on or after January 1, 1976.

Section 3 permits an annual 1¢ per Mcf escalation commencing in 1976.

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[1] Order No. 411, Area Rates for the Appalachian and Illinois Basin Areas, 44 FPC 1112 (1970).

[2] 18 CFR § 2.75.

[3] Opinion No. 639, Area Rates for the Appalachian and Illinois Basin Areas, 48 FPC 1299, 1306-1310 (1972).

[4] Opinion No. 699-H, Just And Reasonable National Rates For Sales Of Natural Gas From Wells Commenced On Or After January 1, 1973, And New Gas Dedications Of Natural Gas To Interstate Commerce On Or After January 1, 1973, Docket No. R-389-B (issued December 4, 1974 at Slip Op. pp. 65-66).

Section 4 imposes a one year moratorium on new petitions for special relief under 18 CFR § 2.56a(g) but thereafter permits such filings where further production at the settlement rates is determined to be uneconomical.

Section 5 provides a mechanism whereby the parties may renegotiate the effective contract rates in the event of deregulation.

Section 6 permits the effective contract rates to rise to the level of any rate or rates of general applicability established by the Commission or any other duly empowered agency when such rates are in excess of the effective contract rate.

Section 7 prescribes the method whereby the buyers may offer, and the producers accept, contract modifications in accordance with the settlement, to be effective as of its effective date.

Section 8 describes the settlement as negotiated and disclaims agreement by any party to any particular ratemaking principle or cost determination, as well as reserving to the parties all rights regarding matters not provided for therein. The effective date of the settlement is fixed as the date of the Commission's order approving it.

Section 9 provides for the termination of proceedings in Docket No. RI75–21 as of the effective date of the settlement.

Positions of the Parties

IOGA, Columbia, Con Gas, FRI and the Monitor Companies and the NYPSC support the settlement without reservation; NYPSC, supported by Con Gas, however, proposes an additional measure. Staff also supports the settlement result but defers to the Commission a question regarding the methodolgy employed in reaching that result. Cabot challenges the settlement in several respects. We shall consider Cabot's position first. (1) Cabot asserts that the relief contemplated in the settlement is not in fact "special relief", as provided for in the Commission's April 10, 1975 order. Cabot describes the settlement as prescribing inflexible minimum rates and mandatory contract pricing clauses which would apply to all West Virginia buyers of jurisdictional gas from the producers, regardless of the wishes of said individual buyers; Cabot concludes such relief to be of general applicability and therefore proper only in a general rulemaking proceeding. Furthermore, Cabot avers that approval of the settlement would violate the rule announced in *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 US 332 (1956) (the "Mobile-Sierra rule"). In comments filed February 17, 1976,[5] IOGA advises that Cabot has misconstrued the scope of language in Section 1 of the settlement. "Any other affected purchaser", according to IOGA, reflects the fact that one of the four major purchasers[6] of jurisdictional gas in West Virginia, Carnegie, has not yet reviewed the settlement and was therefore unwilling to lend its name to the agreement at that time.[7] IOGA relates that the purchasers contemplated in Section 1 are these four major purchasers and do not include "de minimus" buyers such as Cabot. IOGA states that it does not seek to compel Cabot to adjust the rates currently called for in its contracts if it objects to such adjustments.

In view of IOGA's clarification, which we adopt, we find Cabot's concern in this respect to be without foundation. While it has the option of renegotiating its contracts with these small producers pursuant to the settlement, it is not obligated to do so. Because no unilateral action is present here, a cause of action under the Mobile-Sierra rule will not lie.

(2) Cabot asserts that special relief under 18 CFR § 2.56a(g) does not include gas from wells which are yet to be drilled, noting that the record contains no evidence to show that the settlement rates will be cost-justified for these future wells. Cabot's point is not without some support. In Continental Oil Company, et al., Docket Nos. CI74–526, et al. (order issued July 25, 1974), we explained that special relief under the area rate opinions would not be available with respect to future drilling efforts. Then in Opinion No. 699–H, supra note 4, in connection with our treatment of deep drilling efforts, we referenced the Continental order and observed that future deep drilling ventures may be certificated under the optional procedure, thereby removing doubts which that order may have caused. These "precedents" notwithstanding, we are of the opinion that the instant settlement should not be disturbed. The testimony of Staff witness Engel and IOGA witnesses Shea and Johnston demonstrates that the cost of natural gas production in the Appalachian area exceeds by a significant margin 130 percent of the current nationwide rate prescribed in Opinion No. 699–H, with the result that exploration and development efforts will be uneconomical for small producers at the rate provided for in Opinion No. 742.[8] Yet the need for additional volumes of Appalachian gas is undisputed.[9] The inefficacy of the optional procedures insofar as these West Virginia small producers is concerned is suggested by the dearth of optional procedure applications filed since the issuance of Opinion No. 639, despite the acknowledged imbalance between costs and area rates. Under these circumstances, we find good cause to waive any restrictions against the use of special relief where future drilling is concerned, especially where, due to the pendency of proceedings in Docket No. RM75–14, that relief may be of limited duration.

(3) The costs and methodology used in computing the pre-January 1, 1976 and post-January 1, 1976 rates were identical. The difference between those two rates arises from the use of a 20 percent rather than a 15 percent rate of return in connection with jurisdictional sales of gas from wells commenced after January 1, 1976. While Staff advocates the justness and reasonableness of the two-tiered rates themselves, it seeks Commission guidance on use of the 20 percent rate of return. IOGA defends the 20 percent multiplier by reference to Opinion No. 742, supra note 8. FRI and the Monitor Companies observe that, even substituting a 15 percent for the 20 percent return on post-January 1, 1976 well sales, the settlement rate of $1.158 per Mcf can be justified under Opinion No. 699–H by employment of (1) a 1.5 year lag period and (2) a "realistic" trending of capital costs, all as shown in Appendix A to their comments on the settlement. We perceive no inconsistency between the 20 percent rate of return reflected in the settlement and the use of a 20 percent rate of return in Opinion No. 742 to arrive at the 130 percent formula. The 1.00 per Mcf rate is cost justified and, where future exploration and development is concerned, there is no evidence to indicate that the risks and capital costs are any less for small producers in the West Virginia segment of the Appalachian area than they are for small producers nationwide.

(4) NYPSC proposes that the Commission couple the adoption of the instant settlement with issuance of a notice of proposed rulemaking as to the efficacy of making the settlement rates applicable to small producers throughout the Appalachian area, unless action on the Appalachian area rate matter is imminent in Docket No. RM75–14. Con Gas endorses this recommendation. We must refuse the NYPSC's invitation to undertake a separate rate proceeding for the Appalachian area. Although expansive in scope, the proceedings in Docket No. RM 75–14 are at an advanced stage. We see no reason to believe that the Appalachian area rate question cannot be fully and fairly resolved therein or that a new rulemaking proceeding, with its several stages, would enable this question to be more expeditiously disposed of.

Conclusion

The two-tiered settlement rate is the product of a comprehensive study conducted by Staff pursuant to our December 2, 1974, hearing order. Of the 370 small producers surveyed, 18, who together represent 40 percent of the total production of the parties, were selected for the study (Tr. 240–246A). Staff's analysis of the cost data submitted by these 18 produced the cost structure shown in Exhibit 8, which demonstrates that a price of $1.00 per Mcf is justified on the basis of 1974 actual figures. No party challenges the accuracy of these figures. Based on this evidence and the

[5] Although technically late, IOGA's February 17, 1976 comments are accepted because they relate solely to the comments filed by Cabot on February 9, 1976. Despite being styled "Reply Comments", Cabot's comments are in fact addressed to the settlement itself rather than to initial comments thereon. Accordingly, IOGA is entitled to the opportunity to rebut any objections which Cabot chooses to raise.

[6] Columbia, Con Gas, Carnegie, and Equitable Gas Company.

[7] This is corroborated on the record by counsel for Carnegie (Tr. 267). Carnegie has to date filed no objection to the settlement.

[8] Opinion No. 742, Small Producer Regulation, Docket No. R–393 (issued August 28, 1975).

[9] See, e.g., Con Gas' Fall 1975 FPC Form 16.

established need for Appalachian area gas, we find the settlement rates and remaining terms of the settlement to be acceptable.[10] As reflected in Section 6 of the settlement, the rates which we here approve are "floor" rates. Nothing herein shall prevent the settlement rates from rising to the level of any higher rate of general applicability which may be hereafter promulgated. Further, we point out that our approval of the settlement is based upon the particular circumstances of this case and should not be construed as establishing any new principles or policies of rate determination.

The Commission finds: The settlement of these proceedings on the basis of the settlement proposal certified by the Presiding Judge to the Commission for approval on December 22, 1975, is just and reasonable and in the public interest in carrying out the provisions of the Natural Gas Act and should be made effective in accordance with its terms.

The Commission orders: (A) The settlement proposal marked Exhibit 9 and certified to the Commission by the Presiding Judge on December 22, 1975, is incorporated by reference and is approved.

(B) Pursuant to Opinion No. 699, Slip Op. at pp. 65–66, the record in Docket No. RI75–21 shall be incorporated into and made a part of the record of the biennial review proceedings in Docket No. RM75–14.

(C) The proceedings in Docket No. RI75–21 are hereby terminated.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76–9713 Filed 4–5–76;8:45 am]

[Docket No. ER76–557]

INDIANA & MICHIGAN ELECTRIC CO.

Proposed Tariff Change

MARCH 30, 1976.

Take notice that American Electric Power Service Corporation (AEP) on March 11, 1976 tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company (Indiana), Modification No. 5 dated February 1, 1976 to the Interconnection Agreement dated June 1, 1968, between Indiana and Central Illinois Public Service Company, designated Indiana Rate Schedule FPC No. 67.

Section 1 of Modification No. 5 provides for an increase in the Demand Charge for Short Term Power from $0.45 to $0.50 per kilowatt per week and Section 2 provides for an increase in the Demand Charge for Limited Term Power from $2.50 to $2.75 per kilowatt per month, both schedules proposed to become effective April 15, 1976. Applicant states that since the use of Short Term and Limited Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the Modification.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 April 7, 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.76–9734 Filed 4–5–76;8:45 am]

[Docket No. CI76–228]

KENT GLASGOW

Order Designating Matter for Hearing and Prescribing Procedures

MARCH 30, 1976.

On October 21, 1975, Kent Glasgow (Glasgow) filed in Docket No. CI76–228 an application pursuant to Section 7(b) of the Natural Gas Act and Sections 157.30(b) and 250.7 of the Commission's Regulations thereunder requesting authorization to abandon sales in interstate commerce to Champlin Petroleum Company (Champlin) from three wells[1] located in the Northeast Cashion Field, Logan County, Oklahoma (Other Southwest Area), which sales are the subject of contracts dated October 1, 1973. The present sale price of the subject gas is 20.5 cents per Mcf.

Glasgow, operating as G&G Petroleum Company, sells the gas to Champlin who processes it at its Witcher Gasoline Plant and in turn resells it to Cities Service Gas Company (Cities) under the provisions of a 1949 contract, as amended, which is filed as Champlin Petroleum Company FPC Gas Rate Schedule No. 53, at a rate of 61.16 cents per Mcf at 14.65 psia, inclusive of tax, gathering allowance, and Btu adjustment.

In the application, as supplemented,[2] Glasgow states that the wells are old, have produced for 16 years, and as a result, the well pressure is low and the gas is unable to enter Champlin's gathering line which is operated at a pressure of 40 psig. In March and April 1975, Glasgow installed new equipment and performed remedial work on the wells in an effort to increase the well pressure to enable delivery into Champlin's line. In spite of these efforts, the wells produced only small quantities of gas intermittently when the wells built up sufficient pressure. The wells would produce for 10-to-12-hour periods, after a 24-to-48-hour build-up period. Glasgow and the co-owners are said to have expended $7,500 to alleviate the production problems but the operating pressure of the gathering line prevents the wells from flowing, thus producing a cessation in production every 2 or 3 days.

Glasgow estimates that there are 954,482 Mcf of remaining reserves underlying the subject acreage and further states that with a line pressure of 20 psig a deliverability rate of 6,000 Mcf/d can be attained. In order to maintain deliveries to Champlin, Glasgow asserts that it would be necessary to install a compressor costing approximately $100,000 and to receive a rate of $2.00 per Mcf or more.

Petitions to intervene have been filed by Cities and Champlin. Cities states that it takes no position on the proposed abandonment since it is not aware of all the facts involved but adds that its general policy is one of opposing unauthorized abandonments and encouraging producers to seek price relief where necessary. In its petition to intervene Champlin states that it is opposed to Glasgow's proposed abandonment application since it "* * * is willing to renegotiate its contract with Glasgow to provide for a higher price at the wellhead so long as Cities is willing and allowed to reimburse Champlin for the increased price," and "Champlin is also willing to work with Glasgow, to the extent possible, to overcome the various operating problems presented by the plunger lift systems recently installed on the wells in question."

In view of Glasgow's stated intent to sell the gas to other buyers[3] if the instant abandonment application is granted and since both Champlin and Cities have indicated that they are willing to increase the rate paid for the gas in question, we believe that the instant application should be set for formal hearing, to determine whether a granting of the requested abandonment authorization would indeed be in the public interest.

In order to develop a complete record in this proceeding, such proceeding should develop, and Glasgow shall be required to submit evidence and testimony regarding, but not limited to the following:

1. A detailed evidentiary presentation by Glasgow regarding what additional costs and/or prices would be required to maintain the production of the remaining producible reserves through the installation and operation of the necessary compression facilities, including full documentation as to the unit price at which such undertaking would be feasible.

2. A detailed analysis and presentation by Glasgow of the remaining reserves in the subject well, including a complete examination of all tests conducted and technical data relied upon to arrive at the estimated reserves.

[10] The rates discussed herein do not include consideration of income tax obligations, if any, incurred by these applicants as a result of the Tax Reduction Act of 1975.

[1] Mary Waswo No. 1, Mary B. No. 1, and Martin No. 1.

[2] By letters of December 12, and 31, 1975, and January 20, 1976.

[3] By letter of December 12, 1975, to Kenneth F. Plumb, Secretary of the Commission. Glasgow states, inter alia, that Continental Oil Co., Swab Corp. and Mustang Fuel Corp. have gathering lines in the general vicinity of the wells in question.

3. Why Glasgow has not sought to avail itself of the relief available under Section 2.76 of the Commission's General Policy and Interpretations in order to obtain a rate above the existing applicable area rate necessary to produce and deliver the subject low pressure gas.

4. To what extent, if at all, has Glasgow ever ordered any compression facilities in order to maintain the deliverability of the subject gas, and if so, for what period of time, what type of facilities and why such facilities are not currently in operation.

5. A presentation by Glasgow concerning the rate of production for the previous three years on a monthly basis from the subject wells.

The Commission finds: (1) Sufficient cause exists for setting for formal hearing the issues involved in the aforementioned pleadings and for establishing the procedures for that hearing as hereinafter ordered.

(2) The interventions of Champlin and Cities in the instant proceeding may be in the public interest.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 7 and 15 thereof, as implemented by the Commissions' Rules of Practice and Procedure and the Regulations thereunder, a public hearing shall be held commencing on April 22, 1976, at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20429, concerning the propriety of issuing authorization for the proposed abandonment of the sale of natural gas in interstate commerce by Kent Glasgow, operating as G&G Production Company, as requested in its application filed on October 21, 1975.

(B) On or before April 9, 1976, Kent Glasgow shall file with the Secretary of this Commission and serve all testimony and exhibits comprising his case-in-chief consistent with the evidentiary requirements as set forth in this order in support of the proposed abandonment upon all parties to this proceeding including the Commission Staff.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 19 CFR 2.5(d)), shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole 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) The petitioners to intervene are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions; *And provided further,* That the admission of such interveners shall not be construed as recognition by the Commission that such interveners might be aggrieved because of any order of the Commission entered herein.

By the Commission.

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

[FR Doc.76-9746 Filed 4-5-76;8:45 am]

[Docket No. RP76-50]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Conference

MARCH 30, 1976.

Take notice that on April 13, 1976, the Staff will preside at an informal conference with interested parties to discuss what issues, if any, exist as a result of Michigan Wisconsin Pipe Line Company's (Mich-Wisc) filing in Docket No. RP76-50, and if any issues exist, to explore the possibility of the settlement or limitation of those issues.

Pursuant to Commission order issued October 14, 1975 in Docket No. CP74-157, Mich-Wisc filed revised tariff sheets to its FPC Gas Tariff, Second Revised Volume No. 1 on December 29, 1975. The revised tariff sheets set forth new tariff provisions constituting a proposed end use curtailment plan to be made effective February 1, 1976. On January 30, 1976, the Commission accepted the tariff sheets for filing and suspended the use thereof until February 1, 1976, and until such time as made effective in the manner prescribed by the Natural Gas Act. The tariff sheets were placed into effect on February 10, 1976 in conformity with Section 154.67 of the Regulations.

The conference will be held in Room 5200 at the Office of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 at 10:00 a.m. on April 13, 1976. All interested parties are invited to attend.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-9732 Filed 4-5-76;8:45 am]

[Docket No. ER76-572]

MISSISSIPPI POWER AND LIGHT CO.

Notice of Filing

MARCH 29, 1976.

Take notice that on January 30, 1976, Mississippi Power and Light Company (MP&L) filed a letter agreement dated December 23, 1975, between MP&L and the Tennessee Valley Authority (TVA). MP&L states that the December 23, 1975 letter agreement amends a letter agreement dated May 23, 1975 between MP&L and TVA, which was filed in Docket No. E-9495.

MP&L states that upon completion of derlivcry of power and energy by MP&L to TVA under the May 23, 1975 agreement, the Commission, by letter order issued October 21, 1975, in Docket No. ER76-148, accepted a notice of cancellation of that agreement. The December 23, 1975 letter agreement modifies the May 23, 1975 agreement with respect to delivery of power and energy by TVA to MP&L.

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 April 21, 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.76-9725 Filed 4-5-76;8:45 am]

[Docket No. E-9161]

MONONGAHELA POWER COMPANY ET AL.

Filing of Contract Amendment and Motion for Approval of Settlement Offer

MARCH 30, 1976.

Take notice that on March 18, 1976. Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (the APS Companies) filed a motion to make effective the tendered settlement offer, an Agreement dated March 10, 1976 amending the Agreement between the APS Companies and UGI dated December 1, 1974 originally filed in the instant docket. The settlement Agreement purports to settle all issues in Docket No. E-9161.

The tendered Agreement (attached to the motion as Exhibit A) would delete the "10% adder" to energy costs provided for in Section 3 of the original Agreement and substitute therefor a fixed monthly charge plus the net cost of energy purchased to mect Agreement requirements, such total charge not to exceed 10% of the actual monthly energy cost for the Harrison Station. Exhibit A further requires that records be kept of that portion of the fixed monthly charge that represents costs of burning more expensive fuels and that amounts paid by UGI will not be in excess of costs actually so incurred.

Any person desiring to be heard or to protest said proposed settlement agreement should file comments with the Fedcral Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 14, 1976. Comments will bc 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.76-9728 Filed 4-5-76;8:45 am]

[Docket No. RP76-4]

NATIONAL FUEL GAS SUPPLY CORP.

Notice Amending Notice of Further Extension of Procedural Dates

MARCH 30, 1976.

On March 3, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 21, 1975, as most recently modified by notice issued January 9, and March 23, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of Staff Testimony, April 30, 1976.
Service of Intervenor Testimony, May 14, 1976.
Service of Company Rebuttal, May 28, 1976.
Hearing, June 15, 1976 (10:00 a.m., EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9737 Filed 4-5-76;8:45 am]

[Docket No. CP76-278]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Filing

MARCH 26, 1976.

Take notice that on March 5, 1976, Natural Gas Pipeline Company of America submitted for filing Original Sheet Nos. 650 through 664 (Rate Schedule X-62) and Original Sheet Nos. 665 through 679 (Rate Schedule X-63).

Natural states that the tariff sheets reflects the provisions of initial Rate Schedules X-62 and X-63 relating to transportation agreements with Columbia Gas Transmission Corporation (agreement dated January 23, 1976) and Texas Eastern Transmission Corporation (agreement dated January 28, 1976) that are the subject of its abbreviated application for temporary certification filed February 24, 1976 at Docket No. CP76-278.

Natural asked for waiver of the regulations to the extent necessary to permit the filing to become effective on the date certificate authorization is granted by the Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before April 19, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9715 Filed 4-5-76;8:45 am]

[Docket No. CP76-307]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

MARCH 29, 1976.

Take notice that on March 19, 1976, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-307 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delayed exchange and transportation of natural gas for Northern Natural Gas Company (Northern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a transportation agreement, dated February 5, 1976, it proposes to transport for Northern from existing facilities of Applicant located on the production platform of Kerr-McGee Corporation in West Cameron Block 543, offshore Louisiana, natural gas purchased by Northern from Cabot Corporation (Cabot) in the West Cameron Block 543 field area. Applicant proposes to transport Northern's gas through its 16-inch offshore pipeline on a firm basis for delivery to a point of connection with Stingray Pipeline Company's offshore pipeline in West Cameron Block 565. It is proposed that Applicant will transport and deliver a total of up to 18,000 Mcf of gas per day for Northern on a firm basis and such excess quantities of gas which may be tendered by Northern up to 9,000 Mcf per day, subject to Applicant's having excess capacity available to transport said excess volumes. It is indicated that Applicant will charge Northern 7.0 cents per Mcf for all gas transported.

Applicant also proposes that under the terms of a delayed exchange agreement between the parties, dated January 30, 1976, Applicant will take delivery of volumes of natural gas which represent Northern's one hundred percent interest in Cabot's production from West Cameron Block 543. It is stated that at such time as Northern has made the necessary arrangements for such gas to enter into its system. Applicant will commence repayment, on a thermal equivalent basis, of all gas received from Northern. The application shows that delivery will be effected by Applicant's delivering for Northern's account, at the existing Kerr-McGee platform in Block 543, daily volumes of gas which Applicant purchases in excess of 37.5 percent of the total gas produced from wells completed in Block 543. Applicant states that neither party will receive monetary consideration for its part in the proposed delayed exchange.

It is stated that no additional facilities are required to accommodate the proposed exchange or transportation of natural gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9742 Filed 4-5-76;8:45 am]

[Docket No. RP70-42]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Filing

MARCH 26, 1976.

Take notice that on March 2, 1976, Natural Gas Pipeline Company of America tendered for filing Substitute Seventh Revised Sheet Nos. 301 through 305 and Eighth Revised Sheet Nos. 301 through 305 of its FPC Gas Tariff, Third Revised Volume No. 1.

Natural states the revised tariff sheets were prepared in accordance with Section 22 of the General Terms and Conditions of Natural's FPC Tariff, and reflect the level of gas available for sale to each of Natural's jurisdictional customers. The Substitute Seventh Revised Sheets cover the period April 1976 through March 1977 (1976 Service Year). These sheets supersede the tariff sheets for this period previously filed under transmittal letted dated October 23, 1975, which sheets have not yet been made effective by the Commission. The Eighth Revised Sheets cover the period April 1977 through March 1978 (1977 Service Year).

Natural states it has encountered unanticipated gas supply problems which led to emergency winter curtailment commencing January 22, 1976. As a result of these problems, Natural has instituted a complete review of its gas supply and deliverability for the period commencing April 1, 1976. Based on its review, Natural has revised downward its sale levels for this period by a total of approximately fifty billion cubic feet annually. Two-thirds of this additional curtailment will be experienced in the winter.

Natural states that the tariff sheets submitted were prepared in accordance with Section 22 of its tariff and reflect a request from and agreement among Natural's DMQ–1 customers participating in curtailment with respect to the allocation of deliveries among customers by month, as contemplated by Section 22.33. Tariff sheets for the 1977 Service Year are required to effectuate the agreement fully. To the extent that change in presently anticipated supply or other factors affecting sales level require revision of the entitlement levels, Natural will file revised tariff sheets as appropriate, reflecting the same allocation procedures.

Natural has requested waiver of the Commission's notice requirements, to the extent necessary, to permit the Substitute Seventh Revised Sheets to become effective April 1, 1976 and the Eighth Revised Sheets to become effective April 1, 1977.

Natural states copies of this filing were served on its customers and all interested state commissions.

Any person desiring to be heard or to make any protest with reference to said notice should on or before April 16, 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.76–9723 Filed 4–5–76;8:45 am]

[Docket No. E–7690]

NEW ENGLAND POWER POOL AGREEMENT (NEPOOL)

Notice of Extension of Time; Correction

Please correct the second paragraph to read: "Notice is hereby given that the time for filing briefs opposing exceptions in the above-indicated docket is extended for all parties from March 9, 1976 to and including April 5, 1976."

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–9738 Filed 4–5–76;8:45 am]

[Docket No. ER76–17]

OHIO POWER CO.

Notice of Further Extension of Procedural Dates

MARCH 26, 1976.

On March 24, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 29, 1975, as most recently modified by notice issued February 23, 1976, in the above-designated proceeding.

Staff states that Ohio Power and the Public Service Commission of West Virginia have no objection to the requested extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, May 11, 1976.
Service of Intervenor Testimony, May 25, 1976.
Service of Company Rebuttal, June 8, 1976.
Hearing, June 22, 1976 (10:00 a.m., EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–9721 Filed 4–5–76;8:45 am]

[Docket No. ER76–560]

OHIO POWER CO.

Proposed Tariff Change

MARCH 26, 1976.

Take notice that American Electric Power Service Corporation (AEP) on March 12, 1976, tendered for filing on behalf of its affiliate, Ohio Power Company (Ohio), Modification No. 5 dated March 1, 1976 to the Facilities and Operating Agreement dated September 6, 1962, between Ohio and Duquesne Light Company, designated Ohio Rate Schedule FPC No. 33.

AEP states that Section 1 of Modification No. 5 provides for an increase in the Demand Charge for Short Term Power from $0.45 to $0.50 per kilowatt per week. AEP states that since the use of Short Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the Modification.

AEP requests that the proposed tariff change be accepted for filing and made effective as of March 9, 1976, the date on which service at the proposed rate was commenced.

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 April 8, 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.76–9719 Filed 4–5–76;8:45 am]

[Docket No. E–9552]

OTTER TAIL POWER CO.

Notice of Application

MARCH 30, 1976.

Take notice that on March 18, 1976, Otter Tail Power Company (Applicant), a Minnesota Corporation, 215 South Cascade Street, Fergus Falls, Minnesota, an electric utility, filed an application with the Commission, pursuant to Part 33 of the Commission's Regulations and Section 203 of the Federal Power Act, for an order authorizing the Applicant to sell to Cooperative Power Association, a Minnesota Cooperative Corporation, certain 115 KV transmission lines and associated easements, permits, licenses and property rights located in the Minnesota counties of Big Stone and Lac Qui Parle and the South Dakota County of Grant.

The instant transaction is proposed as part of an on going effort to implement the August 1967, Integrated Transmission System Agreement between Otter Tail and Cooperative Power Association. The Transmission Agreement provides for the establishment of an integrated transmission system wherein each party is required to make an aggregate investment in transmission facilities proportionate to its load on the system. Pursuant to the Transmission Agreement, Applicant proposes to sell to Cooperative Power Association certain transmission facilities for an aggregate sale price of approximately $450.00.

Any person desiring to be heard or to make any protest with reference to said application, should on or before April 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file at the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–9736 Filed 4–5–76;8:45 am]

[Docket No. ER76-532]

PACIFIC GAS & ELECTRIC CO.

Order Accepting for Filing and Suspending Proposed Rate Changes, Granting Interventions, Denying Motion to Reject, Providing for Hearing, and Establishing Procedures

MARCH 29, 1976.

On March 1, 1976, Pacific Gas and Electric Company tendered for filing a proposed increase in rates charged for transmission service to the United States Bureau of Reclamation (USBR).[1] Notice of the filing was issued on March 5, 1976, with responses due to be filed on or before March 22, 1976.[2] The proposed changes would increase revenues for the twelve month test period ending March 31, 1977, by $2,693,000, or 84.1% and yield a rate of return of 10.11%. PG&E states that the rate increase is necessary to cover current costs and increase the rate of return to a level sufficient to attract "massive amounts of necessary new capital".

PG&E specifically requested that its filing be made effective on March 31, 1976, and that any suspension be limited to one day so that the proposed rates would become effective on April 1, 1976. Such action is assertedly required to avoid "unnecessary controversy" over a possible interpretation of a renegotiation provision in PG&E's contract with USBR to the effect that the wheeling rate cannot be modified until April 1, 1981, if the proposed changes are not in effect on April 1, 1976.

The subject contract concerns, in part, the sale to PG&E of capacity and energy brought in from the Northwest in connection with the operation of USBR's Central Valley Project, and PG&E's wheeling of additional Northwest capacity and energy to other purchasers from USBR. Article 32 of the contract provides for joint review and adjustment by USBR and PG&E of the contract rates and charges on April 1, 1971, and every five years thereafter, and for submission of the matter to the Commission for decision if the parties are unable to agree on a rate change. On February 20, 1976 Interior issued a statement of proposed rates for this contract to be effective on April 1, 1976. A final decision on Interior's position will be issued after evaluation of any comments. According to this statement, if PG&E does not accept Interior's final position, the entire dispute involving both sale and wheeling rates will be submitted to the Commission pursuant to Article 32 of the contract.

Northern California states that all of its members purchase power from USBR which is delivered over PG&E's transmission facilities, and that USBR intends to pass along to Northern California members any increase in PG&E's wheeling charges. In moving for rejection of this filing or for a five month suspension, Northern California contends first that under the controlling contract terms the Commission must consider and act on the sale and wheeling rates together, and that PG&E's unilateral submission of a revised rate for the wheeling service alone is premature, not authorized by the contract, and barred by the *Mobile-Sierra* rule.[3] Alternatively, it is argued that the contract requirement that rates be "fair and equitable" reflects a commitment by PG&E that its wheeling rates will not exceed the "equivalent federal costs" of a government owned and operated transmission system, which could have been constructed in lieu of using PG&E's facilities. Therefore this filing is deficient because no information has been supplied to permit an evaluation of the reasonableness of the proposed rates in comparison to equivalent federal costs. Northern California also cites the following alleged deficiencies: an excessive return on equity; an unjustified increase in depreciation rates; overstatement of the working capital allowance by inclusion of compensating bank balances; and misallocation of transmission costs.

The District notes in its petition to intervene that PG&E transmits the power sold to the District by USBR and also requests that no changes in the present transmission rate be permitted until hearings have been held. Interior, the other party to the subject contract, supports PG&E's request that the proposed rates be made effective on April 1, 1976, but subject to refund. However, Interior also suggests that PG&E's submission does not address the "substantive issue" of whether the proposed rates comply with the standards set out in the contract.

After review of the filing and responses, the Commission has determined that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable and discriminatory. PG&E's proposed changes in wheeling rates will be accepted for filing, and waiver of the thirty day notice requirement will be granted to permit the proposed increase in rates to become effective April 1, 1976, subject to refund after a one day suspension. A hearing will be ordered to determine the justness and reasonableness of the proposed increase.

The motion for rejection of the filing is denied. Northern California has not shown that the relevant portion of the subject contract should be interpreted to prohibit the unilateral tender of a proposed rate for wheeling service. To the contrary, both parties to the contract agree that PG&E's filing is not barred by any term of the contract. The other objections raised by Northern California can be examined more appropriately during the hearing proceeding. Northern California's interests as a csutomer of USBR and an indirect recipient of PG&E's transmission service are protected since the proposed rates will be collected subject to refund.

The Commission finds: (1) Good cause exists to accept for filing and suspend for one day until April 1, 1976 the transmission rate changes tendered by PG&E on March 1, 1976 and to waive the notice requirement of Section 35.3 (a) of the Regulations.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act, that the Commission enter upon a hearing concerning the lawfulness of PG&E's rate schedules as proposed to be revised herein.

(3) Good cause exists to allow the above named Petitioners to intervene in this proceeding.

(4) Good cause has not been shown to grant the motion for rejection filed by Northern California on March 22, 1976.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the lawfulness of PG&E's rate schedules as proposed to be revised herein.

(B) Pending a hearing and final decision thereon, PG&E's proposed rate changes shall be accepted for filing and suspended for one day, to become effective April 1, 1976, subject to refund.

(C) The motion for rejection of the proposed changes filed by Northern California on March 22, 1976, is hereby denied.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 13 CFR 3.5(d)), shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on 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).

(E) The Presiding Administrative Law Judge shall preside at the initial conference in this proceeding to be held on May 13, 1976, at 9:30 a.m., at the offices of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(F) Petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petition to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

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[1] First Revised Sheet Nos. 60 and 61 to PG&E's FPC Electric Tariff Original Volume No. 4.

[2] Timely petitions to intervene were filed by The Secretary of the Interior (Interior), The Arvin-Edison Water Storage District (District), and The Northern California Power Agency (Northern California) which also moved for rejection of the filing.

[3] *United Gas Pipeline Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 322 (1956), *F.P.C.* v. *Sierra-Pacific Power Co.*, 350 U.S. 348 (1956).

(G) 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.

(H) PG&E shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by Section 35.19(a) of the Commission's Regulations, 18 CFR, Section 35.19(a).

(I) 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.76-9745 Filed 4-5-76;8:45 am]

[Docket No. CS76-552, et al.]

PAYNE, INC., ET AL.

Notice of Applications for "Small Producer" Certificates [1]

MARCH 30, 1976.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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.

Docket No.	Date filed	Applicant
CS76-552	Mar. 17, 1976	Payne, Inc., 2190 Liberty Tower, Oklahoma City, Okla. 73102.
CS76-553	do	Frank J. Brazel, Althea Lane, Darien, Conn. 06820.
CS76-554	do	Brown and Borelli, P.O. Box 338, Kingfisher, Okla. 73750.
CS76-555	do	S. Theis Rice, 4690 Kietzke Lane, No. 188, Reno, Nev. 89502.
CS76-556	Mar. 18, 1976	Tacklon, Inc., 1014 Travis St., Amarillo, Tex. 79101.
CS76-557	Mar. 17, 1976	Exoil Co., Inc., 10 Powder Horn Hill Rd., Wilton, Conn. 06897.
CS76-558	Mar. 18, 1976	George R. Mitchel Trust, 1st National Bank in Dallas,[1] Trust Oil Department, P.O. Box 6031, Dallas, Tex. 75283.
CS76-559	do	Helen Sanford Trust.[1]
CS76-560	do	Estate, W. F. Alexander.[1]
CS76-561	do	Helen Horn Lea Trust.[1]
CS76-562	do	George Haggarty Agency.[1]
CS76-563	do	Heath M. Robinson Trust.[1]
CS76-564	do	Estate of Edwin B. Hopkins, agent.[1]
CS76-565	do	Estate of John W. Murchinson, deceased.[1]
CS76-566	do	Robert L. Cartwright Trust.
CS76-567	do	Carl A. Happold Trust.[1]
CS76-568	do	Jeaniejay Watts Trust.[1]
CS76-569	do	James C. Woolley Trust.[1]
CS76-570	do	John A. Alexander Trust, U/W agent.[1]
CS76-571	do	Nathan Adams Testamentary Trust.[1]
CS76-572	do	Methodist Home Investment Management Agency.
CS76-573	do	Estate of Blagden Manning, deceased.[1]
CS76-574	do	Hopkins et al. Agency 3889.[1]
CS76-575	do	Estate of Arno R. Dalby, deceased.[1]
CS76-576	do	Estate of Ross R. Bickel, deceased.[1]
CS76-577	do	Fred C. Mengel Trust.[1]
CS76-578	do	Mrs. Theresa H. Harrell Agency.[1]
CS76-579	do	Harry S. Moss Trust.[1]
CS76-580	do	Estate of Eugene McElvaney, deceased.[1]
CS76-581	do	Marion M. Montgomery Advisory Agency.[1]
CS76-582	do	Norvell C. Walter Trust.[1]
CS76-583	do	Mrs. Helen S. Cherry.[1]
CS76-584	do	C. Trusts U/W of Bert Aston.[1]
CS76-585	do	Hopkins, Amy Longscope Agency.[1]
CS76-586	do	Ruth Anne Yeager Trust No. 2.[1]
CS76-587	do	Elizabeth A. Thomas Trust, U/W agent.[1]
CS76-588	do	Mary Sanford Trust.[1]
CS76-589	do	Clarence E. Hyde, trustee.[1]
CS76-590	do	Estate of Angus G. Wynne, deceased.[1]
CS76-591	do	Whitaker Heirs Agency.[1]
CS76-592	do	Emerett Railsback Trust.[1]
CS76-593	do	Estate of A. Pollard Simons, deceased.[1]
CS76-594	do	Ed E. and Glady Hurley Foundation.[1]
CS76-595	do	Avella Winn Hay Trust.[1]
CS76-596	do	Luriline L. McCright Trust.[1]
CS76-597	do	Henry Yeager, Jr., Agency.[1]
CS76-598	do	E. V. McCright Trust.[1]
CS76-599	do	Marion Miller Montgomery Trust.[1]
CS76-600	do	A. D. Martin, Jr., Custody Account.[1]
CS76-601	do	Robert G. Hanagan.[1]
CS76-602	do	Hugh E. Hanagan.[1]
CS76-603	Mar. 19, 1976	Caro A. Stalcup Trust, U/W agent.[1]
CS76-604	do	Kervin Childrens.[1]
CS76-605	do	Gertude B. Murchinson Testamentary Trust.[1]
CS76-606	do	Mrs. George R. Mitchell.[1]
CS76-607	do	Mrs. Ruth Peeler Yeager Agency.[1]
CS76-608	Mar. 16, 1976	Franklin D. Adkins, 35 Valley View Dr., Vienna, W. Va. 26105.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[1] 1st National Bank in Dallas, Trust Oil Department, P.O. Box 6031, Dallas, Tex. 75283.

[FR Doc.76-9750 Filed 4-5-76;8:45 am]

[Project No. 637]

PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY

Issuance of Annual License

MARCH 29, 1976.

On October 30, 1975, Public Utility District No. 1 of Chelan County, Licensee for Lake Chelan Project No. 637, located on Chelan River and Chelan Lake, Chelan County, Washington, filed an application for a new license under the Federal Power Act and Commission regulations thereunder.

The license for Project No. 637 was issued effective April 1, 1924, for a period ending March 31, 1974. In order to authorize the continued operation of the project, pending Commission action thereon, it is appropriate and in the public interest to issue an annual license to Public Utility District No. 1 of Chelan County for continued operation and maintenance of Project No. 637.

Take notice that an annual license is issued to Public Utility District No. 1 of Chelan County (Licensee) under the Federal Power Act for the period April 1, 1976, to March 31, 1977, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 637, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9743 Filed 4-5-76;8:45 am]

[Docket No. E-7501]

RUMFORD FALLS POWER CO.

Order Granting a Partial Waiver of the Requirements of 18 CFR 41.10 and 41.11

MARCH 29, 1976.

On May 18, 1975, the Rumford Falls Power Company ("the Company") filed an application with the Federal Power Commission, requesting that this Commission waive the applicability of Sections 41.10 and 41.11 of the Commission's Regulations under the Federal Power Act, to the extent previously provided in this proceeding, by order dated March 31, 1970.

HISTORY OF THE CASE

On August 29, 1973, the Rumford Falls Power Company, first sought exemption, either total or partial from the require-

ments of Sections 41.10 and 41.11 of the Regulations under the Federal Power Act. We found good cause for a partial waiver and accordingly, on March 31, 1970 issued an order excusing the Company from annual compliance with Sections 41.10 and 41.11 on condition that the Company comply with said regulations at least once during the reporting years 1969–1973 inclusive.

THE COMPANY'S PRESENT STATUS

The Company's operating status today is basically unchanged from that which existed at the time of our earlier order granting partial waiver.

All of the outstanding securities of the Company, 10,000 shares of common stock, are owned by the Company's parent, the Ethyl Corporation, with the exception of seven shares which are held by the seven directors of the Company.

The Company owns the Rumford Falls Projcet, comprising the Upper and Lower Stations, locations on the Androscoggin River and licensed as Project No. 2333. The project supplies electriicty to the Oxford Paper Company, a division of the Ethyl Corporation. The Company also from time to time sells excess energy to Central Maine Power Company under rates on file with the Commission. The amounts of power sold to Central Maine Power Company and the revenue received for the years 1971–1974 inclusive are as follows:

	1971	1972	1973	1974
Kilowatt-hour sales	27,880,100	26,553,500	34,000,100	7,135,200
Annual revenues	$89,467	$88,885	$115,617	$44,347
Revenue per kilowatt-hour	$0.0032	$0.0033	$0.0034	$0.0062

The primary customer, Oxford Paper Company, is Rumford Falls only retail customer. Annual independent certification of these intracorporate transactions provides no overriding public benefit.

The other purchaser of electricity from the Company is Central Maine Power Company. Sales of electric energy not needed for Company use, at rates reflecting the off-peak status of the power, are made to this neighboring utility from time to time.

In adopting the provisions of Sections 41.10 and 41.11 of the Regulations under the Federal Power Act, we noted that the annual certification therein required could be accomplished largely within the framework of the annual examinations already being conducted by independent accounts. Although we do not consider this a controlling factor in and of itself, Petitioner's financial statements are not now subject to a detailed annual audit, but rather, have been audited from time to time as a part of the annual audit of the parent corporation.[1]

As regards any benefits to be derived from independent certification, we note that the Petitioner does not publish separate financial statements on its operations for use by investors; that its primary purpose is to generate and transmit electric energy to the Oxford Paper Company a division of the parent corporation, the Ethyl Corporation; that it has no retail customers other than its parent, and that it is not subject to state rate regulation in which the FPC Form No. 1 might aid. In fact, the Maine Public Utilities Commission does not consider Rumford Falls to be a public utility. We have therefore concluded that, under these particular circumstances, the benefits to be derived from annual independent certification are minimal. However, the Petitioner is a licensee owning the Rumford Falls Project, comprising the upper and lower stations, located on the Androscoggin River and licensed as a Project No. 2333. The project is subject to take over and the relicensing provisions of Part I of the Federal Power Act; and some of the accounts reported in the FPC Form No. 1 are relevant to the wholesale rates of the petitioner in connection with its transactions with the Central Maine Power Company. For these reasons independent certification has value under these circumstances, and complete exemption from the independent certification requirements of the rule is inappropriate. The Commission believes that requirements of annual certification of compliance with a uniform system of accounts should be relaxed to fit into the framework of the Petitioner's normal audit procedure. As Petitioner's financial statements are audited from time to time during the course of a detailed audit of the parent corporation we conclude that it would be desirable to require certification by the independent accountants at that time. We believe there should be a minimum requirement of an audit and independent certification of Petitioner's financial statements at least once every five years. Since the Petitioner has filed certification for the year 1972, it would be appropriate for the Petitioner to file a certification for either 1976, 1977, or 1978.

In order to permit staff review of any changing circumstances which may warrant annual certification or some other treatment, the requirements of sections 41.10 and 41.11 of the regulations under the Federal Power Act will be relaxed only for the reporting years 1976 through 1980 inclusive, at the end of which petitioner will be required to adhere to the general regulation or seek further relief from the Commission.

The Commission finds: Good cause has been shown for a partial waiver, under Section 1.7(b) of the Commission's Rules of Practice and Procedure, of the requirements of Sections 41.10 and 41.11 of the Commission's Regulations under the Federal Power Act.

The Commission orders: (A) Petitioner shall be excused from annual compliance with the requirements of Section 41.10 and 41.11 of the regulations under the Federal Power Act on condition that it complies at least once during the reporting years 1976, 1977 or 1978.

(B) Petitioner shall file a letter with the Commission sixty (60) days from the date of this order stating the year(s) in which Petitioner will comply with the Sections of 41.10 and 41.11 of the Regulations under the Federal Power Act.

(C) This waiver shall be effective through the 1980 reporting year. It may be modified for any reporting year by order of the Commission, should the Commission find that effective regulatory procedures require yearly compliance or compliance in any particular year.

By the Commission.

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

[FR Doc.76-9740 Filed 4-5-76;8:45 am]

[1] As we said earlier in Alcoa Generating Corporation, et al., Docket No. E-7398, 39 FPC 827 (1968) the mere fact that a public utility, licensee, or natural gas company is not audited annually by independent accountants is not in our opinion, good cause for a total or partial waiver of the regulations requiring independent certifications of compliance with the Uniform Systems of Accounts.

[Docket Nos. CI64-104, CI68-1146, and CI70-102]

SHELL OIL CO.

Order Modifying and Accepting Settlement

MARCH 29, 1976.

On July 24, 1975, the Presiding Administrative Law Judge certified to the Commission a settlement agreement submitted by Shell Oil Company (Shell) during hearing on this matter. Comments were due on or before September 10, 1975. Comments were filed by United Gas Pipe Line Company (United), Tennessee Gas Pipeline Company (Tennessee), and Shell in support of the settlement proposal; Commission Staff filed comments recommending conditional approval of the settlement proposal.

This proceeding involves a request by Shell to Tennessee and United for release of approximately $413,000 in escrowed funds generated by sales of gas by Shell to Tennessee and United from the Disputed Zone in the Southern Louisiana Area.[1]

The sale to Tennessee was authorized by a temporary certificate issued November 7, 1963,[2] in which the initial rate was 20 cents per Mcf with .5 cent of this to be held in escrow by Tennessee. Payments into the escrow account ceased on January 10, 1971, when a higher rate was placed into effect.

[1] The Disputed Zone is a zone where it was uncertain whether the taxing authority rested in the United States or the State of Louisiana. This disputed area was settled by a Supplemental Decree issued December 20, 1971, in *United States of America* v. *The State of Louisiana, et al.*, 404 U.S. 388, wherein areas of this zone relevant to this proceeding were ruled to be in the Federal Domain.

[2] Docket No. CI61-104.

Sales to United were authorized by two temporary ceritficates. The first was issued May 27, 1968,[3] and provided for an initial price of 20 cents per Mcf with 1.5 cents to be placed in escrow. Payments into this account ceased on November 14, 1971. The second certificate was issued August 29, 1969,[4] to sell gas well gas to United at 20 cents per Mcf and casinghead gas at 18.5 cents per Mcf, with 1.5 cents to be held in escrow from each price. Payments into this account ceased on January 10, 1971.

On December 16, 1974, Shell filed a petition in this proceeding requesting the Commission to order the release of these escrowed funds to Shell. On February 27, 1975, the Commission issued an order setting the proceeding for hearing. The Settlement Proposal here under consideration was introduced at the hearing by Shell and was made a part of the record.

The proposed settlement is summarized below:

(1) Shell may request the escrowed funds at any time within a two-year period after Commission approval of the settlement is no longer subject to judicial review.

(2) United and Tennessee shall pay to Shell the escrowed funds within 30 days of receipt of such request by Shell.

(3) Shell will drill three new wells on leases previously dedicated to United and Tennessee. Wells and lands dedicated to Sea Robin Pipeline Company shall not be deemed dedicated to United.

(4) For each dollar expended, 40 cents will come from escrowed funds paid to Shell and 60 cents will come from Shell's own money.

(5) Semi-annual statements are to be filed with the Commission, with copies to all parties, showing the money expended during the past six months and cumulatively.

(6) If, at the expiration of the two-year period provided for in (1) above, there remains any of the escrowed funds which have not been committed, such amount shall be refunded with interest, to the appropriate pipeline. These refunds will be flowed-through by United and Tennessee to their customers.

(7) Gas obtained from wells drilled with the escrowed money will be sold at the applicable area or nationwide rate. No such production will be sold pursuant to emergency or limited term procedures.

(8) This proposal represents a negotiated settlement which will be binding upon the parties when approved by a Commission order no longer subject to judicial review.

The Commission noted the similarity between the issues raised in this proceeding and those raised in Kerr-McGee.[5] Shell's proposal for the use of the escrowed money follows the approach used in Kerr-McGee. For this reason, Staff supports the basic proposal with certain exceptions.

First, Staff recommends changing the wording in Paragraph F of the proposal (Paragraph (6) above) to provide for repayment of funds which have not been spent within two years, rather than provide for repayment of funds which have not been committed within two years. We find that this condition is consistent with Kerr-McGee and all of the parties are agreeable; therefore, we will adopt this modification.

In its recommendations, Staff states that if a commercial oil well results from a Project Expenditure, no part shall be credited against the escrowed funds received by Shell. Although the parties do not object to this condition, Shell suggets wording which is slightly different from that of Staff. Among other things, Shell's language provides that "If a Project Expenditure hereunder results in the completion of a commercial oil well, then no part of the Project Expenditure shall be credited against the escrowed funds received by Shell." Staff's language on this point provides that "If an expenditure hereunder results in the completion of a commercial oil well, then no part of that expenditure shall be credited against the Project Expenditure." Whereas Staff's language provides that neither the escrowed money nor Shell's matching funds are to be expended on a commercial oil well, Shell's language could result in Shell's matching funds being spent on a commercial oil well.

Also, Shell stated in its comments that casinghead gas would be sold to United and Tennessee, although its proposed language is silent as to this point. Staff's language specifically provides that "* * * if a commercial quantity of casinghead gas is produced from such commercial oil well then Tennessee and United shall have preferential rights to contract for the purchase of that gas * * *" Staff's suggested language on these points follows the language in Kerr-McGee. For these reasons, we find Staff's language to be more appropriate.

Staff recommends a condition that escrowed funds received by Shell which have not been spent within 60 days after the date of withdrawal will begin to accrue interest at the rate of 7 percent per year until spent or returned to United or Tennessee under the provisions of Paragraph F of the Settlement Proposal. This provision is consistent with the Kerr-McGee settlement; we therefore accept Staff's recommendation.

In addition, Staff requests that Shell submit details of actual expenditures either within 90 days of exhaustion of the funds or at the close of the two-year period, whichever is earlier. Staff requests this condition so that Shell's actual expenditures may be compared with detailed cost estimates which have been furnished by Shell. The purpose of this provision is merely to provide a check on Shell's estimate of expenditures; we find this modification to be reasonable and proper.

Finally, as to Shell, Staff recommends a condition that Shell use no part of the monies forming the escrow fund for refund credit under Opinion No. 598. This recommendation is consistent with Kerr-McGee and should therefore be included in the settlement order.

Staff's final recommendation pertains to United. Staff argues that United should be required to pay interest on the escrowed funds since it is Staff's interpretation that United has had the use of these funds.[6] Section 154.102(c) of the Commission's regulations requires a producer to pay interest on refund money and Staff asserts that the result should be the same when it is the purchaser rather than the seller keeping the refund money through an escrow arrangement. Although United opposes the condition that it be required to pay interest from the date of receipt until the date of disbursement, United is willing to pay interest on any fund money from the date the funds are to be disbursed to Shell until the first day of month in which payment is made. United argues that the temporary certificates, while specifically requiring Shell to pay interest, did not impose such an obligation on United. In addition, neither Section 7(c) of the Natural Gas Act nor the Commission's Regulations require the payment of interest in this situation. It is also United's contention that equity does not require the payment of interest since United came into possession of the funds lawfully and has not yet breached any duty to Shell.[7]

In support of the interest obligation, Staff cites *Mississippi River Fuel Corporation* v. *F.P.C.*,[8] in which the Court allowed the Commission to order interest on refunds even though the settlement had been silent as to interest. The Court reasoned that this was equitable since Mississippi River Fuel Corporation had had the use of the overpayments.

After a careful review of the evidence before us, we must conclude that United has had the use of the escrowed funds. Based on this conclusion and the fact that Tennessee is required to pay interest,[9] we find that the only equitable solution is to require United to pay interest on the escrowed funds. In light of interest rates for this time period and Section

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[3] Docket No. CI68-1146.

[4] Docket No. CI70-102.

[5] Docket Nos. CI67-1594, et al., Order Conditionally Accepting Proposal issued October 29, 1974; Order Denying Rehearing of Order Accepting Settlement Proposal issued December 20, 1974.

[6] By letter dated August 13, 1975, in response to a request by Staff as to whether United had use of the escrowed funds, United stated the following:

"The escrow funds were not placed in an interest bearing account nor were the funds deposited in a segregated account in a financial institution.

"The escrow funds were entered in United's books by debiting the 'Gas Purchase Expense' account and crediting the 'Accounts Payable' account."

[7] *Natural Gas Pipeline Co. of America* v. *Harrington*, 246 F.2d 915 (5th Cir. 1957), cert. denied 356 U.S. 957.

[8] 281 F.2d 919 (D.C. Cir. 1960).

[9] Tennessee was specifically required to pay interest on the escrowed funds in Docket No. CI61-104.

154.102(c) of the Commission's regulations,[10] we find that 7% per annum is a reasonable interest rate. Therefore, we will order United to pay interest on the escrowed funds at the rate of 7% per annum from the date of receipt of the escrowed funds until the date of disbursement.

The Commission finds: The settlement of these proceedings on the basis of the settlement proposal certified by the Presiding Administrative Law Judge to the Commission for approval on July 24, 1975, is just and reasonable and in the public interest in carrying out the provisions of the Natural Gas Act and should be approved and made effective provided that it is revised in accordance with Ordering Paragraph (A), below.

The Commission orders: (A) The settlement proposal certified to the Commission by the Presiding Administrative Law Judge on July 24, 1975, is incorporated by reference and is approved, subject to the revisions noted herein:

(1) Modify Paragraph A:

A. At any time within a two-year period commencing on the date that Commission approval of this Settlement Proposal is no longer subject to judicial review, Shell may request the total escrowed funds from United, together with interest at the rate of 7% per annum from the date such funds were placed in escrow until the date of distribution, and Tennessee, together with any interest accrued thereon to the date of distribution as set out in Exhibit No. 1 attached hereto.

(2) Modify Paragraph F:

F. If at the expiration of the two-year period provided for in Paragraph A above, there remains any of the escrowed funds which have not been spent on a Project Expenditure attributable to either United or Tennessee, and Shell has not requested an extension, United and Tennessee shall remove the remaining funds with interest accrued thereon from the escrow accounts and shall flow-through all such funds to their customers.

(3) Add the following new Paragraphs:

I. Escrowed funds received by Shell but not spent on a Project Expenditure within 60 days after the date of withdrawal will accrue interest at the rate of 7% per annum until spent or returned to United or Tennessee in accordance with Paragraph F.

J. Shell shall submit details of actual expenditures to the Commission either 90 days after exhaustion of all monies dedicated to Project Expenditure or at the close of the two-year life of the Project Expenditure, whichever is earlier.

K. If an expenditure hereunder results in the completion of a commercial oil well, then no part of that expenditure shall be credited against the Project Expenditure. The term "commercial oil well" for the purpose of this agreement shall mean a well which demonstrates, after having been put on production for a period of 120 days, that it has a gas-oil ratio of less than 25,000 standard cubic feet of natural gas produced to one barrel of separator liquids produced and will produce a volume of products sufficient to recover over the life of the well the costs of drilling and equipping the well, together with all operating costs, and return a profit to Shell. Shell shall within such period make these determinations utilizing all available data and applying geological and engineering practices customarily employed in the industry. Provided, also, if a commercial quantity of casinghead gas is produced from such commercial oil well then Tennessee and United shall have preferential rights to contract for the purchase of that gas on terms and conditions, including but not limited to, price and connection date, which are not less favorable to Shell than it could then obtain from any other interstate pipeline Purchaser.

L. If Shell includes a portion of the escrow funds in its refund reports filed pursuant to Opinion No. 598, Shell shall file an amended report excluding such money.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9724 Filed 4-5-76;8:45 am]

[10] Section 154.102(c) requires a producer to pay interest on refund money at the rate of 7% per annum for all filings tendered prior to October 10, 1974, and 9% per annum for all filings tendered on or after October 10, 1974. Both of United's certificates were issued prior to October 10, 1974.

[Docket No. E-9418]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Notice Deferring Dates

MARCH 26, 1976.

On March 23, 1976, South Carolina Electric and Gas Company (SCE&G) filed a motion to suspend the dates for filing briefs on exceptions and briefs opposing exceptions to the decision of the Administrative Law Judge issued on February 21, 1976, in the above docket. The time had been previously extended to March 26 and April 13, 1976, respectively, by notice issued March 18, 1976. SCE&G states that Staff Counsel and the City of Orangeburg, et al., do not oppose the requested deferral.

Upon consideration, notice is hereby given that the dates for filing briefs on exceptions and briefs opposing exceptions to the initial decision issued on February 2, 1976, in Docket No. E-9418 are deferred pending Commission action on the motion to withdraw the application for rate increase filed by SCE&G on March 16, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9720 Filed 4-5-76;8:45 am]

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

Investigation; Use of Project Lands and Waters

MARCH 19, 1976.

Attached to this Order is the report submitted to the Commission by Staff members designated in our Notice and Order of Investigation issued February 12, 1976.

By this Order we require South Carolina Public Service Authority (Licensee), Licensee for the Santee-Cooper Project No. 199, (Project) to file within 30 days from the date of this Order a detailed plan designed to correct the inadequacies of Licensee's current efforts to detect and control unauthorized construction, dredging and filling within or affecting the Project, as discussed in the attached report. We shall require Licensee's plan to include the measures set forth in the Ordering paragraph hereinbelow. The plan should be calculated to develop an inspection system which will ensure the Licensee's early detection of unauthorized actiivty occurring within or affecting the lands or waters of the Project. Additionally, we urge the Licensee to include any and all other measures it may deem necessary and appropriate to ensure the integrity of the Project and to give full effect to controlling law.

The plan to be submitted should relate not only to the Commission's Order to Cease Construction Activities and Consolidating Proceedings, issued March 13, 1975, but also to South Carolina Public Service Authority's responsibilities under its license, with particular reference to Licensee's request for authorization for certain construction activities without prior Commission approval, as set forth in its letter filed with the Commission on October 28, 1975.

By this initial Order we act neither upon the Order to Cease Construction Activities nor upon Licensee's request of October 28, 1975, both noted above.

The Commission finds: It is appropriate for purposes of the Federal Power Act and in the public interest to require South Carolina Public Service Authority, Licensee for the Santee-Cooper Project No. 199, to file the plan described in ordering paragraph (A), below.

The Commission orders: (A) South Carolina Public Service Authority shall file with the Commission, within 30 days of the date of this Order, a detailed plan calculated to correct the inadequacies of its current efforts to detect and control unauthorized activities within or affecting the Project, as discussed in the attached report. By way of example and not by limitation, the detailed plan required by this paragraph shall include:

(i) Systematic and regularly scheduled inspections of project lands and waters;

(ii) Systematic and regularly scheduled inspections of the project shoreline;

(iii) A centralized filing system enabling up-to-date and coordinated control over the various applications for construction, dredging and filling activities, etc., required by the Licensee and controlling law.

(iv) Provisions for the number of personnel adequate to meet the requirements of such inspections and procedures made necessary by this paragraph.

(B) The Secretary of the Federal Power Commission is hereby directed to serve a copy of this notice by registered mail upon the South Carolina Public Service Authority.

By the Commission.

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

Date: March 4, 1976.
Report to: The Commission.
From: Richard A. Azzaro and McNeill Watkins.
Subject: Investigation of Santee-Cooper Project No. 199 pursuant to Commission Notice and Order of Investigation issued February 12, 1976.

SUMMARY

Staff investigation reveals that the Commission's Order of March 13, 1975, has been violated extensively. Whether the violation has been willful or knowing is problematic, because it stems from Licensee's lack of knowledge and inaction, rather than its deliberate conduct. That the Commission's Order has been violated is the direct result of inadequate inspection and control procedures on the part of Licensee.

1. BACKGROUND

On March 13, 1975, the Commission issued an Order to Cease Construction Activities and Consolidating Proceedings (Order) in Project No. 199, Docket No. E-9110. The Commission had learned that numerous applications had been filed with the Army Corps of Engineers for permits to construct bulkheads, embankments and subimpoundments and to perform dredging and other excavation, all within the Project No. 199 boundary. In addition, a complaint had been filed with the Commission alleging that illegal dredging activities were taking place within the project boundary. None of the applications, nor the alleged dredging operation, had been the subject of applications filed with the Commission by Licensee. Accordingly, in order to review completed construction activities and to assess the cumulative impact of such construction, the Order required, inter alia, SCPSA to

cease or cause to have ceased all construction activities involving the use and alteration of project works, lands or waters which have not been specifically approved by this Commission * * *.

Application for Rehearing of the Order was dismissed on May 7, 1975, and SCPSA subsequently filed a petition for review of the Order with the United States Court of Appeals for the Fourth Circuit.

On October 28, 1975, SCPSA filed with the Commission a letter requesting that the Order be modified to authorize the construction of piers, boat docks, boat ramps, bulkheads and retaining walls to prevent shoreline erosion, and other structures without prior Commission approval. Licensee conceded the Commission's jurisdiction over such major operations as dredging, construction of canals, and construction of bulkheads which would substantially alter the project shoreline, and stated that it would "continue to do its best" to prevent such activities if the requested authorization were granted.

On December 24, 1975, an affidavit was filed with the Commission by a Fishery Biologist for the U.S. Fish and Wildlife Service, Charleston, South Carolina. The affidavit described dredging activities personally observed by affiant in an area within the project boundary known as the Deane Swamp Impoundment.

On February 2, 1976, a letter from the Corps of Engineers was filed with the Atlanta Regional Office. The Corps had concluded that three named individuals had completed unauthorized dredge and fill, boat slip excavation, and pier construction in an area within the project boundary. The letter requested comments on appropriate remedial measures.

On February 12, 1976, the Commission issued a Notice and Order of Investigation, directing the undersigned staff members to conduct an investigation of SCPSA's compliance with the March 13, 1975 Order and its license for Project No. 199.

2. STAFF ACTION

On February 10, 1976, Richard A. Azzaro, McNeill Watkins (Staff Attorneys, OGC) and Fred Springer (Engineer, Bureau of Power) proceeded to Charleston, South Carolina to implement an inquiry into alleged unauthorized project construction. Interviews were conducted with members of the U.S. Fish and Wildlife Service and the District Office, Army Corps of Engineers. Photographs and documentary evidence were obtained from these agencies. Inspections of the project were conducted on foot, by automobile, and by aircraft. Sworn statements were taken from appropriate SCPSA officers at their offices in Moncks Corner, South Carolina. Other officers were interviewed. Copies of relevant documents in Licensee's files were also obtained.

What follows is a report and findings of the investigation of SCPSA's compliance with the Commission's Order of March 13, 1975, and its license for Project No. 199.[1]

3. POST-MARCH 13, 1975, CONSTRUCTION AT PROJECT NO. 199

Staff made two inspections of the project: an aircraft flight lasting approximately 2½ hours; and an automobile-foot tour lasting about four hours. During that 6–7 hour period, Staff observed, either under construction or recently completed: 30–35 piers or boat docks; 10 bulkheads; 2 boat slip excavations; 5 dredging operations; 1 house. These are described more fully below.

From sources other than visual observation, Staff has evidence that the following have also been constructed at the project since March 13, 1975: 15 houses or dwelling structures; 25–50 piers or boat docks; 5 bulkheads; 2 boat slip or other excavations; 3 dredging or dragline operations.

This is in all likelihood not a comprehensive list, for, as discussed below, no one actually knows or has a record of exactly what construction takes place at the project.

DREDGING AND FILLING

In the area adjacent to Lake Marion immediately east of Wyboo Creek, known as Deane Branch (commonly referred to as the Deane Swamp Impoundment), a dragline operation was observed. Work was being carried on by two draglines, one on either side of a partial earthen plug. The canal extends through 300 feet of project land and continues another several hundred feet into private property. Sufficient earth moving activity has occurred on this private property to suggest that it is being prepared for improved subdivision. The draglines were working at the southern end of a canal which extended inland from waters of the Deane Swamp Impoundment. There are large spoil deposits along the canal banks, and signs of heavy earth moving equipment activity. Tracks and slide marks created by the draglines, coupled with the recent lubrication of equipment, the condition of the spoil, and fresh human footprints indicate recent dredging activity.

The dredging has caused a plume of sediment to extend from the canal into the waters of the Deane Swamp Impoundment. This dredging activity and the resulting sedimentation appears to be impacting upon a fish nursery area which, in addition, is the kind of habitat needed by the American Alligator (on the United States list of endangered species), found throughout Lake Marion.

Another dredge and fill incident occurred in the northeast side of Deane Swamp during December, 1975. However, it is not clear exactly what happened; the owner who was responsible for the initial dredging on project land (prior to March 13, 1975) told the licensee that he was "cleaning up" previously dredged canals. In any event, the Deane Swamp has been affected by this activity through sedimentation which is evidenced by a plume of turbidity.

At lot 9 in the General Moultrie I subdivision, in the Jacks Hole section of Lake Moultrie, a channel has been excavated with dredged material placed above and below the normal lake level, creating fast land. This channel, and fast land spoil deposits, continues through adjacent lots 10 and 11. On lot 10 a boat slip has been excavated, with a PVC point source discharge line emptying into the reservoir at the boat slip. At lot 11, in addition to the dredge and fill, a concrete boat ramp, two piers, and a 30-foot by 15-foot concrete block foundation have been constructed.

The construction at the Moultrie I subdivision is the subject of an investigation by the Corps of Engineers. Both the Corps and U.S. Fish and Wildlife Service consider the Jacks Hole construction to have had a significant impact on the area; Fish and Wildlife considers it to have worked irreparable damage to critically needed habitat. The construction has damaged much of the area's vegetation and has caused extreme turbidity of the water.

Staff observed several other, though less extensive, instances of dredging operations on Lakes Marion and Moultrie.

PIERS AND BULKHEADS

Staff found numerous examples of piers, boat docks, and bulkheads, either recently constructed or being constructed. Two types of bulkheads are constructed along the project shoreline: one is built at the mean high water line to protect against natural erosion caused by wave action from the windswept lake; the other type is built beyond the low water mark and backfilled, thus encroaching upon the lake and extending the lessee's usable or fast land. Staff encountered recently constructed examples of both types of bulkhead.

Various materials are used in the construction of bulkheads, including wood, sheetpiling, concrete, or combinations of these. Use of riprap is rare.

Licensee itself constructed a bulkhead in January at the Calhoun subdivision on Lake Marion. The bulkhead is an erosion-control device designed to preserve an access road, consists of concrete block, and is about 40-feet long. Licensee views this construction work as project maintenance.

HOUSES OR DWELLINGS

At least 15 houses have been constructed on project lands since the Commission's March 13, 1975, Order, and perhaps more.

[1] Statements of fact in this report are drawn from Staff's visual observations and/or documents and photographs in the investigatory file. Because there is a plethora of documentary evidence, no cross-reference is made to individual documents. The investigatory file has not been made public.

Licensee approved the 15 in writing, but gave no additional approvals after May, 1975.

1. LICENSEE'S COMPLIANCE WITH COMMISSION ORDERS

COMMUNICATIONS TO LESSEES

Shortly after the issuance of the March 13 Order, SCPSA had legal notices published in newspapers for each county in which the project is located, as well as the cities of Charleston and Columbia, South Carolina. The Order received some attention in various newspapers serving the area surrounding Project No. 199.

SCPSA had at one point prepared letters discussing the Order to every lessee of project property, but for unknown reasons the letters and addressed envelopes were discarded.

STAFF MEETINGS

Licensee's General Manager held several staff meetings at which the Order was discussed and responsibility for compliance was delegated to various personnel. Apparently each officer was given a copy of the Order and verbally instructed to ensure compliance within their respective areas of corporate responsibility.

OTHER GOVERNMENT AGENCIES

SCPSA contacted and maintained communication with several State and Federal agencies, including the Corps of Engineers and the Fish and Wildlife Service. There appears to be a general spirit of cooperation between Licensee and the Corps and Fish and Wildlife which is manifested by the Licensee's express desire to be told of unauthorized construction found by those agencies. In fact, Licensee expressly relies upon the inspection and investigative procedures of these agencies, because as discussed below, it has no comparable inspection procedures of its own.

Licensee does not receive copies of permits issued by the Corps of Engineers for construction or dredging on Lakes Marion or Moultrie, but does receive a monthly summary of permits so issued. SCPSA also receives notices from the Corps for each permit application filed for construction on the project lakes. When it receives notice that a permit has been issued or applied for, SCPSA advises the lessee/applicant by letter that prior approval of construction must also be obtained from the Commission. The letter, which follows the same general format in each case, specifically refers to the March 13, 1975 Order. According to SCPSA, 75–100 such letters have been mailed since the Order was issued.

Some time after March 13, 1975, the Licensee contacted the Corps of Engineers and requested them to hold up the issuance of permits pending resolution of the Commission's Order. This request was complied with until the District Engineer's supervisors instructed him that he had no choice but to issue the permits.

LICENSEE'S INSPECTION PROCEDURES

SCPSA personnel were verbally advised of the Commission's Order and given the opportunity to read and have continuous access to it. However, no inspection procedure was established to ensure compliance with the Order, and apart from a single comprehensive inspection tour lasting 3 days in October, 1975, there have been no such inspections since 1973, at the latest. Consequently, surveillance has been completely random and Licensee's knowledge regarding construction at the project has depended upon reports from field personnel carrying out maintenance operations or other assignments on foot and by automobile. Given the random character of these operations, the SCPSA official responsible for supervising developed project areas could not represent that he or any other officer would or could have knowledge of construction at the project, or even that SCPSA's inspections cover or have covered all of the project's developed area and shoreline.

SCPSA does have a special inspection program of piers and boat docks, calculated to ensure lessees' compliance with prescribed specifications. However, these inspections ceased in March, 1975, because Licensee assumed that there would be no new construction following the Commission's Order, notwithstanding reports of several violations.

Two different employees of Licensee stated their opinions that Licensee does not have adequate personnel to perform the field work necessary to survey and control construction at the project. Internal memoranda indicate that one employee directly responsible for field work has recommended to his superiors that more personnel be hired, that a regular schedule of comprehensive inspections (such as the one of October, 1975) be established, and that a system of identification of approved structures be implemented—such as affixing small signs or medallions to structures approved by the Authority.

ACTIONS RESPECTING CONSTRUCTION

As stated above, Licensee has responded to applications and permits noticed by the Corps of Engineers by sending the Lessee involved a letter. However, Licensee did not follow up to see whether proposed construction in fact took place.

When SCPSA or its agents have become aware of pier, bulkhead, or boat dock construction at the project, the response has been various. SCPSA has on some occasions demanded dismantlement of unauthorized structures, and/or restoration of landscape.[2] Other unauthorized structures have been "handled" informally, and not recorded.

As to the dredge and fill activities discussed above, Licensee became aware of them only after being notified by the Corps of Engineers or Fish and Wildlife. In each case where the dredging was still being carried out, Licensee notified the parties responsible that the activity must stop and that restoration of project lands may be required. Licensee has otherwise taken no further steps. Staff was informed that resolution of each matter is undecided or still pending.

To Licensee's credit, it should be noted that prior to March 13, 1975, SCPSA had entered into a lease agreement with a private firm for the construction of a steel recovery plant in the tailrace area of the Moultrie dam. When the Commission's Order was issued, SCPSA was forced to breach the lease and reimbursed lessee $63,769.50 for the cost of site preparation and other expenses incurred by lessee in reliance on the lease agreement.

5. CONCLUSION

There has been a significant amount of construction activity at Project No. 199 since March 13, 1975, including construction of houses, bulkheads, piers, boat docks, boat slips, boat ramps, and dredging and filling. All such activity within the project boundary was unauthorized and violated the Commission's Order to Cease Construction Activities.

It makes no difference that SCPSA itself did not carry out this construction, for the Order required it to "cease or cause to have ceased" all such activity. SCPSA either would not or more likely given its inspection procedures, could not control construction within the project boundaries.

Whether SCPSA's violation of the Order has been "willful or knowing" is problematic, for the evidence gathered by Staff indicates that Licensee did make efforts to stop construction of which it had actual notice. But the current unstructured, random plan of inspection, which includes primary reliance upon the inspections of the Corps of Engineers and the U.S. Fish and Wildlife Service, is demonstrably unreliable. For example, the SCPSA officer directly responsible for supervision of developed project lands stated that he had no knowledge of most of the construction activities that Staff observed on a visual inspection lasting only 4 hours.

The unique size and configuration of Project No. 199 requires a far more deliberate and organized effort on the part of the Licensee. This is important not only for purposes of the March 13, 1975 Order, which was intended to be effective only until the Commission could assess the impacts of prior construction, but also for SPCSA's responsibilities as a licensee. Given SCPSA's current lack of control over construction at the project, it appears that to grant SCPSA's pending request for authorization to allow certain construction without prior Commission approval (SCPSA's letter filed October 28, 1975), would be to give lessees carte blanche to undertake practically any construction.

Licensee's officers stated to Staff on several occasions during the investigation that it is humanly impossible to control activities on and around a project the size of Lakes Marion and Moultrie. While it is true that the lakes are enormous (there are approximately 475 miles of shoreline), Licensee has stated that developed shoreline constitutes only 14.5 percent of the total, and that only 4.6 percent of total project acreage has been leased for recreational purposes. Construction invariably takes place at developed portions of the project. Moreover, it appears that Licensee's inspection of undeveloped project lands, administered independently of its developed land management program, is well-organized and effective to prevent auauthorized third-party activity on project lands.

Licensee's personnel were cooperative during the investigation, and seemed more confused than resentful during its conduct.

Respectfully submitted,

RICHARD A. AZZARO,
MCNEILL WATKINS,
Office of the General Counsel.

[FR Doc.76–9751 Filed 4–5–76;8:45 am]

[Rate Schedule Nos. 359, et al.]

SUN OIL CO., ET AL.

Rate Change Filings Pursuant to Commission's Opinion No. 699–H

MARCH 29, 1976.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699–H, issued December 4, 1974. Pursuant to Opinion No. 699–H the rates, if accepted, will become effective as of the date of filing.

[2] Where SCPSA has demanded that structures be dismantled, the primary reason appears to be that the structure does not meet SCPSA's specifications—without regard to whether the construction represented a violation of the Commission's Order. Thus, structures meeting SCPSA's requirements, though constructed after March 13, 1975, are given tacit approval.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before April 8, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Mar. 10, 1976	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	[1] 359	Natural Gas Pipeline Co. of America.	Hugoton-Anadarko.
Mar. 11, 1976	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	98	Arkansas Louisiana Gas Co.	Other Southwest.
Do	do	99	do	Do.
Do	do	[2] 317	do	Do.
Mar. 15, 1976	Phillips Petroleum Co., Bartlesville, Okla. 74004.	[3] 583	Natural Gas Pipeline Co. of America.	Hugoton-Anadarko.
Do	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	161	do	Do.

[1] Proposes to also cover sales under Sun Oil Co. rate schedule Nos. 110, 322, 354, 360, and 451.
[2] Tentative designation. Replacement contract proposes to cover sales formerly made under Tenneco's rate schedule Nos. 71 and 74.
[3] Replaces Phillips rate schedule No. 474.

[FR Doc.76 9747 Filed 4-5-76;8:45 am]

[Docket No. RP75-56]

TEXAS GAS PIPE LINE CORP.

Order Approving Settlement

MARCH 29, 1976.

On January 24, 1975, Texas Gas Pipe Line Corporation ("Texas Gas" filed proposed changes in its FPC Gas Tariff.[1] The changes would increase revenues from jurisdictional sales and services by $1,644,141, based on the twelve month period ending October 31, 1974, as adjusted. Texas Gas proposed an effective date of March 10, 1975.

Notice of the filing was issued on January 31, 1975, with protests or petitions to intervene due on or before February 13, 1975. A timely petition to intervene was filed by Texas Eastern Transmission Corporation ("Texas Eastern") on February 12, 1975. An untimely petition to intervene was filed by Transcontinental Gas Pipe Line Corporation ("Transco") on March 31, 1975.

On March 7, 1975, the Commission issued an Order by which the proposed tariff sheets were accepted for filing and suspended for five months until August 10, 1975, at which time Texas Gas placed them into effect subject to refund. The matter was set for hearing and Texas Eastern's petition to intervene was granted. Intervention by Transco was granted by Order issued April 8, 1975.

After settlement conferences, Texas Gas filed a Stipulation and Agreement on December 17, 1975, which, Texas Gas states, represents agreements by all parties on all issues in the proceeding. Public notice of the proposed settlement was issued on December 30, 1975, with comments, protests or further petitions to intervene due on or before January 15, 1976. On January 13, 1976, the Commission Staff filed a Comment expressing Staff's view that the proposed Stipulation and Agreement represents a reasonable resolution of all issues presented in the proceeding.

The Agreement contains six articles, three appendices and a Company verification. The provisions of the articles are as follows:

ARTICLE I

The stipulated cost of service is $1,828,227 for the twelve month period ending October 31, 1974, as adjusted.[2] An overall rate of return of 9.22% is allowed on a rate base of $851,124. The allowed return on equity is 9.9%. The capitalization utilized was that of Texas Gas' parent, Allied Chemical Company.[3] The settlement allowance for Federal income taxes is computed on the basis of the imputed debt/equity structure.

ARTICLE II

Within ten days after the Commission approves the proposed settlement, the Company shall file a tariff sheet containing the settlement rates, such rates being identified in this article and an appendix. The settlement rates shall, after Commission approval, become effective on August 10, 1975.

ARTICLE III

Within ten days after the date on which the Commission's order approving the proposed settlement becomes final and no longer subject to judicial review, Texas Gas shall make refunds to its two jurisdictional customers. Refunds shall be made for amounts collected during two time periods. For the period from August 10, 1975, to and including October 2, 1975, the parties have agreed that Texas Gas shall refund $19,460.77 to Transco and $9,805.04 to Texas Eastern, excluding interest. For the period from October 3, 1975, to the date on which the proposed settlement becomes effective and the rates expressed in Article II become currently billable, Texas Gas shall refund the difference revenues actually collected during that period and the revenues which would have been collected if the settlement rates had been in effect. These refunds will be calculated on the basis of actual delivered volumes. Interest calculated at the rate of nine (9) percent per annum shall be added to all amounts to be refunded.

ARTICLE IV

The proposed Agreement shall become effective only if either it is approved by the Commission in its entirety or any condition or modification imposed by the Commission is accepted by Texas Gas and only if the Commission waives requirements of its Rules and Regulations as necessary to carry out the provisons of the proposed settlement.

ARTICLE V

No party to the proposed Agreement shall be deemed to have approved or consented to any ratemaking principle or any allocation underlying any of the rates or refunds proposed in the Agreement.

ARTICLE VI

The proceeding in Docket No. RP75-56 shall terminate upon the effectiveness of the proposed settlement.

The appendices to the Stipulation and Agreement set forth the settlement cost of service, the proposed allocation of the cost of service and the settlement rates for Texas Gas' two jurisdictional customers. Also attached is a copy of Texas Gas' FPC Gas Tariff First Revised Sheet No. 4A showing the settlement rates and the base purchased gas cost on Texas Gas' system.

The settlement cost of service contains an allowance for increased purchased gas cost. At the time of filing its proposed rate change in this docket, Texas Gas did not have a purchased gas cost adjustment ("PGA") clause in its tariff. Subsequently, on October 24, 1975, in Docket No. RP76-30, the Company filed a PGA clause. The proposed clause was approved by the Commission in a letter order dated November 17, 1975, and was made effective on the filing date. For the Company to recover fully the purchased gas costs incurred before filing its PGA clause, however, it had to include in its settlement cost of service the price increases imposed by its gas suppliers prior to the date on which its PGA clause became effective. The parties agreed to adjust the cost of service to include those purchased gas cost increases incurred by Texas Gas from August 10, 1975 to October 2, 1975, the first of the two periods mentioned in Article III for which refunds shall be made.

The proposed settlement rates reflect an allocation of costs between Texas Gas'

[1] *Designated:* FPC Gas Tariff First Revised Volume No. 1, First Revised Sheet No. 5 and First Revised Sheet No. 8.

[2] The settlement cost of service is shown in Appendix A.

[3] The settlement capitalization is shown in Appendix B.

two jurisdictional customers,[4] Transco and Texas Eastern, based upon annual sales volumes, with minor modifications. Rates for Texas Eastern are designed volumetrically and the rates for Transco are designed on a two part demand-commodity basis that, by operation of a demand charge adjustment clause, approaches a volumetric rate design.

The Commission's review of the proposed settlement, Staff's comments and the related record indicates that the settlement is a reasonable and appropriate resolution of the issues raised in this proceeding and that the public interest would be served by Commission acceptance and approval of the settlement.

The Commission finds: The proposed settlement of this proceeding as filed with the Commission by Texas Gas on December 17, 1975, is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act. It accordingly should be approved as hereinafter ordered.

The Commission orders: (A) The proposed settlement filed by Texas Gas on December 17, 1975, as a settlement of the issues involved in this proceeding is incorporated herein by reference, approved, and adopted.

(B) Texas Gas shall file within ten (10) days of the issuance of this order a tariff sheet which conforms with the settlement agreement approved herein.

(C) Within ten (10) days following the date on which this order becomes final and non-appealable, Texas Gas shall make refunds, to its jurisdictional customers in accordance with the terms and conditions of the settlement agreement.

(D) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order in any proceeding now pending or hereafter instituted by or against Corporation or any person or party.

(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.

APPENDIX A.—*Texas Gas Pipe Line Corp.*

[Settlement cost of service and allocation, FPC docket No. RP75-56]

Description	Total cost of service	Trans-continental	Texas Eastern	Union Texas
Operating expenses:				
Purchased gas costs	$1,143,307	$1,025,995	$117,312	
Transmission expenses:				
Supervision and engineering	13,483	12,832	188	$463
Compressor station expenses	41,064	41,061		
Compressor station fuel	17,923	17,923		
Transmission and compression by others	46,495	33,052	13,443	
Other transmission expenses	12,172	9,603	744	1,825
Total transmission expenses	131,137	114,474	14,375	2,288
General and administrative expenses	67,241	63,996	939	2,306
Total operating expenses	1,641,685	1,201,465	432,626	4,594
Depreciation	55,920	44,115	3,418	8,387
Taxes other than Federal income taxes	13,874	10,945	818	2,081
Federal income taxes	38,274	30,194	2,340	5,740
Return	78,474	61,908	4,797	11,769
Total cost of service	1,828,227	1,351,627	444,029	32,571

APPENDIX B.—*Texas Gas Pipe Line Corp. settlement capitalization*[1]*—docket No. RP75-56*

[In percent]

	Imputed capital ratios	Cost factor	Weighted totals
Long-term debt	23.75	7.04	1.67
Common equity	76.25	9.90	7.55
	100.00		9.22

[1] The settlement capitalization is the imputed capitalization of Texas Gas' parent, Allied Chemical Corp.

[FR Doc.76-9749 Filed 4-5-76;8:45 am]

[4] Texas Gas mades no non-jurisdictional sales.

[Docket Nos. AR64-2; AR67-1, et al.]

TEXAS GULF COAST AREA AND OTHER SOUTHWEST AREA

Rate Proceeding; Extension of Time

MARCH 25, 1976.

A number of producer respondents have filed requests for an extension of time within which to comply with the refund requirements prescribed by ordering paragraphs (a) of the separate orders issued in the above-entitled proceedings on February 23, 1976.

Upon consideration and for good cause shown, the time for complying with ordering paragraphs (a) is extended for 60 days, from April 1, 1976 to June 1, 1976.

In view of the above extension, the time for filing of refund plans by purchasers under ordering paragraphs (c) is extended from June 1, 1976 to August 2, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9714 Filed 4-5-76;8:45 am]

[Docket No. CP76-302]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

MARCH 26, 1976.

Take notice that on March 15, 1976, Transcontinetal Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-302 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 3.95 miles of 16-inch pipeline in the Brazos area, offshore Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to construct approximately 3.95 miles of 16-inch pipeline between production facilities in Brazos Block A-70 and Applicant's existing pipeline facilities in Brazos Block A76, and appurtenant metering, regulating and connecting facilities. Applicant states that it has entered into advance payment agreements with Cities Service Oil Company, Getty Oil Company, Skelly Oil Company and Sun Oil Company covering their respective 25 percent interests in the Brazos Block A-70 field and expects to enter into gas purchase contracts with such producers. Applicant alleges that initial daily deliveries projected for April 1977 would be in the range from 60,000 Mcf to 80,000 Mcf of gas per day.

Applicant estimates that the total cost of the proposed facilities would be approximately $3,685,000, which costs would be financed initially from available company funds and short-term borrowings, with permanent financing to be arranged as a part of an overall financing program to be arranged in the future.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 22, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the pro-

testants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9717 Filed 4-5-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Rule 19, Ex Parte No. 241, Exemption No. 121]

THE BALTIMORE AND OHIO RAILROAD CO. ET AL.

Exemption of the Mandatory Car Service Rules

To: The Baltimore and Ohio Railroad Company; The Chesapeake and Ohio Railway Company, Norfolk and Western Railway Company, Western Maryland Railway Company.

It appearing, That The Baltimore and Ohio Railroad Company (BO), The Chesapeake and Ohio Railway Company (CO), the Norfolk and Western Railway Company (N&W), and the Western Maryland Railway Company (WM) have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 398, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GH", "GS", "GT", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the BO, CO, N&W, and WM without regard to the requirements of Car Service Rules 1 and 2.

Reporting marks			
BO	CO	N&W	WM
BO	CO	NKP P&WV VGN WAB N&W	WM

Effective April 1, 1976.

Expires May 31, 1976.

Issued at Washington, D.C., March 29, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-9833 Filed 4-5-76;8:45 am]

[Rule 19, Ex Parte No. 241, Amendment No. 5 to Exemption No. 95]

BESSEMER AND LAKE ERIE RAILROAD CO. AND NORFOLK AND WESTERN RAILWAY CO.

Exemption of the Mandatory Car Service Rules

Upon further consideration of Exemption No. 95 issued February 5, 1975.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 95 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire June 30, 1976.

This amendment shall become effective March 31, 1976.

Issued at Washington, D.C., March 23, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-9834 Filed 4-5-76;8:45 am]

[Rule 19, Ex Parte 241, Exemption No. 117-A]

DETROIT, TOLEDO AND IRONTON RAILROAD CO.

Exemption of the Mandatory Car Service Rules

To: Detroit, Toledo and Ironton Railroad Company, Erie Lackawanna Railway Company, Thomas F. Patton and Ralph S. Tyler, Jr., Trustees.

Upon further consideration of Exemption No. 117, issued March 4, 1976, and good cause appearing therefor:

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 117 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby, vacated and set aside.

Effective 12:01 a.m., April 1, 1976.

Issued at Washington, D.C., March 29, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-9838 Filed 4-5-76;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption No. 118-A]

ERIE LACKAWANNA RAILWAY CO.

Exemption of the Mandatory Car Service Rules

To: Erie Lackawana Railway Company, Thomas F. Patton and Ralph S. Tyler, Jr., Trustees. Reading Company, Andrew L. Lewis, Jr. and Joseph L. Castle, Trustees.

Upon further consideration of Exemption No. 118, issued March 8, 1976, and good causc appearing therefor:

It is ordered, That, under the authority vested in me by Car Scrvice Rule 19, Exemption No. 118 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby, vacated and set aside.

Effective 12:01 a.m., April 1, 1976.

Issued at Washington, D.C., March 29, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-9835 Filed 4-5-76;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption No. 114-A]

LEHIGH VALLEY RAILROAD CO.

Exemption of the Mandatory Car Service Rules

To: Lehigh Valley Railroad Company (Robert C. Haldeman, Trustee). Reading Company, Andrew L. Lewis, Jr. and Joseph L. Castle, Trustees.

Upon further consideration of Exemption No. 114, issued March 4, 1976, and good cause appearing therefor:

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 114 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby, vacated and set aside.

Effective 12:01 a.m., April 1, 1976.

Issued at Washington, D.C., March 29, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-9836 Filed 4-5-76;8:45 am]

[Rule 19, Ex Parte 241, Exemption No. 56-A]

PENN CENTRAL TRANSPORTATION CO.

Exemption of the Mandatory Car Service Rules

To: Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees. Erie Lackawanna Railway Company, Thomas F. Patton and Ralph S. Tyler, Jr., Trustees.

Upon further consideration of Exemption No. 56, issued October 31, 1973, and good cause appearing therefor:

It is ordered, That, under the authority vested in me by Car Service Rule 19,

Exemption No. 56 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby, vacated and set aside.

Effective 12:01 a.m., April 1, 1976.

Issued at Washington, D.C., March 29, 1976.

INTERSTATE COMMERCE COMMISSION,

[SEAL] LEWIS R. TEEPLE, *Agent.*

[FR Doc.76-9837 Filed 4-5-76;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption No. 107-A]

PENN CENTRAL TRANSPORTATION CO.

Exemption of the Mandatory Car Service Rules

To: Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees; Seaboard Coast Line Railroad Company.

Upon further consideration of Exemption No. 107, issued March 1, 1976, and good cause appearing therefor:

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 107 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby, vacated and set aside.

Effective 11:59 p.m., March 31, 1976.

Issued at Washington, D.C., March 23, 1976.

INTERSTATE COMMERCE COMMISSION,

[SEAL] LEWIS R. TEEPLE, *Agent.*

[FR Doc.76-9832 Filed 4-5 76;8:45 am]

[Notice No. 17]

ASSIGNMENT OF HEARINGS

APRIL 1, 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.

AB 7 Sub 12, Chicago, Milwaukee, St. Paul and Pacific Railroad Company Abandonment between Hopkinton and Jackson Junction In Delaware, Clayton, Fayette, and Winneshiek Counties, Iowa, now assigned May 11, 1976, at West Union, Iowa, will be held at the City Hall, Main Street.

MC 43263 Sub 1, Scholastic Transit Co., now assigned May 17, 1976, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 51146 Sub 441, Schneider Transport, Inc., now assigned May 14, 1976, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 210 South Dearborn Street.

MC-F-12731, American Commercial Lines, Inc.—control—All American, Inc., and Midwest Coast Transport, Inc., now assigned June 14, 1976, at Chicago, Ill., is canceled and reassigned for April 28, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 106088 (Sub 7), William O. Hopkins now being assigned June 14, 1976 (1 day), at Chicago, Illinois, in a hearing room to be later designated.

MC 141425, Thunder Express, Ltd., now being assigned June 15, 1976 (1 day), at Chicago, Illinois, in a hearing room to be later designed.

MC 141456, Midland Truck Line, Inc., now being assigned June 16, 1976 (1 day), at Chicago, Illinois, in a hearing room to be later designated.

MC 123670 (Sub 14), Crowel Trucking, Inc., now being assigned June 17, 1976 (2 days), at Chicago, Illinois, in a hearing room to be later designated.

MC 106603 (Sub 146), Direct Transit Lines, Inc., now being assigned May 19, 1976 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC 135284 (Sub 4), Fleetwood Transportation Corp. now being assigned May 20, 1976 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC 136343 (Sub 65), Milton Transportation, Inc., now being assigned May 21, 1976 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC 124783 Sub 16, Kato Express, Inc., now assigned May 11, 1976, at Elizabethtown, Ky., is postponed to May 12, 1976 (3 days), at Elizabethtown, Ky., in a hearing room to be later designated.

MC 135364 Sub 25, Morwall Trucking, Inc., now being assigned June 17, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 117956 Sub 10, Scott Transfer Co., Inc., now being assigned June 9, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 136100 Sub-4, K & K Transportation Corp., now being assigned June 16, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 108341 Sub-38, Moss Trucking Company, Inc., now being assigned June 17, 1976, at the Offices of the Interstate Commerce Commission Washington, D.C.

MC 135684 Sub 18, Bass Transportation Co., Inc., now being assigned June 30, 1976, at the Offices of the Interstate Commission, Washington, D.C.

MC 114273 Sub-242, Crst, Inc., now being assigned July 1, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

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

[FR Doc.76-9839 Filed 4-5-76;8:45 am]

[Notice No. 18]

ASSIGNMENT OF HEARINGS

APRIL 1, 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.

Correction

MC 139495 (Sub 111), National Carriers, Inc. now being assigned June 16, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C., instead of June 6, 1976, at the Offices of the Interstate Commerce Commission in Washington, D.C.

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

[FR Doc.76-9840 Filed 4-5-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 1, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43142—*Beet or Cane Sugar from Points in Western Trunk Line Territory.* Filed by Western Trunk Line Committee, Agent (No. A-2724), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk, in carloads, as described in the application, from points in western trunk-line territory, to points in Illinois, Indiana, Missouri, and Wisconsin.

Grounds for relief—Returned shipments and rate relationship.

Tariff—Supplement 179 to Western Trunk Line Committee, Agent, tariff 159-0, I.C.C. No. A-4481. Rates are published to become effective on May 3, 1976.

By the Commission.

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

[FR Doc.76-9841 Filed 4-5-76;8:45 am]