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FRIDAY, AUGUST 13, 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.)

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List of Public Laws

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

H.R. 14233 ..... Pub. Law 94–378 Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1977. (Aug. 9, 1976; 90 Stat. 1095)

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	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 program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER C—CIVIL RIGHTS

PART 230—EXTERNAL PROGRAMS

Construction Contract Equal Opportunity Compliance Procedures

● *Purpose.* The purpose of this document is to provide public notice regarding standardized Federal Highway Administration policies and procedures in implementation and review of construction contract equal opportunity compliance. ●

The matters affected relate to grants, benefits, or contracts within the purview of 5 U.S.C. 553(a)(2), thus general notice of proposed rulemaking is not required.

Effective date: August 30, 1976.

Issued on August 4, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.

23 CFR, Chapter I is amended by adding a new subpart D to Part 230, reading as follows:

Subpart D—Construction Contract Equal Opportunity Compliance Procedures

AUTHORITY: 23 U.S.C. 140(a), 315; E.O. 11246; 41 CFR 60–1; 49 CFR 1.48.

Subpart D—Construction Contract Equal Opportunity Compliance Procedures

§ 230.401 Purpose.

The purpose of the regulations in this subpart is to prescribe policies and procedures to standardize the implementation of the equal opportunity contract compliance program, including compliance reviews, consolidated compliance reviews, and the administration of areawide plans.

§ 230.403 Applicability.

The procedures set forth hereinafter apply to all nonexempt direct Federal and Federal-aid highway construction contracts and subcontracts, unless otherwise specified.

§ 230.405 Administrative responsibilities.

(a) *Federal Highway Administration (FHWA) responsibilities.*

(1) The FHWA has the responsibility to ensure that contractors meet contractural equal opportunity requirements under E.O. 11246, as amended, and Title 23, United States Code, and to provide guidance and direction to States in the development and implementation of a program to assure compliance with equal opportunity requirements.

(2) The Federal Highway Administrator or a designee may inquire into the status of any matter affecting the FHWA equal opportunity program and, when considered necessary, assume jurisdiction over the matter, proceeding in coordination with the State concerned. This is without derogation of the authority of the Secretary of Transportation, Department of Transportation (DOT), the Director, DOT Departmental Office of Civil Rights (OCR) or the Director, Office of Federal Contract Compliance Programs (OFCCP), Department of Labor.

(3) Failure of the State highway agency (SHA) to discharge the responsibilities stated in § 230.405(b)(1) may result in DOT's taking any or all of the following actions (see Appendix A to 23 CFR Part 630, Subpart C "Federal-aid project agreement"):

(i) Cancel, terminate, or suspend the Federal-aid project agreement in whole or in part;

(ii) Refrain from extending any further assistance to the SHA under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the SHA; and

(iii) Refer the case to an appropriate Federal agency for legal proceedings.

(4) Action by the DOT, with respect to noncompliant contractors, shall not relieve a SHA of its responsibilities in connection with these same matters; nor is such action by DOT a substitute for corrective action utilized by a State under applicable State laws or regulations.

(b) *State responsibilities.*

(1) The SHA's, as contracting agencies, have a responsibility to assure compliance by contractors with the requirements of Federal-aid construction contracts, including the equal opportunity requirements, and to assist in and cooperate with FHWA programs to assure equal opportunity.

(2) The corrective action procedures outlined herein do not preclude normal contract administration procedures by the States to ensure the contractor's completion of specific contract equal opportunity requirements, as long as such procedures support and sustain the objectives of E.O. 11246, as amended. The State shall inform FHWA of any actions taken against a contractor under normal State contract administration procedures, if that action is precipitated in whole or in part by noncompliance with equal opportunity contract requirements.

§ 230.407 Definitions.

For the purpose of this subpart, the following definitions shall apply, unless the context requires otherwise:

(a) "Actions," identified by letter and number, shall refer to those items identified in the process flow chart. (Appendix D);

(b) "Affirmative Action Plan" means a written positive management tool of a total equal opportunity program indicating the action steps for all organizational levels of a contractor to initiate and measure equal opportunity program progress and effectiveness. (The Special Provisions [23 CFR 230 A, Appendix A] and areawide plans are Affirmative Action Plans.);

(c) "Affirmative Actions" means the efforts exerted towards achieving equal opportunity through positive, aggressive, and continuous result-oriented measures to correct past and present discriminatory practices and their effects on the conditions and privileges of employment. These measures include, but are not limited to, recruitment, hiring, promotion, upgrading, demotion, transfer, termination, compensation, and training;

(d) "Areawide Plan" means an Affirmative Action Plan approved by the Department of Labor to increase minority and female utilization in crafts of the construction industry in a specified geographical area pursuant to E.O. 11246, as amended, and taking the form of either a "Hometown" or an "Imposed" Plan.

(1) "Hometown Plan" means a voluntary areawide agreement usually developed by representatives of labor unions, minority organizations, and contractors, and approved by the OFCCP for the purpose of implementing the equal employment opportunity requirements pursuant to E.O. 11246, as amended,

(2) "Imposed Plan" means mandatory affirmative action requirements for a specified geographical area issued by OFCCP and, in some areas, by the courts;

(e) "Compliance Specialist" means a Federal or State employee regularly employed and experienced in civil rights policies, practices, procedures, and equal opportunity compliance review and evaluation functions;

(f) "Consolidated Compliance Review" means a review and evaluation of all significant construction employment in a specific geographical (target) area;

(g) "Construction" shall have the meanings set forth in 41 CFR 60–1.3(e) and 23 U.S.C. 101(a). References in both definitions to expenses or functions incidental to construction shall include preliminary engineering work in project development or engineering services performed by or for a SHA;

(h) "Corrective Action Plan" means a contractor's unequivocal written and signed commitment outlining actions taken or proposed, with time limits and goals, where appropriate to correct, compensate for, and remedy each violation of the equal opportunity requirements as specified in a list of deficiencies. (Sometimes called a conciliation agreement or a letter of commitment.);

(i) "Contractor" means any person, corporation, partnership, or unincorporated association that holds a FHWA direct or federally assisted construction contract or subcontract regardless of tier;

(j) "Days" shall mean calendar days;

(k) "Discrimination" means a distinction in treatment based on race, color, religion, sex, or national origin;

(l) "Equal Employment Opportunity" means the absence of partiality or distinction in employment treatment, so that the right of all persons to work and advance on the basis of merit, ability, and potential is maintained;

(m) "Equal Opportunity Compliance Review" means an evaluation and determination of a nonexempt direct Federal or Federal-aid contractor's or subcontractor's compliance with equal opportunity requirements based on:

(1) Project Work Force—employees at the physical location of the construction activity;

(2) Area Work Force—employees at all Federal-aid, Federal, and non-Federal projects in a specific geographical area as determined under § 230.409(b)(9); or

(3) Home Office Work Force—employees at the physical location of the corporate, company, or other ownership headquarters or regional managerial offices, including "white collar" personnel (managers, professionals, technicians, and clericals) and any maintenance or service personnel connected thereto;

(n) "Equal Opportunity Requirements" is a general term used throughout this document to mean all contract provisions relative to equal employment opportunity (EEO), subcontracting, and training;

(o) "Good Faith Effort" means affirmative action measures designed to implement the established objectives of an Affirmative Action Plan;

(p) "Show Cause Notice" means a written notification to a contractor based on the determination of the reviewer (or in appropriate cases by higher level authority) to be in noncompliance with the equal opportunity requirements. The notice informs the contractor of the specific basis for the determination and provides the opportunity, within 30 days from receipt, to present an explanation why sanctions should not be imposed;

(q) "State highway agency" (SHA) means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term "State" should be considered equivalent to "State highway agency." With regard to direct Federal contracts, references herein to SHA's shall be considered to refer to FHWA regional offices, as appropriate.

§ 230.409 Contract compliance review procedures.

(a) *General.* A compliance review consists of the following elements:

(1) Review Scheduling (Actions R–1 and R–2).

(2) Contractor Notification (Action R–3).

(3) Preliminary Analysis (Phase I) (Action R–4).

(4) Onsite Verification and Interviews (Phase II) (Action R–5).

(5) Exit Conference (Action R–6).

(6) Compliance Determination and Formal Notification (Actions R–8, R–9, R–10, R–11, R–12).

The compliance review procedure, as described herein and in Appendix D provides for continual monitoring of the employment process. Monitoring officials at all levels shall analyze submissions from field offices to ensure proper completion of procedural requirements and to ascertain the effectiveness of program implementation.

(b) *Review scheduling (Actions R–1 and R–2).* Because construction work forces are not constant, particular attention should be paid to the proper scheduling of equal opportunity compliance reviews. Priority in scheduling equal opportunity compliance reviews shall be given to reviewing those contractor's work forces:

(1) Which hold the greatest potential for employment and promotion of minorities and women (particularly in higher skilled crafts or occupations);

(2) Working in areas which have significant minority and female labor forces within a reasonable recruitment area;

(3) Working on projects that include special training provisions; and

(4) Where compliance with equal opportunity requirements is questionable. (Based on previous PR–1391's (23 CFR 230A, Appendix C) Review Reports and Hometown Plan Reports).

In addition, the following considerations shall apply:

(5) Reviews specifically requested by the Washington Headquarters shall receive priority scheduling;

(6) Compliance Reviews in geographical areas covered by areawide plans would normally be reviewed under the Consolidated Compliance Review Procedures set forth in § 230.415.

(7) Reviews shall be conducted prior to or during peak employment periods.

(8) No compliance review shall be conducted that is based on a home office work force of less than 15 employees unless requested or approved by Washington Headquarters; and

(9) For compliance reviews based on an area work force (outside of areawide plan coverage), the Compliance Specialist shall define the applicable geographical area by considering:

(i) Union geographical boundaries;

(ii) The geographical area from which the contractor recruits employees, i.e. reasonable recruitment area;

(iii) Standard Metropolitan Statistical Area (SMSA) or census tracts; and

(iv) The county in which the Federal or Federal-aid project(s) is located and adjacent counties.

(c) *Contractor notification (Action R–3).* (1) The Compliance Specialist should usually provide written notification to the contractor of the pending compliance review at least 2 weeks prior to the onsite verification and interviews. This notification shall include the scheduled date(s), an outline of the mechanics and basis of the review, requisite interviews, and documents required.

(2) The contractor shall be requested to provide a meeting place on the day of the visit either at the local office of the contractor or at the jobsite.

(3) The contractor shall be requested to supply all of the following information to the Compliance Specialist prior to the onsite verification and interviews.

(i) Current Form PR–1391 developed from the most recent payroll;

(ii) Copies of all current bargaining agreements;

(iii) Copies of purchase orders and subcontracts containing the EEO clause;

(iv) A list of recruitment sources available and utilized;

(v) A statement of the status of any action pertaining to employment practices taken by the Equal Employment Opportunity Commission (EEOC) or other Federal, State, or local agency regarding the contractor or any source of employees;

(vi) A list of promotions made during the past 6 months, to include race, national origin, and sex of employee, previous job held, job promoted into; and corresponding wage rates;

(vii) An annotated payroll to show job classification, race, national origin and sex;

(viii) A list of minority- or female-owned companies contacted as possible subcontractors, vendors, material suppliers, etc.; and

(ix) Any other necessary documents or statements requested by the Compliance Specialist for review prior to the actual onsite visit.

(4) For a project review, the prime contractor shall be held responsible for ensuring that all active subcontractors are present at the meeting and have supplied the documentation listed in § 230.409(c)(3).

(d) *Preliminary analysis (Phase I). (Action R–4).* Before the onsite verification and interviews, the Compliance Specialist shall analyze the employment patterns, policies, practices, and programs of the contractor to determine whether

or not problems exist by reviewing information relative to:

(1) The contractor's current work force;

(2) The contractor's relationship with referral sources, e.g., unions, employment agencies, community action agencies, minority and female organizations, etc.;

(3) The minority and female representation of sources;

(4) The availability of minorities and females with requisite skills in a reasonable recruitment area;

(5) Any pending EEOC or Department of Justice cases or local or State Fair Employment Agency cases which are relevant to the contractor and/or the referral sources; and

(6) The related projects (and/or contractor) files of FHWA regional or division and State Coordinator's offices to obtain current information relating to the status of the contractor's project(s), value, scheduled duration, written corrective action plans, PR–1391 or Manpower Utilization Reports, training requirements, previous compliance reviews, and other pertinent correspondence and/or reports.

(e) *Onsite verification and interviews (Phase II) (Action R–5).* (1) Phase II of the review consists of the construction or home office site visit(s). During the initial meeting with the contractor, the following topics shall be discussed:

(i) Objectives of the visit;

(ii) The material submitted by the contractor, including the actual implementation of the employee referral source system and any discrepancies found in the material; and

(iii) Arrangements for the site tour(s) and employee interviews.

(2) The Compliance Specialist shall make a physical tour of the employment site(s) to determine that:

(i) EEO posters are displayed in conspicuous places in a legible fashion;

(ii) Facilities are provided on a nonsegregated basis (e.g. work areas, washrooms, timeclocks, locker rooms, storage areas, parking lots, and drinking fountains);

(iii) Supervisory personnel have been oriented to the contractor's EEO commitments;

(iv) The employee referral source system is being implemented;

(v) Reported employment data is accurate;

(vi) Meetings have been held with employees to discuss EEO policy, particularly new employees; and

(vii) Employees are aware of their right to file complaints of discrimination.

(3) The Compliance Specialist should interview at least one minority, one nonminority, and one woman in each trade, classification, or occupation. The contractor's superintendent or home office manager should also be interviewed.

(4) The Compliance Specialist shall, on a sample basis, determine the union membership status of union employees on the site (e.g. whether they have permits, membership cards, or books, and in what category they are classified [e.g., A, B, or C]).

(5) The Compliance Specialist shall also determine the method utilized to place employees on the job and whether equal opportunity requirements have been followed.

(6) The Compliance Specialist shall determine, and the report shall indicate the following:

(i) Is there reasonable representation and utilization of minorities and women in each craft, classification or occupation? If not, what has the contractor done to increase recruitment, hiring, upgrading, and training of minorities and women?

(ii) What action is the contractor taking to meet the contractual requirement to provide equal employment opportunity?

(iii) Are the actions taken by the contractor acceptable? Could they reasonably be expected to result in increased utilization of minorities and women?

(iv) Is there impartiality in treatment of minorities and women?

(v) Are affirmative action measures of an isolated nature or are they continuing?

(vi) Have the contractor's efforts produced results?

(f) *Exit conference (Action R–6).* (1) During the exit conference with the contractor, the following topics shall be discussed:

(i) Any preliminary findings that, if not corrected immediately or not corrected by the adoption of an acceptable voluntary corrective action plan, would necessitate a determination of noncompliance;

(ii) The process and time in which the contractor shall be informed of the final determination (15 days following the onsite vertification and interviews); and

(iii) Any other matters that would best be resolved before concluding the onsite portion of the review.

(2) Voluntary corrective action plans may be negotiated at the exit conference, so that within 15 days following the exit portion of the review, the Compliance Specialist shall prepare the review report and make a determination of either:

(i) Compliance, and so notify the contractor; or

(ii) Noncompliance, and issue a 30-day show cause notice.

The acceptance of a voluntary corrective action plan at the exit conference does not preclude a determination of noncompliance, particularly if deficiencies not addressed by the plan are uncovered during the final analysis and report writting. (Action R–7) A voluntary corrective action plan should be accepted with the understanding that it only address those problems uncovered prior to the exit conference.

(g) *Compliance determinations (Action R–8).* (1) The evidence obtained at the compliance review shall constitute a sufficient basis for an objective determination by the Compliance Specialist conducting the review of the contractor's compliance or noncompliance with contractual provisions pursuant to E.O. 11246, as amended, and FHWA EEO Special Provisions implementing the Federal-Aid Highway Act of 1968, where applicable.

(2) Compliance determinations on contractors working in a Hometown Plan Area shall reflect the status of those crafts covered by Part II of the plan bid conditions. Findings regarding Part I crafts shall be transmitted through channels to the Washington Headquarters, Office of Civil Rights.

(3) The compliance status of the contractor will usually be reflected by positive efforts in the following areas:

(i) The contractor's equal employment opportunity (EEO) policy;

(ii) Dissemination of the policy and education of supervisory employees concerning their responsibilities in implementing the EEO policy;

(iii) The authority and responsibilities of the EEO officer;

(iv) The contractor's recruitment activities, especially establishing minority and female recruitment and referral procedures;

(v) The extent of participation and minority and female utilization in FHWA training programs;

(vi) The contractor's review of personnel actions to ensure equal opportunities;

(vii) The contractor's participation in apprenticeship or other training;

(viii) The contractor's relationship (if any) with unions and minority and female union membership;

(ix) Effective measures to assure nonsegregated facilities, as required by contract provisions;

(x) The contractor's procedures for monitoring subcontractors and utilization of minority and female subcontractors and/or subcontractors with substantial minority and female employment; and

(xi) The adequacy of the contractor's records and reports.

(4) A contractor shall be considered to be in compliance (Action R–9) when the equal opportunity requirements have been effectively implemented, or there is evidence that every good faith effort has been made toward achieving this end. Efforts to achieve this goal shall be result-oriented, initiated and maintained in good faith, and emphasized as any other vital management function.

(5) A contractor shall be considered to be in noncompliance (Action R–10) when:

(i) The contractor has discriminated against applicants or employees with respect to the conditions or privileges of employment; or

(ii) The contractor fails to provide evidence of every good faith effort to provide equal opportunity.

(h) *Show cause procedures.* (1) *General.* Once the onsite verification and exit conference (Aetion R–5) have been completed and a compliance determination made, (Action R–8), the contractor shall be notified in writing of the compliance determination. (Action

R–11 or R–12) This written notification shall be sent to the contractor within 15 days following the completion of the onsite verification and exit conference. If a contractor is found in noncompliance (Action R–10), action efforts to bring the contractor into compliance shall be initiated through the issuance of a show cause notice (Action R–12). The notice shall advise the contractor to show cause within 30 days why sanctions should not be imposed.

(2) *When a show cause notice is required.* A show cause notice shall be issued when a determination of noncompliance is made based upon:

(i) The findings of a compliance review;

(ii) The results of an investigation which verifies the existence of discrimination; or

(iii) Areawide plan reports that show an underutilization of minorities (based on criteria of U.S. Department of Labor's Optional Form 66 "Manpower Utilization Report") throughout the contractor's work force covered by Part II of the plan bid conditions.

(3) *Responsibility for issuance.* (i) Show cause notices will normally be issued by SHA's to federally assisted contractors when the State has made a determination of noncompliance, or when FHWA has made such a determination and has requested the State to issue the notice.

(ii) When circumstances warrant, the Regional Federal Highway Administrator or a designee may exercise primary compliance responsibility by issuing the notice directly to the contractor.

(iii) The Regional Federal Highway Administrators in Regions 8, 10, and the Regional Engineer in Region 15 shall issue show cause notices to direct Federal contractors found in noncompliance.

(4) *Content of show cause notice.* The show cause notice must: (See sample—Appendix A)

(i) Notify the contractor of the determination of noncompliance;

(ii) Provide the basis for the determination of noncompliance;

(iii) Notify the contractor of the obligation to show cause within 30 days why formal proceedings should not be instituted;

(iv) Schedule (date, time, and place) a compliance conference to be held approximately 15 days from the contractor's receipt of the notice;

(v) Advise the contractor that the conference will be held to receive and discuss the acceptability of any proposed corrective action plan and/or correction of deficiencies; and

(vi) Advise the contractor of the availability and willingness of the Compliance Specialist to conciliate within the time limits of the show cause notice.

(5) *Preparing and processing the show cause notice.* (i) The State or FHWA official who conducted the investigation or review shall develop complete background data for the issuance of the show cause notice and submit the recommendation to the head of the SHA or the Regional Federal Highway Administrator, as appropriate.

(ii) The recommendation, background data, and final draft notice shall be reviewed by appropriate State or FHWA legal counsel.

(iii) Show cause notices issued by the SHA shall be issued by the head of that agency or a designee.

(iv) The notice shall be personally served to the contractor or delivered by certified mail, return receipt requested, with a certificate of service or the return receipt filed with the case record.

(v) The date of the contractor's receipt of the show cause notice shall begin the 30-day show cause period. (Action R–13).

(vi) The 30-day show cause notice shall be issued directly to the noncompliant contractor or subcontractor with an informational copy sent to any concerned prime contractors.

(6) *Conciliation efforts during show cause period.*

(i) The Compliance Specialist is required to attempt conciliation with the contractor throughout the show cause time period. Conciliation and negotiation efforts shall be directed toward correcting contractor program deficiencies and initiating corrective action which will maintain and assure equal opportunity. Records shall be maintained in the State, FHWA division, or FHWA regional office's case files, as appropriate, indicating actions and reactions of the contractor, a brief synopsis of any meetings with the contractor, notes on verbal communication and written correspondence, requests for assistance or interpretations, and other relevant matters.

(ii) In instances where a contractor is determined to be in compliance after a show cause notice has been issued, the show cause notice will be rescinded and the contractor formally notified (Action R–17). The FHWA Washington Headquarters, Office of Civil Rights, shall immediately be notified of any change in status.

(7) *Corrective action plans.* (i) When a contractor is required to show cause and the deficiencies cannot be corrected within the 30-day show cause period, a written corrective action plan may be accepted. The written corrective action plan shall specify clear unequivocal action by the contractor with time limits for completion. Token actions to correct cited deficienes will not be accepted. (See Sample Corrective Action Plan—Appendix B)

(ii) When a contractor submits an acceptable written corrective action plan, the contractor shall be considered in compliance during the plan's effective implementation and submission of required progress reports. (Action R–15 and R–17).

(iii) When an acceptable corrective action plan is not agreed upon and the contractor does not otherwise show cause as required, the formal hearing process shall be recommended through appropriate channels by the compliance specialist immediately upon expiration of the 30-day show cause period. (Action R–16, R–18, R–19)

(iv) When a contractor, after having submitted an acceptable corrective action plan and being determined in compliance is subsequently determined to be in noncompliance based upon the contractor's failure to implement the corrective action plan, the formal hearing process must be recommended immediately. There are no provisions for reinstituting a show cause notice.

(v) When, however, a contractor operating under an acceptable corrective action plan carries out the provisions of the corrective action plan but the actions do not result in the necessary changes, the corrective action plan shall be immediately amended through negotiations. If, at this point, the contractor refuses to appropriately amend the corrective action plan, the formal hearing process shall be recommended immediately.

(vi) A contractor operating under an approved voluntary corrective action plan (i.e. plan entered into prior to the issuance of a show cause) must be issued a 30-day show cause notice in the situations referred to in paragraphs (h) (7) (iv) and (v) of this section, i.e. failure to implement an approved corrective action plan or failure of corrective actions to result in necessary changes.

(i) *Followup reviews.* (1) A followup review is an extension of the inital review process to verify the contractors performance of corrective action and to validate progress report information. Therefore, followup reviews shall only be conducted of those contractors where the initial review resulted in a finding of noncompliance and a show cause notice was issued.

(2) Followup reviews shall be reported as a narrative summary referencing the initial review report.

(j) *Hearing process.* (1) When such procedures as show cause issuance and conciliation conferences have been unsuccessful in bring contractors into compliance within the prescribed 30 days, the reviewer (or other appropriate level) shall immediately recommend, through channels, that the Department of Transportation obtain approval from the Office of Federal Contract Compliance Programs for a formal hearing (Action R–19). The Contractor should be notified of this action.

(2) Recommendations to the Federal Highway Administrator for hearing approval shall be accompanied by full reports of findings and case files containing any related correspondence. The following items shall be included with the recommendation:

(i) Copies of all Federal and Federal-aid contracts and/or subcontracts to which the contractor is party;

(ii) Copies of any contractor or subcontractor certifications;

(iii) Copy of show cause notice;

(iv) Copies of any corrective action plans; and

(v) Copies of all pertinent Manpower Utilization Reports, if applicable.

(3) SHA's, through FHWA regional and division offices, will be advised of decisions and directions affecting contractors by the FHWA Washington Headquarters, Office of Civil Rights, for the Department of Transportation.

(k) *Responsibility determinations.* (1) In instances where requests for formal hearings are pending OFCCP approval, the contractor may be declared a nonresponsible contractor for inability to comply with the equal opportunity requirements.

(2) SHA's shall refrain from entering into any contract or contract modification subject to E.O. 11246, as amended, with a contractor who has not demonstrated eligibility for Government contracts and federally assisted construction contracts pursuant to E.O. 11246, as amended.

§ 230.411 Guidance for conducting reviews.

(a) *Extensions of time.* Reasonable extensions of time limits set forth in these instructions may be authorized by the SHA's or the FHWA regional office, as appropriate. However, all extensions are subject to Washington Headquarters approval and should only be granted with this understanding. The Federal Highway Administrator shall be notified of all time extensions granted and the justification therefor. In sensitive or special interest cases, simultaneous transmittal of reports and other pertinent documents is authorized.

(b) *Contract completion.* Completion of a contract or seasonal shutdown shall not preclude completion of the administrative procedures outlined herein or the possible imposition of sanctions or debarment.

(c) *Home office reviews outside regions.* When contractors' home offices are located outside the FHWA region in which the particular contract is being performed, and it is determined that the contractors' home offices should be reviewed, requests for such reviews with accompanying justification shall be forwarded through appropriate channels to the Washington Headquarters, Office of Civil Rights. After approval, the Washington Headquarters, Office of Civil Rights, (OCR) shall request the appropriate region to conduct the home office review.

(d) *Employment of women.* Executive Order 11246, as amended, implementing rules and regulations regarding sex discrimination are outlined in 41 CFR Part 60–20. It is the responsibility of the Compliance Specialist to ensure that contractors provide women full participation in their work forces.

(e) *Effect of exclusive referral agreements.* (1) The OFCCP has established the following criteria for determining compliance when an exclusive referral agreement is involved;

(i) It shall be no excuse that the union, with which the contractor has a collective bargaining agreement providing for exclusive referrals, failed to refer minority or female employees.

(ii) Discrimination in referral for employment, even if pursuant to provisions of a collective bargaining agreement, is prohibited by the National Labor Relations Act and Title VII of the Civil Rights Act of 1964, as amended.

(iii) Contractors and subcontractors have a responsibility to provide equal opportunity if they want to participate in federally involved contracts. To the extent they have delegated the responsibility for some of their employment practices to some other organization or agency which prevents them from meeting their obligations, these contractors must be found in noncompliance.

(2) If the contractor indicates that union action or inaction is a proximate cause of the contractor's failure to provide equal opportunity, a finding of noncompliance will be made and a show cause notice issued, and:

(i) The contractor will be formally directed to comply with the equal opportunity requirements.

(ii) Reviews of other contractors with projects within the jurisdiction of the applicable union locals shall be scheduled.

(iii) If the reviews indicate a pattern and/or practice of discrimination on the part of specific union locals, each contractor in the area shall be informed of the criteria outlined in § 230.411(e)(1) of this section. Furthermore, the FHWA Washington Headquarters, OCR, shall be provided with full documentary evidence to support the discriminatory pattern indicated.

(iv) In the event the union referral practices prevent the contractor from meeting the equal opportunity requirements pursuant to the E.O. 11246, as amended, such contractor shall immediately notify the SHA.

§ 230.413 Review reports.

(a) *General.* (1) The Compliance Specialist shall maintain detailed notes from the beginning of the review from which a comprehensive compliance review report can be developed.

(2) The completed compliance review report shall contain documentary evidence to support the determination of a contractor's or subcontractor's compliance status.

(3) Findings, conclusions, and recommendations shall be explicitly stated and, when necessary, supported by documentary evidence.

(4) The compliance review report shall contain at least the following information.[1] (Action R–20)

(i) Complete name and address of contractor.

(ii) Project(s) identification.

(iii) Basis for the review, i.e. area work force, project work force, home office work force, and target area work force.

(iv) Identification of Federal or Federal-aid contract(s).

(v) Date of review.

(vi) Employment data by job craft, classification, or occupation by race and sex in accordance with (iii) above. This shall be the data verified during the onsite.

(vii) Identification of local unions involved with contractor, when applicable.

(viii) Determination of compliance status: compliance or noncompliance.

(ix) Copy of show cause notice or compliance notification sent to contractor.

(x) Name of the Compliance Specialist who conducted the review and whether that person is a State, division or regional Compliance Specialist.

(xi) Concurrences at appropriate levels.

(5) Each contractor (joint venture is one contractor) will be reported separately. When a project review is conducted, the reports should be attached, with the initial report being that of the prime contractor followed by the reports of each subcontractor.

(6) Each review level is responsible for ensuring that required information is contained in the report.

(7) When a project review is conducted, the project work force shall be reported. When an areawide review is conducted (all Federal-aid, Federal, and non-Federal projects in an area), then areawide work force shall be reported. When a home office review is conducted, only home office work force shall be reported. Other information required by regional offices shall be detached before forwarding the reports to the Washington Headquarters, OCR.

(8) The Washington Headquarters, OCR, shall be provided all of the following:

(i) The compliance review report required by § 230.413(a)(4).

(ii) Corrective action plans.

(iii) Show cause notices or compliance notifications.

(iv) Show cause recissions.

While other data and information should be kept by regional offices (including progress reports, correspondence, and similar review backup material), it should not be routinely forwarded to the Washington Headquarters, OCR.

(b) *Administrative requirements.*

(1) *State conducted reviews:*

(i) Within 15 days from the completion of the onsite verification and exit conference, the State Compliance Specialist will:

(A) Prepare the compliance review report, based on information obtained;

(B) Determine the contractor's compliance status;

(C) Notify the contractor of the compliance determination, i.e., send the contractor either notification of compliance or show cause notice; and

(D) Forward three copies of the compliance review report, and the compliance notification or show cause notice to the FHWA division EEO Specialist.

(ii) Within 10 days of receipt, the FHWA division EEO Specialist shall:

(A) Analyze the State's report, ensure that it is complete and accurate;

(B) Resolve nonconcurence, if any;

[1] The Federal Highway Administration will accept completed Form FHWA–86 for the purpose. The form is available at the offices listed in 49 CFR Part 7, Appendix D.

(C) Indicate concurrence, and, where appropriate, prepare comments; and

(D) Forward two copies of the compliance review report, and the compliance notification or show cause notice to the Regional Civil Rights Director.

(iii) Within 15 days of receipt, the FHWA Regional Civil Rights Director shall:

(A) Analyze the report, ensure that it is complete and accurate;

(B) Resolve nonconcurrence, if any;

(C) Indicate concurrence, and, where appropriate, prepare comments; and

(D) Forward one copy of the compliance review report, and the compliance notification or show cause notice to the Washington Headquarters, OCR.

(2) *FHWA division conducted reviews:*

(i) Within 15 days from the completion of the onsite verification and exit conference, the division EEO Specialist shall:

(A) Prepare compliance review report, based on information obtained;

(B) Determine the contractor's compliance status;

(C) Notify the State to send the contractor the compliance determination, i.e. either notification of compliance or show cause notice; and

(D) Forward two copies of the compliance review report and the compliance notification or show cause notice to the Regional Civil Rights Director.

(ii) Within 15 days of receipt, the FHWA Regional Civil Rights Director will take the steps outlined in § 230.413 (b) (1) (iii).

(3) *FHWA region conducted reviews.*

(i) Within 15 days from the completion of the onsite verification and exit conference the regional EEO Specialist shall:

(A) Prepare the compliance review report, based on information obtained;

(B) Determine the contractor's compliance status;

(C) Inform the appropriate division to notify the State to send the contractor the compliance determination i.e. either notification of compliance or show cause notice; and

(D) Forward one copy of the compliance review report, and the compliance notification or show cause notice to the Washington Headquarters, OCR.

(4) Upon receipt of compliance review reports, the Washington Headquarters, OCR, shall review, resolve any nonconcurrences, and record them for the purpose of:

(i) Providing ongoing technical assistance to FHWA regional and division offices and SHA's;

(ii) Gathering a sufficient data base for program evaluation;

(iii) Ensuring uniform standards are being applied in the compliance review process;

(iv) Initiating appropriate changes in FHWA policy and implementing regulations; and

(v) Responding to requests from the General Accounting Office, Office of Management and Budget, Senate Subcommittee on Public Roads, and other agencies and organizations.

§ 230.415 Consolidated compliance reviews.

(a) General. Consolidated compliance reviews shall be implemented to determine employment opportunities on an areawide rather than an individual project basis. The consolidated compliance review approach shall be adopted and directed by either Headquarters, region, division, or SHA, however, consolidated reviews shall at all times remain a cooperative effort.

(b) OFCCP policy requires contracting agencies to ensure compliance, in hometown an imposed plan areas, on an areawide rather than a project basis. The consolidated compliance review approach facilitates implementation of this policy.

(c) Methodology. (1) Selection of a Target Area. In identifying the target area of a consolidated compliance review (e.g. SMSA, hometown or imposed plan area, a multicounty area, or an entire State), consideration shall at least be given to the following facts:

(i) Minority and female work force concentrations;

(ii) Suspected or alleged discrimination in union membership or referral practices by local unions involved in highway construction;

(iii) Present or potential problem areas;

(iv) The number of highway projects in the target area; and

(v) Hometown or imposed plan reports that indicate underutilization of minorities or females.

(2) Determine the Review Period. After the target area has been selected, the dates for the actual onsite reviews shall be established.

(3) Obtain Background Information. EEO–3's Local Union Reports, should be obtained from regional offices of the EEOC. Target area civilian labor force statistics providing percent minorities and percent females in the target area shall be obtained from State employment security agencies or similar State agencies.

(4) Identify Contractors. Every nonexempt federally assisted or direct Federal contractor and subcontractor in the target area shall be identified. In order to establish areawide employment patterns in the target area, employment data is needed for all contractors and subcontractors in the area. However, only those contractors with significant work forces (working prior to peak and not recently reviewed) may need to be actually reviewed onsite. Accordingly, once all contractors are identified, those contractors which will actually be reviewed onsite shall be determined. Compliance determinations shall only reflect the status of crafts covered by Part II of plan bid conditions. Employment data of crafts covered by Part I of plan bid conditions shall be gathered and identified as such in the composite report, however, OFCCP has reserved the responsibility for compliance determinations on crafts covered by Part I of the plan bid conditions.

(5) Contractor Notification. Those contractors selected for onsite review shall be sent a notification letter as outlined in § 230.409(c) along with a request for current workforce data[3] for completion and submission at the onsite review. Those contractors in the target area not selected for onsite review shall also be requested to supply current workforce data as of the onsite review period, and shall return the data within 15 days following the onsite review period.

(6) Onsite Reviews. Compliance reviews shall then be conducted in accordance with the requirements set forth in § 230.409. Reviewers may use Form FHWA–86, Compliance Data Report, if appropriate. It is of particular importance during the onsite reviews that the review team provide for adequate coordination of activities at every stage of the review process.

(7) Compliance Determinations. Upon completion of the consolidated reviews, compliance determinations shall be made on each review by the reviewer. Individual show cause notices or compliance notifications shall be sent (as appropriate) to each reviewed contractor.

The compliance determination shall be based on the contractor's target area work force (Federal, Federal-aid and non-Federal), except when the target area is coincidental with hometown plan area, compliance determinations must not be based on that part of a contractor's work force covered by Part I of the plan bid conditions, as previously set forth in this regulation. For example: ABC Contracting, Inc. employs carpenters, operating engineers, and cement masons. Carpenters and operating engineers are covered by Part II of the plan bid conditions, however, cement masons are covered by Part I of the plan bid conditions. The compliance determination must be based only on the contractor's utilization of carpenters and operating engineers.

(d) Reporting. (1) Composite Report. A final composite report shall be submitted as a complete package to the Washington Headquarters, OCR, within 45 days after the review period and shall consist of the following:

(i) Compliance review report, for each contractor and subcontractor with accompanying show cause notice or compliance notification.

(ii) Work force data to show the aggregate employment of all contractors in the target area.

(iii) A narrative summary of findings and recommendations to include the following:

(A) A summary of highway construction employment in the target area by craft, race, and sex. This summary

[3] The Consolidated Workforce Questionnaire is convenient for the purpose and appears as Attachment 4 to Volume 2, Chapter 2, Section 3 of the Federal-Aid Highway Program Manual, which is available at the offices listed in 49 CFR Part 7, Appendix D.

should explore possible patterns of discrimination or underutilization and possible causes, and should compare the utilization of minorities and females on contractor's work forces to the civilian labor force percent for minorities and females in the target area.

(B) If the target area is a plan area, a narrative summary of the plan's effectiveness with an identification of Part I and Part II crafts. This summary shall discuss possible differences in minority and female utilization between Part I and Part II crafts, documenting any inferences drawn from such comparisons.

(C) If applicable, discuss local labor unions' membership and/or referral practices that impact on the utilization of minorities and females in the target area. Complete and current copies of all collective bargaining agreements and copies of EEO–3, Local Union Reports, for all appropriate unions shall accompany the composite report.

(D) Any other appropriate data, analyses, or information deemed necessary for a complete picture of the areawide employment.

(E) Considering the information compiled from the summaries listed above, make concrete recommendations on possible avenues for correcting problems uncovered by the analyses.

(2) Annual Planning Report. The proper execution of consolidated compliance reviews necessitates scheduling, along with other fiscal program planning. The Washington Headquarters, OCR, shall be notified of all planned consolidated reviews by August 10 of each year and of any changes in the target area or review periods, as they become known. The annual consolidated planning report shall indicate:

(i) Selected target areas;

(ii) The basis for selection of each area; and

(iii) The anticipated review period (dates) for each target area.

APPENDIX A—SAMPLE SHOW CAUSE NOTICE

Certified Mail, Return Receipt Requested
Date
Contractor's Name
Address
City, State, and Zip Code

DEAR CONTRACTOR: As a result of the review of your (Project Number) project located at (Project Location) conducted on (Date) by (Reviewing Agency), it is our determination that you are not in compliance with your equal opportunity requirements and that good faith efforts have not been made to meet your equal opportunity requirements in the following areas:

List of Deficiencies
1.
2.
3.

Your failure to take the contractually required affirmative action has contributed to the unacceptable level of minority and female employment in your operations, particularly in the semiskilled and skilled categories of employees.

The Department of Labor regulations (41 CFR 60) implementing Executive Order 11246, as amended, are applicable to your Federal-aid highway construction contract and are controlling in this matter (see Required Contract Provisions, Form PR–1273, Clause II). Section 60–1.20(b) of these regulations provides that when equal opportunity deficiencies exist, it is necessary that you make a commitment in writing to correct such deficiencies before you may be found in compliance. The commitment must include the specific action which you propose to take to correct each deficiency and the date of completion of such action. The time period allotted shall be no longer than the minimum period necessary to effect the necessary correction. In accordance with instructions issued by the Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, your written commitment must also provide for the submission of monthly progress reports which shall include a head count of minority and female representation at each level of each trade and a list of minority employees.

You are specifically advised that making the commitment discussed above will not preclude a further determination of noncompliance upon a finding that the commitment is not sufficient to achieve compliance.

We will hold a compliance conference at ---------- at ---------- on ----------
(Address) (Time) (Date)
for you to submit and discuss your written commitment. If your written commitment is acceptable and if the commitment is sufficient to achieve compliance, you will be found in compliance during the effective implementation of that commitment. You are cautioned, however, that our determination is subject to review by the Federal Highway Administration, the Department of Transportation, and OFCCP and may be disapproved if your written commitment is not considered sufficient to achieve compliance.

If you indicate either directly or by inaction that you do not wish to participate in the scheduled conference and do not otherwise show cause within 30 days from receipt of this notice why enforcement proceedings should not be instituted, this agency will commence enforcement proceedings under Executive Order 11246, as amended.

If your written commitment is accepted and it is subsequently found that you have failed to comply with its provisions, you will be advised of this determination and formal sanction proceedings will be instituted immediately.

In the event formal sanction proceedings are instituted and the final determination is that a violation of your equal opportunity contract requirements has taken place, any Federal-aid highway construction contracts or subcontracts which you hold may be canceled, terminated, or suspended, and you may be debarred from further such contracts or subcontracts. Such other sanctions as are authorized by Executive Order 11246, as amended, may also be imposed.

We encourage you to take whatever action is necessary to resolve this matter and are anxious to assist you in achieving compliance. Any questions concerning this notice should be addressed to (Name, Address, and Phone).

Sincerely yours,

APPENDIX B—SAMPLE CORRECTIVE ACTION PLAN

Deficiency 1: Sources likely to yield minority employees have not been contacted for recruitment purposes.

Commitment: We have developed a system of written job applications at our home office which readily identifies minority applicants. In addition to this, as a minimum, we will contact the National Association for the Advancement of Colored People (NAACP), League of Latin American Citizens (LULAC), Urban League, and the Employment Security Office within 20 days to establish a referral system for minority group applicants and expand our recruitment base. We are in the process of identifying other community organizations and associations that may be able to provide minority applicants and will submit an updated listing of recruitment sources and evidence of contact by ----------
(Date)

Deficiency 2: There have been inadequate efforts to locate, qualify, and increase skills of minority and female employees and applicants for employment.

Commitment: We will set up an individual file for each apprentice or trainee by ----------
(Date)
in order to carefully screen the progress, ensure that they are receiving the necessary training, and being promoted promptly upon completion of training requirements. We have established a goal of at least 50 percent of our apprentices and trainees will be minorities and 15 percent will be female. In addition to the commitment made to deficiency number 1, we will conduct a similar identification of organizations able to supply female applicants. Based on our projected personnel needs, we expect to have reached our 50 percent goal for apprentices and trainees by ----------
(Date)

Deficiency 3: Very little effort to assure subcontractors have meaningful minority group representation among their employees.

Commitment: In cooperation with the Regional Office of Minority Business Enterprise, Department of Commerce, and the local NAACP, we have identified seven minority-owned contractors that may be able to work on future contracts we may receive. These contractors (identified in the attached list) will be contacted prior to our bidding on all future contracts. In addition, we have scheduled a meeting with all subcontractors currently working on our contracts. This meeting will be held to inform the subcontractors of our intention to monitor their reports and require meaningful minority representation. This meeting will be held on ----------
(Date)
and we will summarize the discussions and current posture of each subcontractor for your review by ----------
(Date)
Additionally, as requested, we will submit a PR–1391 on ----------,
(Date)
----------,
(Date)
----------.
(Date)

Finally, we have committed ourselves to maintaining at least 20 percent minority and female representation in each trade during the time we are carrying out the above commitments. We plan to have completely implemented all the provisions of these commitments by ----------
(Date)

APPENDIX C—SAMPLE SHOW CAUSE RESCISSION

Certified Mail, Return Receipt Requested
Date
Contractor
Address
City, State, and Zip Code

DEAR CONTRACTOR: On ----------,
(Date)
you received a 30-day show cause notice from this office for failing to implement the required contract requirements pertaining to equal employment opportunity.

Your corrective action plan, discussed and submitted at the compliance conference held on ----------, has
(Date)
been reviewed and determined to be acceptable. Your implementation of your corrective action plan shows that you are now taking the required affirmative action and

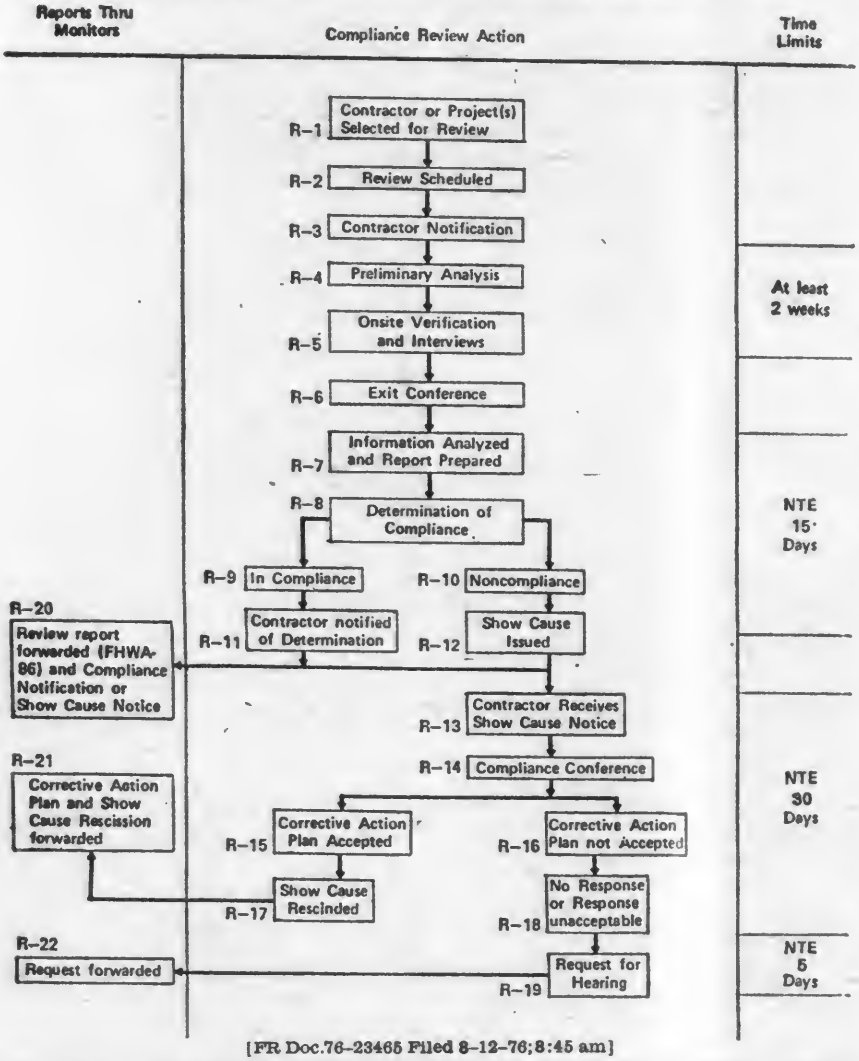
can be considered in compliance with Executive Order 11246, as amended. If it should later be determined that your corrective action plan is not sufficient to achieve compliance, this Rescission shall not preclude a subsequent finding of noncompliance.

In view of the above, this letter is to inform you that the 30-day show cause notice of ---------- is (Date) hereby rescinded. You are further advised that if it is found that you have failed to comply with the provisions of your corrective action plan, formal sanction proceedings will be instituted immediately.

Sincerely,

Appendix D

EQUAL OPPORTUNITY COMPLIANCE REVIEW PROCESS FLOW CHART 46



[FR Doc.76-23465 Filed 8-12-76;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Action

Section 213.3359 is amended to reflect the following title change from Confidential Aide to the Director to Motor Vehicle Operator.

Effective August 13, 1976, § 213.3359(g) is revised as set out below:

§ 213.3359 ACTION.

• • • • • •

(g) One Motor Vehicle Operator to the Director.

• • • • • •

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

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

[FR Doc.76-23630 Filed 8-12-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that one position of Secretary (Stenography) to the Assistant Secretary for East Asian and Pacific Affairs is reestablished under Schedule C.

Effective August 13, 1976, § 213.3304(j) is added as set out below:

§ 213.3304 Department of State.

• • • • • •

(j) *Office of the Assistant Secretary for East Asian and Pacific Affairs.* (1) One Secretary (Stenography) to the Assistant Secretary.

• • • • • •

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

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

[FR Doc.76-23634 Filed 8-12-76;8:45 am]

PART 213—EXCEPTED SERVICE

Farm Credit Administration

Section 213.3343 is amended to show that one position of Secretary (Stenography) to the Governor is expected under Schedule C.

Effective August 13, 1976, § 213.3343 (h) is added as set out below:

§ 213.3343 Farm Credit Administration.

• • • • • •

(h) One Secretary (Stenography) to the Governor.

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

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

[FR Doc.76-23631 Filed 8-12-76;8:45 am]

PART 213—EXCEPTED SERVICE

National Credit Union Administration

Section 213.3357 is amended to show that one position of Executive Officer (Policy Implementation), to the Administrator is excepted under Schedule C.

Effective August 13, 1976, § 213.3357(e) is added as set out below:

§ 213.3357 National Credit Union Administration.

• • • • • •

(e) One Executive Officer (Policy Implementation).

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

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

[FR Doc.76-23632 Filed 8-12-76;8:45 am]

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

Section 213.3182 is amended to show that two additional positions of Program

Officer, State-Based Programs, Division of Public Programs, National Endowment for the Humanities are excepted under Schedule A until September 30, 1980.

Effective August 13, 1976, § 213.3182 (b) (14) is amended as set out below:

§ 213.3182 National Foundation on the Arts and the Humanities.

* * * * *

(b) *National Endowment for the Humanities.* * * *

(14) Until September 30, 1980, seven Program Officers, State-Based Programs, Division of Public Programs.

* * * * *

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

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

[FR Doc.76-23633 Filed 8-12-76;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

[Amdt. 2]

PART 790—INCOMPLETE PERFORMANCE BASED UPON ACTION OR ADVICE OF AN AUTHORIZED REPRESENTATIVE OF THE SECRETARY

Change of Title; Deputy Administrator

7 CFR Part 790 is amended to change the name of the Deputy Administrator, State and County Operations, wherever it appears, to Deputy Administrator, Programs.

This change is applicable to all programs set forth in this Title 7 to which this Part is made applicable by individual program regulations. Since this amendment merely brings the provisions of Part 790 into line with the current designation of the Deputy Administrator, and since correction of the references to the Deputy Administrator should be made as soon as possible in order to inform producers and others, it is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall become effective August 12, 1976.

Signed at Washington, D.C., on August 6, 1976.

SEELEY G. LODWICK,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.76-23745 Filed 8-12-76;8:45 am]

[Amdt. 2]

PART 791—AUTHORITY TO MAKE PAYMENTS WHEN THERE HAS BEEN A FAILURE TO COMPLY FULLY WITH THE PROGRAM

Change of Title; Deputy Administrator

Change of Title 7 CFR Part 791 is amended to change the name of the Deputy Administrator, State and County Operations, wherever it appears, to Deputy Administrator, Programs.

This change is applicable to all programs set forth in this Title 7 to which this part is made applicable by individual program regulations. Since this amendment merely brings the provisions of Part 791 into line with the current designation of the Deputy Administrator, and since correction of the references to the Deputy Administrator should be made as soon as possible in order to inform producers and others, it is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall become effective on August 12, 1976.

Signed at Washington, D.C., on August 6, 1976.

SEELEY G. LODWICK,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.76-23746 Filed 8-12-76;8:45 am]

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

[Lemon Reg. 52]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period August 15–21, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.352 Lemon Regulation 52.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is less than normal for this time of year due to cooler weather over much of the U.S. Average f.o.b. price was $6.40 per carton the week ended August 7, 1976, compared to $6.49 per carton the previous week. Track and rolling supplies at 150 cars were down 25 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 10, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period August 15, 1976, through August 21, 1976, is hereby fixed at 265,000 cartons.

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

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

Dated: August 12, 1976.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-23939 Filed 8-12-76;11:47 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 11]

PART 1472—WOOL

Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool) (1966–70)

PRICE SUPPORT PAYMENTS FOR 1969 AND 1970 MARKETING YEARS

Pursuant to the authority granted to the Secretary of Agriculture in Pub. L. 94–312, 90 Stat. 690, dated June 21, 1976, the regulations (7 CFR 1472.1201—1472.1255) issued by Commodity Credit Corporation under the National Wool Act of 1954, as amended (7 U.S.C. 1781 et seq.), containing the requirements with respect to the price support payment program for shorn wool and unshorn lambs (pulled wool) for 1966–70 are amended as provided below. In order to insure the equitable treatment of ranchers and farmers who sold their wool in 1969 and 1970, this amendment shall be effective as to all sales of wool in 1969 and 1970.

Section 1472.1207 is amended by adding the following new paragraph (f):

§ 1472.1207 Marketing within a specified marketing year.

* * * * *

(f) A promissory note or other promise to pay, as well as a check not honored, may be considered as payment to the producer for the wool if the Deputy Administrator, Programs, ASCS, makes a determination that (1) the producer acted in good faith in the marketing of his wool, (2) the wool was not returned to the producer, (3) the producer was not aware and did not suspect that the document tendered in payment for the wool was not worth its face value at the time he accepted the document as payment for the wool, and (4) the producer has made a diligent effort to obtain payment for his wool from the purchaser. In any case where such a determination is made, the amount of the price support payment may be computed on the basis of:

(i) The net sales proceeds received, or

(ii) In the case of any producer who failed to realize the amount provided for in the sales document, the lesser of the following:

(A) The net sales proceeds based on the price the producer would have received had there been no default of payment under such document, or

(B) The fair market value of the commodity concerned at the time of sale.

The Secretary of Agriculture may reconsider any application filed for the payment of price support with respect to any shorn wool and unshorn lambs (pulled wool) marketed during the 1969 and 1970 marketing years and to make such payment adjustments as he determines fair and equitable on the basis of this paragraph (f).

(Sec. 4, 62 Stat. 1070, sec. 5, 62 Stat. 1072 (15 U.S.C. 714b, 714c) secs. 702–708, 68 Stat. 910–912, as amended (7 U.S.C. 1781–1787, as amended).)

Signed at Washington, D.C., on August 6, 1976.

SEELEY G. LODWICK,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.76-23663 Filed 8-12-76;8:45 am]

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

[Grapefruit Reg. 76, Amdt. 9]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Amendment of Grade and Size Regulations

This amendment increases specified grade and size requirements applicable to domestic and export shipments of Florida grapefruit for the period August 16 through September 26, 1976. The amendment is designed to maintain orderly marketing and provide consumers with an ample supply of acceptable quality fruit.

Notice was published in the FEDERAL REGISTER on July 12, 1976 (41 FR 28528), that consideration was being given to a proposal to amend Grapefruit Regulation 76 (§ 905.563; 40 FR 42317, 49785, 54420, 58446; 41 FR 15829, 18673, 19965, 23184, 24575), effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed amendment was recommended by the Shippers Advisory Committee and Growers Administrative Committee, established under said amended marketing agreement and order. The notice provided that all written data, views, or arguments in connection with the proposed amendment be submitted by August 4, 1976. None were received.

The amendment reflects the Department's appraisal of the need for regulation of shipments of Florida grapefruit during the period August 16 through September 26, 1976, based on the available supply and current and prospective demand by domestic and export market outlets. The action is necessary to maintain orderly marketing conditions by preventing the adverse effect on the market caused by shipment of lower-quality and smaller-size grapefruit when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The amendment is consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice and other available information, it is hereby found that the regulation of shipments of Florida grapefruit, as hereinafter set forth, is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for making this amendment effective at the time hereinafter set forth and for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning this amendment was published in the FEDERAL REGISTER on July 12, 1976 (41 FR 28528), and no objection to such amendment was received; (2) the regulatory provisions are the same as those contained in said notice; and (3) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 905.563 (Grapefruit Regulation 76; 40 FR 42317, 49785, 54420, 58446; 41 FR 15829, 18673, 19965, 23184, 24575) the provisions of paragraph (a) and subparagraphs (1) through (4) thereof and paragraph (b) and subparagraphs (1) and (3) thereof are amended to read as follows:

§ 905.563 Grapefruit Regulation 76.

(a) During the period August 16, 1976, through September 26, 1976, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any seeded grapefruit, grown in the production area, which are of a size smaller than $3^{12}/_{16}$ inches in diameter, except that a tolerance for seeded grapefruit smaller than such minimum diameter shall be permitted as specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit;

(3) Any seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2; or

(4) Any seedless grapefruit, grown in the production area, which are of a size smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum diameter shall be permitted as specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit.

(b) During the period August 16, 1976, through September 26, 1976, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

(1) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(2) • • •

(3) Any seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2; or

(4) • • •

• • • • • •

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

Dated: August 11, 1976, to become effective August 16, 1976.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-23940 Filed 8-12-76;11:50 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-961; Docket No. 28460]

PART 253—COMMISSIONS FOR SALE OF AIR TRANSPORTATION

Adoption of Part

Correction

In FR Doc. 76–21221, appearing at page 30107 in the issue for Thursday, July 22, 1976, the following correction should be made. On page 30108, in the first column, footnote No. 10 should be added to read as follows:

[10] Article XI, 1960 revision, Standard Form of Bilateral Air Transport Agreement.

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2828]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

United Audio Products Inc.

Subpart—Coercing and intimidating: § 13.358 Distributors; § 13.370 Suppliers and sellers. Subpart—Combining or conspiring: § 13.405 To discriminate unfairly or restrictively in general; § 13.425 To enforce or bring about resale price maintenance; § 13.430 To enhance, maintain or unify prices; § 13.450 To limit distribution or dealing to regular, established or acceptable channels or classes; § 13.470 To restrain or monopolize trade; § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc. Subpart—Controlling, unfairly, seller-suppliers: § 13.530 Controlling, unfairly, seller-suppliers. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–45 Maintain records; 13.533–45(k) Records, in general; 13.533–65 Renegotiation and/or amendment of contracts. Subpart—Cutting off access to customers or market: § 13.560 Interfering with distributive outlets. Subpart—Cutting off supplies or service: § 13.610 Cutting off supplies or service; § 13.655 Threatening disciplinary action or otherwise. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records. Subpart—Maintaining resale prices: § 13.1145 Discrimination; 13.1145–5 Against price cutters; 13.1145–45 In favor of price maintainers; § 13.1155 Price schedules and announcements; § 13.1160 Refusal to sell; § 13.1165 Systems of espionage; 13.1165–80 Requiring information of price cutting.

(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 United Audio Products Inc., a Corporation

Consent order requiring a Mount Vernon, N.Y., manufacturer, importer and distributor of high fidelity audio components, among other things to cease maintaining resale prices and engaging in restrictive trade practices. Further, the order requires respondent to maintain records; reinstate dealers terminated for non-conformance with previously required pricing schedules and to take appropriate action against those distributors found to be in violation of the order.

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

ORDER

I

It is ordered, That respondent United Audio Products, Inc., a corporation, its successors and assigns and respondent's employees, agents, representatives, including sales representatives or other independent contractors, directly or through any corporation, subsidiary, division or other device, in connection with the manufacture, importation, distribution, offering for sale and sale of high fidelity audio components and other products in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Establishing, continuing or enforcing any contracts, agreements, understandings or arrangements with distributors or retail dealers of respondent's products (hereinafter distributors and retail dealers are referred to in this Order as "dealers") which have the purpose or effect of fixing, establishing, maintaining, or enforcing the prices at which respondent's products are to be resold.

2. Fixing, establishing, controlling or maintaining the prices at which dealers may advertise, promote, offer for sale or sell respondent's products.

3. Publishing, disseminating, circulating or providing by any other means, any suggested resale prices; *provided however,* That subsequent to two (2) years after the date on which this Order becomes final, respondent may suggest resale prices if it is clearly and conspicuously stated on each page of any price list, book, tag, advertising or promotional material or other document that the price is suggested.

4. Requiring any dealer to enter into written or oral agreements or understandings that such dealer will adhere to established or suggested prices for respondent's products as a condition to receiving or retaining its dealership.

5. Refusing to sell or threatening to refuse to sell to any dealer who desires to engage in the sale of respondent's products for the reason that such dealer will not enter into an understanding or agreement with respondent to advertise or sell said products at respondent's established or suggested resale price.

6. Threatening to withhold or withholding earned cooperative advertising credits or allowances from any dealer because said dealer advertises respondent's products at retail prices other than that which respondent deems appropriate or has approved.

7. Disseminating or circulating any warranty registration form or any other document which requires or requests that the retail price paid by the ultimate consumer for respondent's products be stated and reported to respondent.

8. Securing or attempting to secure any promises or assurances from dealers or prospective dealers regarding the prices at which such dealers will advertise or sell respondent's products or requesting or requiring any dealer or prospective dealer to obtain approval from respondent for prices offered by said dealers in advertisements for respondent's products.

9. Requiring, soliciting or encouraging any dealer, person or firm either directly or indirectly to report the identity of any dealer, person or firm who does not adhere to any resale or retail price for any of respondent's products, or acting on reports so obtained by refusing or threatening to refuse sales to any dealer, person or firm so reported.

10. Terminating, threatening, intimidating, coercing, delaying shipments, or taking any other action to prevent the sale of respondent's products by a dealer because said dealer has advertised or sold, is advertising or selling, or is suspected of advertising or selling such products at other than prices that respondent may deem to be appropriate or has approved.

11. Establishing, continuing or enforcing, by refusal to sell, termination or threat thereof, delay in shipment or threat thereof, or in any other manner, any contract, agreement, understanding, or arrangement or method of doing business which has the purpose or effect of restricting or limiting in any manner the customers or classes of customers to whom dealers may sell respondent's products.

12. Convening or participating in any meeting for the purpose of undertaking or engaging in any of the acts or practices prohibited by this Order.

In connection with the foregoing provisions under Part I of this Order, it is further provided that after the expiration of five (5) years from the date this Order becomes final, nothing contained in this Order shall prohibit respondent from lawfully exercising such rights, if any, as it may have to distribute and establish resale prices for its products under fair trade laws then in effect.

II

It is further ordered, That respondent shall:

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

1. Forthwith upon this Order becoming final, mail or deliver, and obtain signed receipts therefor, copies of this Order to every present dealer, to every dealer terminated by respondent since January 1, 1972 and to every new dealer for a period of three (3) years.

2. Forthwith distribute a copy of this Order to each of its operating divisions and subsidiaries and to all officers, sales personnel, sales agents, sales representatives and advertising agencies and secure from each such entity or person a signed statement acknowledging receipt of said Order.

3. Within thirty (30) days from the date on which this Order becomes final, mail or deliver, and obtain a signed receipt therefor, written notice to all of respondent's sales personnel, sales agents and sales representatives and advertising agencies informing such persons that their violation of any provision of this Order may result in the termination of said employment or business relationship. Respondent shall obtain prior approval from the New York Regional Office of the Federal Trade Commission of said written notification.

4. Forthwith terminate the employment or business relationship with any person or firm willfully violating any provision of this Order and take appropriate disciplinary and corrective action, which may include termination, for non-willful violation.

5. Within sixty (60) days from the date on which this Order becomes final, mail or deliver, and obtain a signed receipt therefor, a written offer of reinstatement upon the same terms and conditions available to respondent's other dealers, to any distributor or dealer located in an area where resale prices were not or could not be lawfully controlled who was terminated by respondent from January 1, 1972 to the effective date of this order unless respondent can establish that the dealer terminated does not or did not at the time of termination have good credit or that the dealer does not have reasonably adequate facilities for selling respondent's products, and forthwith reinstate any such distributor or dealer who within thirty (30) days thereafter requests, in writing, reinstatement.

III

It is further ordered, That respondent:

1. 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 of or dissolution of subsidaries or any other such change in the corporation which may affect compliance obligations arising out of the Order.

2. For a period of three (3) years from the date this Order becomes final, establish and maintain a file of all records referring or relating to respondent's refusal during such period to sell its products to any dealer, which file shall contain a record of a communication to each such dealer explaning respondent's refusal to sell, and which file will be made available for Commission inspection on reasonable notice; and, annually, for a period of three (3) years from the date hereof, submit a report to the Commission's New York Regional Office listing the names and addresses of all dealers with whom respondent has refused to deal during the preceding years, a description of the reason for the refusal and the date of the refusal.

IV

It is further ordered, That in the event the Commission hereafter issues any Order which is less restrictive than the provisions of Paragraphs I, II, or III, Sections 1 through 12, of this Order, in any proceeding involving alleged resale price maintenance of a manufacturer or supplier of audio components subject to investigation by the Commission pursuant to File No. 741 0042, then the Commission shall, upon the application of United Audio Products, Inc., reconsider this Order and may reopen this proceeding in order to make whatever revisions, if any, are necessary to bring the foregoing paragraphs into conformity with the less stringent restrictions imposed upon respondent's competitors.

The Decision and order was issued by the Commission July 12, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-23586 Filed 8-12-76;8:45 am]

Title 19—Customs Duties

CHAPTER I—CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76-225]

PART 159—LIQUIDATION OF DUTIES

Countervailing Duties—Cap Screws From Italy

On February 17, 1976, a Notice of Preliminary Countervailing Duty Determination was published in the FEDERAL REGISTER (41 FR 7157). The notice stated that on the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), a preliminary determination was made that bounties or grants are being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act") on the manufacture, production or exportation of iron or steel cap screws, ¼" in diameter and over, from Italy. Measures preliminarily determined to constitute bounties or grants included certain tax rebates under Italian Law 639. The program involves the rebate of both basic rate and specific incidence taxes to manufacturers and exporters of certain steel products, including cap screws.

The notice stated that certain portions of the Italian Law 639 rebates, which are the subject of this investigation, have been determined in previous proceedings under the Act to constitute bounties or grants within the meaning of the Act.

The notice further stated that before a final determination would be made in the proceeding, consideration would be given to any relevant data, views or arguments submitted in writing within 30 days from the date of publication of the notice of preliminary determination.

After consideration of all information received, it is hereby determined that bounties or grants are paid or bestowed, directly or indirectly, on exports of iron or steel cap screws, ¼" in diameter and over, from Italy within the meaning of section 303 of the Act. The bounties or grants are in the form of rebates of the basic rate taxes, which include Customs duties and border fees related to importations of plant and equipment, various stamp taxes, mortgage taxes, publicity taxes, surtaxes, taxes on governmental licenses and permits, and registration taxes.

Accordingly, notice is hereby given that iron or steel cap screws, ¼" in diameter and over imported directly or indirectly from Italy, if entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the FEDERAL REGISTER, will be subject to payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

Effective on or after the date of publication of this notice in the FEDERAL REGISTER and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable iron or steel cap screws, ¼" in diameter and over, imported directly or indirectly from Italy, which benefit from bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount of 15 Lire per kilo.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid or credited, directly or indirectly, upon the manufacture, production, or exportation of such iron or steel cap screws.

§ 159.47 [Amended]

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting in the column headed "Country", the name "Italy." The column headed "Commodity" is amended by inserting the words "Cap screws, ¼" in diameter and over, of iron or steel." The column headed "Treasury Decision" is amended by inserting the number of this Treasury Decision, and the words "Bounty Declared—Rate" in the column headed "Action."

(Sec. 303 of the Act. (R.S. 251, as amended, secs. 303, as amended, 624, 46 Stat. 687, 759; (19 U.S.C. 66, 1303, 1624))).

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: August 9, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-23595 Filed 8-12-76;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR THE ENFORCEMENT OF STATE STANDARDS

Arizona Plan—Approved Supplements; Correction

FR Doc. No. 76-22007 appearing in the issue of July 30, 1976 (41 FR 31812) contained an inadvertent omission in the last line of § 1952.354(g). The date in that line should be "July 22, 1976". As corrected, § 1952.354(g) reads as follows:

§ 1952.354 Completed developmental steps.

* * * * *

(g) In accordance with the requirements of § 1952.10, the Arizona State poster was approved by the Assistant Secretary on July 22, 1976.

Signed at Washington, D.C., this 9th day of August 1976.

B. M. CONCKLIN,
Deputy Assistant Secretary of Labor.

[FR Doc.76-23792 Filed 8-12-76;8:45 am]

PART 1952—APPROVED STATE PLANS FOR THE ENFORCEMENT OF STATE STANDARDS

Hawaii Plan; Level of Federal Enforcement

1. *Background.* Part 1954 of Title 29, Code of Federal Regulations, sets out 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 the evaluation and monitoring of State plans which have been approved under section 18(c) of the Act and 29 CFR Part 1902. Section 1953.4 of this chapter provides guidelines and procedures for the exercise of discretionary Federal enforcement authority under section 18(e) of the Act with regard to Federal standards in issues covered under an approved State plan. In accordance with § 1954.3(b) of this chapter, Federal enforcement authority will not be exercised as to occupational safety and health issues covered under a State plan where a State is operational. A State is determined to be operational under § 1954.3(b) of this chapter when it has provided for the following requirements: enacted enabling legislation, approved State standards, a sufficient number of qualified enforcement personnel and provisions for review of enforcement actions. In determining whether and to what extent a State plans meets the operational guidelines, the results of evaluations conducted under 29 CFR Part 1954 are taken into consideration. Once this determination has been made, under § 1954.3(f) of this chapter, a notice of the determination of the operational status of a State plan as described in an agreement setting forth the Federal-State responsibilities is to be published in the FEDERAL REGISTER.

2. *Notice of Hawaii Operational Agreement.* (a) In accordance with the provisions of § 1954.3(f) of this chapter, notice is hereby given that it has been determined that Hawaii has met the following conditions for operational status:

(1) Enactment of Hawaii Revised Statutes, Chapter 396, (Hawaii Occupational Safety and Health Law) effective May 16, 1972, and amendments which became effective June 4, 1974, and May 6, 1975.

(2) Promulgation of State standards covering all issues as defined by 29 CFR Parts 1910 and 1926, with the exception of Federal maritime standards covered by 29 CFR 1910.13 through 1910.16. On March 11, 1974, the State adopted Federal standards on an emergency basis. On July 11, 1974, Hawaii promulgated one set of State standards which integrates the standards contained in 29 CFR Part 1910 and Part 1926. State standards covering issues defined in Subparts E, F, H, I, J, L, M, O and R of 29 CFR Part 1910 were found to be at least as effective as the comparable Federal standards and were approved by the Assistant Secretary on December 28, 1973 (39 FR 1010). State standards covering issues defined by Subparts D, G, K, N, P, Q and S of 29 CFR Part 1910 and by 29 CFR Part 1926 were found to be at least as effective as the comparable Federal standards and were approved by the Regional Administrator in accordance with 29 CFR 1953.4, effective December 27, 1974 (39 FR 44823).

(3) A sufficient number of qualified safety and health personnel employed under an approved merit system: namely, fourteen (14) Occupational Safety and Health Compliance Officers and five (5) Environmental Health Specialists as of January 5, 1976.

(4) Operation since March 1974, of a review and appeals system under the Labor and Industrial Relations Appeals Board, providing the mechanism for employers and employees to contest enforcement actions and/or abatement dates. The Rules of Practice and Procedure of the Labor and Industrial Relations Appeals Board were promulgated on September 4, 1970.

(5) State enforcement of Federal standards from March 11, 1974 through July 11, 1974, and of State standards since July 11, 1974, monitored under Subpart C of Part 1954, including three semi-annual evaluations covering the period from March 1, 1974 through September 30, 1975.

(b) In addition, the State has provided under its plan for:

(1) Notification to employers and employees since November, 1974, of rights and responsibilities under the Hawaii Occupational Safety and Health Law by requiring the display of a State poster in all work places covered by the plan, which poster was approved by the Assistant Secretary on February 4, 1975 (40 FR 6336).

(2) Occupational accident and illness recordkeeping and reporting by employers covered under the plan, effective April, 1974.

(3) Responding to complaints filed with or referred to the Hawaii Department of Labor and Industrial Relations for violation of the prohibition against discrimination by employers against employees for exercising their rights under the Hawaii Occupational Safety and Health Law.

(4) Assurances of the rights of employers and employees and their representatives consistent with the provisions of the Federal Act and its implementing regulations.

Pursuant to this finding, an agreement effective May 9, 1976, and incorporated as part of the Hawaii plan has been entered into between Joshua C. Agsalud, Director, Department of Labor and Industrial Relations, and Gabriel J. Gillotti, Regional Administrator for Occupational Safety and Health of the U.S. Department of Labor, providing that Federal enforcement activity under section 18(e) of the Act will not be initiated with regard to Federal occupational safety and health standards in the issues covered under 29 CFR Part 1910 and Part 1926, where State standards are in effect and operational, except those areas listed below retained and/or exercised by the Federal Government under the Act.

Under the agreement, Federal responsibility under the Act will continue to be exercised, among other things, with regard to: Complaints about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660); enforcement of standards promulgated under the Act subsequent to the agreement where necessary to protect employees as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)), until such time as the State shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; enforcement of the agricultural standards of 29 CFR Part 1928 until such time as the State shall have promulgated comparable agricultural standards; enforcement of Federal standards in the maritime and longshoring issues covered by 29 CFR 1910.13 through 1910.16, which issues have been specifically excluded from coverage under the plan; and investigations and inspections for the purpose of evaluating the State plan under sections 18 (c) and (f) of the Act (29 U.S.C. 667 (e) and (f)).

In accordance with this agreement and effective as of May 19, 1976, Subpart Y of Part 1952 is hereby amended as set forth below:

Section 1952.312 is revised to read as follows:

§ 1952.312 Level of Federal enforcement.

Pursuant to §§ 1902.20(b)(1)(iii) and 1954.3 of this chapter under which an agreement has been entered into with Hawaii, effective May 19, 1976, and based on a determination that Hawaii is operational in the issues covered by the Hawaii occupational safety and health plan, discretionary Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926. The U.S. Department of Labor will continue to exercise authority, among other things, with regard to complaints filed with the U.S. Department of Labor about violations of the

discrimination provisions of section 11 (c) of the Act (29 U.S.C. 660(c)); Federal standards promulgated subsequent to the agreement where necessary to protect employees, as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)), in the issues covered under the plan and the agreement until such time as Hawaii have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; agricultural standards of 29 CFR Part 1928 until such time as Hawaii shall have promulgated comparable agricultural standards; standards in the maritime issues covered by 29 CFR 1910.13 through 1910.16, which issues have been specifically excluded from coverage under the plan; investigations and inspections for the purpose of the evaluation of the Hawaii plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)); and the completion of enforcement activities conducted prior to the effective date of the operational agreement. The Regional Administrator for Occupational Safety and Health will make a prompt recommendation for the resumption of the exercise of Federal enforcement authority under section 18 (e) of the Act (29 U.S.C. 667(e)) whenever, and to the degree, necessary to assure occupational safety and health protection to employees in Hawaii.

(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 9th day of August 1976.

B. M. CONCKLIN,
Deputy Assistant Secretary of Labor.

[FR Doc.76-23730 Filed 8-12-76;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Kentucky Public Service Commission State Poster; Approval

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 29 CFR Part 1902. On July 31, 1973, notice was published in the FEDERAL REGISTER of the approval of the Kentucky Plan and the adoption of Subart Q of Part 1952 containing the decision and describing the plan (38 FR 20322). On May 24, 1976, Kentucky submitted a supplement to the plan involving a developmental change. (See Subpart B, 29 CFR Part 1953.) The supplement contains the Kentucky Safety and Health Poster for use by the Public Service Commission which serves as the State agency in the administration of the occupational safety and health law with respect to utilities. The poster is to be posted at all Public Service Commission covered workplaces in the State.

2. *Description of the poster.* The Kentucky Public Service Commission Safety and Health Poster for use by those utilities regulated by the Public Service Commission contains, among other things, provisions notifying employees of their obligations and protections under the Kentucky Occupational Safety and Health legislation (KRS Chapter 338); their right to request inspections and their right to remain anonymous as a result; their right to participate in inspections; their protection against discharge or discrimination under both Federal and State law; and their right to file complaints about the administration of the State program with the Occupational Safety and Health Administration. The poster also contains provisions for sanctions and for prompt notice to employers and employees when alleged violations occur.

3. *Location of the plan and its supplement for inspection and copying.* A copy of this 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, Occupational Safety and Health Administration, Room N-3112, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street, NE., Atlanta, Georgia 30309; and Office of the Commissioner of Labor, Kentucky Department of Labor, Capital Plaza Tower, Frankfort, Kentucky 40601.

4. *Public participation.* Under § 1953.2 (c) of this chapter the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Kentucky Public Service Commission Safety and Health Poster incorporates all of the provisions required under 29 CFR 1952.10(a)(5) and 29 CFR 1903.2(a)(3) (39 FR 39036). Accordingly, it is felt that further opportunity for public comment and notice is unnecessary.

5. *Decision.* After consideration, the Kentucky Public Service Commission Safety and Health Poster described above is approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In accordance with the provisions of 29 CFR 1903.2 (a)(2), posting of this Kentucky poster by utility employers regulated by the Public Service Commission shall constitute compliance with the posting requirements of section 8(c)(1) of the Act. In addition Subpart Q is hereby amended to reflect completion of a developmental step by redesignating the existing text of § 1952.234 as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 1952.234 Completed developmental steps.

* * * * *

(b) In accordance with the requirements of § 1952.10 the Kentucky Public Service Commission Safety and Health Poster was approved by the Assistant Secretary on August 9, 1976.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Washington, D.C., this 9th day of August 1976.

B. M. CONCKLIN,
Deputy Assistant Secretary of Labor.

[FR Doc.76-23731 Filed 8-12-76;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Tennessee Plan; Amendment to Level of Federal Enforcement

1. *Background.* Part 1954 of Title 29, Code of Federal Regulations, sets out 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 the evaluation and monitoring of State plans which have been approved under section 18(c) of the Act and 29 CFR Part 1902. Section 1954.3 of this chapter provides guidelines and procedures for the exercise of discretionary Federal enforcement authority under section 18(e) of the Act with regard to Federal standards in issues covered under an approved State plan. In accordance with § 1954.3(b) of this chapter, Federal enforcement authority will not be exercised as to occupational safety and health issues covered under a State plan where a State is operational.

A State is determined to be operational under § 1954.3(b) of this chapter when it has provided for the following requirements: Enacted enabling legislation, approved State standards, a sufficient number of qualified enforcement personnel and provisions for the review of enforcement actions. In determining whether and to what extent a State plan meets the operational guidelines, the results of evaluations conducted under 29 CFR Part 1954 are taken into consideration. Once this determination has been made, under § 1954.3(f) of this chapter, a notice of the determination of the operational status of a State plan as described in an agreement setting forth the Federal-State responsibilities is to be published in the FEDERAL REGISTER.

On December 23, 1974, notice was published in the FEDERAL REGISTER (39 FR 44200) that it had been determined that Tennessee had met the conditions for operational status and of the signing of an agreement effective November 11, 1974, between Eugene W. Fowinkle, Commissioner of the Tennessee Department of Public Health, Ben O. Gibbs, Commissioner of the Tennessee Department of Labor, and Donald E. MacKenzie, Regional Administrator for Occupational Safety and Health.

On February 2, 1976, the Supreme Court of Tennessee held in the case of *"Fowinkle* vs. *Southern Railway Company,"* 553 S.W. 2d 278 (1976) that railroad employers are not covered under the Tennessee Occupational Safety and Health Act of 1972 (hereinafter referred to as TOSHA) (Title 50, chapter 5, TCA).

2. *Notice of the amendment to Tennessee operational agreement.* In accordance with § 1954.3(f)(3) of this chapter, notice is hereby given that an agreement effective April 14, 1976, and incorporated as part of the Tennessee plan has been entered into between Eugene Fowinkle, Commisioner of the Tennessee Department of Public Health, James G. Neeley, Commissioner of the Tennessee Department of Labor, and Donald E. Mackenzie, Regional Administrator for Occupational Safety and Health, the U.S. Department of Labor, to amend the agreement that became effective November 11, 1974, in that Federal responsibility under the Act will be exercised with regard to working conditions in railroads, except as to working conditions as to which other Federal agencies exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health. This Federal responsibility will continue only until such time as the State is able to reassume jurisdiction in this area.

The agreement is subject to revision or termination by the Assistant Secretary of Labor for Occupational Safety and Health upon substantial failure by the State to comply with any of its provisions, or when the results of evaluation under 29 CFR Part 1954 reveal that State operations covered by the agreement fail in a substantial manner to be at least as effective as the Federal program.

In accordance with this agreement and effective as of April 14, 1976, Subpart P of 29 CFR Part 1952 is hereby amended as set forth below.

Section 1952.222 is amended to read as follows:

§ 1952.222 Level of Federal enforcement.

Pursuant to § 1902.20(b)(1)(iii) and § 1954.3 of this chapter under which an agreement has been entered into with Tennessee, effective November 11, 1974, and as amended April 14, 1976, and based on a determination that Tennessee is operational in issues covered by the Tennessee occupational safety and health plan, discretionary Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) will not be initiated with regard to Federal occupational safety and health standards in issues covered under Part 1910 and Part 1926 of this chapter. The U.S. Department of Labor will continue to exercise authority, among other things, with regard to: Complaints filed with the U.S. Department of Labor about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); Federal standards promulgated subsequent to the agreement where necessary to protect employees, as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)), in the issues covered under the plan and the agreement until such time as Tennessee shall have adopted equivalent standards in accordance with Subpart C of Part 1953 of this chapter; Standards in §§ 1910.13 through 1910.16 of this chapter which issues have been specifically excluded from coverage under the Tennessee plan; working conditions in railroads, except working conditions as to which other Federal agencies exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health; and investigations and inspections for the purpose of the evaluation of the Tennessee plan under section 18(e) and (f) of the Act (29 U.S.C. 667(e) and (f)). The Regional Administrator for Occupational Safety and Health will make a prompt recommendation for resumption of exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) whenever, and to the degree, necessary to assure occupational safety and health protection to employees in Tennessee.

(Secs. 8(g)(2), 18, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667).)

Signed at Washington, D.C., this 3rd day of August 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-23732 Filed 8-12-76;8:45 am]

Title 32—National Defense

CHAPTER V—DEPARTMENT OF THE ARMY

PART 581—PERSONNEL REVIEW BOARDS

Army Discharge Review Board; Procedural Rules

The Army Discharge Review Board has revised its rules of procedure which presently appear in 32 CFR 581.2. The revised rules were effective on April 30, 1976 and will apply to all cases pending before the Army Discharge Review Board as well as to new appeals. These rules will revise the present coverage in 32 CFR 581.2.

Since the rules specify Agency procedure to be followed, notice of proposed rule making and the procedures thereto are not necessary.

Dated: July 29, 1976.

WILLIAM E. WEBER,
Colonel, Infantry, President,
Army Discharge Review Board.

In consideration of the foregoing and for the reasons given by the authority of section 301, title I, act of 22 June 1944 (10 U.S.C. 1553), 32 CFR 581.2 is revised as follows:

§ 581.2 Army Discharge Review Board.

(a) Constitution, applicability, purpose, and jurisdiction.

(1) The Army Discharge Review Board (ADRB), an entity which may consist of such number of panels as the Secretary of the Army may deem necessary, is an administrative agency created within the Department of the Army, under authority of section 301, title I, act of June 22, 1944 (10 U.S.C. 1553) to review on its own motion or upon application by or on behalf of the individual concerned, the discharge or dismissal of former members of the Army. The scope of the inquiry of the ADRB will be to determine whether the discharge received was equitably and properly given. When the ADRB determines in an individual case that the discharge was not equitably and properly given, it is authorized, in the manner herein prescribed, to direct The Adjutant General to take appropriate action, that is, to change, correct, or modify any discharge or dismissal, and to issue a new discharge, such direction being subject to review and modification by the Secretary of the Army. Such remedial action is intended primarily to insure that no discharged or dismissed former member of the Army will be deprived unjustly of any benefit provided by law for former members of the military service by reason of a type of discharge or dismissal inequitably or improperly given.

(2) The ADRB will not review a discharge or dismissal given by reason of the sentence of general court-martial.

(3) The ADRB has no authority to revoke any discharge or dismissal, to reinstate any person in the military service subsequent to his discharge or dismissal, or to recall any person to active duty.

(b) Definitions. (1) ADRB. An administrative agency (entity) designated by the Secretary of the Army consisting of one or more panels.

(2) ADRB Panel. A panel consisting of five officers for the purpose of hearing a discharge review appeal. Panels are located at Washington, D.C. and at such field installations as designated by the Secretary of the Army.

(3) ADRB Field Panel. A panel located at fixed field installations as designated by the Secretary of the Army.

(4) ADRB Traveling Panel. A panel designated to hear a discharge review appeal at locations other than Washington, D.C. and the fixed field installations.

(5) ADRB Hearing Examiner. An experienced ADRB panel member designated to conduct a video tape hearing.

(6) President of the ADRB. An officer designated by the Secretary of the Army to control operations of the ADRB and its panels. Only the president of the ADRB will execute action under this regulation in the name of the Secretary. In the event of absence or inconvenience of the president of the ADRB, the next senior line officer member on the ADRB in Washington, D.C., will serve as acting president for all purposes.

(7) Presiding Officer. The senior line officer member of any ADRB panel convened by the president of the ADRB for the purpose of conducting hearings.

(8) Secretary-Recorder of the ADRB. An officer designated by the president of the ADRB performing the functions as directed, and with the authority to administer oaths in accordance with Article 136, Uniform Code of Military Justice.

(9) Alternate Secretary-Recorder. An officer designated by the president of the ADRB to exercise certain secretary-recorder functions for a panel of the ADRB.

(10) Legal Advisor of the ADRB. An officer of the Judge Advocate General's Corps assigned to the ADRB to provide opinions and guidance on legal matters relating to ADRB functions.

(11) Medical Consultant of the ADRB. An officer of the Army Medical Corps assigned to the ADRB to provide opinions and guidance on medical matters relating the ADRB functions.

(12) Members of the ADRB. Officers assigned to or, when authorized by the Secretary of the Army upon request by the president of the ADRB, detailed by installation commanders to hear discharge review cases as scheduled by the president of the ADRB.

(13) Applicant. An ex-service member of the Army who, in accordance with statutory and regulatory provisions, requests to have an appeal heard by the ADRB.

(14) Counsel. Any individual designated by the applicant to represent him in his appeal before the ADRB or an accredited representative of an organization recognized by the Administration for Veterans Affairs, chapter 39, United States Code. Under no circumstances will counsel, compensation for counsel, or travel expenses for applicant or counsel be provided by agencies of the United States Army.

(15) Video Tape Hearing. A hearing conducted by an ADRB Hearing Examiner at which an applicant is given the opportunity to present his appeal to the Hearing Examiner, with the entire presentation, including cross-examination by the Hearing Examiner recorded on video tape. This video tape presentation is later displayed to an ADRB panel designated by the president of the ADRB. Video tape hearings shall be conducted only at the request of the applicant and with the concurrence of the president of the ADRB.

(c) Composition. (1) Members. (i) As designated by the Secretary of the Army, the ADRB will have one or more panels, each consisting of five officers with the senior line officer member of each panel acting as presiding officer.

(ii) The president of the ADRB is designated by the Secretary of the Army and is responsible for the operation of the ADRB and its panels. He will prescribe the operating procedures of the panels and schedule hearings by the panels.

(iii) For the purpose of maintaining the number of members needed to conduct hearings, additional members may be appointed to the ADRB by the Secretary or be detailed to a panel by an installation commander when requested by the president of the ADRB. In any proceeding a member who has not been present at prior sessions of a panel may participate thereafter if that member has read or has read to him the record of proceedings held during his absence or prior to his participation.

(2) Secretary-Recorder. (i) The secretary-recorder and designated alternate secretary-recorders shall have authority to administer oaths as granted in Article 136. Uniform Code of Military Justice, and shall perform such other duties as requested by the president of the ADRB. The secretary-recorder or alternate secretary-recorders will not serve as counsel for the applicant nor for the Government.

(ii) The alternate secretary-recorders of panels tenanted at installations outside the Washington, D.C., area shall, as directed by the president of the ADRB, cordinate the activities of panels conducting hearings at such installations and shall be suported by installation commanders as established by separate directive. The alternate secretary-recorders will report directly to the president of the ADRB.

(d) Administrative personnel. Such administrative personnel as are required for the proper functioning of the ADRB and its panels will be furnished by the Secretary of the Army or by installation commanders when so directed by the Secretary of the Army.

(e) Application for review. (1) The applicant will submit a written request for a review by the ADRB and such other statements or affidavits as he desires to present.

(2) The request will be made on a DD Form 293 (Application for Review of Discharge or Separation from the Armed Forces of the United States) which may be requisitioned through normal publications supply channels. When an individual is requested to complete DD Form 293, he will be given a copy of DD Form 293—Privacy Act Statement (fig. 1). DD Form 293—Privacy Act Statement will be reproduced on 8 x 10½ inch paper. The request will state in brief the full name, service number and/or social security number, and grade and organization or assignment at date of discharge of the period whose discharge or dismissal is in question; the date and place of discharge; the type and nature of the discharge or dismissal; the basis of the claim for review; what corrective action is desired of the ADRB; whether the applicant desires to be represented by counsel before a panel of the ADRB and, if so, the name and address of counsel so designated; and the address to which all correspondence in connection with the review is to be sent.

(3) The request will be signed by the former officer or enlisted man or woman or, if deceased, by the surviving spouse, next-of-kin, or legal representative. If former member is deceased, proof of death must accompany the request. If the applicant is mentally incompetent, his or her spouse, next-of-kin, or legal guardian will sign the request. Such requests must be accompanied by legal proof of the mental incompetency.

(4) No application for review will be granted unless received by the Department of the Army within 15 years after the date of the discharge or dismissal.

(5) The request for review will be forwarded to:

Commander, US Army Reserve Components Personnel & Administration Center, 9700 Page Boulevard, St. Louis, MO 63132.

(6) Upon receipt of an application, The Adjutant General will verify that the provisions of paragraphs (e) (2) and (3) of this section have been met. The Adjutant General will then assemble the originals or certified copies of all available Department of the Army records pertaining to the former service man or woman named in such application. Such records, together with the application and any supporting documents, will be transmitted to the president of the ADRB, Washington, D.C.

(f) Convening of a panel of the ADRB. (1) Panels located in Washington, D.C., will be convened at the call of the president of the ADRB. Panels designated to conduct hearings in other locations will convene at the time and place indicated by the president of the ADRB to consider cases directed to the panels by him in accordance with established procedures. Presiding officers may, when authorized by the president of the ADRB, modify the time and place of scheduled hearings, and will recess and adjourn the panels in accordance with established procedures.

(2) Panels of the ADRB will assemble in open or closed session for the consideration and determination of cases presented to them. Cases in which no request for either a personal or video tape hearing is made by the applicants will be considered only by a panel in Washington, D.C., in closed session on the basis of all documentary evidence presented to the ADRB, including any briefs submitted by the applicant. Cases in which the applicant has elected to present his appeal by means of a video tape hearing will be considered only by a panel in Washington, D.C., in closed session on the basis of the video tape and all documentary evidence presented to the ADRB, including any briefs submitted by the applicant.

(g) Hearings. (1) General. (i) An applicant, upon request, is entitled by law to appear before a panel of the ADRB in open session, either in person or by counsel of his selection. As used in this regulation, the term "counsel" will be construed to include members of the Federal bar in good standing, the bar of any State in good standing, accredited representatives of veterans' organizations recognized by the Veterans Administration under 72 Stat. 1238; 38 U.S.C. 3402 and such other persons not barred by law, regulations, or customs who, in the opinion of the panel, are considered to be competent to present equitably and comprehensively the claim of the applicant for review. In no case will the expenses or compensation of counsel for the applicant be paid for by the Government.

(ii) An applicant may, upon request and for his own convenience, be offered an opportunity to appear by video tape hearing. The use of such video tape hearings is encouraged, in appropriate cases, since it does not require the applicant and his counsel to travel to the panel location. Video tape hearings will be conducted as directed by the president of the ADRB.

(iii) In every case in which either a personal or video tape hearing is requested, the ADRB will transmit to the applicant and to designated counsel for the applicant, if any, a written notice

stating the time and place of hearing. The record will contain evidence that written notice to the applicant and his counsel, if any, has been given.

(iv) An applicant who requests either a personal or video tape hearing and who, after being duly advised of the time and place of hearing, fails to appear without previous satisfactory arrangement with the ADRB will be considered as having waived his right of appearance. In such cases, the applicant's case will be presented only to a panel in Washington, D.C., and will be reviewed on the evidence contained in his military record or any other evidence which may have been provided by the applicant.

(2) Conduct of hearing. (i) Conduct of hearings will be in accordance with this regulation. Applicant and/or his counsel may have access to the records considered by the panel in the case except such classified material the disclosure of which would jeopardize defense interests of the United States. When necessary to acquaint the applicant with the substance of a document classified by intelligence agencies, the Assistant Chief of Staff for Intelligence, Department of the Army, on the request of the ADRB will prepare a summary of, or extract from the document, deleting all references to sources of information and other matter the disclosure of which, in his opinion, would be detrimental to the defense interests of the United States.

(ii) In the conduct of its inquiries, the ADRB and its panels will not be limited by the restrictions of common law rules of evidence.

(iii) In all cases in which the applicant appears in person or by video tape hearing, or in which counsel makes an appearance for the applicant, the president of the ADRB shall cause a sufficient record of the proceedings and testimony to be prepared.

(3) Witnesses. The testimony of witnesses may be presented either in person or by affidavits. If a witness testifies in person he will be subject to examination by members of the panel.

(4) Continuances. A panel may continue a hearing on its own motion. A request for continuance by or on behalf of the applicant may be granted at the discretion of the panel, if a continuance appears necessary to insure a full and fair hearing.

(5) Withdrawal. An applicant may withdraw his request for review at any time without prejudice.

(6) Expenses. Expenses incurred by the applicant, his witnesses, or in the procurement of their testimony, whether in person or by affidavit, will not be paid by the Government.

(7) Challenges. Challenges shall be for cause only and will be ruled on by the presiding officer, or the next senior line officer member if the presiding officer is challenged. Applicants who elect to appear by video tape hearing will be considered to have waived their right to challenges for cause.

(h) Finding and conclusion of a panel of the ADRB. (1) The panel will make a finding in closed session in each case as to whether the applicant was or was not properly discharged.

(2) On the basis of its finding in each case the panel, in closed session, will prepare a conclusion as to whether corrective action will be taken by the Department of the Army with respect to the discharge under consideration. No corrective action which exceeds the jurisdiction of the ADRB, as defined in paragraph (a), will be taken.

(3) The finding and conclusion of a majority of the panel will constitute the finding and conclusion of the panel.

(4) When in the judgment of the president of the ADRB, the finding and/or conclusion of a Field Panel of the ADRB may be contrary to law, regulation or policy, or may be inequitable or not supported by the evidence in the record of hearing, he will cause one of the following actions to be taken:

(i) Return the case to the Field Panel for a review and submission of detailed rationale.

(ii) Submit the case without comment to a Review Panel consisting of five officers in the grade of 0–6. This Review Panel will review the case and take one of the following actions:

(A) When the Review Panel determines that the Field Panel's finding and conclusion is contrary to law, regulation or policy, or is not supported by the evidence, the Review Panel shall submit an advisory opinion and rationale, and, by majority vote, shall submit a recommended finding and conclusion.

(B) When the Review Panel determines that the Field Panel's finding and conclusion was unanimous and is not contrary to law, regulation or policy, and is supported by the evidence, the Review Panel shall submit only an advisory opinion and rationale, including its judgment as to an equitable resolution.

(C) When the Review Panel determines that the Field Panel's finding and conclusion was not unanimous (whether a minority report was submitted or not) and is not contrary to law, regulation or policy, and is supported by the evidence, the Review panel shall submit an advisory opinion and rationale, including its judgment as to an equitable resolution, and, by unanimous vote, may submit a recommended finding and conclusion.

(iii) Upon receipt of the Review Panel's advisory opinion and rationale, and recommendations, the president of the ADRB may take action to approve or reject the Field Panel's finding and conclusion and, if rejected, substitute therefore the Review Panel's recommended finding and conclusion. In any case in which the Field Panel's finding and conclusion is not contrary to law, regulation or policy, and is supported by the evidence, and in which a minority report was submitted but the Review Panel did not, by unanimous vote, submit a recommended finding and conclusion, the complete case with the minority report and majority comments, together with the Review Panel's advisory opinion and rationale, shall be submitted by the president of the ADRB to the Office of the Secretary of the Army for final resolution.

(i) Minority reports. In case of a disagreement between members of a panel, a minority report may be submitted. The reasons for the minority report and majority comments will be submitted to the president of the ADRB. Minority reports submitted by Field Panels will be handled in accordance with paragraph (h)(4) of this section. Whenever a minority report is submitted by other than a Field Panel, the complete case with the minority report and majority comments shall be submitted by the president of the ADRB to the Office of the Secretary of the Army for final resolution.

(j) Directive to The Adjutant General. Except in minority report cases submitted to the Office of the Secretary of the Army for final resolution, the president of the ADRB will, in the name of the Secretary of the Army, issue a directive to The Adjutant General specifying the action to be taken as a result of the ADRB's review of discharge or dismissal of former members of the US Army. Presiding officers, other than the president of the ADRB, will not take the foregoing action. They will return the completed case to the president of the ADRB for final action.

(k) Record of proceedings. (1) When the proceedings in any case have been concluded, the secretary-recorder with the assistance of alternate secretary-recorders will prepare a complete record thereof. Such record will include the application for review, a record of the proceedings and testimony, if any, affidavits, papers, and documents considered by the ADRB, all briefs and written arguments filed in the case; the finding and conclusion of the panel of the ADRB; the directive to The Adjutant General, any minority report prepared by dissenting members of the panel; and all other papers and documents necessary to reflect a true and complete history of the proceedings. The record so prepared will be signed by the president of the ADRB and authenticated by the secretary-recorder as being true and complete. In the event of the absence or incapacity of the secretary-recorder, the record may be authenticated by a designated alternate secretary-recorder.

(2) Release of information from such records will be in accordance with AR 340–17 and 340–21.

(l) Transmittal of records and action by The Adjutant General. Designated alternate secretary-recorders will forward cases heard by their panels, and as approved by the presiding officers, to the president of the ADRB for final disposition. Except in minority report cases submitted to the Office of the Secretary of the Army for final resolution, the record of the proceedings in each case will be transmitted by the secretary-recorder to The Adjutant General for appropriate Department of the Army action to carry out the directions of the ADRB. The Adjutant General will perform such administrative acts as may be necessary, and thereafter will notify the applicant and his counsel, if any, of the action taken. Written notice specifying the action taken and the date thereof will be

transmitted by The Adjutant General to the president of the ADRB to be filed as a part of the records of the ADRB pertaining to each case. The Adjutant General, upon written request from the applicant, his guardian, or legal representative, will furnish a copy of the directive to the Secretary of the Army, and a copy of the record of proceedings and testimony, if any, provided that such record of proceedings and testimony has been reduced to written form. If it should appear that furnishing a copy of the record of proceedings and testimony would prove injurious to the physical or mental health of the applicant, such information will be furnished only to the guardian or legal representative of the applicant.

(m) Consideration initiated by the ADRB. The president of the ADRB may, at any time, direct consideration of a case which appears, on the face of the record, likely to result in a decision favorable to the former member without the knowledge or presence of the former member. If, upon consideration by a panel, such a case does not result in a decision favorable to such member, it will be returned to the files with no formal action recorded and will be considered without prejudice if and when an appeal is made by the former member. If such consideration results in a decision favorable to the former member. The Adjutant General will be directed to notify the member at his last known address. Only the president of the ADRB may schedule the hearing of such cases.

(n) Rehearings. When a panel has formally considered the case of an applicant and its decision has been approved in the name of the Secretary of the Army, the ADRB will not grant a rehearing unless the basis of the request indicates material evidence, not available at the time of the original hearing, which will likely result in a decision contrary to that reached at the original hearing. The president of the ADRB will make the final determination pertaining to authorization of rehearing.

(o) Changes in procedure of the ADRB. The ADRB may initiate recommendation for such changes in procedures as established herein as may be deemed necessary for the proper functioning of the ADRB. Such changes will be subject to the approval of the Secretary of the Army. Panel presiding officers will submit each recommendation to the president of the ADRB.

(p) Army-Navy-Air Force coordination. Periodic liaison will be conducted with similar boards of the Navy and Air Force to exchange ideas and to discuss common problems.

(q) Applications. This regulation applies to the USAR and to the NG concerning those records of former members of the NG maintained by the Federal Government.

[FR Doc.76-23670 Filed 8-12-76;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 4—SCHEDULE FOR RATING DISABILITIES

Extension of Convalescent Rating Periods

On page 27086 of the FEDERAL REGISTER of July 1, 1976, there was published a notice of proposed regulatory development to amend Part 4 of Title 38, Code of Federal Regulations to extend the convalescent rating periods provided under §§ 4.29 and 4.30 and to make several editorial changes.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.

Effective dates: An amendment to Appendix A, Table of Amendments and Effective Dates since 1946 is added to include effective dates. The effective date is August 9, 1976.

Approved: August 9, 1976.

R. L. ROUDEBUSH,
Administrator.

1. In § 4.29, paragraphs (a), (c) and (e) are revised, a new paragraph (f) is added and the present paragraph (f) is redesignated (g) so that paragraphs (a), (c), (e), (f) and (g) read as follows:

§ 4.29 Ratings for service-connected disabilities requiring hospital treatment or observation.

A total disability rating (100 percent) will be assigned without regard to the provisions of the rating schedule when it is established that a service-connected disability has required hospital treatment in a Veterans Administration or an approved hospital for a period in excess of 21 days or hospital observation at Veterans Administration expense for a service-connected disability for a period in excess of 21 days.

(a) Subject to the provisions of paragraphs (d), (e) and (f) of this section, this increased rating will be effective the first day of continuous hospitalization and will be terminated effective the last day of the month of hospital discharge (regular discharge or release to non-bed care) or effective the last day of the month of termination of treatment or observation for the service-connected disability or effective the last day of the month following release to non-bed care. A third consecutive authorized absence of 14 days will be regarded as the equivalent of hospital discharge and will interrupt hospitalization effective on the last day of the month in which the third 14 day period begins, except where there is a finding that convalescence is required as provided by paragraph (e) or (f) of this section. The termination of these total ratings will not be subject to § 3.105(e) of this chapter.

* * * * *

(c) The assignment of a total disability rating on the basis of hospital treatment or observation will not preclude the assignment of a total disability rating otherwise in order under the regular provisions of the rating schedule, and consideration will be given the propriety of such a rating in all instances and to the propriety of its continuance after discharge. Particular attention, with a view to proper rating under the rating schedule, is to be given to the claims of veterans discharged from hospital, regardless of length of hospitalization, with indications on the final summary of expected confinement to bed or house, or to inability to work with requirement of frequent care of physician or nurse at home.

* * * * *

(e) The total hospital rating if convalescence is required may be continued for periods of 1, 2, or 3 months in addition to the period provided in paragraph (a) of this section.

(f) Extension of periods of 1, 2 or 3 months beyond the initial 3 months may be made upon approval of the Adjudication Officer.

(g) Meritorious claims of veterans who are discharged from the hospital with less than the required number of days but need post-hospital care and a prolonged period of convalescence will be referred to the Director, Compensation and Pension Service, under § 3.321(b) of this chapter.

2. Section 4.30 is revised to read as follows:

§ 4.30 Convalescent ratings.

(a) Subject to Veterans Administration regulations governing effective dates for increased benefits, where the report at hospital discharge indicates entitlement under paragraph (a) (1), (2) or (3) of this section, a total rating (100 percent) will be granted following hospital discharge (regular discharge or release to non-bed care), effective from the date of hospital admission and continuing for a period of 1, 2, or 3 months from the first day of the month following such hospital discharge. These total ratings will be granted if the hospital treatment of the service-connected disability resulted in

(1) Surgery necessitating posthospital convalescence. The initial grant of a total rating will be limited to 1 month, with one or two extensions of periods of 1 month each in exceptional cases.

(2) Surgery with severe postoperative residuals shown at hospital discharge, such as incompletely healed surgical wounds, stumps of recent amputations, therapeutic immobilization of one major joint or more, application of a body cast, or the necessity for house confinement, or the necessity for continued use of a wheelchair or crutches (regular weight-bearing prohibited). Initial grants may be for 1, 2, or 3 months.

(3) Immobilization by cast, without surgery, of one major joint or more shown at hospital discharge or performed on an outpatient basis. Initial grants may be for 1, 2, or 3 months.

A reduction in the total rating will not be subject to § 3.105(e) of this chapter.

The total rating will be followed by an open rating reflecting the appropriate schedular evaluation; where the evidence is inadequate to assign the schedular evaluation, a physical examination will be scheduled prior to the end of the total rating period.

(b) A total rating under this section will require full justification on the rating sheet and may be extended as follows:

(1) Extensions of 1, 2 or 3 months beyond the initial 3 months may be made under paragraph (a) (1), (2) or (3) of this section.

(2) Extensions of 1 or more months up to 6 months beyond the initial 6 months period may be made under paragraph (a) (2) or (3) of this section upon approval of the Adjudication Officer.

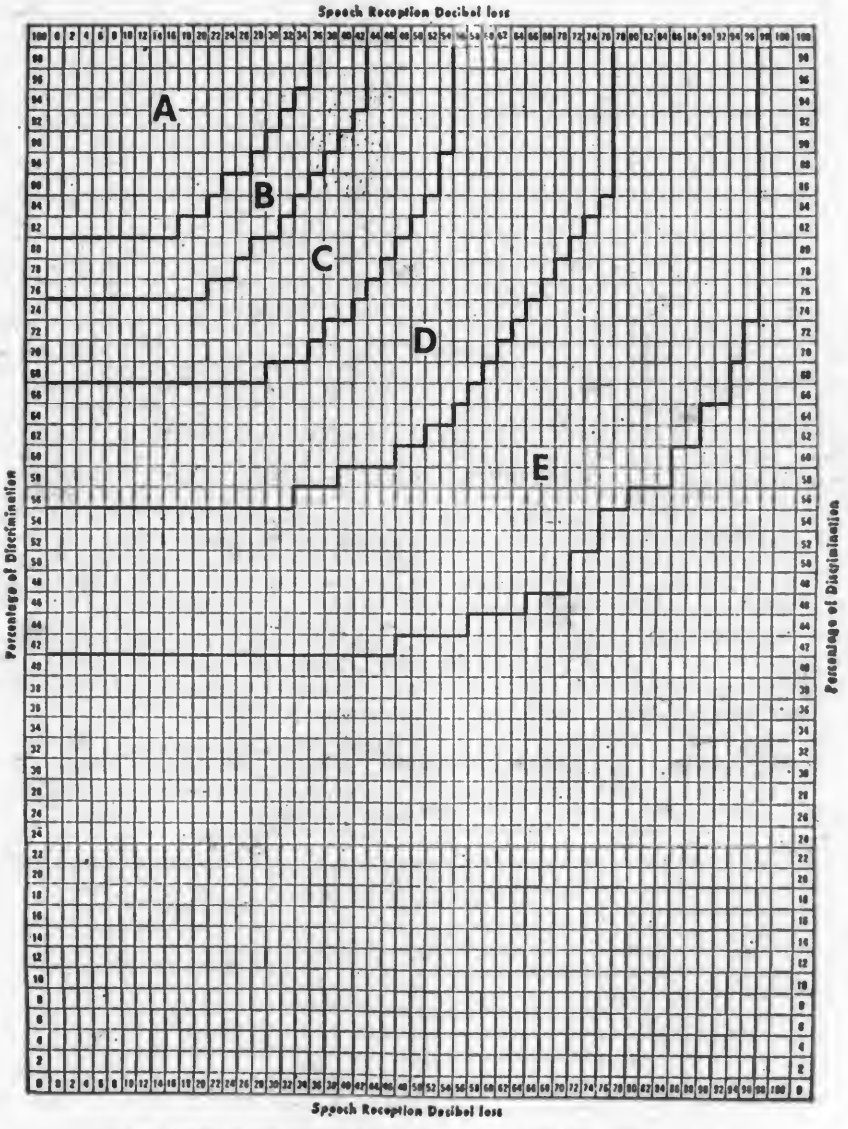
3. Section 4.83 is revised to read as follows:

§ 4.83 Ratings at scheduled steps and distances.

In applying the ratings for impairment of visual acuity, a person not having the ability to read at any one of the scheduled steps or distances, but reading at the next scheduled step or distance, is to be rated as reading at this latter step or distance. That is, a person who can read at 20/100 but who cannot read at 20/70 should be rated as seeing at 20/100.

4. Immediately following § 4.87, Tables IV and V are revised to read as follows:

TABLE IV



(This chart showing the literal designation of hearing loss is based on the ISO (ANSI) norm.) [ ]

TABLE V.—*Ratings for hearing impairment (with diagnostic code)*

Hearing in better ear			Hearing in poorer ear					
			Conversational voice in feet					
			0 ft	1 to 4 ft	5 to 7 ft	8 to 9 ft	10 to 14 ft	15 to 40 ft
			Pure tone audiometry decibel loss					
Conversational	Pure tone audiometry average decibel loss at 3 frequencies: 500, 1,000 and 2,000 (either air conduction or GSR)	Speech reception impairment literal designation	Average 100 or more	Average not more than 99; none more than 105	Average not more than 79; none more than 90	Average not more than 57; none more than 70	Average not more than 45; none more than 55	Average not more than 37; none more than 45
			Speech reception impairment literal designation					
			F	E	D	C	B	A
0 ft	Average 100 or more	F	[1] 80 (6277)					
1 to 4 ft	Average not more than 99; none more than 105.	E	60 (6278)	60 (6283)				
5 to 7 ft	Average not more than 79; none more than 90.	D	40 (6279)	40 (6284)	40 (6288)			
8 to 9 ft	Average not more than 57; none more than 70.	C	30 (6280)	30 (6285)	20 (6289)	20 (6292)		
10 to 14 ft	Average not more than 45; none more than 55.	B	20 (6281)	20 (6286)	20 (6290)	10 (6293)	10 (6295)	
15 to 40 ft	Average not more than 37; none more than 45.	A	10 (6282)	10 (6287)	10 (6291)	0 (6294)	0 (6296)	0 (6297)

[1] Entitled to special monthly compensation.

This chart is based upon ISO (ANSI) norm.

5. Section 4.115 is revised to read as follows:

§ 4.115 Nephritis.

Albuminuria alone is not nephritis, nor will the presence of transient albumin and casts following acute febrile illness be taken as nephritis. The glomerular type of nephritis is usually preceded by or associated with severe infectious disease; the onset is sudden, and the course marked by red blood cells, salt retention, and edema; it may clear up entirely or progress to a chronic condition. The nephrosclerotic type, originating in hypertension or arteriosclerosis, develops slowly, with minimum laboratory findings, and is associated with natural progress. Separate ratings are not to be assigned for disability from disease of the heart and any form of nephritis, on account of the close interrelationships of cardiovascular disabilities.

6. In § 4.115a, the note following diagnostic code 7500 is revised to read as follows:

§ 4.115a Schedule of ratings—genitourinary system.

DISEASES OF THE GENITOURINARY SYSTEM

7500 Kidney, removal of one, with nephritis, infection, or pathology of the other

* * * * *

NOTE.—The absence of one kidney prior to enlistment or the congenital nonfunctioning of one kidney will require a deduction of 30 percent from the 60 percent rating under Code 7500; when, under these circumstances, a total disability on the basis of unemployability is considered to exist, the claims folder will be referred to the Director, Compensation and Pension Service, under § 3.321(b) of this chapter.

* * * * *

7. Section 4.116 is revised to read as follows:

§ 4.116 Rating gynecological conditions.

In rating disability from gynecological conditions the following will not be considered as ratable conditions: (a) the natural menopause, (b) amenorrhea, when this is based upon developmental defect or abnormality, and (c) pregnancy and childbirth and their incidents, except surgical complications under certain circumstances. The surgical complications of pregnancy will not be held the result of service except when additional disability resulted from treatment therein or they are otherwise directly attributable to unusual circumstances of service. Congenital malformations are not ratable conditions. New growths are to be rated in accordance with the effect upon parts or organs involved whose function is impaired or whose resection or excision is indicated. The excision of uterus, ovaries, etc., prior to the natural menopause is considered disabling.

8. In § 4.116a, diagnostic codes 7624 and 7625 are revised to read as follows:

§ 4.116a Schedule of ratings—gynecological conditions.

* * * * *

7624 Fistula, rectovaginal
Rate as ano, fistula in, under diagnostic code 7335.

7625 Fistula, urethrovaginal
Rate as urethra, fistula of, under diagnostic code 7519.

* * * * *

9. Section 4.125 is revised to read as follows:

§ 4.125 General considerations.

The field of mental disorders represents the greatest possible variety of etiology, chronicity and disabling effects, and requires differential consideration in these respects. These sections under mental disorders are concerned with the rating of psychiatric conditions and specifically psychotic, psychoneurotic and psychophysiologic disorders, as well as mental disorders accompanying organic brain disease. Advances in modern psychiatry during and since World War II have been rapid and profound and have extended to the entire medical profession a better understanding of and deeper insight into the etiological factors, psychodynamics, and psychopathological changes which occur in mental disease and emotional disturbances. The psychiatric nomenclature employed is based upon the Diagnostic and Statistical Manual of Mental Disorders, 1968 Edition, American Psychiatric Association. This nomenclature has been adopted by the Department of Medicine and Surgery of the Veterans Administration. It limits itself to the classification of disturbances of mental functioning. To comply with the fundamental requirements for rating psychiatric conditions, it is imperative that rating personnel familiarize themselves thoroughly with this manual (American Psychiatric Association Manual, 1968 Edition) which will be hereinafter referred to as the APA manual.

10. Section 4.127 is revised to read as follows:

§ 4.127 Mental deficiency and personality disorders.

Mental deficiency and personality disorders will not be considered as disabilities under the terms of the schedule. Attention is directed to the outline of personality disorders in the APA manual. Formal psychometric tests are essential in the diagnosis of mental deficiency. Brief emotional outbursts or periods of confusion are not unusual in mental deficiency or personality disorders and are not acceptable as the basis for a diagnosis of psychotic reaction. However, properly diagnosed superimposed psychotic reactions developing after enlistment, i.e., mental deficiency with psychotic reaction or personality disorder with psychotic reaction, are to be considered as disabilities analogous to, and ratable as, schizophrenic reaction, unless otherwise diagnosed.

11. Section 4.130 is revised to read as follows:

§ 4.130 Evaluation of psychiatric disability.

The severity of disability is based upon actual symptomatology, as it affects social and industrial adaptability. Two of the most important determinants of disability are time lost from gainful work and decrease in work efficiency. The rating board must not underevaluate the emotionally sick veteran with a good work record, nor must it overevaluate his or her condition on the basis of a poor work record not supported by the psychiatric disability picture. It is for this reason that great emphasis is placed upon the full report of the examiner, descriptive of actual symptomatology. The record of the history and complaints

is only preliminary to the examination. The objective findings and the examiner's analysis of the symptomatology are the essentials. The examiner's classification of the disease as "mild," "moderate," or "severe" is not determinative of the degree of disability, but the report and the analysis of the symptomatology and the full consideration of the whole history by the rating agency will be. In evaluating disability from psychotic reactions it is necessary to consider, in addition to present symptomatology or its absence, the frequency, severity, and duration of previous psychotic periods, and the veteran's capacity for adjustment during periods of remission. Repeated psychotic periods, without long remissions, may be expected to have a sustained effect upon employability until elapsed time in good remission and with good capacity for adjustment establishes the contrary. Ratings are to be assigned which represent the impairment of social and industrial adaptability based on all of the evidence of record. Evidence of material improvement in psychotic reactions disclosed by field examination or social survey should be utilized in determinations of competency, but the fact will be borne in mind that a person who has regained competency may still be unemployable, depending upon the level of his or her disability as shown by recent examinations and other evidence of record.

APPENDIX A—TABLE OF AMENDMENTS AND EFFECTIVE DATES SINCE 1946

1. Section 4.29 is revised to read as follows: 4.29 Introductory portion preceding paragraph (a); March 1, 1963.

Paragraph (a) "first day of continuous hospitalization"; April 8, 1959.
Paragraph (a) "terminated last day of month"; December 1, 1962.
Paragraph (a) penultimate sentence; November 13, 1970.
Paragraph (b); April 8, 1959.
Paragraph (c); August 16, 1948.
Paragraph (d); August 16, 1948.
Paragraph (e); March 1, 1963.
Paragraph (f); August 9, 1976.

NOTE.—Application of this section to psychoneurotic and psychophysiologic disorders effective October 1, 1961.

2. Section 4.30 is revised to read as follows: 4.30 Introductory portion of paragraph (a) preceding subparagraph (1); July 6, 1950.

Paragraph (a) (1); June 9, 1952.
Paragraph (a) (2); June 9, 1952.
Paragraph (a) (3); June 9, 1952. Effective as to outpatient treatment March 10, 1976.
Paragraph (b) (1); March 1, 1963.
Paragraph (b) (2); August 9, 1976.

[FR Doc.76-23476 Filed 8-12-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 599-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

New York State Implementation Plan; Correction

In FR Doc. 76-20979 appearing on pages 29817 and 29818 in the issue for Tuesday, July 20, 1976 make the following changes:

On page 29818 in column 2, the fifth through seventh lines of paragraph (c) (30) should be deleted and replaced with, "§§ 225.2(c) covering three power plants.".

On page 29818 in column 2, the third line of paragraph (c) (31) should read, "§§ 225.2(c) submitted on March".

Dated: August 6, 1976.

GERALD M. HANSLER,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.76-23564 Filed 8-12-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-754]

PART 1—PRACTICE AND PROCEDURE

Format for Briefs

1. Section 1.277 of the rules was recently amended to specify the format for briefs filed with the Commission and to provide that the exceptions and argument shall not exceed 50 double-spaced typewritten pages. (FCC 76-237, April 2, 1976, Docket 20626). To avoid confusion or mistake, it seems desirable to be more specific as to which of the contents of the brief are counted in determining compliance with the 50 page limit. We are therefore adding the following sentence to § 1.277(c): The table of contents and table of citations are not counted in the 50 page limit; however, all other contents of or attachments to the brief are counted.

2. The revised rule is set out in the attached Appendix. Authority for this rule is contained in sections 4(i) and (j) and 303(r) of the Communicatons Act of 1934, as amended, 47 U.S.C. 154(i) and (j) and 303(r). Because the amendment involves a matter of procedure, compliance with the prior notice and effective date provisions of 5 U.S.C. 553 is unnecessary.

3. Accordingly, *it is ordered*, effective August 20, 1976, That § 1.277 of the rules and regulations is amended as set out below.

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

Adopted: August 5, 1976.

Released: August 12, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

In Part 1 of Chapter I of Title 47 of the Code of Federal Regulations, § 1.277 (c) is revised to read as follows:

§ 1.277 Exceptions; oral argument.

* * * * *

(c) Except by special permission, the consolidated brief and exceptions will not be accepted if the exceptions and argument exceed 50 double-spaced typewritten pages in length. (The table of contents and table of citations are not counted in the 50 page limit; however, all other contents of and attachments to the brief are counted.) Within 10 days, or such other time as the Commission may specify, after the time for filing exceptions has expired, any other party may file a reply brief, which shall not exceed 25 double-spaced typewritten pages. If exceptions have been filed, any party may request oral argument not later than five days after the time for filing replies to the exceptions has expired. The Commission in its discretion will, by order, grant or deny the request for oral argument. Within five days after release of the Commission's order designating an initial decision for oral argument, as provided in paragraph (d) of this section, any party who wishes to participate in oral argument shall file written notice of intention to appear and participate in oral argument; and failure to file written notice shall constitute a waiver of the opportunity to participate.

* * * * *

[FR Doc.76-23683 Filed 8-12-76;8:45 am]

[FCC 76-756]

PART 1—PRACTICE AND PROCEDURE

Length of Pleadings

1. In a recent Report and Order in Docket 20626, we stated that "pleadings in excess of the prescribed length because of appendices and other * * * attachments will be returned without consideration." (58 FCC 2d 865, at para. 36). However, we failed to amend the pertinent provision of the rules (§ 1.48 (a)), which reads as follows:

(a) Affidavits, statements, and other materials which are submitted with and factually support a pleading are not counted in determining the length of the pleading. Other materials submitted with the pleading will be disregarded.

Affidavits and other materials factually supporting a pleading are often required or appropriately submitted for other reasons. It is not our intention that they be counted in determining the length of the pleading. However, other (argumentative) materials, in the form of affidavits or otherwise, will be counted in determining the length of the pleading; and if the length of the pleading, as so computed, is greater than permitted by the rules, the pleading and all attachments will be returned without consideration. Section 1.48(a) is amended herein to reflect this policy.

2. The amended rule is set out in the attached Appendix. Authority for the amendment is contained in sections 4(i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and (j) and 303(r). Because the amendment involves a matter of procedure, compliance with the prior notice and effective date provisions of 5 U.S.C. 553 is unnecessary.

3. Accordingly, *it is ordered*, effective August 20, 1976, That § 1.48 of the rules and Regulations is amended as set out below.

(Secs. 4, 303, 48 Stat., as amended, 1066, filed 47 U.S.C. 184, 603.)

Adopted: August 5, 1976.

Released: August 12, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

In Part 1 of Chapter I of Title 47 of the Code of Federal Regulations, § 1.48(a) is revised to read as follows:

§ 1.48 Length of pleadings.

(a) Affidavits, statements, and other materials which are submitted with and factually support a pleading are not counted in determining the length of the pleading. If other materials are submitted with a pleading, they will be counted in determining its length; and if the length of the pleadings, as so computed, is greater than permitted by the provisions of this chapter, the pleading will be returned without consideration.

* * * * *

[FR Doc.76-23687 Filed 8-12-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Docket No. 35867]

PART 1307—FREIGHT RATE TARIFFS, CLASSIFICATION OF MOTOR CARRIERS

PART 1310—FREIGHT RATE TARIFFS AND CLASSIFICATION OF MOTOR COMMON CARRIERS

Revision of Regulations for the Construction, Filing, and Posting of Tariffs of Common Carriers of Property by Motor Vehicle and Tariffs of Certain Common Carriers by Water

Correction

In FR Doc. 76-21147, appearing at page 30590 in the issue of Monday, July 26, 1976 make the following changes to the flush paragraph following § 1310.27(l)(6)(iv) on page 30630:

1. In the sixth line the reference "(A)" should read "(i)".
2. In the eighth line the reference "(B)" should read "(ii)".
3. In the twelfth line the reference "(C)" should read "(iii)".
4. In the fifteenth line the reference "(D)" should read "(iv)".

[Ex Parte No. 277 (Sub No. 3)]

PART 1124—REGULATIONS GOVERNING THE ADEQUACY OF INTERCITY RAILROAD PASSENGER SERVICE

Smoking

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 11th day of August, 1976.

Upon consideration of the record in the above-entitled proceeding including the report and order of the Commission entered March 29, 1976, the petition for reconsideration filed June 8, 1976, by the National Railroad Passenger Corporation and the reply to said petition filed July 6, 1976, by Action on Smoking and Health; and

It appearing, that in the said report and order, the Commission issued modifications of the Regulations Governing the Adequacy of Intercity Railroad Passenger Service, 49 CFR 1124.1 through 1124.28; that among other things, the report and order modified the regulations concerning smoking on board passenger trains, required carriers to provide a summary of rights to passengers which shall be printed either on the standard ticket envelope provided to ticket purchasers or on a separate sheet enclosed therein and required all cars to carry first aid kits; and that the National Railroad Passenger Corporation (Amtrak) seeks reconsideration of these regulations;

It further appearing, that the regulations as modified by said report and order prohibit smoking in any dining car; that in its petition Amtrak contends that said prohibition is likely to deter potential customers and may result in passenger resentment to the enforcement of this regulation; that, as asserted in said report and order, we do not believe that such prohibition will cause undue hardship to the smoking passenger in comparison to the discomfort suffered by the non-smoking passenger if the Amtrak proposal was adopted; and that accordingly Amtrak's request concerning dining cars should be denied;

It further appearing, that the regulation adopted by said report and order permitted smoking in a ratio of up to one smoking parlor or dome car for every nonsmoking parlor or dome car in the consist; that in this petition Amtrak states that all of its equipment containing dome space is either a diner, lounge, sleeper or coach car; that Amtrak believes that smoking should be prohibited or permitted in dome space based on the designation of the underlying car; that dome space may well be frequented by persons interested in an enhanced view of the scenery for a lengthy period of time; that if there is only one car in the consist with dome space, permitting smoking may deter nonsmoking passengers from availing themselves of such space; and that Amtrak's proposal concerning dome space should be denied;

It further appearing, that Amtrak asserts in its petition that it does not operate more than one parlor car on any of its trains; that the effect of the regulation concerning parlor cars effectively prohibits smoking by passengers in parlor car accommodations; that me believe, because of the relatively few persons who utilize parlor car accommodations, permitting smoking in such cars would not unduly burden the nonsmoking passenger and would enable smokers to purchase first class accommodations; and that parlor cars should be deleted from regulation 21(b)(3) and inserted in regulation 21(b)(1);

It further appearing, that Amtrak requests that the dissemination of passenger rights be accomplished by posting notices in cars or by publishing them in time tables and that first aid kits be made available only in food service cars;

It further appearing, that Amtrak fails to set forth any substantive arguments for modification of the method of dissemination of the summary of passenger rights and the requirement for first aid kits to be placed in all cars, and, therefore, the request for such modifications should be denied;

It further appearing, that in order to make clear as to what type of food service car regulation 21(b)(2) refers, the words "full service" should be added to that regulation before the words "dining cars";

It further appearing, that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969;

It is ordered, That, except to the extent granted, the petition be, and it is hereby, denied;

It is further ordered, That 49 CFR 1124.21 should be modified to read as follows:

§ 1124.21 Allocation of space for nonsmokers and smokers.

(a) Smoking shall not be permitted on trains except in appointed areas with fire resistant materials and equipped with ventilation systems adequate to exchange air completely in reasonably short periods of time.

(b) On train cars meeting the above requirements, smoking may be permitted as follows:

(1) Smoking may be permitted in private sleeping cars, snack cars, parlor cars, and lounge cars.

(2) Smoking is not permitted in any full service dining car.

(3) Smoking may be permitted in any other car in a ratio of up to one smoking car for every nonsmoking car of its type in the consist. Unreserved coach, reserved coach, and dome cars shall each be considered a separate "type" of car.

(4) Pipe and cigar smoking is not permitted on board trains except in private sleeping cars and in cars which have been designated as smoking areas in their entirety.

(c) Each car shall be clearly designated as smoking or nonsmoking by placards placed in conspicuous locations.

It is further ordered, That this order shall be effective August 13, 1976.

It is further ordered, That notice of this order shall be given the general public by depositing a copy thereof in the office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Commissioner Brown[1], dissenting in part, separate expression; Commissioners Murphy and Corber not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23918 Filed 8-12-76;10:58 am]

[1] Dissenting statement filed as part of the original.

proposed rules

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Parts 1 and 101]

GENERAL PROVISIONS

Operations

Notice is hereby given that under the authority of 5 U.S.C. 301, R.S. 251, as amended (19 U.S.C. 66), 77A Stat. 14 (19 U.S.C. 1202, Gen. Hdnote 11), sec. 624, 46 Stat. 759 (19 U.S.C. 1624), 79 Stat. 1317 (Reorganization Plan 1 of 1965), it is proposed to revise the Customs Regulations, presently set forth in Part 1, which set forth general provisions relating to the operations of the United States Customs Service.

This proposed revision is part of the general revision of the Customs Regulations, and will replace Part 1 with a new Part 101. Part 101 follows a new format, and contains changes or additions in language to clarify the former provisions. The principal changes in the provisions of proposed Part 101 from those presently set forth in Part 1 are as follows:

1. A new § 101.0 outlines the scope of the proposed new part.

2. Section 101.1 revises various definitions used in Chapter I of Title 19, Code of Federal Regulations.

3. Section 101.8 specifies the addresses of the several Customs laboratories, as updated by Treasury Decision 74–20.

4. Section 101.9 incorporates in the text certain national holidays formerly enumerated in footnote 10, under § 1.7 (a).

5. Section 101.10, relating to the Customs seal, incorporates the current description of the Customs seal as set forth in Treasury Decision 74–181.

Also included as part of the proposed revision is a parallel reference table showing the relationship of the proposed provisions of Part 101 to those presently in 19 CFR Part 1.

Accordingly, it is proposed to amend the Customs Regulations as set forth below:

1. Chapter I of Title 19, Code of Federal Regulations, is amended by deleting Part 1.

2. Chapter I of Title 19, Code of Federal Regulations, is amended by adding a new part, Part 101, to read as follows:

PART 101—GENERAL PROVISIONS

Sec.

AUTHORITY: R.S. 251, as amended, sec. 624, 46 Stat. 759, 77A Stat. 14, 79 Stat. 1317; 5 U.S.C. 301, 19 U.S.C. 66, 1202 (Gen. Hdnote 11), 1624, Reorganization Plan 1 of 1965; 3 CFR 1965 Supp. Additional authority and statutes interpreted or applied are cited in the text or following the section affected.

§ 101.0 Scope.

This part sets forth general regulations governing the authority of Customs officers, and the location of Customs regions, districts, and ports of entry, and of Customs stations. It further sets forth regulations concerning the entry and clearance of vessels at Customs stations, a listing of Customs preclearance offices in foreign countries, a listing of regional directors of internal affairs and the regions they service, as well as a listing of the domestic field offices and foreign offices of the Office of Investigations. In addition, this part lists the various Customs laboratories and their loctions, and contains provisions concerning the hours of business of Customs offices, the Customs seal, and the identification cards issued to Customs officers and employees.

§ 101.1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated unless either the context in which they are used requires a different meaning or a different definition is prescribed for a particular part or portion thereof:

(a) *Area.* "Area" refers to any of the three administrative areas created in the Customs district of New York City, New York, which is coextensive with Customs Region II, New York City, New York, and identified as Kennedy Airport Area, Newark Area, and New York Seaport Area, each of which is under the jurisdiction of an area director of Customs.

(b) *Customs district.* A "Customs district" is the geographical area under the jurisdiction of a district director of Customs.

(c) *Customs region.* A "Customs region" is the geographical area under the jurisdiction of a regional commissioner of Customs.

(d) *Customs station.* A "Customs station" is any place, other than a port of entry, at which Customs officers or employees are stationed, under the authority contained in article IX of the President's Message of March 3, 1913 (T.D. 33249), to enter and clear vessels, accept entries of merchandise, collect duties, and enforce the various provisions of the Customs and navigation laws of the United States.

(e) *Customs territory of the United States.* "Customs territory of the United States" includes only the States, the District of Columbia, and Puerto Rico.

(f) *Date of entry.* The "date of entry" or "time of entry" of imported merchandise shall be the effective time of entry of such merchandise, as defined in § 141.68 of this chapter.

(g) *Date of exportation.* "Date of exportation" or "time of exportation" shall be as defined in § 152.1(c) of this chapter.

(h) *Date of importation.* "Date of importation" means, in the case of merchandise imported otherwise than by vessel, the date on which the merchandise arrives within the Customs territory of the United States. In the case of merchandise imported by vessel, "date of importation" means the date on which the vessel arrives within the limits of a port in the United States with intent then and there to unlade such merchandise.

(i) *Duties.* "Duties" means Customs duties and any internal revenue taxes which attach upon importation.

(j) *Entry or withdrawal for consumption.* "Entry or withdrawal for consumption" means entry for consumption or withdrawal from warehouse for consumption.

(k) *Importer.* "Importer" means the person primarily liable for the payment of any duties on the merchandise, or an authorized agent acting on his behalf. The importer may be:

(1) The consignee, or

(2) The importer of record, or

(3) The actual owner of the merchandise, if an actual owner's declaration and superseding bond has been filed in accordance with § 141.20 of this chapter, or

(4) The transferee of the merchandise, if the right to withdraw merchandise in a bonded warehouse has been transferred in accordance with subpart C of Part 144 of this chapter.

(l) *Port and port of entry.* The terms "port" and "port of entry" refer to any place designated by Executive order of the President, by order of the Secretary of the Treasury, or by Act of Congress, at which a Customs officer is authorized to accept entries of merchandise to collect duties, and to enforce the various provisions of the Customs and navigation laws. The terms "port" and "port of entry" incorporate the geographical area under the jurisdiction of a port director

when such port is one other than a district headquarters port. (The Customs District of the Virgin Islands, although under the jurisdiction of the Secretary of the Treasury, has its own Customs laws (48 U.S.C. 1406(i)). This district, therefore, is outside the Customs territory of the United States and the ports thereof are not "ports of entry" within the meaning of these regulations.)

(m) *Principal field officer.* A "Principal field officer" is an officer in the field service whose immediate supervisor is located at Customs Service Headquarters.

§ 101.2 Authority of Customs officers.

(a) *Supremacy of delegated authority.* Action taken by any person pursuant to authority delegated to him by the Secretary of the Treasury, whether directly or by subdelegation, shall be valid despite the existence of any statute or regulation, including any provision of this chapter, which provides that such action shall be taken by some other person. Any person acting under such delegated authority shall be deemed to have complied with any statute or regulation which provides or indicates that it shall be the duty of some other person to perform such action.

(b) *Consolidation of functions.* Any reorganization of the Customs Service or consolidation of the functions of two or more persons into one office which results in the failure of a designated customs officer to perform an action required by statute or regulation, shall not invalidate the performance of that action by any other Customs officer.

§ 101.3 Customs regions, districts and ports.

(a) *Redesignation of Customs districts and ports of entry.* The Assistant Secretary of the Treasury for Enforcement, Operations, and Tariff Affairs, pursuant to authority delegated to him by the Secretary of the Treasury, is authorized from time to time, as the needs of the Customs Service may require, to rearrange or consolidate the Customs districts, to discontinue ports of entry by abolishing them and establishing others in their place, and to change the location of the headquarters in any Customs district as the needs of the Customs Service may require.

(b) *Customs regions, districts and ports of entry listed.* The following is a list of Customs regions and districts, with a list of the ports in each district. (The Customs region of New York City, New York, is coextensive with the Customs district of New York City, New York). The first-named port in each district, listed in capital letters, is the headquarters port. Many of the ports listed were created by the President's message of March 3, 1913, concerning a reorganization of the Customs Service pursuant to the Act of August 24, 1912 (37 Stat. 434; 19 U.S.C. 1). Subsequent orders of the President or of the Secretary of the Treasury which affected these ports, or which created (or subsequently affected) additional ports, are cited in parentheses following the name of the ports.

Region		Districts		
No.	Headquarters	Name and headquarters	Area	Ports of entry
I	Boston, Mass.	Portland, Maine.	The States of Maine and New Hampshire except the county of Coos.	Portland, Maine, including territory described in E.O. 9297, Feb. 1, 1943; 8 F.R. 1479. Bangor, Maine, including Brewer, Maine (E.O. 9297, Feb. 1, 1943; 8 F.R. 1479). Bar Harbor, Maine, including Mount Desert Island, the city of Ellsworth, and the townships of Hancock, Sullivan, Sorrento, Gouldsboro, and Winter Harbor (E.O. 4572, Jan. 27, 1927). Bath, Maine, including Booth Bay and Wiscasset (E.O. 4356, Dec. 15, 1925). Belfast, Maine, including Searsport (E.O. 6754, June 28, 1934). Bridgewater, Maine (E.O. 8079, Apr. 4, 1939; 4 F.R. 1475). Calais, Maine, including townships of Calais, Robbinston, and Baring (E.O. 6284, Sept. 13, 1933). Eastport, Maine, including Lubec and Cutler (E.O. 4296, Aug. 26, 1925). Fort Fairfield, Maine. Fort Kent, Maine. Houlton, Maine (E.O. 4156, Feb. 14, 1925). Jackman, Maine, including the townships of Jackman, Sandy Bay, Bald Mountain, Holeb, Attean, Lowelltown, Dennistown, and Moose River (T.D. 54683). Jonesport, Maine, including the towns (townships) of Beals, Jonesboro, Roque Bluffs, and Machiasport (E.O. 4296, Aug. 26, 1925; E.O. 8695, Feb. 25, 1941). Limestone, Maine. Madawaska, Maine. Portsmouth, N.H., including Kittery, Maine). Rockland, Maine. Van Buren, Maine. Vanceboro, Maine.
		St. Albans, Vt.	The State of Vermont and the county of Coos, N.H.	St. Albans, Vt., including townships of St. Albans and Swanton (E.O. 3925, Nov. 13, 1923; E.O. 7632, June 15, 1937; 2 F.R. 1042). Alburg, Vt. Beecher Falls, Vt. Burlington, Vt., including the town of South Burlington (T.D. 54677). Derby Line, Vt. Highgate Springs, Vt., including township of Highgate (E.O. 7632, June 15, 1937; 2 F.R. 1042). North Troy, Vt. Norton, Vt., including the territory described in T.D. 73-249. Richford, Vt.
		Boston, Mass..	The State of Massachusetts..	Boston, including territory and waters adjacent thereto described in T.D. 56493. Fall River, including territory described in T.D. 54476. Gloucester. Lawrence, including the territory described in T.D. 71-12; E.O. 5444, Sept. 16, 1930; E.O. 10088, Dec. 3, 1949; 14 F.R. 7287. New Bedford. Plymouth. Salem, including Beverly, Marblehead, Lynn, and Peabody (E.O. 9207, July 29, 1942). Springfield (T.D. 69-189). Worcester.
		Providence, R.I.	The State of Rhode Island..	Providence, including the territory described in T.D. 67-3. Newport.
		Bridgeport, Conn.	The State of Connecticut...	Bridgeport, including territory described in T.D. 68-224. Hartford, including territory described in T.D. 68-224. New Haven, including territory described in T.D. 68-224. New London, including territory described in T.D. 68-224.
		Ogdensburg, N.Y.	The counties of Clinton, Essex, Franklin, St. Lawrence, Jefferson, and Lewis, in the State York.	Ogdensburg. Alexandria Bay, including territory described in E.O. 10042, Mar. 10, 1949; 14 F.R. 1155. Cape Vincent. Champlain-Rouses Point, including territory described in T.D. 67-68. Chateaugay. Clayton. Fort Covington. Massena (T.D. 54834). Trout River (T.D. 56074).
		Buffalo, N.Y.	The counties of Oswego, Oneida, Onondaga, Cayuga, Seneca, Wayne, Broome, Tompkins, Chenango, Madison, Cortland, Hamilton, Schuyler, Chemung, Herkimer, Monroe, Ontario, Livingston, Yates, Steuben, Orleans, Genesee, Wyoming, Allegany, Erie, Niagara, Cattaraugus, Chautauqua, and Tioga, in the State of New York.	Buffalo-Niagara Falls, N.Y. (T.D. 56512) Oswego. Rochester. Rochester. Sodus Point. Syracuse. Utica.

Region		Districts		
No.	Headquarters	Name and headquarters	Area	Ports of entry
II	New York City N.Y.	New York City N.Y.	The counties of Sussex, Passaic, Hudson, Bergen, Essex, Union, Middlesex, and Monmouth, in the State of New Jersey and that part of the State of New York not expressly included in the districts of Buffalo and Ogdensburg. (The district is divided into 3 areas; namely, Kennedy Airport area, Newark area, and New York seaport area, the limits of which are described in T.D. 71-19.)	New York, N.Y., including territory described in E.O. 4205, Apr. 15, 1925; T.D. 53786. Albany, N.Y. Perth Amboy, N.J.
III	Baltimore, Md.	Philadelphia, Pa.	The State of Pennsylvania except the county of Erie, the State of Delaware, and that part of the State of New Jersey not included in the district of New York City.	Philadelphia, Pa., including Camden and Gloucester City, N.J., and territory described in E.O. 7840, Mar. 15, 1938; 3 F.R. 687; T.D. 53738 and T.D. 54303. Chester Pa. (E.O. 7706, Sept. 11, 1937; 2 F.R. 1848). Harrisburg, Pa. (T.D. 71-233). Pittsburgh, Pa, including the territory described in T.D. 67-197. Wilkes-Barre/Scranton, Pa., including the territory described in T.D. 75-64. Wilmington, Del., including territory described in T.D. 54202; E.O. 4486, Aug. 12, 1926.
		Baltimore, Md.	The State of Maryland except the counties of Montgomery and Prince Georges.	Baltimore, Md., including territory described in T.D. 68-123. Annapolis, Md. Cambridge, Md. (E.O. 3888, Aug. 13, 1923). Crisfield, Md.
		Washington, D.C.	The District of Columbia, the counties of Montgomery and Prince Georges, in the State of Maryland; the counties of Loudoun, Fairfax, and Arlington, and the city of Alexandria, in the State of Virginia, including any independent cities and towns with the boundaries of such counties.	Washington, D.C., including the territory described in T.D. 68-67. Alexandria, Va. (T.D. 68-67).
		Norfolk, Va...	The State of Virginia except the counties of Loudoun, Fairfax, and Arlington, and the city of Alexandria, including any independent cities and towns within the boundaries of such counties, and the State of West Virginia.	Norfolk and Newport News, including the waters and shores of Hampton Roads. Cape Charles City. Charleston, W. Va., including the territory described in T.D. 73-221. Reedville. Richmond-Petersburg, including the territory described in T.D. 68-179.
IV	Miami, Fla...	Wilmington, N.C.	The State of North Carolina.	Wilmington, including townships of Northwest, Wilmington, and Cape Fear (E.O. 7761, Dec. 3, 1937; 2 F.R. 2679, and territory described in E.O. 10042, Mar. 10, 1949; 14 F.R. 1155). Beaufort-Morehead City (T.D. 55037). Charlotte (T.D. 56079). Durham (E.O. 4876, May 3, 1928), including territory described in E.O. 9433, Apr. 6, 1944; 9 F.R. 3761. Reidsville (E.O. 5159, July 18, 1929), including territory described in E.O. 9433, Apr. 6, 1944; 9 F.R. 3761. Winston-Salem (E.O. 2366, Apr. 24, 1916).
		Charleston, S.C.	The State of South Carolina.	Charleston, including territory described in T.D. 53994. Georgetown. Greenville-Spartanburg, S.C., including territory described in T.D. 70-148.
		Savannah, Ga.	The State of Georgia, except the north shore of the St. Marys River and the city of St. Marys, Ga.	Savannah, including territory described in E.O. 8367, Mar. 5, 1940; 5 F.R. 985. Atlanta, including territory described in T.D. 55548. Brunswick.
		Tampa, Fla...	The north shore of the St. Marys River and the city of St. Marys, Ga., and all the State of Florida lying east of the east bank of the Ochlockonee River except the counties of Hendry, Indian River, St. Lucie, Martin, Okeechobee, Palm Beach, Collier, Broward, Monroe, and Dade.	Tampa, including territory described in T.D. 68-91. Boca Grande. Fernandina Beach, including St. Marys, Ga. (T.D. 53033). Jacksonville (T.D. 69-45). Port Canaveral, Fla., including territory described in T.D. 66-212. St. Petersburg (E.O. 7928, July 14, 1938; 3 F.R. 1749, including territory described in T.D. 53994.
		Miami, Fla....	The counties of Hendry, Indian River, St. Lucie, Martin, Okeechobee, Palm Beach, Collier, Broward, Monroe, and Dade in the State of Florida.	Miami, Fla., including territory described in T.D. 53514. Key West, including territory described in T.D. 53994. Port Everglades (E.O. 5770, Dec. 31, 1931), including territory described in T.D. 53514. Mail: Fort Lauderdale, Fla. West Palm Beach (E.O. 4324, Oct. 15, 1925), including territory described in T.D. 53514.

Region		Districts		
No.	Headquarters	Name and headquarters	Area	Ports of entry
		San Juan, P.R.	The Commonwealth of Puerto Rico.	San Juan, including territory described in T.D. 54017. Aguadilla. Fajardo. Guanica. Humacao, including the territory described in T.D. 70-157. Jobos (E.O. 9162, May 13, 1942). Mayaguez (T.D. 22305). Ponce, including territory described in T.D. 54017.
		Charlotte Amalie, St. Thomas, V.I.	All of the Virgin Islands of the United States.	Charlotte Amalie, St. Thomas, V.I. Christiansted, St. Croix. Coral Bay, St. John. Crux Bay, St. John. Frederiksted, St. Croix.
V	New Orleans, La.	Mobile, Ala.	The State of Alabama and that part of the State of Mississippi lying south of lat. 31° N., and that part of the State of Florida lying west of the east bank of the Ochlockonee River.	Mobile, Ala., including territory described in E.O. 10042, Mar. 10, 1949; 14 F.R. 1155. Apalachicola, Fla. Birmingham, Ala. Carrabelle, Fla. (E.O. 7508, Dec. 11, 1936; 1 F.R. 2149). Gulfport, Miss. Panama City, Fla. (E.O. 3919, Nov. 1, 1923). Pascagoula, Miss., including territory described in T.D. 56333. Pensacola, Fla. Port St. Joe, Fla. (E.O. 7818, Feb. 17, 1938; 3 F.R. 503).
		New Orleans, La.	The States of Tennessee, Arkansas, and Louisiana, except the parishes of Cameron and Calcasieu and that part of the State of Mississippi lying north of lat. 31°.	New Orleans, La., including territory described in T.D. 74-206. Baton Rouge, La. (E.O. 5993, Jan. 13, 1933), including territory described in T.D. 53514 and T.D. 54381. Chattanooga, Tenn. Greenville, Miss., including the territory described in T.D. 73-325. Knoxville, Tenn., including the territory described in T.D. 75-128. Little Rock-North Little Rock, Ark., including territory described in T.D. 70-146. Memphis, Tenn. Morgan City, La., including territory described in T.D. 66-266. Nashville, Tenn. Vicksburg, Miss., including territory described in T.D. 72-123.
VI	Houston, Tex.	Port Arthur, Tex.	That part of the State of Texas from Sabine Pass north along State line to north boundary line of Shelby County; west to Neches River; down western shore of said river to north boundary of Jefferson County; westerly along said boundary to east boundary of Liberty County; south of Gulf; also the parishes of Cameron and Calcasieu in the State of Louisiana	Beaumont, Orange, Port Arthur, and Sabine, Tex., including territory described in T.D. 74-231. Lake Charles, La. (E.O. 5475, Nov. 3, 1930) (including territory described in T.D. 54137.
		Galveston, Tex.	The Counties of Galveston, Matagorda, Chambers, Calhoun, Refugio, Brazoria, San Patricio, Nueces, and Aransas in the State of Texas. the State of Texas.	Galveston, including Port Bolivar and Texas City. Corpus Christi (E.O. 8288, Nov. 22, 1939; 4 F.R. 4691). Freeport (E.O. 7632, June 15, 1937; 2 F.R. 1042). Port Lavaca-Point Comfort, Tex. (T.D. 56115).
		Houston, Tex.	That part of the State of Texas lying north of lat. 34° N. and that part of the State of Texas lying east of long. 97° W., except the territory embraced in the Port Arthur and Galveston districts. Also, the counties of Dallas and Tarrant and the State of Oklahoma.	Houston, Tex., including territory described in T.D. 54409. Amarillo, Tex. (T.D. 75-129). Dallas/Fort Worth, Tex., including territory described in T.D. 73-297. Oklahoma City, Okla., including territory described in T.D. 66-132. Tulsa, Okla. (T.D. 69-142).
		Laredo, Tex..	That part of the State of Texas lying west of long. 97° W. and east of the Pecos River except that territory included in the Houston and Galveston districts.	Laredo. Brownsville, Tex. (including territory described in T.D. 54900. Del Rio. Eagle Pass. Hidalgo (E.O. 3609, Jan 9, 1922). Lubbock, Tex. (T.D. 75-143). Progreso, Tex. (T.D. 71-278). Rio Grande City. Roma (E.O. 4830, Mar. 14, 1928). San Antonio.
		El Paso, Tex..	That part of the State of Texas lying west of the Pecos River and the States of New Mexico and Colorado.	El Paso, Tex. (T.D. 54407). Albuquerque, N. Mex., including the territory described in T.D. 74-304. Columbus, N. Mex. Denver, Colo. Fabens, Tex. (E.O. 4869, May 1, 1928). Presidio, Tex. (E.O. 2702, Sept. 7, 1917).

Region		Districts		
No.	Headquarters	Name and headquarters	Area	Ports of entry
VII	Los Angeles, Calif.	Nogales, Ariz.	The State of Arizona.....	Nogales, including the territory described in T.D. 71-196. Douglas, including territory described in E.O. 9382, Sept. 25, 1943; 8 F.R. 13083. Lukeville (E.O. 10088, Dec. 3, 1949; 14 F.R. 7287). Naco. Phoenix, Ariz. (T.D. 71-103). San Luis (E.O. 5322, Apr. 9, 1930). Sasabe (E.O. 5608, Apr. 22, 1931).
		San Diego, Calif.	The counties of San Diego and Imperial in the State of California.	San Diego (T.D. 54741), including the territory described in T.D. 66-229. Andrade (E.O. 4780, Dec. 13, 1927). Calexico. Tecate (E.O. 4780, Dec. 13, 1927).
		Los Angeles, Calif.	That part of the State of California lying south of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino, except the counties of San Diego and Imperial and that part of the State of Nevada comprising Clark County.	Los Angeles-Long Beach, including territory described in T.D. 55341; T.D. 56383. Las Vegas, Nev., including the territory described in T.D. 73-55. Port San Luis.
VIII	San Francisco, Calif.	San Francisco, Calif.	That part of the State of California lying north of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino, and the State of Utah and the State of Nevada except Clark County.	San Francisco-Oakland, Calif., including all points on San Francisco Bay and territory described in E.O. 10042, Mar. 10, 1949; 14 F.R. 1155; and T.D. 53738 and including territory described in T.D. 56020. Eureka, Calif. Fresno, Calif., including the territory described in T.D. 74-18. Reno, Nev., including the territory described in T.D. 73-56. Salt Lake City, Utah (T.D. 69-76).
		Honolulu, Hawaii.	The State of Hawaii	Honolulu (T.D. 53514). Hilo. Kahului. Nawiliwili-Port Allen (E.O. 4385, Feb. 25, 1926), including the territory described in T.D. 56424.
		Portland, Oreg.	The State of Oregon and that part of the State of Washington which embraces the waters of the Columbia River and the north bank of the said river west of long. 119° W.	Columbia River (Portland, Astoria, Longview), including territory described in T.D. 73-338. Coos Bay, Oreg. (E.O. 4094, Oct. 28, 1924, E.O. 5193, Sept. 14, 1929; E.O. 5445, Sept. 16, 1930; E.O. 9533, Mar. 23, 1945; 10 F.R. 3173). Newport, Oreg.
		Seattle, Wash.	The State of Washington except that part which embraces the waters of the Columbia River and the north bank of the said river west of long. 119°.	Puget Sound (Seattle, Anacortes, Bellingham, Everett, Friday Harbor, Neah Bay, Olympia, Port Angeles, Port Townsend, Tacoma), including the territory described in T.D. 73-130. Aberdeen, including territory described in T.D. 56229 Blaine (E.O. 5835, Apr. 13, 1932). Boundary (T.D. 67-65). Danville. Ferry. Frontier (T.D. 67-65). Laurier. Lynden (E.O. 7632, June 15, 1937; 2 F.R. 1042). Metaline Falls, (E.O. 7632, June 15, 1927 2; F.R. 1042). Nighthawk. Oroville (E.O. 5206, Oct. 11, 1929). South Bend-Raymond (T.D. 53576). Spokane. Sumas.
		Anchorage, Alaska.	The State of Alaska.....	Anchorage, Alaska (T.D. 55295; T.D. 68-50). Aican, Alaska (T.D. 71-210). Fairbanks (E.O. 8064, Mar. 9, 1939; 4 F.R. 1191). Juneau. Ketchikan, Alaska, including the territory described in T.D. 74-100. Kodiak, Alaska (T.D. 55206). Pelican (E.O. 10238, Apr. 27, 1951; 16 F.R. 3627). Petersburg (E.O. 4132, Jan. 24, 1925). Sand Point (T.D. 53514). Sitka, Including territory described in T.D. 55009. Skagway. Wrangell, including territory described in T.D. 56420.
		Great Falls, Mont.	The States of Montana, Idaho, and Wyoming.	Great Falls, Mont. Butte, Mont., including the territory described in T.D. 73-121. Del Bonita, Mont. (E.O. 7947, Aug. 9, 1938; 3 F.R. 1965). Mail: Cut Bank, Mont. Eastport, Idaho. Morgan, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042.) Mail: Loring, Mont. Opheim, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042). Piegan, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042). Mail: Babb, Mont. Porthill, Idaho. Raymond, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042).

Region		Districts		
No.	Headquarters	Name and headquarters	Area	Ports of entry
				Roosville, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042). Mail: Eureka, Mont.
				Scobey, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042).
				Sweetgrass, Mont.
				Turner, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042).
				Whitetail, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042).
				Whitlash, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042).
IX	Chicago, Ill.	Pembina, N. Dak.	The States of North and South Dakota and the counties of Kittson, Roseau, Lake of the Woods, Marshall, Beltrami, Polk, Red Lake, and Pennington in the State of Minnesota.	Pembina, N. Dak.
				Ambrose, N. Dak. (E.O. 5835, Apr. 13, 1932).
				Antler, N. Dak.
				Baudette, Minn. (E.O. 4422, Apr. 19, 1926).
				Carbury, N. Dak. (E.O. 5137, June 17, 1929).
				Dunseith, N. Dak. (E.O. 7632, June 15, 1937; 2 F.R. 1042).
				Fortuna, N. Dak. (E.O. 7632, June 15, 1937; 2 F.R. 1042).
				Hannah, N. Dak.
				Hansboro, N. Dak.
				Maida, N. Dak. (E.O. 7632, June 15, 1937; 2 F.R. 1042).
				Neche, N. Dak.
				Noonan, N. Dak. (E.O. 7632, June 15, 1937; 2 F.R. 1042).
				Northgate, N. Dak.
				Noyes, Minn. (E.O. 5835, Apr. 13, 1932).
				Pinecreek, Minn. (E.O. 7632, June 15, 1937; 2 F.R. 1042).
				Portal, N. Dak.
				Roseau, Minn. (E.O. 7632, June 15, 1937; 2 F.R. 1042).
				Saries, N. Dak.
				Sherwood, N. Dak.
				St. John, N. Dak. (E.O. 5835, Apr. 13, 1932).
				Walhalla, N. Dak.
				Warroad, Minn.
				Westhope, N. Dak. (E.O. 4236, June 1, 1925).
		Minneapolis, Minn.	The State of Minnesota except those counties in the Pembina, N. Dak., and Duluth, Minn., districts.	Minneapolis-St. Paul, including the territory described in T.D. 69-15.
		Duluth, Minn.	The counties of Kocchiching, Itaschi, St. Louis, Carlton, Pine, Lake, Cook, Clay, Aitkin, Norman, Wilkin, Ottertail, Becker, Mahnomen, Clearwater, Hubbard, Wadena, Cass, and Crow Wing in the State of Minnesota and the ccunties of Douglas, Bayfield, Ashland, and Iron in the State of Wisconsin, and the island of Isle Royale in the State of Michigan.	Duluth, Minn., and Superior Wis., including the territory described in T.D. 55904.
				Ashland, Wis.
				Grand Portage, Minn (T.D. 56073).
				International Falls-Ranier, Minn., including the territory described in T.D. 66-246.
		Milwaukee, Wis.	The State of Wiscousin, except the counties of Douglas, Bayfield, Ashland, and Iron and the county of Menominee in the State of Michigan.	Milwaukee, including the territory described in T.D. 72-105.
				Green Bay, including the townships of Ashwaubenon, Allouez, Preble, and Howard, and the city of De Pere (T.D. 54597).
				Manitowoc.
				Marinette, including Menominee, Mich.
				Racine, including the city of Kenosha and the townships of Mt. Pleasant and Somers (T.D. 54884).
				Sheboygan.
		Chicago, Ill.	The State of Illinois lying north of lat. 39° N.; that part of the State of Indiana north of lat. 41° N.; and the States of Iowa and Nebraska.	Chicago, Ill., including the territory described in T.D. 71-121.
				Des Moines, Iowa, including the territory described in T.D. 75-104.
				Omaha, Nebr., including the territory described in T.D. 73-228.
				Peoria, Ill., including the territory described in T.D. 72-130.
		Cleveland, Ohio.	The States of Ohio, Kentucky, that part of the State of Indiana lying south of lat. 41° N., and the county of Erie in the State of Pennsylvania.	Cleveland, Ohio, including the territory described in T.D. 54734.
				Akron, Ohio (E.O. 4597, Feb. 25, 1927).
				Ashtabula, Ohio.
				Cincinnati, Ohio, including the territory described in T.D. 75-144.
				Columbus, Ohio.
				Conneaut, Ohio.
				Dayton, Ohio.
				Erie, Pa.
				Evansville, Ind.
				Indianapolis, Ind.
				Lawrenceburg, Ind., including Greendale (E.O. 6634, Mar. 7, 1934).
				Louisville, Ky.
				Sandusky, Ohio.
				Toledo, Ohio, including the territory described in T.D. 71-157.
		St. Louis, Mo.	The States of Missouri and Kansas, and that part of the State of Illinois lying south of 39° N. lat.	St. Louis, Mo., including the territory described in T.D. 69-224.
				Kansas City, Mo., including Kansas City, Kans., and North Kansas City, Mo. E.O. 8528, Aug. 27, 1940, including the territory described in T.D. 67-56.
				St. Joseph, Mo.
				Wichita, Kans., including the territory described in T.D. 74-93.

Region		Districts		
No.	Headquarters	Name and headquarters	Area	Ports of entry
		Detroit, Mich.	The State of Michigan except the island of Isle Royale and the county of Menominee, Mich.	Detroit, including the territory described in E.O. 9073, Feb. 25, 1942; 7 F.R. 1588; and T.D. 53738. Muskegon (E.O. 8315, Dec. 22, 1939), including territory described in T.D. 56230. Port Huron, including territory described in T.D. 53576. Saginaw-Bay City (T.D. 53738). Sault Ste. Marie.

§ 101.4 Entry and clearance of vessels at Customs stations.

(a) *Entry at Customs station.* A vessel shall not be entered or cleared at a Customs station, or any other place that is not a port of entry, unless entry or clearance is authorized by the district director for the district in which such station or place is located pursuant to the provisions of section 447, Tariff Act of 1930, as amended (19 U.S.C. 1447).

(b) *Authorization to enter.* Authorization to enter or be cleared at a Customs station shall be granted by the district director for the district in which such station or place is located provided the district director is notified in advance of the arrival of the vessel concerned and the following conditions are met:

(1) Such Customs supervision as may be necessary can be provided,

(2) All applicable Customs and navigation laws and regulations are complied with,

(3) The owner, master or agent of a vessel sought to be entered at a Customs station reimburses the Government for the salary and expenses of the Customs officer or employee stationed at or sent to such Customs station or other place which is not a port of entry for services rendered in connection with the entry or clearance of such vessel, and

(4) Except as otherwise provided by these regulations, the Government is reimbursed by the interested parties for the expenses, including any per diem allowed in lieu of subsistence, but not the salary of a Customs officer or employee for services rendered in connection with the entry or delivery of merchandise.

(c) *Customs stations designated.* The Customs stations and the ports of entry having supervision thereof are listed below:

District	Customs stations	Port of entry having supervision
Portland, Maine	Bucksport, Maine	Belfast.
	Coubrn Gore, Maine	Jackman.
	Easton, Maine	Fort Fairfield.
	Forest City, Maine	Houlton.
	Hamlin, Maine	Van Buren.
	Knoxford Line (Mars Hill)	Bridgewater.
	Monticello, Maine	Houlton.
	Orient, Maine	Do.
St. Albans, Vt.	Alburg Springs, Vt	Alburg.
	Beebe Plaine, Vt	Derby Line.
	Canaan, Vt	Beecher Falls.
	East Richford, Vt	Richford.
	Morses Line, Vt	Do.
	Newport, Vt	Derby Line, Vt.
	Pittsburg, N.H	Beecher Falls.
	West Berkshire, Vt	Richford.
Boston, Mass	Provincetown, Mass	Plymouth.
Ogdensburg, N.Y	Cannons Corners, N.Y	Mooers.
	Churubusco, N.Y	Chateaugay.
	Hogansburg, N.Y	Massena.
	Jamieson's Line, N.Y	Trout River.
	Morristown, N.Y	Ogdensburg.
	Waddington, N.Y	Do.
Philadelphia, Pa	Atlantic City, N.J	Philadelphia.
	Lewes, Del	Do.
	Port Norris, N.J	Do.
	Tuckerton, N.J	Do.
Baltimore, Md	Salisbury, Md	Baltimore.
Miami, Fla	Fort Pierce, Fla	West Palm Beach.
Mobile, Ala	Biloxi, Miss	Mobile.
New Orleans, La	Gramercy, La	New Orleans.
	Houma, La	Morgan City.
Houston, Tex	Muskogee, Okla	Tulsa, Oklahoma.
Laredo, Tex	Amistad Dam, Tex	Del Rio.
	Falcon Dam, Tex	Roma.
	Los Ebanos, Tex	Hidalgo.
El Paso, Tex	Antelope Wells, N. Mex. (mail: Hachita, N. Mex.).	Columbus.
	Fort Hancock, Tex	Fabens.
	Marathon, Tex	El Paso.
Nogales, Ariz	Lochiel, Ariz	Nogales.
	Tucson, Ariz	Do.
San Diego, Calif	Campo, Calif	Tecate.
Los Angeles, Calif	Port Hueneme, Calif	Los Angeles.
San Francisco, Calif	Monterey, Calif	San Francisco.
Seattle, Wash	Point Roberts, Wash	Blaine.
Anchorage, Alaska	Annette Island, Alaska	Ketchikan.
	Eagle, Alaska	Fairbanks.
	Haines, Alaska	Skagway.
	Hyder, Alaska	Ketchikan.
	Tok, Alaska	Fairbanks.
Great Falls, Mont	Wild Horse, Mont	Great Falls.
	Willow Creek, Mont	Do.
Pembina, N. Dak	Grand Forks, N. Dak	Pembina.
	Lancaster, Minn	Noyes.
	Oak Island, Minn	Warroad.

District	Customs stations	Port of entry having supervision
Duluth, Minn	Crane Lake, Minn	International Falls/Ranier.
	Ely, Minn	Grand Portage.
Cleveland, Ohio	Fairport, Ohio	Cleveland.
	Huron, Ohio	Sandusky.
	Lorain, Ohio	Cleveland.
	Marblehead-Lakeside, Ohio	Sandusky.
	Put-in-Bay, Ohio	Do.
Detroit, Mich	Algonac, Mich	Port Huron.
	Alpena, Mich	Saginaw-Bay City.
	Detour, Mich	Sault Ste. Marie.
	Escanaba, Mich	Do.
	Grand Haven, Mich	Muskegon.
	Houghton, Mich	Sault Ste. Marie.
	Marine City, Mich	Port Huron.
	Marquette, Mich	Sault Ste. Marie.
	Roberts Landing, Mich. (mail: Route 1, Algonac, Mich.).	Port Huron.
	Rogers City, Mich	Saginaw-Bay City.

(d) *Temporary Customs stations.* Customs stations may be designated for a temporary time only, to provide Customs facilities where needed because of certain large-scale operations. Because these designations change from time to time they are not listed. However, current information as to the existence of such stations in any district may be obtained from the district director.

§ 101.5 Customs preclearance offices in foreign countries.

Listed below are the preclearance offices in foreign countries where United States Customs officers are stationed and the Customs districts under which they function:

Customs office:	*Customs district having supervision*
Montreal, Quebec	St. Albans, Vt.
Toronto, Ontario	Buffalo, N.Y.
Kindley Field, Bermuda.	Kennedy Airport area, Jamaica, N.Y.
Nassau, Bahama Islands.	Miami, Fla.
Vancouver, British Columbia.	Seattle, Wash.
Prince Rupert, British Columbia.	Anchorage, Alaska.
Winnipeg, Manitoba	Pembina, N. Dak.

§ 101.6 Assignment of Customs regions to regional directors, internal affairs.

The offices of the regional directors, internal affairs, and the regions they service are as follows:

Region office	Address	ZIP code
Boston	U.S. customhouse, room 1100, 2 India St., Boston, Mass	02109
New York	U.S. Customs Service, 6 World Trade Center, room 502, New York, N.Y	10048
Baltimore	U.S. customhouse, room 424, 40 South Gay St., Baltimore, Md	21202
Miami	U.S. Customs Service, P.O. Box 3201, Miami, Fla	33101
New Orleans	U.S. Customs Service, room 13033, Federal Bldg, 701 Loyola Ave., New Orleans, La.	70113
Houston	U.S. Customs Service, suite 1355, 1 Allen Center, 500 Dallas St., Houston, Tex	77002
Los Angeles	U.S. Customs Service, P.O. Box 3323, Terminal Island Station, San Pedro, Calif	90731
San Francisco	U.S. Customs Service, room 393, 631 Market St., San Francisco, Calif	94105
Chicago	U.S. Customs Service, suite 1539, 55 East Monroe St., Chicago, Ill	60603

§ 101.7 Office of Investigations.

(a) *Domestic field offices.* The domestic field offices of the Office of Investigations with the areas of jurisdiction aligned to existing Customs regions and districts are as follows:

Region	District	Office	Address
I Boston, Mass			Regional Director (investigations), U.S. Customhouse, 100 Summer St., Suite 1828, Boston, Mass. 02110.
		Derby Line, Vt	Resident Agent, P.O. Box 368, Derby Line, Vt. 05831.
		New Haven, Conn	Resident Agent, 770 Chapel St., Suite 2B, New Haven, Conn. 06510.
	Portland, Maine		Special Agent in Charge, Room 17, U.S. Customhouse, Portland, Maine 04111.
		Houlton, Maine	Resident Agent, P.O. Box 432, Houlton, Maine 04730.
	Buffalo, N.Y		Special Agent in Charge, 111 SW. Huron St., Buffalo, N.Y. 14202.
	Ogdensburg, N.Y		Special Agent in Charge, 127 North Water St., Ogdensburg, N.Y. 13669.
		Rouses Point, N.Y	Special Agent in Charge, P.O. Box 68, Rouses Point, N.Y. 12979.
II New York, N.Y			Regional Director (investigations), U.S. Customs Service, P.O. Box 938, Church St. Station, New York, N.Y. 10008.
	Newark, N.J		Special Agent in Charge, 400 Delancey St., Newark, N.J. 07105.
	J.F.K. International Airport, New York, N.Y.		Special Agent in Charge, John F. Kennedy International Airport, 160-19 Rockaway Blvd., Jamaica, N.Y. 11430.
III Baltimore, Md			Regional Director, (investigations), U.S. Appraisers Stores Building, Room 810, 103 South Gay St., Baltimore, Md. 21202.
		Falls Church, Va	Special Agent in Charge, 701 West Broad St., Room 301, Falls Church, Va. 22046.
	Philadelphia, Pa		Special Agent in Charge, U.S. Customs Service 2d and Chestnut Sts., Philadelphia, Pa. 19106

Region	District	Office	Address
		Pittsburgh, Pa.	Resident Agent, Office of Investigations, Federal Bldg., Room 2236, 1001 Liberty Ave., Pittsburgh, Pa. 15222.
	Norfolk, Va.		Special Agent in Charge, U.S. Customs Service, Room 201, U.S. Customhouse, 101 East Main St., Norfolk, Va. 23510.
IV Miami, Fla.			Regional Director, (investigations), 1330 NE. Bayshore Dr., Miami, Fla. 33132.
		West Palm Beach, Fla.	Resident Agent, 700 Clematis St., Room 253, West Palm Beach, Fla. 33402.
	Tampa, Fla.		Special Agent in Charge, P.O. Box 1516, Tampa, Fla. 33601.
		Jacksonville, Fla.	Resident Agent, 2701 Talleyrand Ave., Jacksonville, Fla. 32206.
	San Juan, P.R.		Special Agent in Charge, U.S. Customs Service, P.O. Box. S-1272, Old San Juan, P.R. 00902.
		Ponce, P.R.	Resident Agent, P.O. Box 127, Ponce, P.R. 00731.
		Mayaguez, P.R.	Resident Agent, U.S. Customhouse, P.O. Box 3226, Marina Station, Mayaguez, P.R. 00708.
	Charleston, S.C.		Special Agent in Charge, P.O. Box 856, Charleston, S.C. 29402.
	Savannah, Ga.		Special Agent in Charge, Drawer A, Savannah, Ga. 31408.
		Atlanta, Ga.	Resident Agent, 1585 Phoenix Blvd., Suite 5, Atlanta, Ga. 30349.
	Wilmington, N.C.		Special Agent in Charge, P.O. Box 898, Wilmington, N.C. 28401.
	St. Thomas, V.I.		Special Agent in Charge, P.O. Box 698, Charlotte-Amalie, St. Thomas, V.I. 00801.
		St. Croix, V.I.	Resident Agent, P.O. Box 1801, Christiansted, St. Croix, V.I. 00820.
V New Orleans, La.			Regional Director, (investigations), Canal-Lasalle Bldg., Suite 2440, 1440 Canal St., New Orleans, La. 70112.
		Nashville, Tenn.	Resident Agent, 1719 West End Bldg., Room 303, Nashville, Tenn. 37203.
	Mobile, Ala.		Special Agent in Charge, International Trade Center, P.O. Box 1704, Mobile, Ala. 36601
VI Houston, Tex.			Regional Director (investigations), Suite 1380, 500 Dallas Ave., Houston, Tex. 77002.
		Dallas, Tex.	Resident Agent, 1114 Commerce St., 17th Floor, Dallas, Tex. 75202.
	Laredo, Tex.		Special Agent in Charge, P.O. Box 498 Laredo, Tex. 78040.
		Brownsville, Tex.	Resident Agent, 700 Paredes Ave., Suite 210, Brownsville, Tex. 78520.
		Del Rio, Tex.	Resident Agent, P.O. Drawer 1169, Del Rio, Tex. 78440.
		Eagle Pass, Tex.	Resident Agent, P.O. Box 828, Eagle Pass, Tex. 78852.
		McAllen, Tex.	Resident Agent, 2600 North 10th St., McAllen, Tex. 78501.
		San Antonio, Tex.	Resident Agent, 1802 NE. Loop 410, Suite 302, San Antonio, Tex. 78217.
	El Paso Tex.		Special Agent in Charge, P.O. Box 10719, El Paso, Tex. 79997.
		Albuquerque, N. Mex.	Resident Agent, 5301 Central Ave., NE., Suite 919, 1st National Bank Bldg. East, Albuquerque, N. Mex. 87108.
		Denver, Colo.	Resident Agent, 721 19th St., Room 404, P.O. Box 2771, Denver, Colo. 80201.
VII Los Angeles, Calif.			Regional Director, (investigations), 300 South Ferry St., Room 2037, Terminal Island, San Pedro, Calif. 90731.
	Nogales, Ariz.		Special Agent in Charge, P.O. Box 1385, Nogales, Ariz. 85612.
		Yuma, Ariz.	Resident Agent, P.O. Box 5752, Yuma, Ariz. 85364.
		Douglas, Ariz.	Resident Agent, P.O. Box 1076, 1065 F Ave., Glenn Bldg., Douglas, Ariz. 85607.
		Tucson, Ariz.	Resident Agent, P.O. Box 2911, Tucson, Ariz. 85702.
		Phoenix, Ariz.	Resident Agent, P.O. Box 2259, Phoenix, Ariz. 85002.
	San Diego, Calif.		Special Agent in Charge, P.O. Box 187, San Ysidro, Calif. 92073.
		Calexico, Calif.	Resident Agent, P.O. Box 1510, Calexico, Calif. 92231.
VIII San Francisco, Calif.			Regional Director, (investigations) 681 Market St., Room 300, San Francisco, Calif. 94105.
	Honolulu, Hawaii		Special Agent in Charge, 1000 Bishop St., Suite 1210, Honolulu, Hawaii 96813.
	Great Falls, Mont.		Special Agent in Charge, P.O. Box 71, Great Falls, Mont. 59403.
	Seattle, Wash.		Special Agent in Charge, 909 1st Ave., Seattle, Wash. 98174.
		Blaine, Wash.	Resident Agent, P.O. Box 1360, Blaine, Wash. 98230.
		Spokane, Wash.	Resident Agent, P.O. Box 1483, Spokane, Wash. 99210.
	Anchorage, Alaska		Special Agent in Charge, P.O. Box 199, Anchorage, Alaska 99510.
	Portland, Oreg.		Special Agent in Charge, P.O. Box 2841, Portland, Oreg. 97208.
IX Chicago, Ill.			Regional Director, (Investigations), 55 East Monroe St., Suite 1423, Chicago, Ill. 60603.
	Duluth, Minn.		Special Agent in Charge, Meierhoff Bldg., Room 507, 325 Lake Ave., South, Duluth, Minn. 55802.
	St. Louis, Mo.		Special Agent in Charge, 120 South Central Ave., Suite 440, St. Louis, Mo. 63105.
		Independence, Mo.	Resident Agent, Federal Bldg., Room 250, 301 West Lexington St., Independence, Mo. 64050.

Region	District	Office	Address
	Detroit, Mich		Special Agent in Charge, Room 501, 243 West Congress St., Detroit, Mich. 48226.
	Milwaukee, Wis		Special Agent in Charge, 628 East Michigan St., Room 208, Milwaukee, Wis. 53202.
	Cleveland, Ohio		Special Agent in Charge, Plaza 9, 55 Ericview Plaza, Room 210, Cleveland, Ohio 44114.
		Cincinnati, Ohio	Resident Agent, Federal Bldg., Post Office Box 1035, Fountain Sq. Station, Cincinnati, Ohio 45201.
		Indianapolis, Ind	Resident Agent, Combs-Gates Complex, Building 3, Weir Cook Airport, Indianapolis, Ind. 46241.
	Pembina, N. Dak		Special Agent in Charge, P.O. Box 192, Pembina, N. Dak. 58271.
	Minneapolis, Minn		Special Agent in Charge, 574 Federal Bldg., Fort Snelling, Twin Cities, Minneapolis, Minn. 55111.

(b) *Customs foreign offices.* The Customs foreign offices are as follows:

Foreign office	Address	Area of jurisdiction
Montreal, Canada	Senior Customs Representative, American Consulate General, Montreal, Canada, 1558 McGregor Ave., Montreal 109, P.Q., Canada.	(Domestic offices may conduct investigations in Canada subject to such coordination procedures as may be established by the Foreign Investigations Branch, Headquarters.)
Taipei, Taiwan, China, Republic of.	Customs Attache, American Embassy, Box 2, APO San Francisco, Calif. 96263.	Taiwan.
London England	Customs Attache, American Embassy, Box 40, FPO New York, N.Y. 09510.	Gibraltar, Iceland, Ireland, and the United Kingdom, including Channel Islands.
Paris, France	Customs Attache, American Embassy, D. Bulding, Room 211, APO New York, N.Y. 09777.	Belgium, France, including Corsica, Luxembourg, Monaco, the Netherlands, Portugal, and Spain.
Bonn, Germany	Customs Attache, American Embassy, Box 100, APO New York, N.Y. 09080.	Austria, Czechoslovakia, Denmark, East Germany, Finland, Liechtenstein, Norway, Poland, Sweden, Switzerland, the Union of Soviet Socialist Republics, and West Germany, including West Berlin.
Frankfurt Germany	Senior Customs Representative, American Consulate General, APO New York, N.Y. 09757.	
Hong Kong, British Crown Colony.	Senior Customs Representative, American Consulate General, Box 30, FPO San Francisco, Calif. 96659.	Australia, Ceylon, Hong Kong, Malay Archipelago, including Malaysia, the Philippines, and Indonesia, New Zealand, and all of the Asian continent east of the border of Iran with the Union of Soviet Socialist Republics, Afghanistan, and Pakistan, and nearby islands politically part of states thereon, except for South Korea and the eastern portion of the Union of Soviet Socialist Republics.
Rome, Italy	Customs Attache, American Embassy, APO New York, N.Y. 09794.	Albania, Bulgaria, Cyprus, Greece, including Crete, Hungary, Italy, including Sardinia and Sicily, Malagasy Republic, Malta, Romania, Yugoslavia, all of the African continent and nearby islands politically part of states thereon, and all of the Asian continent west of the border of Iran with the Union of Soviet Socialist Republics, Afghanistan, and Pakistan, including Asia Minor (Turkey), the Arabian Peninsula, and nearby islands politically part of states thereon.
Tokyo, Japan	Customs Attache, American Embassy, APO San Francisco, Calif. 96503.	Japan, including Ryukyu Islands.
Mexico City, Mexico.	Customs Attache, American Embassy, Room 353, Apartado Postal 88-B18, Mexico, D.F., Mexico 20521.	Central America, Mexico, and South America (Domestic offices may conduct investigations in Mexico subject to such coordination prodecures as may be established by the Foreign Investigations Branch, Headquarters.).

§ 101.8 Customs laboratories.

The addresses of the several Customs laboratories and the Customs regions they serve are as follows:

Address and Region

408 Atlantic Ave., Boston, Mass. 02210—I.
201 Varick St., New York, N.Y. 10014—II.
103 South Gay St., Baltimore, Md. 21202—III.
P.O. Box 2112, U.S. Customhouse, San Juan, P.R. 00903—IV.
Customhouse, 1-3 East Bay St., Savannah, Ga. 31401—IV.
423 Canal St., New Orleans, La. 70130—V, VI.
301 Broadway, San Antonio, Tex. 78205—VI.
300 South Ferry St., San Pedro, Calif. 90731—VII.
630 Sansome St., San Francisco, Calif. 94111—VIII.
610 South Canal St., Chicago, Ill. 60607—IX.

§ 101.9 Hours of business.

Except as specified in paragraphs (a)–(g) of this section, each Customs office shall be open for the transaction of general Customs business between the hours of 8:30 a.m. and 5 p.m. on all days of the year:

(a) *Saturdays, Sundays and national holidays.* In addition to Saturdays, Sundays, and any other calendar day designated as a holiday by Federal statute or Executive order, Customs offices shall be closed on the following national holidays:

(1) The first day of January.
(2) The third Monday of February.
(3) The last Monday of May.
(4) The fourth day of July.
(5) The first Monday of September.
(6) The second Monday of October.
(7) The fourth Monday of October.
(8) The fourth Thursday of November.
(9) The twenty-fifth day of December.

If a holiday falls on Saturday, the day immediately preceding such Saturday will be observed. If a holiday falls on Sunday, the day immediately following such Sunday will be observed. (5 U.S.C. 6103(b)(1); (E.O. No. 11582, January 1, 1971; 34 FR 2957; 3 CFR Ch. 11)

(b) *Local conditions requiring different hours.* If, because of local conditions, different but equivalent hours are required to maintain adequate service, such hours shall be observed provided the Commissioner of Customs approves them and provided further that a notice of business hours is prominently displayed at the principal entrance and in each public room of the Customs office.

(c) *Fixing of hours.* At each port or station where there is no full-time Customs employee, the appropriate district director shall, with the approval of the regional commissioner of Customs, fix the hours during which the Customs office will be open for the transaction of general Customs business. Notice of such hours shall be prominently displayed at the principal entrance of the office.

(d) *State and local holidays.* Each Customs office shall be open for the transaction of business on all state and local holidays occurring on days other than Saturdays, Sundays, and national holidays listed in paragraph (a) of this section. The appropriate principal field officer may excuse any employee(s) without charge to leave when a state or local holiday interferes with the performance of his work in a Customs office.

(e) *Services performed outside a Customs office.* Customs services required to be performed outside a Customs office shall be furnished between the hours of 8 a.m. and 5 p.m. (or between the corresponding hours at ports where different but equivalent hours are required for the maintenance of adequate service and are approved by the Commissioner of Customs) on all days when the Customs office is open for the transaction of general Customs business. The regional commissioner of Customs shall, from time to time, and upon reasonable advance notice to the principal local officer concerned, issue instructions for the furnishing of such services on Saturdays.

(f) *Customs services not within prescribed hours.* Where there is a regularly recurring need for Customs services outside the hours prescribed in paragaphs (a)–(e) of this section and the volume and duration of the required services are uniformly such as to require, of themselves or in immediately consecutive combination with other essential Customs activities of the port, the full time of one or more Customs employees, the necessary number of regular tours of duty to furnish such services on all days of the year except Sundays and national holidays may be established with the approval of the Commissioner of Customs.

(g) *Customs services furnished private interests.* Other than as specified in this section, Customs services shall be furnished private interests only in accordance with the provisions of section 24.16 of this chapter.

§ 101.10 Customs seal.

(a) *Design.* According to the design furnished by the Department of the Treasury, the Customs seal of the United

States shall consist of the seal of the Department of the Treasury surrounded by an outer circle in which appear the words "Treasury" at the top and "U.S. Customs Service" at the bottom.

(b) *Use of the Customs seal.* The Customs seal currently in official use, including the dies, rolls, plates, and like devices now in the possession of the Bureau of Engraving and Printing, shall continue to be equally effective as the official seal of the United States Customs Service and shall continue to be so used by each Customs officer and employee having possession of the seal until that particular device requires replacing and is replaced. Use of the United States Customs seal shall be restricted in the following manner:

(1) The Customs seal of the United States shall be impressed upon all official documents requiring the impress of a seal. It shall be impressed upon all marine documents and landing certificates, certificates of weight, gauge, or measure, and similar classes of documents for outside interests.

(2) The impress of the seal is not necessary on documents passing within the Customs Service nor shall the seal be used in the manner of a notary seal to indicate authority to administer oaths.

§ 101.11 Identification cards.

Each Customs employee shall be issued an appropriate identification card with that employee's photograph and signature, signed by the appropriate issuing officer.

Prior to the adoption of this revision, consideration with be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Attention: Regulations Devision, Washington, D.C. 20229, and received on or before October 12, 1976.

Written material or suggestions submitted will be available for public inspection in accordance with section 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, United States Customs Service, Headquarters, Washington, D.C., during regular business hours.

VERNON D. ACREE,
Commissioner of Customs.

Approved: August 3, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

APPENDIX I—PARALLEL REFERENCE TABLE

(This table shows the relation of proposed Part 101 to 19 CFR 1)

Proposed part 101: section—	*19 CFR section*
101.0	New.
101.1(a)	New.
101.1(b)	1.2(a).
101.1(c)	1.2(a).
101.1(d)	1.3(a), footnote 5.
101.1(e)	New.
101.1(f)	1.11.
101.1(g)	1.11.
101.1(h)	1.11.
101.1(i)	1.11.
101.1(j)	1.11.
101.1(k)	1.11.
101.1(l)	1.2(b), footnote 2.
101.1(m)	New.
101.2(a)	1.1 (a), (b).
101.2(b)	1.1(c).
101.3(a)	Footnote 1 to 1.2(b).
101.3(b)	1.2(c).
101.4(a)	1.3(b).
101.4(b)	1.3 (b) and (c).
101.4(c)	1.3(d).
101.4(d)	Footnote 7 to 1.3(d).
101.5	1.4.
101.6	1.4a.
101.7	1.5.
101.8	1.6.
101.9(a)	1.7 (a), footnote 10.
101.9(b)	1.7(b).
101.9(c)	1.7(c).
101.9(d)	1.7(d).
101.9(e)	1.7(e).
101.9(f)	1.7(f).
101.9(g)	1.7(g).
101.10(a)	1.8(a).
101.10(b)	1.8(a).
101.10(b)(1)	1.8(b).
101.10(b)(2)	1.8 (b) and (c).
101.11	1.9.

[FR Doc.76-23209 Filed 8-12-76;8:45 am]

[19 CFR Parts 18, 123, 144]

TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT, CUSTOMS RELATIONS WITH CANADA AND MEXICO, AND WAREHOUSE AND REWAREHOUSE ENTRIES AND WITHDRAWALS

Proposed Amendments

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), sections 552, 553, 557, 623, 624, 46 Stat. 742, as amended, 744, as amended, 759, as amended (19 U.S.C. 1552, 1553, 1557, 1623, 1624), it is proposed to amend Parts 18, 123, and 144 of the Customs Regulations (19 CFR Parts 18, 123, 144) to set forth new procedures in connection with the transportation of bonded merchandise.

Currently, the Customs Regulations do not specifically provide for the time of receipt, delivery, or notification of arrival of merchandise transported in bond, with the exception of transit air cargo and merchandise being transported for exportation (§§ 6.21 and 18.20 of the Customs Regulations, respectively). The resulting lack of control over the movement of bonded merchandise jeopardizes the security of such merchandise.

In order to achieve more control over the movement of bonded merchandise it is proposed to make the following amendments to the Customs Regulations.

It is proposed to amend § 18.2(a) of the Customs Regulations to provide that within five days after the presentation of an entry for merchandise to be transported in bond, the forwarding carrier must take receipt of the merchandise, provided that any lay order period and extension thereof have expired and that no other entry is filed. If the forwarding carrier fails to take receipt of the merchandise within the prescribed period, the transportation entry shall be canceled and the merchandise shall be treated as unclaimed as of the date of original arrival. This proposal will prevent the use of a transportation entry to hold merchandise at the importation site after the expiration of the lay order period (§ 4.37 of the Customs Regulations).

It is proposed to amend §18.2(c) of the Customs Regulations to provide that, except for transit air cargo provided for in § 6.21 of the Customs Regulations, bonded merchandise destined to a final port of destination in the United States, or for export from the United States, shall be delivered to Customs at its port of destination or exportation within 30 days after the date of receipt by the forwarding carrier at the port of origin. Failure to deliver such merchandise within the prescribed period shall constitute an irregular delivery and the initial bonded carrier shall be subject to the penalties therefor (section 18.8 of the Customs Regulations). This proposal will give Customs officers a standard to use in determining when an irregular delivery occurs. Certain editorial changes to § 18.2(c) of the Customs Regulations are also proposed.

It is proposed to amend §§ 18.2(d) and 18.7(a) of the Customs Regulations to provide that promptly, but no more than 72 hours, exclusive of Saturdays, Sundays, and national holidays, after the arrival of bonded merchandise at the port of destination (or delivery of bonded merchandise to the exporting carrier at the port of exportation, in the case of § 18.7(a)), the delivering carrier shall surrender the in-bond manifest (the appropriate Customs Form 7512 or 7520, or the TIR carnet, and related Customs Form 7512–C (destination)) to the district director as notice of arrival of the merchandise. If the in-bond manifest is lost in transit, the in-bond carrier shall report the arrival of the merchandise within the prescribed period and shall be responsible for obtaining copies of the original in-bond manifest. Failure to surrender the in-bond manifest or report the arrival of bonded merchandise within the specified period shall constitute an irregular delivery and the initial bonded carrier shall be subject to the penalties therefor (section 18.8 of the Customs Regulations). This proposal will make the beginning of the lay order period more closely coincide with the actual time of arrival of the bonded merchandise at the port of destination or exportation, instead of allowing the beginning of that period to be unnecessarily delayed by a failure of the carrier or broker to promptly report the arrival of the merchandise.

In order to help establish uniformity in Customs transactions with carriers of bonded merchandise, and to provide more control over the improper handling of such merchandise at its port of destination or exportation, it is proposed to amend § 18.8 of the Customs Regulations to provide that the only acceptable proof of proper delivery of bonded merchandise to Customs at the port of des-

tination or exportation shall be a properly receipted copy of the in-bond document (the appropriate Customs Form 7512 or 7520, or the TIR carnet). In addition, several editorial changes to § 18.8 (a) of the Customs Regulations are proposed.

The revised in-bound control system has required changes in the Customs control card (Customs Form 7512–C, Transportation Entry and Manifest of Goods). Inasmuch as the Customs Regulations do not presently provide who shall prepare this form, it is proposed to amend § 18.2 (b) of the Customs Regulations to provide that it shall be prepared by the carrier or shipper whenever merchandise is being transported in bond.

The Customs Form 7512–C previously used was a two-part carbon set. Both parts were the same. The new Customs Form 7512–C is also a two-part carbon set but the two parts are not the same. Accordingly, it is proposed to delete the words "in duplicate" after the words "Customs Form 7512–C" wherever they appear in the Customs Regulations and to substitute the word "destination" for "duplicate" wherever that word appears in the Customs Regulations in reference to the second part of Customs Form 7512–C.

The proposed amendments will, if adopted, apply to merchandise in transit through the United States to foreign countries (§§ 18.20–18.24 of the Customs Regulations) and merchandise withdrawn from warehouse for transportation or transportation and exportation (§§ 144.36 and 144.37(b) of the Customs Regulations) because §§ 18.20(c), 144.36(f), and 144.37(b)(1) of the Customs Regulations incorporate by reference the general provisions for transportation in bond (§§ 18.1–18.8 of the Customs Regulations). In addition, the amendments will, if adopted, apply to baggage in transit from port to port in Canada or Mexico through the United States because § 123.64(a) of the Customs Regulations states that such baggage may be transported in bond through the United States in accordance with the procedures in §§ 18.13, 18.14, and 18.20–18.24 of the Customs Regulations except where modified by § 123.64. Section 18.20 of the Customs Regulations, as noted above, incorporates by reference the general provisions for transportation in bond (§§ 18.1–18.8 of the Customs Regulations).

Because the time limits proposed in §§ 18.2(a), (c), and (d) of the Customs Regulations will, if adopted, also apply to merchandise in transit through the United States to foreign countries (§§ 18.20–18.24 of the Customs Regulations) it is proposed to amend § 18.20(c) of the Customs Regulations by deleting the sentence "If the merchandise is not forwarded within 30 days from the date the entry is filed, the entry shall be canceled and the merchandise treated as unclaimed as of the date of original arrival."

It is proposed to make the in-bond control system apply to truck shipments transiting the United States. To accomplish this, it is proposed to amend § 123.4 of the Customs Regulations to provide that except as otherwise provided in that section, merchandise transported in such trucks shall be forwarded in accordance with the general provisions for transportation in bond (§§ 18.1–18.8 of the Customs Regulations).

Accordingly, it is proposed to amend Parts 18, 123, and 144 of the Customs Regulations (19 CFR Parts 18, 123, 144) in the manner set forth below:

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

It is proposed to amend paragraph (a), the first sentence of paragraph (b), and paragraph (c) and (d) of § 18.2 to read as follows:

§ 18.2 Receipt by carrier; manifest.

(a)(1) Within five working days after the presentation of an entry for merchandise to be transported in bond, the forwarding carrier must take receipt of the merchandise; *Provided*, That any lay order period and extension thereof have expired and that no other entry is filed. If the forwarding carrier fails to take receipt of the merchandise within the prescribed period, the transportation entry shall be canceled and the merchandise shall be treated as unclaimed as of the date of original arrival.

(2) When merchandise is delivered to a bonded carrier for transportation in bond, the merchandise shall be laden on the conveyance under the supervision of a Customs officer unless the transporting conveyance is not to be sealed with Customs seals or the lading inspector accepts the check of the carrier as to the merchandise laden thereon. The carrier's receipt shall be given immediately to the lading inspector on the Customs in-bond document (the appropriate Customs Form 7512 or 7520, or the TIR carnet) covering the merchandise. In the case of a TIR carnet, the receipt shall be given on the appropriate vouchers in the following form:

Received the cargo listed herein for delivery to Customs at the indicated port of destination or exportation, or for direct exportation.

Name of Carrier (or Exporter)

Attorney or Agent of Carrier (or Exporter)

Date

(b) A Customs in-bond document containing a description of the merchandise and Customs control card (Customs Form 7512–C) shall be prepared by the carrier or shipper whenever merchandise is being transported in bond. The Customs in-bond document shall be signed by the agent of the carrier. * * *

(c)(1) After the merchandise has been laden and the in-bond carrier or his agent has receipted the in-bond document, either Customs Form 7512, Customs Form 7520 (in duplicate), or the TIR carnet, together with the related Customs Form 7512–C (destination), shall be delivered as a manifest to the conductor, master, or person in charge to accompany the merchandise to its port of destination or exportation. If more than one conveyance is used to transport merchandise, the Customs Form 7512–C (destination) shall accompany the first conveyance, and two copies of Customs Form 7512 shall accompany each conveyance as a manifest of the merchandise transported by that conveyance. A TIR carnet (see § 18.3(b)) shall not be used if more than one conveyance is required.

(2) Except transit air cargo provided for in § 6.21 of this chapter, bonded merchandise destined to a final port of destination in the United States, or for export from the United States, shall be delivered to Customs at its port of destination or exportation within 30 days from the date of receipt by the forwarding carrier at the port of origin. Failure to deliver such merchandise within the prescribed period shall constitute an irregular delivery and the initial bonded carrier shall be subject to the penalties therefor (see § 18.8).

(d) Promptly, but no more than 72 hours, exclusive of Saturdays, Sundays, and national holidays, after the arrival of bonded merchandise at the port of destination, the delivering carrier shall surrender in the in-bond manifest (the in-bond document and related Customs Form 7512–C (destination)) to the district director as notice of arrival of the merchandise. If the in-bond manifest is lost in transit, the in-bond carrier shall report the arrival of the merchandise within the prescribed period and shall be responsible for obtaining copies of the original in-bond manifest. Failure to surrender the in-bond manifest or report the arrival of bonded merchandise within the prescribed period shall constitute an irregular delivery and the initial bonded carrier shall be subject to the penalties therefor (see § 18.8).

* * * * *

It is also proposed to amend the second and fourth sentences of paragraph (b) of § 18.3 to read as follows:

§ 18.3 Transshipment; transfer by bonded cartmen.

* * * * *

(b) * * * The Form 7512 and Customs Form 7512–C (destination) which accompanied the shipment to the place of transshipment shall be presented to the district director there. * * * The original copies of the Form 7512 and the related Form 7512–C (destination) shall be delivered to the conductor, master, or person in charge of the first conveyance. * * *

* * * * *

It is also proposed to amend paragraph (a) of § 18.7 to read as follows:

§ 18.7 Lading for exportation, verification of.

(a) Promptly, but no more than 72 hours, exclusive of Saturdays, Sundays, and national holidays, after the delivery of bonded merchandise to the exporting carrier at the port of exportation, the delivering carrier shall surrender the in-bond manifest (the in-bond document and related Customs Form 7512–C (destination)) to the district director as notice of arrival of the merchandise. If the

in-bond manifest is lost in transit, the in-bond carrier shall report the arrival of the merchandise within the prescribed period and shall be responsible for obtaining copies of the original in-bond manifest. Failure to surrender the in-bond manifest or report the arrival of bonded merchandise within the prescribed period shall constitute an irregular delivery and the initial bonded carrier shall be subject to the penalties therefore (see section 18.8).

* * * * *

It is also proposed to amend paragraph (a) of § 18.8 to read as follows:

§ 18.8 Liability for shortage, irregular delivery, or nondelivery; penalties.

(a) The initial bonded carrier shall be responsible for shortage, irregular delivery, or nondelivery at the port of destination or exportation of bonded merchandise received by it for carriage. The only acceptable proof of proper delivery of bonded merchandise to Customs at the port of destination or exportation shall be a properly receipted copy of the in-bond document (the appropriate Customs Form 7512 or 7520, or the TIR carnet). When sealing is waived, any loss found to exist at the port of destination or exportation shall be presumed to have occurred while the merchandise was in the possession of the carrier, unless conclusive evidence to the contrary is produced.

* * * * *

It is also proposed to amend the last sentence of paragraph (b) of § 18.13 to read as follows:

§ 18.13 Procedure; manifest.

* * * * *

(b) * * * Two copies of Form 7520 and the related Customs Form 7512–C (destination) shall be delivered to the carrier to accompany the baggage and shall be delivered by the carrier to the district director of Customs at the port of destination as a notice of arrival.

* * * * *

§ 18.20 [Amended]

It is also proposed to amend paragraph (c) of § 18.20 by deleting the last sence.

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

§ 123.42 [Amended]

It is proposed to amend paragraphs (a) (1) and (b) of § 123.42 by substituting the word "(destination)" for the word "(duplicate").

It is also proposed to amend § 123.42 by adding a new paragraph (c) to read as follows:

* * * * *

(c) *Forwarding procedure.* Except as otherwise provided in this section, merchandise transported in the trucks shall be forwarded in accordance with the general provisions for transportation in bond (§§ 18.1–18.8 of this chapter).

* * * * *

§ 123.64 [Amended]

It is proposed to amend paragraph (b) of section 123.64 by substituting the word "(destination)" for the word "(duplicate)".

PART 144—WAREHOUSE AND REWAREHOUSE ENTRIES AND WITHDRAWALS

§ 144.36 and 144.37 [Amended]

It is proposed to amend paragraph (c) of § 144.36 and paragraph (a) of § 144.37 by deleting the words "in duplicate."

Prior to the adoption of these amendments, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received on or before September 13, 1976.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

Approved: August 5, 1976.

R. RAYMOND,
Acting Commissioner of Customs.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76–23617 Filed 8–12–76;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY BIRDS

Supplemental Proposed Rulemaking

Notice is hereby given that pursuant to the authority contained in the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711), it is proposed to amend Part 20 of Title 50, Code of Federal Regulations. This supplemental proposed rulemaking is the eighth in a series of proposed and final rulemaking documents for migratory bird hunting regulations. It deals specifically with proposed regulations frameworks for 1976–77 late hunting seasons for waterfowl, coots, and gallinules; lesser sandhill (little brown) cranes in parts of North Dakota, South Dakota, New Mexico, Texas, Colorado, Oklahoma, Montana, and Wyoming; and common (Wilson's) snipe in the Pacific Flyway.

The first notice of proposed rulemaking in the series dealt with the establishment of open hunting seasons, daily bag and possession limits, and shooting hours for the 1976–77 season in the contiguous United States, Alaska, and Hawaii and was published in the FEDERAL REGISTER on March 3, 1976 (41 FR 9177) with a comment period ending May 1, 1976. The second notice of proposed rulemaking in the series dealt with the establishment of hunting seasons, daily bag and possession limits, and shooting hours for the 1976–77 season in Puerto Rico and the Virgin Islands and was published in the FEDERAL REGISTER on May 12, 1976 (41 FR 19341), with a comment period ending June 26, 1976. The third notice in the series consisted of supplemental proposed rulemaking dealing with proposed early season frameworks and proposed Canada goose regulations in Wisconsin, and was published in the FEDERAL REGISTER on July 2, 1976 (41 FR 27382), with a 15-day comment period ending July 17, 1976. The fourth notice in the series consisted of final frameworks for selecting open season dates for hunting migratory birds in Puerto Rico and the Virgin Islands during the 1976–77 season and was published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29387). The fifth notice in the series consisted of final rulemaking amending § 20.101 of 50 CFR Part 20 to reflect seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands for the 1976–77 season and was published in the FEDERAL REGISTER on July 22, 1976 (41 FR 30119). The sixth notice in the series consisted of final frameworks for selecting open season dates for hunting migratory birds in the contiguous United States, Alaska and Hawaii during the 1976–77 season and was published in the FEDERAL REGISTER on July 28, 1976 (41 FR 31383). The seventh notice in the series consisted of amendments to Subpart K of 50 CFR 20 to set open hunting seasons, certain closed areas, shooting hours and bag and possession limits for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; for September teal seasaons; for sea ducks in certain defined areas of the Atlantic Flyway; for Canada goose hunting in Wisconsin; and for waterfowl, coots, snipe, and cranes in Alaska.

In this connection, the "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–74)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the FEDERAL REGISTER on June 13, 1975 (40 FR 25241).

The Annual Regulations Conference for Migratory Shore and Upland Game Birds convened on June 22, 1976, in accordance with the notice published in the FEDERAL REGISTER on May 21, 1976 (41 FR 20901). The purposes of this meeting were for the Committee to review the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe and discuss proposed hunting regulations for the 1976–77 hunting season. This meeting was open to the public and statements by interested persons were received.

The Waterfowl Regulations Public Hearing was held on August 5, 1976, in accordance with the notice published in the FEDERAL REGISTER on July 8, 1976 (41 FR 27988). The purpose of the hearing was to review U.S. Fish and Wildlife Service staff recommendations for hunting regulations governing the taking of waterfowl and other species of migratory birds for which framework reg-

ulations have not been finalized. This hearing was open to the public and statements by interetsed persons were received.

COMMENTS RECEIVED DURING COMMENT PERIOD SERVICE RESPONSES, AND MISCELLANEOUS CHANGES FROM PROPOSED RULEMAKING.

There was published in the FEDERAL REGISTER on March 3, 1976 (41 FR 9177) notification of proposed rulemaking for certain migratory game bird hunting regulations during 1976–77. These proposals related both to species for which regulations must be set early (in August for seasons opening as early as September 1) and those for which regulations are set late (in September for seasons opening in October or later). As of May 28, a total of 82 responses to these proposals had been received. These represented 3 flyway councils, 1 flyway technical committee, 12 States, 14 private organizations, and 49 individuals. A few comments were received subsequent to May 28, 1976. Comments relating to early seasons were summarized and discussed in the FEDERAL REGISTER dated July 2, 1976 (41 FR 27382); 6 additional comments relating to early season regulations were discussed in the FEDERAL REGISTER dated July 28, 1976 (41 FR 31383).

This section of the document summarizes those written comments relating to the proposed regulations for late seasons; a number of these comments were submitted in conjunction with others offered in response to early season regulations recommendations. Except for a few comments that are judged to warrant separate treatment, the comments and responses to them are discussed in the same order, and as numbered, in the FEDERAL REGISTER dated March 3, 1976 (41 FR 9177).

STATEMENT OF WILDLIFE PRESERVES, INC.

In a statement dated April 29, 1976, this organization indicated its desire that all comments submitted last year in its letter dated August 25, 1975, be applied to this year's proposed regulations. Because of the scope of the comments, the August 1975 letter was published in its entirety in the FEDERAL REGISTER dated September 5, 1975 (40 FR 41097) and detailed responses were given in the same document. These items included species identification, shooting hours, enforcement of regulations, crippling losses, season lengths, complexity of shooting regulations, bag limits, black ducks, goldeneyes, mergansers, geese (particularly greater snow geese and brant in the Atlantic Flyway), and alleged problems regarding public participation in the regulatory process. Wildlife Preserves, Inc., provided no new data or substantive information in its 1976 communication beyond that provided in 1975. The Service has reconsidered the comments of Wildlife Preserves, Inc., as presented in its August 1975 letter, as well as Service responses to them, in the light of 1976 regulatory proposals. It is judged that responses provided by the Service on September 5, 1975 (40 FR 41097) are relevant in 1976. There being no significant changes in either the comments or the responses to them, further discussion is deemed unnecessary at this time.

STATEMENT OF DEFENDERS OF WILDLIFE, INC.

Two individuals submitted comments on behalf of this organization. John W. Grandy expressed strong concern about the hours within which hunting has been traditionally allowed for migratory game birds, and recommended that they be changed to one-half hour after sunrise to shortly before sunset. Toby Cooper expressed similar concern about shooting hours and additionally commented upon a variety of items including black ducks, mergansers, and regulations for canvasbacks, redheads, greater snow geese, Atlantic brant, whistling swans, bag limits for coots, and need for improved species identification of waterfowl by hunters.

Response: Most of the items commented upon were responded to in the FEDERAL REGISTER dated September 5, 1975 (40 FR 41096). It is noted that discussions regarding shooting hours have been held with Defenders of Wildlife, Inc., and other conservation organizations, during which the Service presented an examination and analysis of available information relating to shooting hours. No evidence has been found that the present shooting hour regulations adversely affect any migratory game bird species or populations. Further comments on other items noted by Toby Cooper appear later.

STATEMENT OF FUND FOR ANIMALS, INC.

This organization expressed concern about the pre-sunrise shooting hours traditionally allowed. The matter of shooting hours for waterfowl hunting is addressed above in response to comments from Defenders of Wildlife, Inc.

STATEMENT OF NATIONAL AUDUBON SOCIETY

Comments were submitted by Charles H. Callison and Joseph P. Linduska on behalf of this organization. The National Audubon Society expressed concern about hunting one-half hour before sunrise, and recommended that the point system for waterfowl be discontinued or substantially modified. Particular concern was expressed about hunters reordering ducks taken under the point system and the enforceability of the present regulation which does not allow reordering was challenged. (Reordering theoretically allows a hunter to attain a higher daily bag than when the point values are accumulated in the same sequence that the ducks were actually taken.)

Response: The matter of shooting hours for waterfowl was addressed previously. The Service has participated in several meetings with representatives of the National Audubon Society and other conservation organizations to discuss the point system, particularly to define the specific areas of concern and to seek solutions to alleged problems. As a result of these meetings, several versions of alternative regulatory language have been developed and are presently under study. It is extremely important that any proposed change in the point system regulation be made known to management agencies, waterfowl hunters, and the public well in advance of the hunting season so that it can be adequately reviewed and discussed. Such an opportunity for public discussion is considered necessary in view of the decision rendered by the Court of Appeals in the law suit involving Fund for Animals v. Frizzell (Civ. No. 75–2054, C.A. D.C., 1975). In view of the short time remaining before the hunting season commences, it is judged inadvisable to propose such a change for the 1976–77 hunting season. The Service will further consider proposed changes in the point system regulation in consultation with others having an interest in the point system regulations.

STATEMENT OF NATIONAL WILDLIFE FEDERATION

Thomas L. Kimball recommended that special or bonus scaup seasons be prohibited whenever there is a likelihood of taking scarce species accidentally. Concern was also expressed about possible regulatory relaxations for canvasbacks and redheads.

Response: Special scaup seasons are permitted only after certain criteria have been met. For example, such seasons are authorized only where and when no substantial hazards would accrue to species other than scaup. Canvasbacks and redheads are discussed later.

STATEMENT OF SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION

Christine Stevens, writing on behalf of this organization, opposed shootinig hours commencing before sunrise and objected to lengthening the greater snow goose season.

Response: Shooting hours have already been addressed. The current proposals for greater snow goose hunting in the Atlantic Flyway do not provide for longer seasons.

SUMMARY OF WRITTEN COMMENTS BY ITEMS

In addition to the above comments, the following comments were made with regard to the proposals announced in the FEDERAL REGISTER dated March 3, 1976. Some comments are in reaction to the wording of the proposal and do not necessarily reflect a position on the item itself. Those shown in opposition to the proposal either favored more restrictive or more lenient regulations.

1. *Shooting hours.* Although considerable differences of opinion were reflected in the comments received on this matter, the weight of the 20 comments were in favor of shooting hours as proposed. Most of the comments related to shooting before sunrise, an item which was addressed previously.

2. *Framework dates for ducks and geese.* Although considerable differences of opinion were reflected in the comments received on this matter, the weight

of the 11 comments were in favor of the framework dates as proposed. The Central Flyway Council urged that provisions be made for separate seasons on dark (Canada and white-fronted) geese and light (snow and blue) geese as a means for improving management of these species. Concern was expressed by 2 States on the opening date of the sea duck season in the northern part of the Atlantic Flyway. As a result of these comments, the opening date for sea duck seasons was modified from September 1 to September 18 (41 FR 27382; July 2, 1976). Most of the opposing views to the proposed frameworks advocated broader framework dates. No data were presented to support the views; consequently, no other changes are contemplated.

3. *Black ducks.* The weight of the 5 comments on black ducks strongly favored the proposal. One comment advocated greater protection for the species. Considerations for this species were noted in the FEDERAL REGISTER dated September 5, 1975 (40 FR 41098). Surveys in January of 1976 indicated improvement in the status of the black duck.

6. *Extra blue-winged teal option.* Although considerable differences of opinion were reflected in the comments received on this matter, the weight of the 8 comments were in favor of retention of the extra blue-winged teal option. One State opposed retention of the extra blue-winged teal option under conventional regulations noting that the provision is not equitable to the treatment of the species under the point system in which up to 10 teal per day could be taken under recent-year point systems.

Response: The setting of point system categories and allocations to species are determined after consultation and consideration of comments by flyway councils, other organizations, and the public. Point system values are not designed to provide species by species equality between point system and conventional regulations. No other comments were received regarding the alleged inequities between the point system and conventional season bag limits for blue-winged teal. Nonetheless, this concern will be considered during the continuing review of the point system.

Organizations expressing concern about the option questioned the wisdom of allowing bonus or extra teal in the bag, alleging that there is a lack of adequate specific population data supporting the validity of such regulations.

Response: The Service's population and harvest surveys are reviewed annually and should it appear that excessive harvests are being extracted from various species or management populations, appropriate action will be taken to modify regulations.

7. *Special scaup season.* Although differences of opinion were reflected in the comments received on this matter, the weight of the 6 comments favored the special scaup season proposal. Opposition to this season was largely based on alleged detrimental effects upon the scaup populations. No new data or information was provided.

Response: The same considerations expressed for the extra blue-winged teal option again apply.

8. *Extra scaup bonus.* Although differences of opinion were reflected in the comments received on this matter, the weight of the 7 comments favored the extra scaup bonus. Opposition to this proposal was again largely based upon alleged detrimental or undetermined effects upon scaup populations.

Response: The same considerations expressed for the extra blue-winged teal option again apply.

9. *Mergansers.* Although differences in opinion were reflected in the comments received on this matter, the weight of the 8 comments favored the proposal. Opposition to regulations for these species was largely based upon alleged detrimental or unknown effects upon merganser populations. No data or new information were provided to support the contentions.

Response: The same considerations expressed for the extra blue-winged teal option again apply. Furthermore, the Service notes that the hooded merganser is afforded special protection under both conventional and point system regulations throughout the United States. The other two species of mergansers are far more abundant throughout most of the country.

10. *Canvasbacks and redheads.* The weight of the 46 comments received on these two species strongly favored the proposal. The FEDERAL REGISTER dated March 3, 1976 (41 FR 9179) advised that possible relaxations would be considered should populations equal or exceed those of 1975. The proposal received considerable support with most of the opposing views advocating continuation of present restrictions on one or both species.

Response: Detailed proposals regarding canvasbacks and redheads are elaborated upon in a following statement.

11. *Goose and brant seasons.* Although differences in opinion were reflected in the comments received on this matter, the weight of the 24 comments favored the proposal. Most of the opposition to the proposed goose and brant seasons was in reponse to a proposed extension in the length of the greater snow goose season from 30 to 50 days and to continuation of the brant season, both in the Atlantic Flyway.

Response: Modified proposals for these two species are discussed in detail in a following statement.

One Flyway Council recommended that hunting season framework dates be allowed to change annually according to the Saturday closest to October 1. This recommendation was later dropped by that Council.

14. *Whistling swans.* Although differences in opinion were reflected in the comments received on this matter, the weight of the 4 comments favored the proposal. One comment expressed general concern about hunting seasons on swans.

Response: Whistling swan hunting is permitted only in Utah and single counties in Montana and Nevada. All participants are required to possess special hunting permits and the number of these issued annually is rigidly controlled by State and Federal regulations. Each permittee may take only one swan per year. Each harvested swan must be immediately marked with a special metal tag. The number of permits issued each year has been very small in relation to the numbers of available whistling swans. There is no evidence that the very limited and tightly controlled hunting seasons are having any adverse effect upon the growing population of whistling swans. Swan hunting is not permitted in areas frequented by the far less numerous trumpeter swan.

15. *Lesser sandhill (little brown) crane.* Although differences in opinion were reflected in the comments received on this matter, the weight of the 4 comments favored the proposal. Two organizations registered opposition to sandhill crane hunting based on concern for accidental shooting of the endangered whooping crane or apprehension about the effects of hunting upon sandhill crane populations.

Response: The hunting of sandhill cranes is permitted only in areas and at such times that no threat to whooping cranes would likely arise. Seasons can be quickly terminated if necessary. For the first time, in 1975, all sandhill crane hunters in the eight Central Flyway States in which sandhill crane hunting was permitted were required to obtain special Federal hunting permits. The sandhill-crane harvest survey indicated that interest in sandhill crane hunting is rather light and that harvests are small in comparison to the number of birds available and the reproductive capability of the species. For example, an estimated 9,497 sandhill cranes were reported harvested by 6,949 participating hunters.

OTHER MISCELLANEOUS WRITTEN COMMENTS

A variety of miscellaneous comments, chiefly opinions lacking supporting information, were received. These suggested implementation of stabilized daily bag limits with hunting season length fluctuating as needed, termination of the baiting restriction, opening of State and Federal refuges and sanctuaries to hunting, delaying duck seasons if crops are unharvested, reopening of local areas to waterfowl hunting, closing a local area in Alaska to hunting, requiring that hunters use trained retrievers to reduce crippling loss, and providing for subsistence taking of waterfowl by Alaskan natives outside the provisions of the various migratory bird treaties to which the United States is a party. The latter comment was submitted by the Mauneluk Association of Kotzebue, Alaska. This comment was received subsequent to the final rulemaking for 1976–77 Alaska waterfowl regulations and therefore is not appropriate for consideration and comment here.

One organization suggested that States where Sunday hunting is prohibited and rigidly enforced should be allowed additional or substitute hunting days.

Response: The Service believes that compensatory hunting days for areas where Sunday hunting is prohibited by State or local laws and regulations is neither necessary nor appropriate. There is no evidence that Sunday closures result in a significant decrease in total seasonal harvest of waterfowl in areas where such closures are in effect. In fact, days during which hunting is prohibited or restricted sometimes result in increased harvests when hunting recurs.

All of the foregoing statements, comments, and suggestions were given consideration in the development of the framework proposals for late season regulations. In addition, the verbal and written statements presented at the Waterfowl Regulations Public Hearing on August 5, 1976, in Washington, D.C., were given consideration. Among the statements were those by the National Audubon Society, Defenders of Wildlife, Inc., National Wildlife Federation, Ducks Unlimited, Inc., The Wildlife Society, various waterfowl flyway councils, State conservation agencies, sportsmen's organizations, and individuals. While there was some disagreement on some issues—notably shooting hours and the point system—general support for most of the proposed late season regulation frameworks was evident. Transcripts of this meeting, including the statements presented, are available to interested parties.

In order to more fully inform the public of the rationale for various regulatory proposals being advanced, the Service provides the following additional information for selected items involving significant departures from the 1975–76 regulations, and others that may be of particular interest. Most hunting regulations being proposed this year generally do not differ from those in effect last year.

Canvasbacks and Redheads

Management rationale calls for management of canvasbacks and redheads independently when and where feasible, and management within species by eastern and western populations. Recent surveys of major canvasback and redhead production areas during the spring and summer provide information on the current status of these two species. The 1976 canvasback breeding population index was 682 thousand birds, no change (3 percent below) from the 1975 index, 20 percent above the ten-year average, and 21 percent above the long-term (1955–75) average. A three-year running average is believed to be a better measure of populations than survey data from a single year. The three-year average for 1974–76 stands at 627 thousand canvasbacks, no change (1 percent below) from the 1973–75 average, and 13 percent above the long-term average. It ranked as the fourth highest three-year index on record. July surveys indicated that good water conditions persisted during the brood rearing period.

Similar surveys of redheads indicated that the 1976 breeding population index stands at 896 thousand, no change (8 percent below) from the 1975 index, 24 percent above the ten-year average, and 36 percent above the long-term average. The three-year index for 1974–76 was 828 thousand, an increase of 6 percent above the 1973–75 average, and 29 percent above the long-term average. The 1974–76 index ranks as the highest on record.

In view of the above information on population status, it is believed that some relaxation can be made in redhead hunting regulations but that hunting regulations for the eastern population of canvasbacks should be generally similar to those in effect during the 1975–76 hunting season. This involves closing key concentration areas to canvasback hunting. During the winter of 1975–76 increased numbers of canvasbacks were inventoried in the Pacific Flyway. The status of the western population of canvasbacks is deemed sufficient to permit up to 2 canvasbacks daily in the San Francisco Bay area in order to bring it into conformity with the rest of the Pacific Flyway. The proposed relaxations for redheads are reflected by proposed changes in point allocations (reduction from 100 to 70 points) out side closed areas, reexamination of areas closed in 1975–76 to canvasback and redhead hunting to ascertain those where the combined harvest of canvasbacks and redheads has been predominantly redheads in the past. As in previous years, the Atlantic Flyway has the option of an open season on canvasbacks and redheads with a bag and possession limit of 1 canvasback or 1 redhead (or a point value of 100 points for canvasbacks, and 70 points for redheads under the point system) except in specified closed areas for canvasbacks and redheads in lieu of flywaywide closures on the two species. Emphasis would be placed on retention of closed areas where high numbers of canvasbacks have been historically taken. Canvasbacks wintering in the Pacific Flyway constitute a separate population. Because of increases in canvasbacks wintering in that flyway, including the San Francisco Bay area, it is proposed that the daily bag limit consist of two rather than one canvasback daily, in an aggregate bag limit with redheads. This change would result in uniform canvasback and redhead regulations throughout the Pacific Flyway.

Atlantic Flyway

Atlantic Brant

Atlantic brant production is expected to be poor this year because of persistent snow and ice cover on nesting areas traditionally utilized by these birds. The expected fall flight of these brant is estimated at about 115 thousand birds, nearly all of which will be potential breeders next spring. Since geese nesting in the high Arctic frequently experience boom or bust production, annual recruitment cannot be predicted simply on the basis of breeding population size. Because the Atlantic brant population is rebuilding from a population low in 1972, and a large proportion of the population consists of birds that are potential breeders for the spring of 1977, it is proposed that the season in the Atlantic Flyway remain closed this year to return as many breeding-age brant as possible to the breeding grounds in 1977. In the event that nesting conditions are again unfavorable in 1977, a sizable population of sexually mature brant should be available for the 1978 breeding season. The objective is to permit the Atlantic brant population to attain a level that will permit more satisfactory hunting seasons than can be afforded this year.

Zoning of Upstate New York for Duck Seasons

New York submitted a proposal to the Atlantic Waterfowl Council for a four-year experimental study of duck hunting in three zones of Upstate New York. The Council endorsed the concept of zoning and the proposal was accepted by the Service with modifications (including season length penalties) to maintain harvests in the Upstate Area at levels consistent with those that would occur without zoning. Provisions include annual evaluations of duck populations, harvests, and hunter movements and attitudes. The primary purposes of the zoning experiment are to provide hunting opportunitiy in the three zones during times most desired within the waterfowl season framework, and to permit greater flexibility in optimizing species management capabilities.

Mississippi Flyway

Ducks

In view of the generally favorable conditions for duck production in 1976 and no significant change in the fall flight index for the Mississippi Flyway, the Mississippi Flyway Council recommended several minor changes in duck hunting regulations for the 1976–77 hunting season. These included permitting the season to open any day of the week rather than Wednesday at noon, an increase in the conventional bag limit for 4 ducks daily and 8 in possession to 5 daily and 10 in possession, and an increase in the number of mallards permitted within the basic daily bag limit from 2 daily and 4 in possession to 3 daily and 6 in possession. However, in accordance with Council recommendations the proposed increase in the number of permitted mallards is focused on male mallards and is designed to affect female mallards as little as possible. Accordingly, the number of female mallards permitted under the conventional bag limit is proposed to be reduced from 2 daily and 4 in possession to 1 daily and 2 in possession. Under point system regulations, it is proposed to continue the female mallard as a high point bird, with the point value of the male mallard being reduced from 35 points to 25 points. Other recommendations were to remove mergansers from the duck bag limit and establish separate bag limits of 5 daily and 10 in possession, of which only 1 daily and 2 in possession may be hooded mergansers. Also, under the point-system bag limit

option, it is proposed that the 90-point category be reduced to 70 points, and the 35-point category reduced to 25 points in order to reduce the spread in point values and to bring point categories into conformity with those existing in other flyways.

GEESE

Habitat conditions for production of Canada geese which migrate into the Mississippi Flyway were favorable in 1976, and the Mississippi Flyway Council recommended small changes in regulations for these geese, including an increase in the harvest quota in the Lac Qui Parle Quota Zone in Minnesota from 4,000 to 5,000 birds, an increase in bag limits for Canada geese in a portion of Kentucky and in Alabama from 1 daily and 2 in possession to 2 daily and 4 in possession, and further restricting areas open to Canada goose hunting in Mississippi and Alabama to afford greater protection to Canada geese. Provisions to effect these recommended changes are proposed herein.

CENTRAL FLYWAY

DUCKS

The proposed frameworks incorporate recommendations of the Central Flyway Waterfowl Council that, in consideration of the status of the species using the Flyway, the basic daily bag limit be reduced from 6 to 5 ducks, the limit on female mallards remain at one daily, and the general restriction of 3 mallards be removed to permit some additional opportunity to harvest male mallards which continue to have higher survival rates than do females. Also incorporated are recommendations to decrease the point values of some ducks from 25 to 20 points, including male mallards, outside the High Plains Mallard Management Unit to permit some additional harvest opportunity, especially on male mallards. Point values and other restrictions remain the same for all species except redheads which are discussed elsewhere.

GEESE

The proposed frameworks incorporate recommendations of the Central Flyway Waterfowl Council that, in consideration of the long-term upward trend in the populations of lesser snow geese using the Flyway and the increasing crop damages resulting from large goose concentrations in the wintering areas, the length of the season on light (snow, including blue) geese be extended to 86 days in the eastern tier of States in the Central Flyway and that the daily bag and possession limits be increased to 5 geese in New Mexico and Texas west of U.S. Highway 81. These changes are expected to result in modest increases in the snow goose harvest and help prevent excessive concentratons of these geese from occurring north of traditional wintering areas. In addition, it is believed that these changes in snow goose regulations will have the desirable result of relieving some harvest pressure on other species such as white-fronted geese. All restrictions on other geese are proposed to remain unchanged from 1975.

PACIFIC FLYWAY

CANADA GOOSE CLOSURE AREA IN CALIFORNIA

During the 1975–76 hunting season, a minor boundary change was made by State regulations of the Sacramento Valley area which had been closed to the taking of Canada geese prior to December 1 for the protection of the endangered Aleutian Canada goose. The closed area redefinition afforded additional protection to the endangered species. This adjustment was based on new band recovery data and extensive field observations of marked birds during the fall and winter of 1975. It is proposed that the new boundary description of the Sacramento Valley closed area will appear in the Federal hunting regulations effective during the 1976–77 season.

PUBLIC COMMENT INVITED

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposed frameworks and will take into consideration the comments and testimony received. Comments, testimony, and any additional information received may lead to final regulations differing from the proposed frameworks contained herein.

Special circumstances are involved in the establishment of these regulations which limit the amount of time which the Service can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: the need, on the one hand, to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms, and, on the other hand, the unavailability before mid-June of specific, reliable data on this year's status of some migratory shore and upland game bird populations. However, it is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director (FWS/MBM), U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. All revelant comments received no later than August 23, 1976, will be considered. Comments received will be available for public inspection during normal business hours at the Service's office in Room 257, U.S. Department of the Interior, C Street between 18th and 19th Streets, Washington, D.C.

It is therefore proposed to amend 50 CFR Part 20 in the manner set forth below.

This notice of proposed rulemaking is issued under the authority of the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703–711).

Dated: August 10, 1976.

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

PROPOSED REGULATIONS FRAMEWORKS FOR 1976–77 LATE HUNTING SEASONS ON CERTAIN MIGRATORY GAME BIRDS

Pursuant to the Migratory Bird Treaty Act, the Secretary of the Interior has approved proposed frameworks for season lengths, shooting hours, bag and possession limits, and outside dates within which States may select seasons for hunting waterfowl, coots, and gallinules; cranes in parts of North Dakota, South Dakota, New Mexico, Texas, Colorado, Oklahoma, Montana, and Wyoming; and common snipe in the Pacific Flyway. Frameworks are summarized below.

GENERAL

States may split their season for ducks or geese into two segments of equal or unequal lengths. Exceptions are noted in appropriate sections.

Shooting hours in all States, on all species, and for all seasons are ½ hour before sunrise until sunset, except that September teal season shooting hours are sunrise to sunset.

States in the Atlantic, Mississippi, and Central Flyways selecting neither a September teal season nor the point system may select an extra daily bag and possession limit of 2 and 4 blue-winged teal, respectively, for 9 consecutive days designated during the regular duck season. These extra limits are in addition to the regular duck bag and possession limits.

States in the Atlantic, Mississippi and Central Flyways may select a special scaup-only hunting season not to exceed 16 consecutive days, with daily bag and possession limits of 5 and 10 scaup, respectively, subject to the following conditions:

1. The season must fall between October 1, 1976, and January 31, 1977, in the Atlantic and Mississippi Flyways, and between October 2, 1976, and January 31, 1977, in the Central Flyway, all dates inclusive.

2. The season must fall outside the open season for any other ducks except sea ducks.

3. The season must be limited to areas mutually agreed upon between the State and the Service prior to September 3, and

4. These areas must be described and delineated in State hunting regulations.

or

As an alternative, States in the Atlantic, Mississippi, and Central Flyways, except those selecting a point system, may select an extra daily bag and possession limit of 2 and 4 scaup, respectively, during the regular duck hunting season, subject to conditions 3 and 4 listed above. These extra limits are in addition to the regular duck limits and apply during the entire regular duck season.

Selection of the point system for any State entirely within a flyway must be on a statewide basis, except if New York selects the point system, conventional regulations may be retained for the Long Island Area. New York may not select the point system within the Upstate zoning option.

States in the Atlantic, Mississippi, and Central Flyways are reminded that if they did not select their rail, woodcock, snipe, gallinule, and sea duck seasons in July, they should do so at the time they make their waterfowl selections.

Frameworks for open seasons and season lengths, bag and possession limit options, and other special provisions are listed below by Flyway.

ATLANTIC FLYWAY

Between October 1, 1976, and January 20, 1977, States in this Flyway may hold open seasons on ducks, coots, and mergansers of: (a) 45 days, with basic daily bag and possession limits of 4 and 8 ducks, respectively, of which no more than 2 in the daily bag and 4 in possession may be black ducks; or (b) 45 days, with basic daily bag and possession limits of 5 and 10 ducks, respectively, of which no more than 1 in the daily bag and 2 in possession may be black ducks. Under either Option (a) or (b), a 50-day season may be selected provided the season is opened on a Wednesday at noon, local time. If the 50-day season is split, each segment must open on a Wednesday at noon, local time.

In the Atlantic Flyway, two options for canvasbacks and redheads are offered: (a) Continued flywaywide closure; or (b) closure of those areas which in the aggregate account for 50 percent or more of the flywaywide harvest of canvasbacks, based on harvest information for the 1961–70 period. If the latter option is selected, one canvasback or one redhead in the daily bag and possession is permitted (except in closed areas) in those States selecting conventional regulations. In those States selecting point system regulations, except in closed areas, the canvasback is assigned 100 points each and the redhead is assigned 70 points each.

Under conventional and point system options, the daily bag and possession limits may not include more than 2 and 4 wood ducks, respectively.

The daily bag limit on mergansers is 5, only 1 of which may be a hooded merganser. The possession limit is 10, only 2 of which may be hooded mergansers.

The daily bag and possession limits of coots are 15 and 30, respectively.

The Lake Champlain area of New York State must follow the waterfowl seasons, daily bag and possession limits, and shooting hours selected by Vermont. This area includes that part of New York State lying east and north of a boundary running south from the Canadian border along U.S. Highway 9 to New York Route 22 south of Keeseville, along New York Route 22 to South Bay, along and around the shoreline of South Bay to New York Route 22, along New York Route 22 to U.S. Highway 4 at Whitehall, and along U.S. Highway 4 to the Vermont border.

In lieu of a special scaup season, Vermont may, for the Lake Champlain Area, select a special scaup and goldeneye season not to exceed 16 consecutive days, with a daily bag limit of 3 scaup or 3 goldeneyes or 3 in the aggregate and a possession limit of 6 scaup or 6 goldeneyes or 6 in the aggregate, subject to the same provisions that apply to the special scaup season elsewhere.

The State of New York may, for the Long Island Area, select season dates and daily bag and possession limits which differ from those in the remainder of the State.

Upstate New York (excluding the Lake Champlain area) may be divided into three zones (West, North, South) on an experimental basis for the purpose of setting separate waterfowl seasons. Option (a) or (b) for seasons and bag limits is applicable to each zone in the Upstate area within the Flyway framework; only conventional regulations may be selected. The West Zone will be permitted the full number of days offered under Options (a) or (b), with or without the Wednesday noon opening. In addition, a split season without penalty may be selected in the West Zone. The North Zone and the South Zone must take a 5-day reduction in season length under either option, with or without the Wednesday noon opening. The basic daily bag limit on ducks in each zone is 4 daily and 8 in possession, and the restrictions applicable to Options (a) and (b) of the regular season for the Flyway also apply. Teal and scaup bonus birds, if offered, shall be applicable to the Upstate zones, but the 16-day special scaup season will not be allowed.

The zones are defined as follows:

The West Zone is that portion of Upstate New York lying west of a line commencing at a point at the north shore of the Salmon River and its junction with Lake Ontario and extending easterly along the north shore of the Salmon River to its intersection with Interstate Highway 81, then southerly along Interstate Highway 81 to the Pennsylvania border.

The North and South Zones are bordered on the west by the boundary described above and are separated from each other as follows:

Starting at the intersection of Interstate Highway 81 and New York Route 49 and extending easterly along Route 49 to its junction with Route 8 in the City of Utica, then southerly along Route 8 to its intersection with Interstate Highway 90 in the City of Utica, then along Interstate Highway 90 easterly to the Massachusetts border.

As an alternative to conventional bag limits for ducks, a 45-day season with a point-system bag limit may be selected by States in the Atlantic Flyway during the framework dates prescribed. A 50-day season may be selected provided the season is opened on a Wednesday at noon, local time. If the 50-day season is split, each segment must open on a Wednesday at noon, local time. Point values for species and sexes taken are as follows: in Florida only, the fulvous tree duck counts 100 points each; in all States the canvasback counts 100 points each (except in closed areas); the female mallard, black duck, mottled duck, wood duck, redhead (except in closed areas) and hooded merganser count 70 points each; the blue-winged teal, green-winged teal, pintail, gadwall, shoveler, scaup, sea ducks, and merganser (except hooded) count 10 points each; the male mallard and all other species of ducks count 25 points each. The daily bag limit is reached when the point value of the last bird taken, added to the sum of the point values of the other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days.

In any State in the Atlantic Flyway selecting both point-system regulations and a special sea duck season, sea ducks count 10 points each during the point-system season, but during any part of the regular sea duck open season falling outside the point-system season, regular sea duck daily bag and possession limits of 7 and 14 sea ducks, respectively, apply.

Coots have a point value of zero, but the daily bag and possession limits are 15 and 30, respectively, as under the conventional limits.

Between October 1, 1976, and January 20, 1977, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, West Virginia, New Jersey, Delaware, Maryland, and Virginia (excluding those portions of the Cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17) may select 70-day seasons on Canada geese; the daily bag and possession limits are 3 and 6 geese, respectively. North Carolina, South Carolina, and those portions of the Cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17 in Virginia may select 50-day seasons on Canada geese within the above framework; the daily bag and possession limits are 1 and 2 geese, respectively.

The season is closed on Canada geese in Florida and Georgia.

Between October 1, 1976, and January 20, 1977, but within their regular waterfowl season, States in the Atlantic Flyway may select 30-day seasons on snow geese (including blue geese); the daily bag and possession limits are 2 and 4 geese, respectively.

The season is closed on Atlantic brant.

For snow geese (including blue geese) the Secretary shall close the season within 48 hours upon recommendation of the Director, Fish and Wildlife Service, that such closure is necessary to avoid excessive harvest.

MISSISSIPPI FLYWAY

Between October 1, 1976, and January 20, 1977, States in this Flyway may hold concurrent 50-day seasons on ducks, coots and mergansers. The daily bag limit for ducks is 5, and may include no more than 3 mallards and black ducks in the aggregate (only 2 of which may be black ducks and only 1 of which may be a female mallard) and 2 wood ducks. The possession limit is 10, including no more

than 6 mallards and black ducks in the aggregate (only 4 of which may be black ducks and only 2 of which may be female mallards) and 4 wood ducks.

Except in closed areas, the limit on canvasbacks and redheads is 1 canvasback daily and 1 in possession or 1 redhead daily and 1 in possession. Under the point system, canvasbacks count 100 points each and redheads count 70 points each, except in closed areas. Areas closed to canvasback and redhead hunting are:

Mississippi River—Entire river, both sides, from Altom Dam upstream to Prescott, Wisconsin, at confluence of St. Croix River.

Alabama—Baldwin and Mobile Counties.

Louisiana—Caddo, St. Charles, and St. Mary Parishes; that portion of Ward 1 formerly designated as Ward 6 of St. Martin Parish; and Catahoula Lake in LaSalle and Rapides Parishes.

Michigan—Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola, and Wayne Counties, and those adjacent waters of Saginaw Bay south of a line extending from Point au Gres in Sec. 6 T18N, R7E (Arenac County) to Sand Point in Sec. 11, T17N, R9E (Huron County), the St. Clair River, Lake St. Clair, the Detroit River and Lake Erie, under jurisdiction of the State of Michigan.

Minnesota—Sibley and Nicollet Counties, and the area encompassed by a boundary beginning at the North Dakota border on U.S. Highway 2, then east on U.S. Highway 2 to Bemidji, then south on U.S. Highway 71 to U.S. Highway 12 at Willmar, then west on U.S. Highway 12 to the South Dakota border, then north along the South Dakota and North Dakota border to the point of beginning.

Ohio—Land and water areas comprising Erie, Ottawa and Sandusky Counties.

Tennessee—Kentucky Lake lying north on Interstate Highway 40.

Wisconsin—In the Mississippi River Zone, all that part of Wisconsin west of the CB&Q railroad in Grant, Crawford, Vernon, La Cross, Trempealeau, Buffalo, Pepin, and Pierce Counties. Also, Dodge and Winnebago Counties and the land and water areas extending 100 yards from the shorelines of Lake Poygan in Waushara County, Lake Winnebago in Calumet and Fond du Lac Counties, and Rush Lake, Fond du Lac County.

Consideration will be given to reopening those areas in which the canvasback harvest comprises no more than 20 percent of the combined canvasback-redhead harvest, based on 1961–70 harvest information.

The daily bag limit on mergansers is 5, only 1 of which may be a hooded merganser. The possession limit is 10, only 2 of which may be hooded mergansers.

The daily bag and possession limits on coots are 15 and 30, respectively.

As an alternative to conventional bag limits for ducks, a 50-day season with point-system bag and possession limits may be selected by States in the Mississippi Flyway during the framework dates prescribed. Point values for species and sexes taken are as follows: except in closed areas, the canvasback counts 100 points; the redhead (except in closed areas), female mallard, wood duck, black duck and hooded merganser count 70 points each; the pintail, blue-winged teal, cinnamon teal, gadwall, shoveler, scaup, green-winged teal and mergansers (except hooded merganser) count 10 points each; the male mallard and all other species of ducks count 25 points each. The daily bag limit is reached when the point value of the last bird taken, added to the sum of the point values of the other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days.

Coots have a point value of zero, but the daily bag and possession limits are 15 and 30, respectively, as under the conventional limits.

In that portion of Louisiana west of a boundary beginning at the Arkansas-Louisiana border on Louisiana Highway 3; then south along Louisiana Highway 3 to Shreveport; then east along Interstate 20 to Minden; then south along Louisiana Highway 7 to Ringgold; then east along Louisiana Highway 4 to Jonesboro; then south along U.S. Highway 167 to Lafayette; then southeast along U.S. Highway 90 to Houma; then south along the Houma Navigation Channel to the Gulf of Mexico through Cat Island Pass—the season on ducks, coots and mergansers may extend 5 additional days, provided that the season opens on November 6, 1976. If the 5-day extension is selected, and if point-system regulations are selected for the State, point values will be the same as for the rest of the State.

The waterfowl seasons, limits, and shooting hours in the Pymatuning Reservoir area of Ohio will be the same as those selected by Pennsylvania. The area includes Pymatuning Reservoir and that part of Ohio bounded on the north by County Road 306 known as Woodward Road, on the west by Pymatuning Lake Road, and on the south by U.S. Highway 322.

Between October 1, 1976, and January 20, 1977, States in this Flyway, except Louisiana, may select 70-day seasons on geese, with daily bag and possession limits of 5 geese, to include no more than 2 white-fronted geese. Regulations for Canada geese are shown below by State.

Between October 1, 1976, and February 14, 1977, Louisiana may select a 70-day season on snow (including blue) and white-fronted geese, with daily bag and possession limits of 5 geese, to include no more than 2 white-fronted geese. The season on Canada geese is closed in Louisiana.

In Minnesota, in the:

(a) Lac Qui Parle Quota Zone—the season on Canada geese closes after 45 days or when 5,000 birds have been harvested, whichever occurs first. The daily bag limit is 1 Canada goose or 2 white-fronted geese, or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese. The quota zone is that area encompassed by a boundary described as follows: beginning at Montevideo, then west on U.S. Highway 212 to U.S. Highway 75, then north on U.S. Highway 75 to State Highway 7 at Odessa, then north on County State Aid Highway 21, Big Stone County, to U.S. Highway 12, then east on U.S. Highway 12 to County State Aid Highway 17, Swift County, then south on C.S.A.H. 17 and C.S.A.H. 9, Chippewa County, to State Highway 40, then east on State Highway 40 to State Highway 29, then south on State Highway 29 to point of beginning at Montevideo.

(b) Southeastern Zone (same description as in 1971)—The season for Canada geese may extend for 70 consecutive days. The daily bag limit is 1 Canada goose or 2 white-fronted geese or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese.

(c) Remainder of the State—The season on Canada geese may not exceed 45 days. The daily bag limit is 1 Canada goose or 2 white-fronted geese or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese.

In Iowa, the season for Canada geese may extend for 45 consecutive days. The daily bag and possession limits are 2 Canada geese.

In Missouri, in the:

(a) Swan Lake Quota Zone (same description as in 1971—the season on Canada geese closes after 45 days or when 25,000 birds have been harvested, whichever occurs first. The daily bag limit is 1 Canada goose or 2 white-fronted geese, or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese.

(b) Southeastern area (east of U.S. Highway 67 and south of Crystal City)—State may select a 45-day season on Canada geese between December 1, 1976, and January 20, 1977, with a daily bag limit of 2 Canada geese or 2 white-fronted geese or 1 of each; and a possession limit of 4 Canada and white-fronted geese in the aggregate, of which no more than 2 may be white-fronted geese.

(c) Remainder of the State—the season on Canada geese may not exceed 45 days. The daily bag limit is 2 Canada geese or 2 white-fronted geese or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese.

In Wisconsin, the harvest of Canada geese is limited 28,000. The daily bag limit is 1 Canada goose or 2 white-fronted geese or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese. In the Horicon Zone, to be defined by State regulations, Canada goose hunting is restricted to those persons holding valid Horicon Zone Canada goose hunting permits issued by the State.

In Illinois, the harvest of Canada geese is limited to 28,000, with 22,000 birds allocated to the Southern Illinois Zone (same description as in 1971). The daily bag limit is 2 Canada geese or 2 white-fronted geese or 1 of each; the possession limit is 4 Canada geese and white-fronted geese in the aggregate, of which no more than 2 may be white-fronted geese. The season on Canada geese may open at a later date in the Southern Illinois Quota Zone and extend to January 20, 1977, or until the Zone's quota of

22,000 birds is reached, whichever occurs first.

In Michigan, Ohio and Indiana, the daily bag limit is 1 Canada goose or 2 white-fronted geese or 1 of each; the possession limit may include no more than 2 Canada and 2 white-fronted geese, except in Michigan, the possession limit on Canada geese is 1.

In Kentucky, the daily bag limit is 2 Canada geese or 2 white-fronted geese or 1 of each; the possession limit is 4 Canada geese and white-fronted geese in the aggregate, of which no more than 2 may be white-fronted geese.

In Tennessee, the daily bag limit is 1 Canada goose and the possession limit is 2 Canada geese, except that in the Counties of Shelby, Lake, Tipton, Lauderdale, Dyer, and Obion, the daily bag and possession limits are 2 Canada geese.

In Mississippi, in the Sardis Reservoir Area (that area encompassed by Interstate Highway 55 on the west, State Highway 7 on the east, State Highway 310 on the north and State Highway 6 on the south), the daily bag limit is 1 Canada goose and the possession limit is 2 Canada geese. In the remainder of the State, the season on Canada geese is closed.

In Alabama, the season is closed on all geese in the Counties of Chambers, Henry, Russell and Barbour. Elsewhere in Alabama, the daily bag limit is 2 Canada geese or 2 white-fronted geese or 1 of each; the possession limit is 4 Canada and white-fronted geese in the aggregate, of which not more than 2 may be white-fronted geese.

In Arkansas, the Canada goose season will be concurrent with, and the same length as, the duck season, subject to State closure of designated areas. The daily bag limit is 1 Canada goose and the possession limit is 2 Canada geese.

When it has been determined by the Director that the quota of Canada geese allotted to the State of Illinois, to the Swan Lake Area of Missouri, and to the Lac Qui Parle Area of Minnesota will have been filled, the season for taking Canada geese in the respective area will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing.

Geese taken in Illinois and Missouri and in the Kentucky Counties of Ballard, Hickman, Fulton, and Carlisle may not be transported, shipped, or delivered for transportation or shipment by common carrier, the postal service, or by any person except as the personal baggage of the hunter taking the birds.

Central Flyway

Between October 2, 1976, and January 23, 1977, concurrent seasons on ducks, including mergansers, and coots, may be selected in Central Flyway States and portions of States.

The basic season may include no more than 60 days and bag limits on ducks and mergansers, singly or in the aggregate, are 5 daily and 10 in possession. The aggregate daily bag limit on ducks and mergansers may include no more than 1 hooded merganser, 2 wood ducks and 1 female mallard, and the possession limit may include no more than 2 hooded mergansers, 4 wood ducks and 2 female mallards.

The bag limit on coots is 15 daily and 30 in possession.

The daily bag and possession limits, except in closed areas, may include no more than 1 canvasback or 1 redhead. Except in closed areas, canvasbacks count 100 points each and redheads 70 points each under the point system. The areas closed to canvasback and redhead hunting are:

North Dakota—that portion lying east of State Highway 3, including all or portions of 27 counties.

South Dakota—the Counties of Brookings, Codington, Day, Kingsbury, Roberts, Marshall, and Hamlin.

Texas—the Counties of Brazoria, Chambers, Galveston, Harris, and Jefferson.

Consideration will be given to reopening those areas in which the canvasback harvest comprises no more than 20 percent of the combined canvasback-redhead harvest, based on 1961–70 harvest information.

The season is closed on the Mexican duck.

As an alternative to conventional bag and possession limits for ducks, point-system regulations may be selected for States and portions of States in this Flyway. The point system season length in the High Plains Mallard Management Unit portions of Colorado, Kansas, Montana, Nebraska, New Mexico, Texas, Oklahoma, North Dakota, South Dakota, and Wyoming is 83 days, provided, that the last 23 days of such season must begin on or after December 13, 1976. The season length for those portions of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas not included in the High Plains Mallard Management Unit may not exceed 60 days. The High Plains area, roughly defined as that portion of the Central Flyway which lies between the 100th meridian and the Continental Divide, shall be described in State regulations.

The point values for species and sexes taken in the Central Flyway are as follows: Except in closed areas, canvasbacks count 100 points each; the hen mallard, wood duck, redhead (except in closed areas), and hooded merganser count 70 points each; the blue-winged teal, green-winged teal, cinnamon teal, scaup, pintail, gadwall, shoveler, and mergansers (except the hooded merganser) count 10 points each; all other species and sexes of ducks count 20 points each. The daily bag limit is reached when the point value of the last bird taken, when added to the sum of the point values of other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days.

Coots have a point value of zero, but the daily bag and possession limits are 15 and 30 respectively, as under the conventional limits.

Those portions of Colorado and Wyoming lying west of the Continental Divide, that portion of New Mexico lying west of the Continental Divide plus the entire Jicarilla Apache Indian Reservation, and that portion of Montana which includes the Counties of Hill, Chouteau, Cascade, Meagher, and Park and all counties west thereof, must select open season on waterfowl and coots in accordance with the framework for the Pacific Flyway.

Between October 2, 1976, and January 23, 1977, States in this Flyway may select goose seasons as follows:

(a) For the Central Flyway portions of Montana, Wyoming and Colorado, States may select seasons of 93 days, with daily bag and possession limits of 2 and 4 geese, respectively.

(b) For the Central Flyway portion of New Mexico and that portion of Texas west of U.S. Highway 81, States may select seasons of 93 days with a daily bag limit of 5 geese which may include no more than 2 dark (Canada and white-fronted) geese and a possession limit of 5 geese which may include no more than 4 dark geese.

(c) The States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas (for that portion east of U.S. Highway 81) may select seasons of 86 days for light (snow and blue) geese and seasons of 72 days for dark (Canada and white-fronted) geese subject to the following:

Seasons for light and dark geese need not be concurrent.

The daily bag and possession limits may not exceed 5 geese during periods when such light and dark goose seasons may be concurrent.

The daily bag and possession limit shall be 5 light geese.

The daily bag limit may include no more than 2 dark geese and possession limit may include no more than 4 dark geese subject to the following:

In North Dakota the daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose or 2 white-fronted geese. The possession limit may include no more than 2 Canada or 2 white-fronted geese or 1 of each. The season on dark geese may not extend beyond November 14, 1976.

In South Dakota, except in the following listed Counties, the daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose and the possession limit may include no more than 2 Canada geese or 2 white-fronted geese or 1 of each and the season on dark geese may not extend beyond November 28, 1976. In the Counties of Buffalo, Campbell, Corson, Dewey, Hughes, Potter, Stanley, Sully and Walworth, the daily bag and possession limits may include no more than 1 Canada goose and the season on dark geese may not extend beyond November 14, 1976. In the Counties of Brule, Charles Mix and Gregory, the daily bag and possession limits may include no more than 1 Canada goose and the season on dark geese may not extend beyond November 28, 1976.

In Nebraska, the season on dark geese may not extend beyond December 19, 1976. The daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose and the possession limit may include no more than 2 Canada geese or 2 white-fronted geese or 1 of each except that, in that portion of the State west of U.S. Highway 183, prior to November 22, the daily bag limit may include no more than 2 Canada geese and the possession limit no more than 4 Canada geese.

In Kansas the season on Canada and white-fronted geese may not extend beyond December 26, 1976. The daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose and the possession limit may include no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

In the Oklahoma Counties of Alfalfa, Bryan, Johnston, and Marshall, the State may select either:

(a) A season of 72 days with a daily bag limit of no more than 1 Canada goose and 1 white-fronted goose, and a possession limit of no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

or

(b) A season of 53 days (within the 72-day period selected for the remainder of the State) with a daily bag limit of no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose, and a possession limit of no more than 2 Canada geese or 2 white-fronted geese of 1 of each.

In the remainder of Oklahoma, the daily bag limit may include no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose and the possession limit no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

In that portion of Texas east of U.S. Highway 81, the State may select either:

(a) A season of 72 days with a daily bag limit of no more than 1 Canada goose or 1 white-fronted goose and a possession limit of no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

(b) A season of 64 consecutive days commencing no earlier than November 14, 1976, with a daily bag limit of no more than 1 Canada goose and 1 white-fronted goose and a possession limit of no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

In all States in the Flyway, the daily bag and possession limits may include no more than 1 Ross' goose.

Colorado, New Mexico, Oklahoma, Texas, Montana and Wyoming may select a season on the lesser sandhill (little brown) crane with daily bag and possession limits of 3 and 6, respectively, within an October 2, 1976–January 18, 1977, framework as follows:

(a) 36 consecutive days from October 2 through November 8, 1976, in the Central Flyway portion of Colorado except the San Luis Valley area.

(b) 93 consecutive days between October 23, 1976, and January 31, 1977, in the New Mexico Counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt, and in that portion of Texas west of a boundary from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, along U.S. Highway 87 and including all of Howard and Lynn Counties to U.S. Highway 277 at San Angelo, and along U.S. Highway 277 to the International Toll Bridge in Del Rio.

(c) 58 consecutive days beginning on or after November 27, 1967, in that portion of Oklahoma west of U.S. Highway 81, and in that portion of Texas east of a boundary from the Oklahoma border along U.S. Highway 287 to U.S. Highway 27 at Dumas, then along U.S. Highway 87 to San Angelo, and west of a line running north from San Angelo along U.S. Highway 277 to Abilene, along State Highway 351 to Albany, along U.S. Highway 283 to Vernon, and then along U.S. Highway 183 east to the Oklahoma border.

(d) 37 consecutive days to open with the goose season in Phillips County, Montana.

(e) 30 consecutive days beginning on or after October 9, 1976, in Platte and Goshen Counties, Wyoming.

North Dakota and South Dakota may select sandhill crane seasons of: 30 consecutive days between November 6 and December 5, 1976, in the North Dakota Counties of Kidder, Stutsman, Benson, Emmons, Pierce, McLean, Sheridan, and Burleigh; and in that part of South Dakota enclosed by a boundary described as follows: from the North Dakota border, south on U.S. Highway 83 to U.S. Highway 212, west on U.S. Highway 212 to the Promise Road, north on the Promise Road to State Highway 20, north on State Highway 20 to U.S. Highway 12, northwest on U.S. Highway 12 to State Highway 63, north on State Highway 63 to the North Dakota border.

All persons hunting sandhill cranes in the above designated areas of the Central Flyway must obtain and possess valid Federal permits issued by the appropriate State conservation agency on an equitable basis without charge.

Pacific Flyway

Between October 2, 1976, and January 23, 1977, concurrent 93-day seasons on ducks, mergansers, coots, and gallinules may be selected in Pacific Flyway States and portions of States, *except* the Columbia Basin Area. Basic daily bag and possession limits on ducks and 7 and 14, respectively.

No more than 2 redheads or 2 canvasbacks or 1 of each may be taken daily and no more than 4 singly or in the aggregate may be possessed.

The season is closed on the Mexican duck.

The daily bag and possession limits on mergansers are 5 and 10, respectively, of which no more than 1 daily and 2 in possession may be hooded mergansers.

The daily bag and possession limits on coots and gallinules are 25 singly or in the aggregate.

For that portion of California lying south of the Tehachapi Mountains and west of the Colorado River Area (as described in Title 14 California Fish and Game Code, Section 502), the State may designate season dates differing from those in the remainder of the State.

Waterfowl season dates for Clark and Lincoln Counties in Nevada and the Colorado River Area of California must coincide with season dates selected by Arizona for waterfowl. Waterfowl season dates for the Tule Lake Area of California must coincide with season dates selected by Oregon for waterfowl.

In the Columbia Basin Area of Washington, Oregon and Idaho, between October 2, 1976, and January 23, 1977, the season lengths for ducks, mergansers, coots and gallinules may be 100 days with all seasons to run concurrently. The daily bag limit is 7 ducks and the possession limit is 14 ducks, to include no more than 2 redheads or 2 canvasbacks or 1 of each daily, and no more than 4 singly or in the aggregate in possession. The bag limit on mergansers is 5 daily and 10 in possesion, of which no more than 1 daily and 2 in possession may be hooded mergansers. The daily bag and possession limits on coots and galinules are 25 singly or in the aggregate.

Between October 2, 1976, and January 23, 1977, 93-day seasons on geese may be selected in States or portions of States in this Flyway, except the Columbia Basin area. The basic daily bag and possession limits are 6, provided, that the daily bag limit includes no more than 3 snow geese and 3 geese of the dark species (Canada and white-fronted); the daily bag and possession limits are proportionately reduced in those areas where special restrictions apply to Canada geese. In Washington and Idaho, the daily bag and possession limits are 3 and 6 geese, respectively.

Three areas in California are restricted to the hunting of Canada geese in order to protect the Aleutian Canada goose for which no hunting is allowed and are described as follows:

(1) In the Counties of Del Norte, Humboldt and Mendocino, there will be a complete closure on Canada geese during the 1976–77 waterfowl hunting season.

(2) In the Sacramento Valley in the area described as follows: beginning at the town of Willows in Glenn County proceed south on Interstate Highway 5 to the junction with Hahn Road north of the town of Arbuckle in Colusa County; then easterly on Hahn Road and the Grimes-Arbuckle Road to the town of Grimes on the Sacramento River, then south on the Sacramento River to the Tisdale By-pass; then easterly on the Tisdale By-pass to where it meets O'Banion Road; then easterly on O'Banion Road to State Highway 99; then northerly on State Highway 99 to its junction with the Gridley-Colusa Highway in the town of Gridley in Butte County; then westerly on the Gridley-Colusa Highway to its junction with the River Road; then northerly on the River Road to the Princeton Ferry; then westerly across the Sacramento River to State Highway 45; then northerly on State Highway 45 to its junction with State Highway 162; then continuing northerly on State Highway 45–162 to the town of Glenn; then westerly on State Highway 162 to the

point of beginning in the town of Willows, the hunting season for taking Canada geese will not open until December 15, 1976, and will then continue to the end of the 1976–77 waterfowl hunting season.

(3) In the San Joaquin Valley in the area described as follows: beginning at the city of Modesto in Stanislaus County proceeding west on State Highway 132 to the junction of Interstate 5; then southerly on Interstate 5 to the junction of State Highway 152 in Merced County; then easterly on State Highway 152 to the junction of State Highway 59; then northerly on State Highway 59 to the junction of State Highway 99 at the city of Merced; then northerly and westerly to the point of beginning; the hunting season here for taking Canada geese will close on December 15, 1976.

In the Washington Counties of Adams, Franklin, Grant, Walla Walla, Lincoln, Douglas, Yakima, Benton, Klickitat, and Kittitas, and in the Oregon Counties of Morrow, Wasco, Sherman, Gilliam, Umatilla, Union and Wallowa, the goose season must run concurrently with the Columbia Basin duck season and the bag limits for geese are to be the same as in the general goose season in their respective States.

In that portion of the State of Idaho lying west of U.S. Highway 93 (except Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, Lewis, Clearwater and Idaho Counties); in the Oregon Counties of Baker and Malheur; in that portion of Montana and Wyoming placed in the Pacific Flyway, the daily bag and possession limit is 2 Canada geese and the season on Canada geese may not extend beyond December 31, 1976.

In that portion of Idaho lying east of U.S. Highway 93; in that portion of Colorado placed in the Pacific Flyway; in the State of Utah except Washington County, the season on Canada geese may be no more than 72 days and the season on Canada geese may not extend beyond December 19, 1976.

In the State of Arizona; in that portion of New Mexico placed in the Pacific Flyway; in Clark and Lincoln Counties, Nevada; in Washington County, Utah; and in the Tehachapi waterfowl area of California, the season on Canada geese may be no more than 72 days. The daily bag and possession limit is 2 Canada geese and the season on Canada geese may not extend beyond January 2, 1977.

In that portion of California Fish and Game District 22 for which California selects the open season (that portion of District 22 lying outside the Colorado River area), the daily bag limit is 1 Canada goose with 2 in possession and the season on Canada geese may be no more than 72 days and the season on Canada geese may not extend beyond January 2, 1977.

In all States in the Flyway, the daily bag and possession limits may include no more than 1 Ross' goose.

Between October 23, 1976, and February 23, 1977, States in this Flyway may select an open season on black brant of 93 days with daily bag and possession limits of 4 and 8 brant, respectively.

In Utah, Nevada and Montana, an open season for taking a limited number of whistling swans may be selected subject to the following conditions: (a) the season must run concurrently with the duck season; (b) in Utah, no more than 2,500 permits may be issued, authorizing each permittee to take 1 whistling swan; (c) in Nevada, no more than 500 permits may be issued, authorizing each permittee to take 1 whistling swan in Churchill County; (d) in Montana, no more than 500 permits may be issued, authorizing each permittee to take 1 whistling swan in Teton County; (e) permit forms and correspondingly numbered metal locking seals furnished by the Service must be issued by the appropriate State conservation agency on an equitable basis without charge.

Open seasons on common (Wilson's) snipe, coinciding with the duck season locally in effect, may be selected for States or portions of States in this Flyway. The daily bag and possession limits are 8 and 16, respectively.

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1004]

[Docket No. AO-160-A53]

MILK IN THE MIDDLE ATLANTIC MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Middle Atlantic market area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at the Baltimore-Washington International Airport, Maryland, on May 20, 1976 pursuant to notice thereof issued on May 4, 1976 (41 FR 18862).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Program Operations, on July 6, 1976 (41 FR 28308), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

Under the heading "Findings and Conclusions," paragraphs 18, 21, 23 and 24 are changed.

The material issue on the record of the hearing relates to increasing the rate of deduction under the advertising and promotion program from 5 cents per hundredweight to 7 cents per hundredweight of producer milk.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Rate of deduction for the advertising and promotion program. The rate at which the advertising and promotion program is funded from producer monies should be increased from 5 cents per hundredweight to 7 cents per hundredweight of producer milk.

The advertising and promotion program was established under the Middle Atlantic order in February 1972 with respect to marketings on and after April 1 of that year. The program has been funded since its inception through a monthly 5-cent per hundredweight assessment on milk delivered during the month by participating producers. The money is deducted by the market administrator from the producer-settlement fund and turned over to an agency organized by producers and producers' cooperative associations. Certain reserves are withheld by the market administrator to cover the administrative costs incurred by him and refunds to producers.

The advertising and promotion agency is responsible for the development and implementation of programs and projects approved by the Secretary and designed to carry out the purposes of the Act. The scope of the agency's activities may include the establishment of research and development projects, advertising on a non-brand basis, sales promotion, and educational and other programs designed to improve or promote the domestic marketing and consumption of milk and its products.

The advertising and promotion program is a voluntary program. Accordingly, each producer, on a quarterly basis, is given an opportunity to request a refund of the money withheld from his pool proceeds. About 10 percent of the producers in the market received a refund for the first quarter of 1976.

Four cooperative associations whose members supply about 60 percent of the milk regulated under the order proposed that the rate of deduction for funding the advertising and promotion program be increased from the present 5 cents to 7 cents. Proponents indicated that it was their belief that the program has contributed to an increase in Class I sales during various periods and has minimized declining sales during times of rising milk prices. It was their position, however, that the current funding rate is no longer adequate to maintain the promotional effort initially contemplated by producers and subsequently established under the program. Proponents claimed that the current inflationary trend in the economy has caused the cost of all advertising and promotion activities to rise significantly. At the same time, producer contributions to the program have remained relatively constant. Thus, they contended, inflation has caused a reduction in advertising and promotion expenditures and thus a reduction in the effectiveness of the program.

Opposition to an increase in the funding rate was expressed by a cooperative association representing slightly less than 10 percent of the producers on the market. The cooperative indicated that if the rate of deduction were increased in the Middle Atlantic market, comparable rate increases probably would be requested in other markets having similar programs. Opponent claimed that this would be an undesirable development at this time since dairy farmers were only now beginning to recover from a recent unprecedented cost-price squeeze. The opposing cooperative also claimed that any attempt in surrounding areas to bring the funding rate in line with the proposed rate under Order 4 could threaten the participation in the programs for such areas. Also, it was claimed that the data for the Middle Atlantic market show no significant improvement in fluid milk sales since the start of the advertising and promotion program, thus raising a question as to the potential effectiveness of any increased funding. In addition, the cooperative indicated that producer participation in the program has been falling steadily since the program was initiated and that a higher funding rate would aggravate this situation.

As indicated at the outset, the funding rate for the advertising and promotion program should be increased by 2 cents per hundredweight of producer deliveries. An increase in the funding rate is necessary if the promotional effort under the program is to be maintained at the general level which producers initially supported when the program was established and which a majority of the producers continue to support. At the program's inception, producers supported the current funding rate of 5 cents per hundredweight with the expectation that this rate would permit a given level of advertising and promotion activity. Although producer contributions under the program have remained relatively constant, inflationary conditions within the economy have seriously curtailed the amount of promotional activity that can be generated by the available funds. Since the start of the program, the purchasing power of the dollar, for example, has declined about 35 percent in terms of wholesale prices, and about 26 percent on the basis of consumer prices.

The Order 4 advertising and promotion agency disburses the bulk of its available funds to the United Dairy Industry Association (UDIA) and the several dairy councils that operate within the Middle Atlantic market. During the period of April 1972 through December 1975, UDIA received $5,727,423 from the Order 4 agency. About three-fourths of this amount was used for local advertising; the remainder was spent on national programs. The local dairy councils received $1,793,406 during this period.

The UDIA carries out its activities through three sub-organizations. Consumer advertising is handled by the American Dairy Association. The National Dairy Council conducts nutrition research and nutrition education programs. The research arm of UDIA is Dairy Research, Inc., which pursues the development of new dairy products and processing techniques.

A representative of UDIA testified at the hearing as to the costs attendant to advertising through various media. The witness indicated that on a national basis UDIA has experienced the following cost increases since 1972 for the most commonly used media:

Media:	*Percent increase*
Spot television	50
Nighttime network TV	33
Spot radio	28
Daily newspapers	30

It was pointed out that in advertising milk a media mix might be used that would consist of 60 percent spot television, 25 percent spot radio, and 15 percent nighttime television. With this particular media mix, the cost of advertising today is 42 percent higher than in 1972, thus requiring a 42 percent increase in expenditures if the 1972 level of advertising is to be maintained. If, on the other hand, advertising expenditures are held at the 1972 level, only 70 percent as much advertising can be purchased today as previously.

The UDIA witness further noted that in the past year advertising costs in the Middle Atlantic market have increased more than they have nationally. Spot television for prime time (8–11 p.m.) is up 33 percent locally versus a 27 percent increase for the nation. For fringe prime time (early and late evening), costs are up 32 percent in the Order 4 area compared to 29 percent nationally. For daytime advertising, costs are up 61 percent locally versus 21 percent nationally.

In addition to testimony regarding UDIA activities, witnesses also described the activities of the local dairy councils and the need for additional funding. Such organizations provide nutrition education to various groups and persons in the local communities. Through personal contacts by staff people, literature, films and exhibits, the dairy councils emphasize the importance of a nutritionally adequate diet, including the use of milk and other dairy products.

As in the case of advertising, dairy council activities likewise have been adversely affected by the recent inflationary trend in the economy. Witnesses indicated that such activities have either been curtailed or held at less than normally desired expenditure levels because of the higher cost of carrying out these activities.

While costs under the advertising and promotion program have been increasing, producer contributions to the program have remained relatively constant. For example, funds transferred by the market administrator to the Order 4 agency totaled $2,117,804 in 1973, $2,121,863 in 1974, and $2,162,677 in 1975. Any significant increase in available funds is not likely except through an increase in the rate at which monies are deducted from producers' returns for the program.

In support of their proposal, proponents indicate that the advertising and promotion program has had a "positive" effect on the per capita consumption of milk. They stated that prior to the start of the program per capita sales in the market had been declining. Proponents claimed that the program reversed this sales trend except during a period of rapidly rising milk prices. They contended that even in this latter situation the program had a positive effect by minimizing the sales decline.

The opposing cooperative, on the other hand, claimed that there is no conclusive evidence that the advertising and promotion program has improved milk sales in the Middle Atlantic market. The cooperative contended in its brief that an increase in the program's funding rate should be adopted only if the record demonstrates that the program has produced positive results that are sufficient to justify program expenditures.

The cooperative reiterated this position in its exceptions to the recommended decision and indicated that this is the paramount economic consideration in determining whether a rate increase is justified.

Serious question must be raised as to whether the record evidence in fact demonstrates one way or the other that the advertising and promotion program has in fact caused milk sales to be at a level higher than otherwise would have been the case without such a program. The effectiveness of advertising is difficult to measure, and a valid evaluation of the program would need to be based on a more extensive study than presumably was undertaken by either the proponent or opponent cooperatives. It would seem a prudent step, of course, for those producers participating in the program to seek such an evaluation of the advertising and promotion activities that they are funding.

Adoption of the proposed increase in funding should not be denied, however, for lack of a reasonable determination at this time of the effectiveness of the current program. As indicated in the decision supporting the adoption of this program, the enabling legislation for advertising and promotion programs under Federal orders was envisioned as the authority for a self-help program under which milk producers could collect and spend their own funds to improve their own markets for milk.[1] An essential feature of this legislation is that such programs are to be voluntary with respect to contributions by producers. Producers wishing not to contribute to the program have the option of requesting a refund of the assessments against their deliveries. Thus, Order 4 producers opposing the advertising and promotion program simply need not participate. A substantial majority of the producers in the market, however, have indicated their support of a program funded at a higher rate and they should be given the opportunity to participate in such a program if they so wish.

[1] Official notice is taken of the Assistant Secretary's decision on proposed amendments to the Middle Atlantic Order that was issued on January 14, 1972 (37 FR 793).

In its brief, the opposing cooperative stated that such substantial support by producers for the proposal under consideration does not constitute "evidence with respect to the economic and marketing conditions which relate to the proposed amendments" and does not in itself constitute a sufficient or proper justification for adopting the proposal. In its exceptions, the cooperative further indicated that while it does not question the Secretary's authority to weigh the desires of local producers it does believe that the Department gave excessive weight to this factor in its recommended decision.

While other considerations are involved, producer support is an important consideration. The intent of the enabling legislation includes recognition of the desire of producers to have a program designed to improve or promote the domestic marketing and consumption of milk and its products. Testimony at the hearing indicates that a substantial majority of the producers in the market support such a program and, as implied in the court decision quoted by opponent in its brief on another point, the Secretary is entitled to weigh the desires of local producers in reaching his decision. With respect to producer support, it is noted that although the opposing cooperative, as an organization, objects to an increase in the funding rate it does support the current program, and over half of its members on the Middle Atlantic market are participants. Contrary to opponent's contention, such evidence of support and actual participation does reflect economic and marketing conditions in the Middle Atlantic market.

The opposing cooperative further stated in its brief that any proposal adopted must be "reasonable and supported by adequate evidence." The cooperative contended that the proposal under consideration does not meet these conditions.

It is recognized that what is "reasonable" and what constitutes "adequate evidence" becomes a matter of judgment. Nevertheless, in light of the enabling legislation, it is concluded that the proposal adopted herein is reasonable and that it is supported by adequate evidence regarding the economic and marketing conditions in the market.

We find no basis for the conclusion reached by the opposing cooperative in its exceptions that the proposed amendments adopted herein are not based on "reliable, probative and substantial evidence."

The opposing cooperative also argued at the hearing and in its exceptions that the Department should not rely in its decision on the presumption that the advertising and promotion program is voluntary. It claimed that at best the program is only "quasi-voluntary" because the procedure for obtaining refunds of the assessments against their marketings is "unduly burdensome on dairy farmers."

The current refund procedure was established at the time the program was initiated. The procedure is in accordance with the statutory requirements regarding refunds under advertising and promotion programs. It should be noted that the refund procedure was proposed and supported by the producers at the time the program was adopted, and producers have not sought any change in this procedure since then.

As justification for not adopting a higher funding rate, the opposing cooperative contended that producer participation in the program is declining and that increased deductions would accelerate this decline. It is true that there has been a very gradual decline in the participation rate since the program started. However, about 90 percent of the producers are still participants. It is not possible, of course, to determine in advance what impact a higher funding rate might have on producer participation. The substantial support among producers for a higher funding rate would suggest that the impact might be minimal. In any case, speculation that there might be some further decline in producer participation does not represent a valid basis for denying adoption of the proposal.

Another argument offered by the opposing cooperative against the proposal was that an increase in the funding rate under Order 4 would generate requests for similar increases in other markets where advertising and promotion programs, both Federal and state, are in effect. The cooperative contended that dairy farmers are just now recovering from recent adverse economic conditions and that this is an inopportune time for a reduction in returns to producers as a result of a higher funding rate. In addition, the cooperative expressed concern about the potential decline in producer participation in these other programs as a result of any increased funding.

In this case, also, there is no way of determining in advance what impact any changes in the Order 4 advertising and promotion program might have on similar programs in neighboring markets. Again, however, this is not a valid consideration in deciding on the appropriateness of the funding rate for the Middle Atlantic market.

To implement the conclusions of this decision, several parts of the order must be amended to reflect the change in the rate of deduction, i.e., from 5 cents to 7 cents per hundredweight. In addition, certain changes should be made in several provisions that were intended to be applicable only at the time the advertising and promotion program became effective. For. example, one provision would require the market administrator, "promptly after the effective date of this amending order," to notify participating producers of their opportunity to nominate Agency representatives. Then, "within 30 days after the effective date of this amending order," the market administrator would be required to conduct a referendum to determine representation on the Agency. In still another case, producers would not be limited to filing refund requests during the quarterly 15-day filing period now prescribed but instead could file such requests anytime "during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds" in accordance with the presently used procedure.

The several provisions should be revised in such a manner that the amended order, upon effectuation, will not instruct the market administrator to carry out certain activities or permit certain refund procedures not intended to be applicable at this time.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conlusions are denied for the reasons previously stated in this decision.

General Findings

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

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record

evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Middle Atlantic marketing area, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER.[2] The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL OF THE ADVERTISING AND PROMOTION PROGRAM AND DETERMINATION OF REPRESENTATIVE PERIOD

June 1976 is hereby determined to be the representative period for the purpose of ascertaining whether the order provisions constituting the Advertising and Promotion Program, as hereby proposed to be amended, in the order regulating the handling of milk in the Middle Atlantic marketing area are separately approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on August 9, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

Order[3] amending the order, regulating the handling of milk in the Middle Atantic Marketing Area

FINDINGS AND DETERMINATIONS

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

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Middle Atlantic marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

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

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

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

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

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Middle Atlantic marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Program Operations, on July 6, 1976 (41 FR 28308), and published in the FEDERAL REGISTER on July 9, 1976, shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein:

§ 1004.61 [Amended]

1. In § 1004.61, paragraphs (a)(3) and (b)(1)(i) and (ii) are amended by changing the number "5" to "7."

§ 1004.71 [Amended]

2. In § 1004.71, paragraph (b)(2) is amended by changing the number "5" to "7."

§ 1004.76 [Amended]

3. In § 1004.76, paragraph (b)(5) is amended by changing the number "5" to "7."

4. In § 1004.113, paragraph (c)(1) is revised to read as follows:

§ 1004.113 Selection of Agency members.

* * * * * *

(c) * * *

(1) Promptly after the initial effective date of the advertising and promotion program under this order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperative and participating nonmember producers of their opportunity to nominate one or more Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

* * * * * *

§ 1004.120 [Amended]

5. In § 1004.120, the last sentence of paragraph (c) is deleted and paragraph (d) is amended by changing the number "5" to "7."

6. In § 1004.121, paragraphs (a), (b), and (c) are revised to read as follows:

§ 1004.121 Duties of the market administrator.

* * * * * *

(a) Within 30 days after the initial effective date of the advertising and promotion program under this order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1004.113(c);

(b) Set aside the amounts subtracted under § 1004.61(a)(3) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to paragraph (b)(4) of this section; payments, if any, to producers or states pursuant to paragraph (b)(2) and (3) of this section; and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) To producers, a refund of the amounts of mandatory checkoff for advertising and promotion programs required under authority of state law applicable to such producers, but not in amounts that exceed a rate of 7 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1004.61(a)(3).

(3) To any state after the end of each calendar quarter, a payment on behalf of any producer for which a specific authorization has been received pursuant to § 1004.120(d), but not in an amount that exceeds a rate of 7 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1004.61(a)(3) for such calendar quarter.

(4) To each producer after the end of each calendar quarter, a refund for which the producer has made application pursuant to § 1004.120. Such refund shall be at a rate of 7 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1004.61(a)(3) for such calendar quarter, less the amount of any refund otherwise made to, or on behalf of, the producer pursuant to paragraph (b)(2) and (3) of this section.

(c) Forward to each new producer a copy of the provisions of the advertising and promotion program (§§ 1004.110 through 1004.122).

* * * * * *

[FR Doc.76-23748 Filed 8-12-76;8:45 am]

[2] Marketing agreement filed as part of original document.

[3] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Part 1124]

[Docket No. AO–368–A9]

MILK IN THE OREGON-WASHINGTON MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Oregon-Washington marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Beaverton, Oregon, on March 10–11, 1976, pursuant to notice thereof issued on February 24, 1976 (41 FR 8189).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Program Operations, on July 1, 1976 (41 FR 27844), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. A new paragraph is added following the last paragraph under issue 1.

2. Three new paragraphs are added just preceding that last paragraph under issue 2.

3. Five new paragraphs are added following the ninth paragraph under issue 3.

The material issues on the record of the hearing relate to:

1. Diversion of producer milk.
2. Location adjustments.
3. Partial payments to producers.
4. Charges on overdue obligations.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Diversion of producer milk.* The diversion provisions of the order should be revised to provide that milk of a dairy farmer shall be eligible for diverson as producer milk only after such dairy farmer's status as a producer has been established on the basis of physical receipt of milk at a pool plant. In addition, during the months of September, October, or November, at least one delivery must be received at a pool plant during the month to qualify such producer's milk for diversion privileges during the month.

A producer who meets the one day delivery requirement in all three months, September-November, 's eligible to have his milk diverted as producer milk in any subsequent months through August, without further qualifying deliveries to a pool plant. A producer whose milk was not received at a pool plant at least one day during each of the months of September–November also must make one delivery of his milk to a pool plant during any month to qualify his milk for diversion during such month. When this delivery requirement has been met for three consecutive months, such producer's milk is eligible for diversion as producer milk in subsequent months through August without further deliveries to a pool plant.

A producer's milk now may be diverted only after a previous receipt of such producer's milk at a pool plant, and in any month at least three deliveries of his milk must be made to a pool plant. The order limits diversions of producer milk in the aggregate, by either a cooperative or a proprietary handler, to a quantity no greater than that delivered to a pool plant(s) in the same month. This quantity limitation was not at issue in this proceeding.

The diversion provisions are intended to facilitate the efficient handling of the market's reserve milk supply. Milk not needed at a pool plant may be handled most efficiently by movement directly from the farms (diverted) to nonpool manufacturing plants rather than by receipt at a pool plant and subsequent transfer.

The Farmers Cooperative Creamery Association, Portland Independent Milk Producers Association and the Corvallis Milk Producers Association, representing their member producers on the market, jointly requested a modification of the diversion qualification provisions applicable to a cooperative association as the diverting handler. They proposed a one delivery requirement during each month of September, October, and November as a condition for diversion of any producer's milk in such months and in the succeeding months through August each year.

Their proposal as noticed would apply to milk of "member producers" only whereas the diversion provisions of the order currently are not so limited. At the hearing, proponents modified their proposal to apply to any producer. In their post hearing brief they indicated that it was neither relevant nor their intent to make a substantive change in the diversion rule which would limit diversions to milk of cooperative members.

A corollary proposal by Safeway Stores, Inc., included in the hearing notice, would modify the diversion rules applicable to proprietary handlers essentially in the same manner as that proposed by the three cooperatives. At the hearing, all parties testifying on the diversion issue recognized the need for a similar application of diversion provisions to both cooperative associations and proprietary handlers.

Supporting the diversion rule changes applicable to both cooperatives and proprietary handlers were two additional cooperative associations, four non-cooperative producer groups and associations, and a proprietary handler.

The chief reasons given in support of the proposed relaxation of the receipt requirements were that such revision would save substantial uneconomic hauling and handling expenses now being necessarily incurred to preserve producer status for a large quantity of reserve milk associated with the market and would provide maximum flexibility for the handling of market fluid milk reserves.

A recent institutional change in the market was cited on the record as support of the proposed revision of the diversion qualification provisions.

The three proponent cooperatives federated in the fall of 1974. This facilitated a more efficient means of supplying milk to plant operations in the Portland, Corvallis, McMinnville and Tillamook areas. The spokesman for the federation stressed the need for a coordinated marketing system so that plants are supplied with that milk closest to the area where produced with resulting substantial transportation savings.

Prior to the formation of this federation, the Farmers Cooperative Creamery Association of McMinnville (the only one of the three with processing facilities) and the two bargaining cooperatives, Portland Independent Milk Producers Association and Corvallis Milk Producers Association, were experiencing an overlap in supplying fluid milk to pool plants in the heavy populated Upper Willamette Valley portion of the marketing area and in the disposition of their reserve supplies. Under the OWMI federation, the two non-operating cooperatives assume primary responsibility for supplying milk for bottling use in the Portland and Corvallis area, and the operating cooperative assumes the function of handling the reserves and providing supplemental Grade A milk supplies for the fluid market, as needed.

As a result, the McMinnville plant changed status from a pool plant to a nonpool plant in January 1975. However, its member milk has been attached to other pool plants for purposes of pooling. Since that time, during the months of heavy production (beginning in April and extending through August), the Farmers Cooperative Creamery has experienced considerable difficulty in finding pool plant outlets for meeting the three delivery requirements necessary to qualify the milk of its member producers for diversion. In some cases this has necessitated the hauling of members' milk to a pool plant to be unloaded and reloaded for return to the McMinnville plant for manufacturing solely to maintain producer status for such milk.

Mayflower Farms, a cooperative association operating three pool plants under the order, supported the proponents' proposal to relax the present qualification standards. The spokesman for this cooperative association testified to having problems in qualifying some of its producers for diversion during the spring and summer months of relatively higher milk production.

It is the position of this association that the diversion provisions must continue to provide a basis for producer identification with the market. It is also the contention of the association that proponents' proposal provides a maximum flexibility for producers to find the best alternative for handling reserve milk supplies and will allow them to divert

milk to nonpool plants at a savings in hauling costs.

A representative of fifteen Grade A milk producers all of whom are located in the Myrtle Point area stated that the cost of hauling their milk to a Clackamas pool plant (near Portland, about 212 miles) to meet the three delivery requirements ranges from 81.5 to 91.5 cents per hundredweight compared to about 32 cents per hundredweight hauling cost when such milk is diverted to a nearby manufacturing plant at Myrtle Point.

The volume of bulk milk diverted to nonpool plants has increased significantly in the past few years. In 1975, 138.6 million pounds of producer milk was diverted to nonpool plants compared to only 61.9 million pounds in 1974. This increase in the volume of reserve producer milk that must be moved to manufacturing outlets has intensified marketing problems which cannot be satisfactorily resolved under the existing diversion provisions.

The problems encountered in handling reserve producer milk supplies necessitated suspension of the three delivery requirements for producer milk for the months of April, May, June, and July 1976 (41 FR 15398). These four months in which milk production is seasonally heaviest in relation to demand in the market fall within the nine-month period (December-August) for which qualifying deliveries will not be required for diversions under the provisions adopted herein.

Considerable savings in hauling costs can be effected for those producers located in areas more remote from pool plant facilities by reducing the number of deliveries necessary for milk of individual producers in establishing eligibility for diversion.

In this connection, the milk of producers whose farms are located nearest to pool plants may be moved to such plants on a more regular basis while milk of more distant producers may be moved to nearby nonpool manufacturing plants, unless otherwise needed for fluid use in the market.

Having concluded that the present deliveries which a producer is required to meet to establish eligibility is a deterrent in the efficient handling of the market's reserve milk supplies, it is now necessary to determine the extent of relaxation which can be permitted and still retain adequate assurance against abuse of the diversion privileges. With no delivery requirement, the milk of an individual producer could be diverted to a manufacturing plant continuously for an indefinite period of time. Under such circumstance, there would be no assurance that such diverted milk continues to be qualified for fluid use and accordingly has a bona fide claim of association with the fluid market.

Appropriately, for the milk of a producer to be diverted as producer milk during the period of December through August, it should be required that such producer establish diversion eligibility by a single delivery for each of the three months of the preceding September–November period. Such eligibility performance established by the producer over a 3-month period will provide adequate evidence of such producer's association with the Oregon–Washington fluid market and that his milk is of acceptable quality for the fluid market.

A producer whose milk has not been received at a pool plant for at least one day during each of the months of September–November should be required to have at least one delivery of his milk received at a pool plant in any month to qualify his milk for diversion during such month. Once such producer has met this delivery requirement for any three consecutive months, beginning during or after the September–November period, his milk should have diversion privileges for any subsequent months through August in the identical manner as a producer who met the delivery requirement in the September–November period. This is appropriate since such producer would have met substantially the same prerequisite for diversion as discussed above for the September–November period.

An additional eligibilty requirement currently provided in the order, and retained herein, is that, notwithstanding the specific performance requirements discussed above, any producer must have had his milk physically received at a pool plant before his milk may be diverted. This requirement, in connection with the other eligibility requirements herein adopted, will serve the common purpose of demonstrating that those producers whose milk is diverted do in fact have a bona fide association with the fluid milk market.

OWMI suggested in their exceptions that the term "production" rather than "delivery" be used to establish diversion eligibility. Such exception provides no basis to alter the findings contained in the recommended decision.

2. *Location Adjustments.* The location adjustment provisions of the order should be modified to provide a 10 cent location adjustment for any plant located in the Oregon counties of Jackson and Josephine.

The present location adjustment rate under the order is 15 cents for a plant located between 100 and 110 miles from the nearer of Eugene or Portland, Oregon. An additional 1.5 cents adjustment is applicable for each 10 miles or fraction thereof with respect to any plant located in excess of 110 miles from the nearer of such basing points. The amount of location adjustment applicable at a plant located 100 miles or more from the nearer of such basing points but within the Oregon counties of Clatsop, Coos, Douglas, Lane, Lincoln, and Tillamook (all within the marketing area), however, is limited to a maximum of 10 cents. Elsewhere in the marketing area or in Grant County, Wash., the rate is limited to a maximum of 20 cents.

The testimony adduced at the hearing centered primarily on the question of whether or not the present location adjustments applicable to plants located in the Oregon portion of the marketing area should be eliminated. Most of such testimony was confined to location pricing at plants in the southern Oregon segment (Grants Pass, Klamath Falls, and Medford area) of the marketing area. Producers and handlers took diverse positions regarding this matter.

The principal cooperative in the market (Mayflower Farms), operating three regulated plants under the order (two of which are subject to the 20 cent location adjustment), proposed that Medford, Oregon be added as a basing point from which distances are measured in determining location adjustments. If adopted, their proposal would eliminate location adjustments at seven pool plants (including their Medford plant) located in the Oregon counties of Jackson, Josephine, and Klamath. Their proposal was supported by several organizations of producers.

Proposals of another cooperative association and a proprietary handler (both based at Roseburg, Oregon), which would eliminate all location adjustments under the order, were included in the hearing notice. However, proponents abandoned such proposals at the hearing. They joined with certain producers in the southern Oregon area who supported adding Medford as a basing point and proposed expanding the radius to 150 miles from the basing points of Medford and Eugene as the area within which no location adjustments would apply. Under this proposal, all location adjustments would be eliminated for plants located within the Oregon portion of the marketing area.

The OWMI, one producer, and a Caldwell, Idaho handler (a cooperative association operating a pool supply plant) proposed that the "base" pricing zone be extended to cover all territory within 150 miles of Portland, Eugene, and Medford. No substantial evidence was offered in support of the proposal, however.

A group of handlers operating plants in the southern and east central Oregon portions of the marketing area opposed any change in location adjustments. The spokesman for this group held that there has been no significant changes in marketing conditions within the Oregon portion of the marketing area since the present location adjustments in the order became effective.

Location adjustments, an essential tool in establishing milk prices under Federal milk orders, generally reflect the cost of moving milk from distant points to the central market. They implement continuing intermarket and intra market price alignment and promote equity among handlers in the cost of milk under the terms of the order. In the absence of appropriate location adjustments, plants distant from the central market could not compete for sales in the central market. It is within this context that the present location adjustment provisions in the Oregon-Washington order were developed.

The existing location pricing structure under the order was established by the decision of the Assistant Secretary issued November 11, 1971 (36 FR 21819) official notice of which is taken. In this deci-

sion, the Assistant Secretary concluded that location adjustments recognize the greater value of producer milk f.o.b. plants in or near the principal population centers (principally in the Willamette Valley between Portland and Eugene and the population centers located therein) as compared to its value at other locations including the Washington portion of the marketing area and the coastal, eastern and southern Oregon portions, thereof. He further concluded that location adjustments were necessary at certain locations in the marketing area to maintain a proper price alignment with nearby markets.

As previously indicated, there were essentially three proposals presented and discussed at the hearing that, if adopted, would change in varying degrees the present location pricing structure under the order. Most of the testimony that was presented in support of the proposals, however, was directed to the elimination of location adjustments in the southern Oregon (Jackson, Josephine, and Klamath Counties) portion of the marketing area. Proponents testimony was focused on establishing that circumstances have changed in southern Oregon since the 1971 decision providing location adjustments for the first time at plants located in that area.

In support of the proposal, the witness for Mayflower Farms contended that present location adjustment rates applicable at plants in southern Oregon are no longer appropriate in light of current marketing conditions in the area. He held that increased population in southern Oregon had changed supply-demand conditions and that the closing of several plants had resulted in significant changes in the areas of supply. The spokesman for the cooperative testified that as a result, the Medford fluid operation has experienced a tight supply situation during the past year. This he stated occurred because part of the sales volume formerly handled in the cooperative's Coos Bay plant, which ceased fluid operations in 1974, was transferred to the Medford plant and because of an overall increase in sales. However, the witness was able to cite only one instance (October 1975) when it was necessary to obtain a load of milk from a plant in the base zone (the McMinnville cooperative plant), to meet the needs of its Medford operation.

The witness further testified that the tight supply situation has been ameliorated by Arden Farms discontinuation of operations at its Grants Pass distributing plant. Milk which the cooperative supplied to that plant is now being channeled through Mayflower's Medford operation. The Grants Pass packaged business of Arden Farms is now being served from its Portland operation.

Several other proponent producer spokesmen testified to a tightening supply situation in southern Oregon. They held this resulted from a decline in the number of producers in the area.

The record evidence does not support proponents contention that milk supplies are tight. Southern Oregon continues to be a surplus milk production area. It is basically rural and production greatly exceeds Class I needs. In 1975, only about 48 percent of the Grade A milk locally produced in the region (Coos, Jackson, Josephine and Klamath Counties) was utilized as Class I by local plants. This compares to about 51 percent in 1974.

Milk in excess of local distributing plants' needs in southern Oregon must be disposed of by movement to other plants. Limited quantities of milk are processed at the two local manufacturing plants, at Grants Pass and Klamath Falls. The bulk of the milk in the area not needed for fluid use, however, must be moved to more distant plants located at Eugene and Myrtle Point, Oregon for processing. While the excess milk of the area is used principally for manufacturing at these plants, it is available for use in fluid milk processing as needed.

The fact that milk does move from the base zone (Portland-Eugene area) to southern Oregon (a location adjustment zone) under certain circumstances is not a sufficient basis for elimination of location adjustments as proponent cooperative argued. It is not unusual for handlers to distribute milk in lower-priced zones within the same market, or even into other markets with somewhat lower Class I prices. Such movements reflect management decisions which are unrelated to the terms of regulation. The purpose of location adjustment is to appropriately reflect the value of milk at the plant of initial receipt rather than its value at the location disposition is made. If a producer delivers his milk to a plant located in the base zone, he assumes the cost of hauling the milk from the farm to the market center(s) and under such circumstances he should be compensated for such cost at the base zone price. Conversely, if the producer delivers his milk to an outlying plant located nearer his farm, the price to such producer appropriately may not reflect the value of milk at the market center(s), since in such circumstances it is the purchasing handler who thus would bear the cost of transporting the milk from the initial point of receipt to the market center.

Various proponents urging elimination of location adjustments in southern Oregon or throughout the Oregon portion of the marketing area suggested that the supply-management program operated by the Oregon Department of Agriculture eliminates any need for location adjustments in the Oregon portion of the marketing area. At the hearing, an official of the Milk Audit and Stabilization Division of the Oregon Department of Agriculture appeared as a witness to explain the Oregon supply-management program. He testified that the program is operated in conjunction with the Oregon "quota" plan.

Under the supply-management program, the State is authorized to direct as needed the receipts of quota milk in excess of the Class I and Class II needs of any handler to other handlers to supplement their total Class I and Class II requirements. The responsible State official stated that while the program recognizes the normal supply arrangements betweeen a producer and handler, it does implement the movement of excess quota milk as needed for Class I and II uses. According to the witness, both the producer and handler benefit by the program since it adjusts the seasonal and holiday supply patterns to implement the highest practical utilization of the quota milk supply.

Participation in the State quota plan by any producer is voluntary. The principal cooperative spokesman testified that about 90 percent of the cooperative's members participate in the plan. In 1975 about 83 percent of the total production in the three southern Oregon counties was under the quota plan. In view of this and considering that the State has call on only that portion of quota milk that is in excess of a handler's total Class I and Class II requirements, the amount of quota milk that can be moved under the supply-management program for Class I use can reasonably be expected to be quite limited.

The argument that the State supply management nullifies the need for location adjustments are not valid. As indicated above, the State supply system moves quota milk not only for fluid use but also for manufacturing of certain products (Class II). Further, the program does not involve all producers or handlers in the market.

Several proponent witnesses advocating discontinuation of location adjustments for Oregon based plants suggested that a recent innovation by the State of repooling total producer returns under the quota plan nullifies location pricing in the Oregon portion of the order's marketing area. Since its inception in 1970, the order has provided that producers, who so desire, may assign to the State of Oregon the returns otherwise due them for their milk in order that the State may redistribute such returns in accordance with the terms of the Oregon quota plan. Until last fall, the price paid to producers for quota milk under the plan was subject to the same location adjustments that apply to base milk under the order. Since that time, according to the testimony of certain witnesses, producer returns are repooled by the State to the end that the same quota price applies to a participating producer irrespective of the location of the plant to which his milk is delivered.

The four handlers opposing any change in location adjustments expressed concern in their post-hearing brief that the repooling of producer returns under the Oregon quota plan might be illegal pursuant to the Act which requires uniform prices to all producers subject to location adjustments. Consideration of this argument, however, is not relevant to the issue at hand since it involves matters beyond the scope of this rulemaking proceeding.

Since location adjustments are specifically authorized by the Act and are intended to adjust the basic price to reflect the value of milk at the location at which delivery is made, it would not be appropriate to consider a change in location pricing solely on the ground that pro-

ducer payments under the Oregon quota plan (which does not involve all producers in the market) differs from the manner in which producer payments are paid under the Federal order.

An important feature of this regulation is that handlers regulated under the order and similarly located are uniformly subject to the same minimum class prices on all their milk. The uniformity of pricing among handlers is specifically prescribed in the Act. Location adjustments assist in carrying out the statutory requirement of uniformity in prices to all handlers.

The proposals to add Medford as an additional basing point for computing location adjustments at plants beyond 100 or 150 miles from such basing point would result in higher Class I and uniform base prices at outlying plants located in California that could become associated with the market. Proponents pointed out that there presently are no California plants pooled under the order and that this was not the case in 1971 when the present location adjustments were adopted for southern Oregon. Thus, proponents maintained that there is no longer need to consider the relationship of order prices in southern Oregon to plants located outside the marketing area in northern California.

In his 1971 decision, the Assistant Secretary concluded that the Class I and uniform prices for base milk which would be applicable at plant locations outside the marketing area must appropriately reflect the value of milk at such locations relative to its value f.o.b. the marketing area. These findings are equally pertinent to the current marketing situation. To provide location adjustments which would increase the price structure at outlying northern California plants would distort the existing price alignment among competing regulated and non-regulated plants which is essential for continuing orderly marketing in the region. Thus, to increase Class I prices at plants located in northern California, as advocated by proponents, could only have the effect of limiting outside handlers access to the regulated market.

In view of the foregoing considerations, it is concluded that the general pattern of location pricing in the Oregon-Washington order must be maintained both at the handler and producer level. Accordingly, the proposals to add Medford as a basing point and to extend the base zone to 150 miles from either Portland, Eugene, or Medford, which in effect would eliminate all location pricing in the marketing area except at certain plants in southeastern Washington, are denied.

Notwithstanding, some modification of the location adjustments applicable in the southern Oregon counties of Jackson and Josephine is appropriate. It is concluded that in this area the present maximum 20 cent adjustment should be revised to a maximum 10 cent adjustment.

At the time of the hearing, there were five pool plants located in the two county area, four in the Medford area and one at Grants Pass. Presently, a 20 cent per hundredweight location adjustment applies at Medford and a 19.5 cent rate at Grants Pass.

The five handlers located in the two-county area compete with a handler located at Roseburg for both milk supplies and sales. No location adjustment applies at the latter handler's plant since it is in the base zone. The Roseburg plant is located about 71 miles south of the Eugene basing point and 68 and 96 miles from Grants Pass and Medford, respectively.

A substantial part of the milk supply for the Roseburg handler is obtained from dairy farmers located in the Grants Pass area. Also, this production area is a major source of milk supplies for the nearby Grants Pass–Medford handlers. The relationship of the price structure at plants located in or near this supply area with the Roseburg plant price is thus an important consideration.

Using the 1.5-cent per 10 mile transportation rate as a measure of price alignment which is generally used as an indicator of the cost of bulk movements of milk, the present price in the Roseburg area relative to the price in either Grants Pass or Medford appears to provide producers in the Grants Pass supply area with a more remunerative market than is the case if such producers deliver to nearby plants. In this connection if producers delivering to the Grants Pass-Medford plants in the location adjustment areas shipped their milk instead to the Roseburg area at which no location adjustments apply, they would incur additional increased hauling costs of about 10 cents per hundredweight. The present order, however, provides a unform price for base milk 20 cents higher for delivery to a plant in the Roseburg area than in the Grants Pass-Medford area. For producers who have a choice of outlets, there thus is an economic incentive to ship to the Roseburg area plant rather than to Grants Pass-Medford area plants. There is little doubt that this has occurred without regard to need for fluid milk supplies at the Roseburg location since considerable volume of this milk also is moving to manufacturing outlets. If this situation is allowed to continue, it could, over time jeopardize an adequate supply of milk for handlers in the two county area.

Accordingly, limiting the location adjustment applicable to plants in the Grants Pass-Medford area to ten cents, as herein provided, appears reasonable under existing circumstances and will more appropriately reflect the value of milk at such location in relation to the nearby plant where no location adjustment applies.

A Medford proprietary handler excepted to the recommended modification of location adjustments described above. The handler claimed that no one proposed such a modification and there was insufficient evidence in the record to support the recommendation.

The fact that no interested party specifically proposed the change in location adjustments as adopted in the recommended decision provides no basis for taking a different position on this matter. Paramount in the resolution of an issue (location adjustments in this case) is the evidence adduced at the hearing. Such evidence is not restricted to the terms of a specific proposal but is received relative to all aspects of marketing conditions having a relationship to any and all issues of the proceeding.

It is concluded, therefore, that on the basis of the available evidence placed in the record, and for the reasons already set forth, the adoption of a lower location adjustment applicable at plants located in these two Oregon counties is reasonable under the present marketing situation. Accordingly, the exception is denied.

Testimony suggests that certain other areas of the Oregon portion of the marketing area also might warrant a reconsideration of location adjustments, particularly in the Bend-Redmond area. The record evidence in this regard was not compelling.

3. *Partial payments to producers.* The order should provide that all handlers be required to make partial payments to producers, or to cooperative associations that collect for their members, for producer milk delivered during the first 15 days of the month. Such payments to individual producers should be made on or before the last day of the month. Payments to cooperative associations should be made two days earlier. The rate of payment should be not less than the Class III price for the preceding month.

The order does not now provide for partial payments to producers. Most handlers in the market, however, make some form of partial payments to individual producers. The rates, time of payment and other aspects of such payments vary among handlers.

The three cooperative associations of the OWMI federation proposed partial payments to producers, or to a cooperative association(s) authorized to collect payments for milk of their member producer deliveries. They proposed that the rate of payment be the Class III price for the preceding month.

This proposal was supported by Mayflower Farms, a producer organization (a non-cooperative association) and a proprietary handler. There was no opposition to the proposal.

In support of the proposal, various spokesmen stated that most of the handlers in the market presently make partial payments in varying degrees to individual producers and cooperative associations. They stated, however, that there are a few handlers who do not make such payments for producer milk which cooperatives cause to be delivered to their respective pool plants as a bulk tank handler. The witnesses pointed out that even though the cooperatives do not receive partial payments on such milk they nevertheless pay a partial payment to all their member producers. This, it was contended, places an additional financial burden on cooperative associations and in effect provides a subsidy to those handlers who purchase part or all of their producer milk in this manner. In further support of their proposal, proponents argued that a uniform partial payment plan to producers and

cooperative associations under the order will eliminate certain handler inequities that now exist under the present voluntary partial payment practices in the market.

Provisions requiring handlers to make partial payments to producers each month are customarily included in Federal milk orders. Such provisions assure producers supplying the market a uniform and more orderly system of partial payments, and reduce the period they must wait to be reimbursed in part for their milk sales.

With the diversity of partial payment practices existing in the Oregon-Washington market, producers supplying the market can not be assured of a regular partial payment schedule for milk delivered during the first part of the month. Under current milk production practices, producers require substantial operating capital. They must make substantial cash outlays during the month and have the ready cash available to meet such obligations. Requiring handlers to make regular and uniform partial payments for milk delivered during the first part of the month will improve the ability of producers to meet their financial obligations during the month.

Partial payment provisions, as herein adopted, also provide handlers with a uniform payment procedure. As indicated, many of these handlers in the market presently are making some form of partial payments to producers. Such payment practices among handlers, however, vary considerably because of their voluntary nature. Such variation in payment practices, can result in certain handlers who make partial payments being financially disadvantaged over others who take a longer period in accumulating the necessary funds for the purchase of their milk. This contributes to market disorder by affecting the competitive position of handlers in the market.

Requiring a handler to make partial payments to producers for milk he receives during the first half of the month, is not unreasonable. When only a final settlement for producer milk is required, payable by the 16th of the next month, any handler not making partial payments has had the use of the money resulting from its sale for up to 45 days.

Various proprietary handlers excepted to the date adopted in the recommended decision when partial payments would be required to be made by handlers. Exceptors pointed out that they follow a business practice of billing customers monthly and that payments are not received from customers until about the 10th to the 15th day of the following month. Under such circumstances, the exceptors contend, if they are required to make a partial payment to producers before they receive payment from their customers, it would seriously affect their operating capital to the extent that they would have to borrow additional capital to meet such payment obligations. This, they pointed out, would result in additional operating costs in the form of interest on loans.

The cost that a handler may incur in meeting partal payment obligations must be considered a necessary business expense to be borne by the handler. There is no reason why producers should be required to incur any of the handler's business expenses by delaying the date when partial payments are due.

One exceptor requested that if mandatory partial payments are adopted, the due date for such payments be instituted on a gradual basis, i.e., that the partial payment for milk deliveries on the 1st through the 16th of the month be initially made on the 12th of the following month. This due date to be advanced two days each month until the partial payment due date coincides with that set forth in the recommended decision. This procedure, he pointed out, would give handlers a period of time to adjust their financial arrangements to compact with the additional partial payment requirement. The allowance of a six month period for the partial payment plan to be fully implemented is not warranted on the basis of the record evidence and the considerations set forth in these findings.

The points raised by the exceptors were taken into consideration in arriving at the position adopted herein and do not provide a basis for reaching a different conclusion regarding this issue.

The three cooperative associations of the OWMI federation excepted to the proposed date that partial payments should be made to producers. They reiterated the position they took at the hearing. The cooperatives exceptions provide no basis, however, for taking a different position on this matter.

In view of these considerations, greater equity among producers and handlers can be achieved by requiring mandatory partial payments for producer milk.

The rate of partial payment should be not less than the Class III price for the preceding month. No adjustment should be made for butterfat content or plant location. Use of the Class III price for the previous month in making the partial payment will minimize the possibility of any overpayments on the part of a handler. The proposal of Mayflower Farms to use a partial payment rate of 120 percent of the Class III price for the preceding month is denied since its use could result in an increased incidence of overpayments by handlers.

Proponents suggested that handlers be required to make partial payments directly to producers. Presently, handlers under the order are required to make a single payment to the market administrator reflecting the total value of their milk according to its use classification. The market administrator then pays individual producers or their cooperatives. For those producers who are under the Oregon State Quota Plan, the payments due such participating quota producers are paid to the State for redistribution to individual producers in accordance with the Plan.

No substantial purpose would be served in requiring that monies for partial payments to producers be channeled through the market administrator. Such a procedure likely would only delay a producer's receipt of the partial payment. Accordingly, it should be provided that partial payments be paid by such handlers directly to producers and/or cooperative associations.

A handler should be required to make partial payment only to producers who have not discontinued delivery of milk to the handler as of the 15th day of the month. This will essentially remove any possibility of over payments.

The order should provide that partial payments to a cooperative association, either in its capacity as the marketing agent of the producer or in its capacity as a bulk tank handler, be made at least two days prior to the last day of the month. This procedure is necessary in order that a cooperative will have the monies in hand to pay its members on the same dates that other producers are paid.

4. *Charges on overdue obligations.* The current charge on overdue payment obligations should be increased to three-fourths of 1 percent. Such charge should be applied on the first day that a payment is overdue and shall be increased by three-fourths of 1 percent on the 1st day of each succeeding month until the obligation is paid.

The order now applies a charge of one-half of 1 percent per month on handler obligations to the market administrator that are overdue. Such obligations include those due the producer-settlement fund, the administrative expense fund, and the marketing service fund, all of which are maintained by the market administrator. Currently, the late payment charge does not apply until the beginning of the first month following the date that the payment was due. Unpaid obligations, including late payment charges are further increased by one-half of 1 percent on the first day of each succeeding month until the obligations are paid.

The three cooperative associations of the OWMI federation proposed that the charge on overdue obligations be increased to at least three-fourths of 1 percent, to be applied on the fourth day following the due date of such obligation and at a similar rate on the first day of each month thereafter until the entire obligation is paid. At the hearing, proponents modified their proposal as it appeared in the hearing notice to require that a handler's unpaid obligation be increased at least three-fourths of one percent on the fourth day after the due date and on the same day of each month thereafter.

Another cooperative association supported an increase in the late payment charge to three fourths of 1 percent per month. This association proposed, however, that the late payment charge be applied on the 3rd day after the due date of such obligation.

In support of a late payment charge of three-fourths of 1 percent per month and advancing the date in which such charge should apply, witnesses for the four cooperative associations indicated

that such changes are necessary to encourage prompt payment of obligations to the market administrator by regulated handlers. Witnesses stressed that late payments by handlers are a serious problem in the market and have impeded the ability of the market administrator to make required payments from the producer settlement fund on time, thus necessitating a delay in payments to certain producers in the market.

Proponents argued that the present charge on overdue obligations as provided by the order is not encouraging prompt payment of handler obligations but rather is providing a situation wherein some handlers are finding it to their financial advantage to delay payment obligations to the market administrator as a means of obtaining additional operating capital. This, they pointed out, creates an inequitable situation among handlers in the market since those handlers who are delinquent in their payments can have a substantial financial advantage over handlers who make timely payments to the market administrator.

The position of proponent cooperatives regarding charges on overdue obligations was supported by one other cooperative associated with the market, a proprietary handler and two producer groups (noncooperative associations).

It is essential that payments to the funds maintained by the market administrator be made promptly so that the order may be administered in an efficient and timely manner. The successful operations of a Federal milk order depends, in large measure, upon prompt compliance by all regulated parties. The order provides for a sequence of dates that must be met by a handler that enables the market administrator to execute producer payments on schedule. Failure on the part of a handler to meet such due dates, including the payment due dates, is unfair to producers and other handlers and undermines the confidence which handlers and producers have in the program.

Prompt payment of amounts due the administrative expense and marketing funds, also, is essential to the performance by the market administrator of the various administrative functions prescribed by the order in a timely and efficient manner.

The charge on overdue accounts and the date that charges on overdue obligations apply are designed to encourage prompt settlement of accounts. The rate of charge, however, must be such that it does not provide an incentive for handlers to use producer money as a source of credit. Moreover, it is not reasonable to provide a grace period which can only encourage a delay in payments due the market administrator beyond the due date.

In this market, all handlers are required to make payments to the market administrator for the total value of all their milk according to its classification. The market administrator then pays individual producers or cooperative associations who do not participate in the Oregon Quota Plan.[1] With respect to producers participating in the Oregon quota plan (thus authorizing the State to collect for them) the market administrator pays the State the total amount otherwise due each participating quota producer. The State, in turn, settles with such producers and cooperative associations in accordance with the terms of the Oregon plan.

The market administrator usually mails handlers' billings on the 14th day of the month, following the month the transactions were made. This is the date he is required under the terms of the order to announce the uniform prices. If the 14th falls on a Saturday or Sunday the billings are mailed either the prior Friday or the following Monday, depending upon the extent that handler reports are available to the market administrator at the time. It should be noted, however, that since each handler's obligation to the market administrator reflects the full use value of his milk the uniform price announcement is not a necessary condition to the mailing by the market administrator of handler's billings. Hence, such billing reasonably can be issued promptly following receipt of a handler's report.

The due date for payment of handlers' obligations to the market administrator is the 16th and the market administrator in turn is required to make payments to individual producers by the 20th and two days earlier (18th) for such payments that are made to cooperative associations and to the State. Under the current provisions of the order, a handler has at least 14 days after the due date to make payment to the market administrator, from the 16th to the 30th or 31st of the month before he incurs a late payment charge. Since the current provisions do not specify what is considered as the date of payment—i.e., the postmark date of mailing, or the date payment actually is received in the market administrator's office, the postmark has been accepted as the "date of receipt."

Any handler, therefore, who posts his payment in the mail just prior to the first of the month following the due date incurs no additional charge. In such circumstances, he has the continued use of producer monies and is indemnified by the prolonged grace period presently allowed.

It is quite evident that the incidence of late payments by handlers is a serious problem and that the present order provisions as they relate to charges on overdue obligations are not achieving their desired purpose. Data submitted in evidence by the market administrator detailed the payment practices of 43 handlers required to make payments to the producer settlement and administrative funds during each of the six months, July through December 1975. During the six month period there were 258 payments made by the 43 handlers to the market administrator. For this period, only 63 percent of handler payments were received by the market administrator from the 16th through the 20th of the month. On a monthly basis, the number of payments received by the 20th during such period ranged from 54 to 70 percent. During the next five day period (21st through the 25th) payments were received during the 6-month period from 26 percent of the handlers. During the two periods of the 26th through the 30th, and the 31st (when applicable), and the 1st of the following month through the 3rd, payments from an average of 3 handlers in each period were received by the market administrator.

In terms of money owed, the payment delinquency experience for this period was a little better. For the same six month period, 73 percent of the total value of handler payments were received by the market administrator between the 16th and 20th of the month. The market administrator cannot be expected to make full payments to producers, cooperatives, and/or the State, whichever the case may be, if all payments from handlers are not available to him on the dates such payments are required to be made—i.e., the 18th to cooperatives and the State, and the 20th to individual producers. To accommodate to such payment delinquencies, the market administrator withholds funds from the particular producer(s) who supply a delinquent handler until such handler submits payment for his order obligations.

The current provisions for late payment charge, therefore, have had little impact in encouraging prompt handler payments. Since payments apparently are made in time to avoid a late charge in the majority of circumstances, the increase in the rate on overdue obligations as adopted herein reasonably can be expected to increase the flow of money to the market administrator and thus to implement final payment to producers on the prescribed payment dates.

Because of the extent of the late payment problem that has persisted in the market, it is appropriate that charges on overdue obligations apply on the first day that such obligation is overdue. Further, any such overdue obligation should be increased by three-fourths of 1 percent on the first day of each succeeding month until the obligation is paid.

A late payment charge of this amount should apply irrespective of whether the obligation is paid for example three or four days late or nearly a month late. If the late payment charge were treated as interest and computed on a daily basis, the order would merely represent a banking service for handlers who desire to use producer funds as an alternative source of money at the going interest rate. This is not the intended purpose of the late payment charge. Rather, it is a charge that will induce handlers to pay their obligations to the market administrator on time.

Proponents' proposal to provide either a 3 or 4 day grace period for payment to reach the market administrator could not achieve the objective sought.

[1] The Oregon quota plan is discussed in more detail elsewhere in these findings.

The application of the late payment charge on the day following the date when payment is due may require some adjustment in the billing procedures of the market administrator to handlers. In this connection, the market administrator may need to reduce the period customarily taken to notify a handler of his monthly obligations so that the handler in turn will have sufficient time to mail the payment by the due date. This adjustment can be accomplished within the framework of the existing order and thus requires no amendatory action.

Proprietary handlers and the proponent OWMI federation excepted to the recommended decision to eliminate the grace period before a late payment charge is assessed on overdue payment obligations by handlers to the market administrator. For reasons already set forth, such provisions as modified in this proceeding are appropriate under the present marketing arrangements in the Oregon-Washington order market, and the exceptions therefore are denied.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

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

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a MARKETING AGREEMENT[1] regulating the handling of milk, and an ORDER amending the order regulating the handling of milk in the Oregon-Washington marketing area, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

March 1976 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Oregon-Washington marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on August 6, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

Order[2] amending the order, regulating the handling of milk in the Oregon-Washington Marketing Area

Findings and Determinations

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

(a) Findings. A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Oregon-Washington marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

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

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

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

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

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Oregon-Washington marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Program Operations, on July 1, 1976 and published in the FEDERAL REGISTER on July 7, 1976 (41 FR 27844), shall be and are the terms and the provisions of this order, amending the order, and are set forth in full herein.

1. In § 1124.11, paragraphs (a) and (b) are revised as follows:

§ 1124.11 Producer.

* * * * *

(a) A cooperative association may divert for its account to a nonpool plant the milk of any producer whose milk has been received previously at a pool plant and from whom at least one delivery per month during each of the months of September, October and November is received at a pool plant, except that in the case of any producer whose milk has not been received at a pool plant for at least

[1] Marketing agreement filed as part of original document.

[2] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

one day during each of the preceding months of September–November such producer shall be required to have at least one delivery of his milk received at a pool plant in any month to qualify his milk for diversion during such month. This delivery requirement for diversion purposes shall continue until such producer's milk has been received at a pool plant for three consecutive months beginning during or after the September–November period. The aggregate quantity diverted may not exceed the aggregate quantity received during the month from all such producers at pool plants. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers if each association has filed such a request in writing with the market administrator on or before the first day of the month such agreement is effective. This request shall specify the basis for assigning any over-diverted milk to the producer members of each cooperative association according to a method approved by the market administrator.

(b) A handler in his capacity as the operator of a pool plant may divert for his account to a nonpool plant the milk of any producer whose milk has been received previously at a pool plant and from whom at least one delivery per month during each of the months of September, October, and November is received at his pool plant(s) and who is not a member of a cooperative association which is diverting milk pursuant to paragraph (a) of this section during the month, except that in the case of any producer whose milk has not been received at a pool plant for at least one day during each of the preceding months of September–November such producer shall be required to have at least one delivery of his milk received at a pool plant in any month to qualify his milk for diversion during such month. This delivery requirement for diversion purposes shall continue until such producer's milk has been received at a pool plant for three consecutive months beginning during or after the September–November period. The aggregate quantity diverted may not exceed the aggregate quantity received during the month from all producers at his pool plant(s);

* * * * *

2. In § 1124.52, paragraph (a) is revised as follows:

§ 1124.52 Location adjustment to handlers.

(a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant 100 miles or more from the nearer of the Multnomah County Court House in Portland, Oreg., or the city hall in Eugene, Oreg., by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced 15 cents and an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles: *Provided*, That the location adjustment applicable at a plant located 100 miles or more from the nearer of such basing points but within the Oregon counties of Clatsop, Coos, Douglas, Jackson, Josephine, Lane, Lincoln, and Tillamook shall be not more than 10 cents and the location adjustment applicable at a plant located elsewhere in the marketing area or in Grant County, Wash., shall not be more than 20 cents; and

* * * * *

§ 1124.62 [Amended]

3. In § 1124.62 *Obligations of handler operating a partially regulated distributing plant*, the reference "1124.81(b)" in paragraph (a)(1)(i) is changed to "§ 1124.81(c)".

4. Section 1124.81 is revised as follows:

§ 1124.81 Payments to the producer-settlement fund.

On or before the 16th day after the end of each month, each handler shall pay to the market administrator his net pool obligation computed pursuant to § 1124.70, less:

(a) Payments made pursuant to § 1124.82a;

(b) The amount of the deductions and payments authorized by individual producers or cooperative associations which are itemized on the handler's producer payroll; and

(c)(1) The value at the weighted average price computed pursuant to § 1124.71 (a) applicable at the location of the plant(s) from which received (not to be less than the Class III price) with respect to other source milk for which values are computed pursuant to § 1124.70(e); and

(2) In the calculation of the total amount of the deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than the total value of the milk received from such producer.

§ 1124.82 [Amended]

5. In § 1124.82 *Payments from the producer-settlement fund*, the reference to "§ 1124.81(a)" in paragraph (a) is changed to "§ 1124.81 (a) and (b)".

6. A new § 1124.82a is added as follows:

§ 1124.82a Partial payments to producers and to cooperative associations.

(a) On or before the last day of each month, each handler shall make payment, subject to paragraph (b) of this section, to each producer, who had not discontinued shipping milk to such handler before the 15th day of the month, for milk received from such producer during the first 15 days of the month, at not less than the Class III price per hundredweight for the preceding month;

(b) In making payments to producers pursuant to paragraph (a) of this section, each handler, on or before the second day prior to the date specified in such paragraph, shall pay to each cooperative association that so requests for those producers for whom it markets milk and who are certified to the market administrator by the cooperative association as having authorized the cooperative association to receive such payment an amount equal to the sum of the individual payments otherwise due such producers pursuant to paragraph (a) of this section; and

(c) On or before the second day prior to the last day of the month, each handler shall make payment to a cooperative association for milk received from such association in its capacity as a handler described in § 1124.7 (c) and (d) for milk received during the first 15 days of the month at not less than the Class III price per hundredweight for the preceding month.

§ 1124.83 [Amended]

7. In § 1124.83 *Location differentials to producers and on nonpool milk*, the reference "§ 1124.81(b)" in paragraph (b) is changed to "§ 1124.81(c)".

8. In § 1124.85, paragraph (b) is revised as follows:

§ 1124.85 Adjustment of accounts.

* * * * *

(b) Any unpaid obligation of a handler pursuant to §§ 1124.81, 1124.86, and 1124.87, or paragraph (a) of this section, including any obligation incurred under this paragraph, shall be increased three-fourths of 1 percent on the next day following the due date of such obligation and at a similar rate on the first day of each month thereafter until paid.

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Animal and Plant Health Inspection Service

[9 CFR Part 327]

IMPORTATION OF MEAT AND MEAT PRODUCTS

Proposed Addition of Republic of China, Taiwan, to List of Approved Countries

● *Purpose.* The purpose of this docket is to propose adding the Republic of China, Taiwan, to the list of countries from which carcasses, parts thereof, meat, and meat food products of cattle, sheep, swine, and goats may be imported into the United States. ●

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), the Animal and Plant Health Inspection Service is considering amending § 327.2(b) of the Federal meat inspection regulations (9 CFR 327.2(b)) by adding the Republic of China, Taiwan, to the list of countries specified therein.

Statement of Considerations. Section 20 of the Federal Meat Inspection Act (21 U.S.C. 620) prohibits the importation into the United States of carcasses, parts thereof, meat, and meat food products of cattle, sheep, swine, or goats capable of use as human food, unless they comply with all the provisions of the Act and regulations issued thereunder applicable to such articles in commerce within the United States. Such articles from approved plants in the countries listed in § 327.2(b) are eligible for importation into the United States as provided in the regulations. The laws and regulations of the Republic of China, Taiwan, concern-

ing these matters have been reviewed and appear to be acceptable. Further, on-site reviews of the export meat inspection program of the Republic of China, Taiwan, indicate that it is equal to our program in the United States. Certificates issued by the Republic of China, Taiwan, officials for export of carcasses, parts thereof, meat, and meat food products to the United States, are reliable.

Any person wishing to submit written data, views, or arguments concerning the proposed amendment may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, or if the material is deemed to be confidential, with the Foreign Programs Staff, Field Operations, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, by September 9, 1976.

Any person desiring opportunity for oral presentation of views should address such requests to the Staff identified in the preceding paragraph, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on August 5, 1976.

F. J. MULHERN,
Admnistrator, Animal and Plant Health Inspection Service.

[FR Doc.76-23344 Filed 8-12-76;8:45 am]

DEPARTMENT OF LABOR

Employment Standards Administration

[20 CFR Parts 701, 702]

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT AND RELATED STATUTES

Proposed Procedural Rules

Notice is hereby given that the Employment Standards Administration of the U.S. Department of Labor proposes to amend certain provisions of 20 CFR 701 and 702, which contain the rules of the Department of Labor governing the administration of the Longshoremen's and Harbor Workers' Compensation Act, 33 U.S.C. 90 et al., as amended by Pub. L. 92-576, 86 Stat. 1251. The proposed amendments are intended to clarify and expand certain procedural rules applicable to filing, processing and adjudication of claims. Special attention is appropriately given to the following proposed amendments:

1. Section 701.201 is revised to reflect that the Office of Workmen's Compensation Programs has been redesignated as the Office of Workers' Compensation Programs. A similar amendment is being made in 20 CFR 701.301(a)(5).

2. Section 702.101 is revised to reflect the establishment of two new compensation districts—District No. 11 and District No. 12—and to indicate that the boundaries of Districts No. 10 and 14 have been revised. These changes are deemed appropriate for proper administration.

3. 20 CFR 702.161 of the Secretary's regulations as amended describes the circumstances under which a claimant shall be entitled to obtain a lien against the assets of a carrier or employer which is unable to pay appropriate compensation. Section 702.161(b) describes the rights of subrogation to which the special fund established pursuant to section 44 of the Act may be entitled.

4. Section 17(b) of the Act, 33 U.S.C. 917(b), provides that if a trust fund created in accordance with section 302 (c) of the Labor-Management Relations Act of 1947, 29 U.S.C. 186(c), under a collective bargaining agreement has paid an employee disability benefits which must be paid back by the employee if he receives compensation under the Act, the Secretary or his designee may place a lien on the compensation due the employee under the Act in favor of the trust fund. 20 CFR 702.161 of the Secretary's regulations simply repeats the language of section 17(b) of the Act. It is proposed, therefore, to describe more fully the operation of sections 17(b) in a new § 702.162. As proposed § 702.162 sets forth the procedures pursuant to which liens may be requested and the criteria by which such request will be judged.

5. Section 14(g) of the Act, 33 U.S.C. 914(g), provides for the imposition of a civil penalty in the amount of $100 whenever an employer fails to notify the deputy commissioner that the final payment of compensation has been made. Such report must be submitted within "sixteen days after the final payment of compensation." It is proposed to amend 20 CFR 702.235 to define "final payment" for purposes of section 14(g) of the Act.

6. Section 49 of the Act, 33 U.S.C. 949, generally prohibits the discharge of an employee or employment discrimination against an employee by an employer because such employee claimed or attempted to claim compensation from the employer or because of his testimony in a proceeding under the Act. The proposed § 702.271-702.275 describes the procedures available to any person seeking redress against an employer because of an alleged violation of section 49.

7. Section 33 of the Act, 33 U.S.C. 933, sets forth the rights and duties of various persons in those situations where a third party may be liable in damages to an employee who is entitled to compensation under the Act. It is proposed that a new § 702.281 be added to the Secretary's regulations which will require the employee to promptly notify the employer and the deputy commissioner whenever certain actions are taken in relation to a third party claim.

8. In defining the term physician, the Secretary has been guided by the definition given to that term under the Federal Employee's Compensation Act, 5 U.S.C. 8101 et seq. On September 7, 1974, Pub. L. 93-416 amended the definition of physician in section 8101(a) of title 5, United States Code to include "podiatrists, dentists, clinical psycologists, optometrists, and chiropractors." The proposed § 702.404 will conform the definition of physician as it is used under the Act to that of the Federal Employees' Compensation Act.

9. In addition to the foregoing, these proposed amendments to Parts 701 and 702 contain other technical and clarifying provisions. The proposed amendments shall be applicable to all claims pending adjudication on the date of adoption of these amendments and to all other claims as may subsequently be adjudicated pursuant to the Act.

Interested persons are invited to submit written comments concerning these proposed rules to the Director, Office of Workers' Compensation Programs, United States Department of Labor, Washington, D.C. 20211, on or before September 13, 1976.

Pursuant to authority contained in section 39 of the Act as amended, 33 U.S.C. 939, I propose to amend Parts 701 and 702 of Chapter VI of Title 20, Code of Federal Regulations, as set forth below.

1. It is proposed to amend § 701.201 to read as follows:

§ 701.201 Establishment of the Office of Workers' Compensation Programs.

The Assistant Secretary of Labor for Employment Standards, by authority vested in him by the Secretary of Labor in Secretary's Order 16-75, 40 FR 55913, established in the Employment Standards Administration (ESA) an Office of Workers' Compensation Programs (OWCP) by Employment Standards Order 2-75, 40 FR 56743. The Assistant Secretary has further designated as the head thereof a Director who, under the general supervision of the Assistant Secretary, shall administer the programs assigned to that Office by the Assistant Secretary.

2. It is proposed to amend § 701.301 (a)(5) to read as follows:

§ 701.301 Definitions and use of terms.

(a) * * *

(5) "Office of Workers' Compensation Programs" or "OWCP" or "the Office"

means the Office of Workers' Compensation Programs in the Department of Labor, described in § 701.201 of this part. Whenever the term "Office of Workmen's Compensation Programs" appears in this part or in Part 702, it shall have the same meaning as "Office of Workers' Compensation Programs."

* * * * *

3. It is proposed to amend § 702.101 to read as follows:

§ 702.101 Establishment of compensation districts.

Pursuant to section 39(b) of the Longshoremen's and Harbor Workers' Compensation Act, 33 U.S.C. 939(b), the following compensation districts have been established:

District No. 1. Comprises the States of Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, and Connecticut; with headquarters at Boston, Mass.

District No. 2. Comprises the States of New York and New Jersey; with headquarters at New York, N.Y.

District No. 3. Comprises the States of Pennsylvania, Delaware, and West Virginia; with headquarters at Philadelphia, Pa.

District No. 4. Comprises the State of Maryland and the District of Columbia; with headquarters at Baltimore, Md.

District No. 5. Comprises the State of Virginia; with headquarters at Norfolk, Va.

District No. 6. Comprises the States of Florida, North Carolina, Kentucky, Tennessee, South Carolina, Georgia, Alabama, and Mississippi; with headquarters at Jacksonville, Fla.

District No. 7. Comprises the States of Louisiana and Arkansas; with headquarters at New Orleans, La.

District No. 8. Comprises the States of Texas, Oklahoma, and New Mexico; with headquarters at Houston, Tex.

District No. 9. Comprises the States of Ohio, Indiana, and Michigan; with headquarters at Cleveland, Ohio.

District No. 10. Comprises the States of Illinois, Minnesota, and Wisconsin; with headquarters at Chicago, Ill.

District No. 11. Comprises the States of Missouri, Iowa, Kansas and Nebraska; with headquarters at Kansas City, Mo.

District No. 12. Comprises the States of Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming; with headquarters at Denver, Colo.

District No. 13. Comprises the States of California, Arizona, and Nevada; with headquarters at San Francisco, Calif.

District No. 14. Comprises the States of Washington, Idaho, Oregon, and Alaska; with headquarters at Seattle, Wash.

District No. 15. Comprises the State of Hawaii; with headquarters at Honolulu, Hawaii.

4. It is proposed to amend § 702.104 to read as follows:

§ 702.104 Transfer of individual case file.

(a) At any time after a claim is filed, the deputy commissioner having jurisdiction therof may, with the prior or subsequent approval of the Director, transfer such case to the deputy commissioner in another compensation district for the purpose of making an investigation, ordering medical examinations, or taking such other action as may be necessary or appropriate to further develop the claim. If, after filing a claim, the claimant moves to another compensation district, the deputy commissioner may, upon request by the claimant and with the approval of the Director, transfer the case to such other compensation district.

(b) The deputy commissioner making the transfer may by letter or memorandum to the deputy commissioner to whom the case is transferred give advice, comments, suggestions, or directions if appropriate to the particular case. The transfer of cases shall be by registered or certified mail. All interested parties shall be advised of the transfer.

5. It is proposed to amend § 702.161 to read as follows:

LIENS ON COMPENSATION

§ 702.161 Liens against assets of insurance carriers and employers.

(a) Where a claimant is entitled to compensation under the provisions of this Act, and the carrier or employer shall have suffered insolvency, bankruptcy, or reorganization in bankruptcy proceedings and be unable to pay appropriate compensation, the claimant shall have a lien against the assets of such carrier or employer, or both. Such lien shall be without limit and shall be entitled to preference and priority in the distribution of the assets of such carrier or employer, or both.

(b) Where payments have been made from the special fund pursuant to section 18(b) of the Act and section 704.145 (f) of this part, the Secretary of Labor shall, for the benefit of the fund, be subrogated to all the rights of the person receiving such payments including the right of lien and priority provided for by section 17(a) of the Act, 33 U.S.C. 917(a). The Secretary may institute proceedings under either section 18 or 21 (c) of the Act, 33 U.S.C. 918 or 921(c), or both, to recover the amount expended by the fund or so much as in the judgment of the Secretary is possible, or the Secretary may settle or compromise any such claim.

6. It is proposed to add a new § 702.162 which will read as follows:

§ 702.162 Liens on compensation authorized under special circumstances.

(a) Pursuant to section 17(b) of the Act, 33 U.S.C. 917(b), when a trust fund which complies with section 302(c) of the Labor-Management Relations Act of 1947, 29 U.S.C. 186(c) [LMRA], established pursuant to a collective bargaining agreement in effect between an employer and an employee entitled to compensation under this Act, has paid disability benefits to an employee which the employee is legally obligated to repay by reason of his entitlement to compensation under this Act, a lien may be authorized on such compensation in favor of the trust fund for the amount of such payments.

(b)(1) An application for such a lien shall be filed on behalf of the trust fund with the deputy commissioner for the compensation district where the claim for compensation has been filed. 20 CFR 702.101. Such application shall include a certified statement by an authorized official of the trust fund that:

(i) The trust fund is entitled to a lien in its favor by reason of its payment of disability payments to a claimant-employee (including his name therein);

(ii) The trust fund was created pursuant to a collective bargaining agreement covering the claimant-employee;

(iii) The trust fund complies with section 302(c) of the Labor-Management Relations Act of 1947, 29 U.S.C. 186(c);

(iv) The trust agreement contains a subrogation provision entitling the fund to reimbursement for disability benefits paid to the claimant-employee who is entitled to compensation under the Longshoremen's Act;

(2) The statement shall also state the amount paid to the named claimant-employee and whether such disability benefit payments are continuing to be paid.

(3) If the claimant has signed a statement acknowledging receipt of disability benefits from the trust fund and/or a statement recognizing the trust fund's entitlement to a lien against compensation payments which may be received under the Longshoremen's and Harbor Workers' Compensation Act as a result of his present claim and for which the fund is providing disability payments, such statement[s] shall also be included with or attached to the application.

(c) Upon receipt of this application, the deputy commissioner shall, within a reasonable time, notify the claimant, the employer and/or its compensation insurance carrier that the request for a lien has been filed and each shall be provided with a copy of the application. If the claimant disputes the right of the trust fund to the lien or the amount stated, if any, he shall, within a reasonable time, notify the deputy commissioner and he shall be given an opportunity to challenge the right of the trust fund to, or the amount of, the asserted lien; notice to either the employer or its compensation insurance carrier shall constitute notice to both of them.

(d) If the claim for compensation benefits is resolved without a formal hearing and if there is no dispute over the amount of the lien or the right of the trust fund to the lien, the deputy commissioner may order and impose the lien and he shall notify all parties of the amount of the lien and manner in which it is to be paid.

(e) If the claimant's claim for compensation cannot be resolved informally, the deputy commissioner shall transfer the case to the Office of the Chief Administrative Law Judge for a formal hearing, pursuant to section 19(d) of the Act, 33 U.S.C. 919(d), and 20 CFR 702.317. The deputy commissioner shall also submit therewith the appliction for the lien and all documents relating thereto.

(f) If the administrative law judge issues a compensation order in favor of the claimant, he may include therein a lien in favor of the trust fund if it is determined that the trust fund has satisfied all of the requirements of the Act and regulations.

(g) If the claim for compensation is not in dispute, but there is a dispute as to the right of the trust fund to a lien, or the amount of a lien, the deputy commissioner shall transfer the matter together with all documents relating thereto to the Office of the Chief Administrative Law Judge for a formal hearing pursuant to section 19(d) of the Act, 33 U.S.C. 919(d), and 20 CFR 702.317.

(h) In the event that either the deputy commissioner or the administrative law judge is not satisfied that the trust fund qualifies for a lien under section 17(b), he may require further evidence including but not limited to the production of the collective bargaining agreement, trust agreement, or portions thereof.

(i) Before any such lien is finally approved, if the trust fund has provided continued disability payments after the application for a lien has been filed, the trust fund shall submit a further certified statement showing the total amount paid to the claimant as disability payments. The claimant shall likewise be given an opportunity to contest the amount alleged in this subsequent statement.

(j) In approving a lien on compensation, the deputy commissioner or administrative law judge shall not order an initial payment to the trust fund in excess of the amount of the past due compensation. The remaining amount to which the trust fund is entitled may thereafter be deducted from the affected employee's subsequent compensation payments and paid to the trust fund, but any such payment to the trust fund shall not exceed 10 percent of the claimant-employee's bi-weekly compensation payments.

7. It is proposed to amend § 702.212 to read as follows:

CLAIMS

§ 702.212 Claims for compensation; time limitations.

(a) Claims for compensation for disability or death shall be filed with the deputy commissioner in the compensation district in which the injury or death occurred. A claim may be any writing evidencing a claimant's intent to claim compensation and benefits provided by this Act. Such claims may be filed anytime after the first 7 days of disability following an injury, or at anytime after death. However, the right to such compensation shall be barred unless a claim therefor is filed within 1 year of such injury or death, except as provided in §§ 702.213 and 214.

(b) The time limitations set forth, supra, do not apply to claims filed under section 49 of the Act, 33 U.S.C. 949, see § 702.271.

8. It is proposed to amend § 702.235 to read as follows:

§ 702.235 Report by employer of final payment of compensation.

(a) Within 16 days after the final payment of compensation has been made, the employer shall notify the deputy commissioner on a form prescribed by the Secretary, stating that such final payment has been made, the total amount of compensation paid, the name and address of the person(s) to whom payments were made, the date of the injury or death and the name of the injured or deceased employee, and the inclusive dates during which compensation was paid.

(b) A "final payment of compensation" for the purpose of applying the penalty provision of § 702.236 of this subpart shall be deemed any one of the following or other payment of compensation which anticipates no further payments under the Act:

(1) The last payment of compensation made in accordance with a compensation order awarding disability or death benefits, issued by either a deputy commissioner or an administrative law judge;

(2) The payment of an agreed settlement approved under section 8(i)(A) or (B), of the Act, 33 U.S.C. 908(i);

(3) A lump sum payment of future compensation payments commuted under section 14(j) of the Act, 33 U.S.C. 914(j);

(4) The last payment made pursuant to an agreement reached by the parties through informal proceedings.

9. It is proposed to add new § 702.271 which will read as follows:

§ 702.271 Review of discharge or other acts of discrimination.

(a) Under the provisions of section 49 of the Act, 33 U.S.C. 949, any employer or its duly authorized agent who discharges, or in any other manner discriminates against an employee because he or she has claimed or attempted to claim compensation or has testified or is about to testify in a proceeding under this Act, shall be liable to a penalty of not less than $100 nor more than $1,000.

(b) When a deputy commissioner receives a complaint from an employee alleging discrimination as defined under section 49, he or she shall, within five working days, initiate specific inquiry to determine all the facts and circumstances pertaining thereto. This may be accomplished by interviewing the employee, employer representatives and other parties who may have information about the matter. Interviews may be conducted by written correspondence, telephone or personal interview.

(c) If circumstances warrant, the deputy commissioner may also conduct an informal conference on the issue as described in §§ 702.312–314.

(d) Any employee discriminated against is entitled to be restored to his employment and to be compensated by the employer for any loss of wages arising out of such discrimination provided that the employee is qualified to perform the duties of the employment. If it is determined that the employee has been discriminated against, the deputy commissioner shall also determine whether the employee is qualified to perform the duties of the employment. The deputy commissioner may use medical evidence submitted by the parties or he may arrange to have the employee examined by a physician selected by the deputy commissioner. The cost of the medical examination arranged for by the deputy commissioner may be charged to the special fund established by section 44, 33 U.S.C. 944.

10. It is proposed to add a new § 702.242 which will read as follows:

§ 702.272 Informal recommendation by deputy commissioner.

(a) If the deputy commissioner determines that the employee has been discharged or suffered discrimination and is able to resume his or her duties, the deputy commissioner will recommend that the employer reinstate the employee and/or make such restitution as is indicated by the circumstances of the case, including compensation for any wage loss suffered as the result of the discharge or discrimination. The deputy commissioner may also assess the employer an appropriate penalty, as determined under authority vested in the deputy commissioner by the Act. If the employer and employee accept the deputy commissioner's recommendation, it will be incorporated in an order and mailed to each party within 10 days.

(b) If the parties do not agree to the recommendation, the deputy commissioner shall, within 10 days after receipt of the rejection, prepare a memorandum summarizing the disagreement, mail a copy to all interested parties, and shall within 14 days thereafter refer the case to the Office of the Chief Administrative Law Judge for hearing pursuant to § 702.317.

11. It is proposed to add a new § 702.273 which will read as follows:

§ 702.273 Adjudication by Office of the Chief Administrative Law Judge.

The Office of Administrative Law Judges is responsible for final determinations of all disputed issues connected with the discrimination complaint, except the amount of penalty to be assessed, and shall proceed with a formal hearing as described in §§ 702.331 to 702.394.

12. It is proposed to add a new § 702.274 which will read as follows:

§ 702.274 Imposition of penalty.

(a) After a decision is rendered by an administrative law judge, the matter will be referred to the deputy commissioner, who will review the decision and determine the amount of the penalty, if any, to be assessed against the employer.

(b) If a penalty is to be assessed, the employer shall be advised by letter of the amount and rationale therefor, and shall be requested to submit payment by check to the deputy commissioner within 30 days following the date of the letter. The check will be transmitted to the National Office, Division of Longshore and Harbor Workers' Compensation, for deposit in the special fund as described in section 44, 33 U.S.C. 944.

13. It is proposed to add a new § 702.275 which will read as follows:

§ 702.275 Employer's refusal to pay penalty.

In the event the employer refuses to pay the penalty assessed, the deputy commissioner shall refer the complete administrative file to the Associate Director, Division of Longshore and Harbor Workers' Compensation, for subsequent transmittal to the Associate Solicitor for Employee Benefits, with the request that appropriate legal action be taken to recover the penalty.

14. It is proposed to add a new § 702.281 which will read as follows:

§ 702.281 Third party action.

(a) Every person claiming benefits under this Act (or the representative) shall promptly notify the employer and the deputy commissioner when:

(1) A claim is made that someone other than the employer or person or persons in its employ, is liable in damages to the claimant because of the injury or death and identify such party by name and address.

(2) Legal action is instituted by the claimant or the representative against some person or party other than the employer or a person or persons in his employ, on the ground that such other person is liable in damages to the claimant on account of the compensable injury and/or death; specify the amount of damages claimed and identify the person or party by name and address.

(3) Any settlement, compromise or any adjudication of such claim has been effected and report the terms, conditions and amounts of such resolution of claim. (Caution: See 33 U.S.C. 933(g))

15. It is proposed to amend § 702.312 to read as follows:

§ 702.312 Informal conferences: Called by and held before whom.

Informal conferences shall be called by the deputy commissioner or his designee assigned or reassigned the case and held before that same person, unless such person is absent or unavailable. When so assigned, the designee shall perform the duties set forth below assigned to the deputy commissioner, except that a compensation order following an agreement shall be issued only by a person so designated by the Director to perform such duty.

16. It is proposed to amend § 702.315 (a) to read as follows:

§ 702.315 Conclusion of conference; agreement on all matters with respect to the claim.

(a) Following an informal conference at which agreement is reached on all issues, the deputy commissioner shall, within 10 days after conclusion of the conference, embody the agreement in a memorandum or within 30 days issue a formal compensation order, to be filed and mailed in accordance with § 702.349. Where the problem was of such nature that it was resolved by telephone discussion or by exchange of written correspondence, the parties shall be notified by the same means that agreement was reached and the deputy commissioner shall prepare, a memorandum or order setting forth the terms agreed upon. In either instance, when the employer or carrier has agreed to pay, reinstate or increase monetary compensation benefits, or to restore or appropriately change medical care benefits, such action shall be commenced immediately upon becoming aware of the agreement, and without awaiting receipt of the memorandum or the formal compensation order.

* * * * *

17. It is proposed to amend § 702.316 to read as follows:

§ 702.316 Conclusion of conference; no agreement on all matters with respect to the claim.

When it becomes apparent during the course of an informal conference or other informal proceedings (such as correspondence on a claim, telephone discussion or other informal communications) that agreement on all issues cannot be reached, the deputy commissioner shall bring the conference or informal proceedings to a close and within 10 days thereafter prepare a memorandum setting forth only the issue or issues in dispute, such pertinent background as may be appropriate thereto, and his recommendations for resolution of the dispute. Copies of this memorandum shall then be sent by certified mail to each of the parties or their representatives, who shall then have 14 days in which to signify in writing to the deputy commissioner whether they agree or disagree with his recommendations. If they agree, the deputy commissioner shall proceed as in § 702.315(a). If they disagree (Caution: See § 702.134(b)), then the deputy commissioner may schedule such further conference or conferences as, in his opinion, may bring about agreement or, if he is satisfied that any further conference would be unproductive or if any party has requested a hearing, he shall within 10 days after determination or after receipt of a request prepare the case for transfer to the Office of the Chief Administrative Law Judge (see § 702.331 et seq.).

18. It is proposed to amend § 702.403 to read as follows:

§ 702.403 Employee's right to choose physician; limitations.

The employee shall have the right to choose his attending physician from among those authorized by the Director, OWCP, to furnish such care and treatment. In determining the choice of a physician, consideration must be given to availability, the employee's condition and the method and means of transportation. Generally 25 miles from the place of injury, or the employee's home is a reasonable distance to travel, but other pertinent factors must also be taken into consideration.

19. It is proposed to amend § 702.404 to read as follows:

§ 702.404 Physician defined.

The term "physician" includes doctors of medicine (MD), surgeons, podiatrists, dentists, clinical psychologists, optometrists and osteopathic practitioners within the scope of their practice as defined by State law. The term also includes chiropractors, but payment for their services will be limited to charges for physical examinations, related laboratory tests and x-rays made or required by a chiropractor to diagnose a subluxation of the spinal column, and treatment consisting of manual manipulation of the spine to correct a subluxation shown by x-ray. Physicians defined in this part may interpret their own x-rays. All physicians in these categories are authorized by the Director to render medical care under the Act. Naturopaths, faith healers and other practitioners of the healing arts which are not listed herein are not included within the term "physician" as used in this part.

20. It is proposed to amend § 702.411 (a) to read as follows:

§ 702.411 Special Examinations; Nature of Impartiality of Specialists.

(a) The special examinations required by § 702.408 shall be accomplished in a manner designed to preclude prejudgment by the impartial examiner. No physician previously connected with the case shall be present, nor may any other physician selected by the employer, carrier, or employee be present. The impartial examiner may be made aware, by any party or by the OWCP, of the opinions, reports, or conclusions of any prior examining physician with respect to the nature and extent of the employee's impairment, its cause, or its effect upon the wage-earning capacity of the injured employee, if the Deputy Commissioner determines that, for good cause, such opinions, reports or conclusions shall be made available.

* * * * *

21. It is proposed to amend § 702.412 to read as follows:

§ 702.412 Special examinations; costs chargeable to employer or carrier.

(a) The Director or his designee ordering the special examination shall have the power in the exercise of his discretion, to charge the cost of the examination or review to the employer, to the insurance carrier, or to the special fund established by section 44 of the Act, 33 U.S.C. 944.

(b) The Director or his designee may also order the employer or the insurance carrier to provide the employee with the services of an attendant, where the deputy commissioner considers such services necessary, because the employee is totally blind, has lost the use of both hands or both feet or is paralyzed and unable to walk, or because of other disability making the employee so helpless as to require constant attendance in the discretion of the deputy commissioner. Fees payable for such services shall be in accord with the provisions of § 702.413.

22. It is proposed to amend § 702.413 to read as follows:

§ 702.413 Fees for medical services; prevailing community charges.

All fees charged by physicians for the care of persons covered by this Act, or any other charges for medical treatment or supplies within the purview of this Act, shall be limited to such charges for similar treatment, services or supplies as prevail in the community in which the physician, medical facility or supplier is located. In those jurisdictions where there are official State medical fee schedules for workers' compensation, they may be used as guidelines.

Signed at Washington, D.C., this 4th day of August, 1976.

JOHN C. READ,
Assistant Secretary for Employment Standards.

[FR Doc.76-23555 Filed 8-12-76;8:45 am]

Occupational Safety and Health Administration

[29 CFR Part 1952]

ALASKA

Proposed Supplement to Approved Plan

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 called the Act) for the review of changes and progress in State plans which have been approved in accordance with Section 18 (c) of the Act and 29 CFR Part 1902. On August 10, 1973, notice was published in the FEDERAL REGISTER (38 FR 21628) of the approval of the Alaska Plan and the adoption of Subpart R to Part 1952 containing the decision. On February 5, 1976, the State of Alaska submitted to the Seattle Regional Office of the Occupational Safety and Health Administration a supplement to the plan involving a developmental change. Following regional review, the supplement was forwarded to the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) for his determination as to whether it should be approved. The supplement is described below.

2. *Description of the supplement.* The State has submitted a revision to the plan to change the number of industrial hygienists employed under its plan. The revision reduces the original commitment of four industrial hygienists to three industrial hygienists (two (2) enforcement; one (1) consultation). The State has determined through experience in industrial hygiene enforcement and consultation activities that three hygienists provide sufficient overall State coverage. The State will include an additional industrial hygiene position in its 1977 fiscal year budget, beginning October 1, 1976. However, the fourth industrial hygienist would not be hired prior to completion of the State's three year developmental period also on October 1, 1976.

3. *Location of the plan and its supplement for inspection and copying.* A copy of the plan and the supplement may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3112, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, 909 First Avenue, Seattle, Washington 98174; and the Alaska Department of Labor, Juneau, Alaska 99801.

4. *Public participation.* Interested persons are hereby given until September 13, 1976 in which to submit written data, views, and arguments concerning whether the supplement should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3112, 200 Constitution Avenue, NW., Washington, D.C. 20210, 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 with respect thereto within the time allowed for comments with the Associate Assistant Secretary for Regional Programs. If in the opinion of the Assistant Secretary, substantial objections are filed which warrent further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all revelant comments, arguments, and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplement, make appropriate amendments to Subpart R of Part 1952 and initiate further proceedings, if necessary.

(Secs. 8(g), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g), 667).)

Signed at Washington, D.C., this 9th day of August 1976.

B. M. CONCKLIN,
Deputy Assistant Secretary of Labor.

[FR Doc.76-23728 Filed 8-12-76;8:45 am]

Office of Federal Contract Compliance Programs

[41 CFR Part 60-1]

OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

State and Local Government Equal Employment Opportunity Requirements for Federally Assisted Construction Contracts

On March 28, 1975 (40 FR 14091) the Secretary of Labor solicited comments on a proposed amendment to § 60-1.4(b) (2) of Chapter 60, Title 41, Code of Federal Regulations, which would require U.S. Department of Labor approval of state and local government equal employment requirements to be included in federally assisted construction contracts already subject to federal minority hiring and/or training plans established pursuant to Executive Order 11246, as amended, and which would establish standards and procedures for such approvals.

After considering all comments received, the Department of Labor has decided to withdraw the proposed amendment.

Dated: August 9, 1976.

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

JOHN C. READ,
Assistant Secretary for Employment Standards.

LAWRENCE Z. LORBER,
Director, Office of Federal Contract Compliance Programs.

[FR Doc.76-23554 Filed 8-12-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Child Support Enforcement

[45 CFR Part 302]

STATE PLAN REQUIREMENTS

Good Cause for Refusing To Cooperate

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Director, Office of Child Support Enforcement, with the approval of the Secretary of Health, Education, and Welfare.

The basis of this proposal is section 208 of Pub. L. 94-88 which amends section 454 of the Act to provide that the State IV-D agency will not undertake to establish paternity or secure support when the State IV-A agency determines in accordance with standards prescribed by the Secretary (see proposal amending 45 CFR 232 published today at 42 FR 34299) that such action would be against the best interests of the child.

The purpose of this proposal is to require that the agency administering the State plan under title IV-D of the Act not attempt to establish paternity or collect support in any case in which a finding has been made that the caretaker relative has good cause for refusing to cooperate. An exception is provided where the State IV-A agency has determined that child support enforcement could proceed without risk of substantial danger, physical harm, or undue harrassment if the enforcement activities did not involve the participation of the caretaker relative.

The Office believes that there are situations in which it could be against the best interests of the child for the caretaker relative to cooperate, but that child support enforcement could proceed without risk of harm to the child or its caretaker relative. For example, a State's child support agency may be able to secure child support without any involvement on the part of the caretaker relative. It could be determined by the State that the absent parent would not make any reprisals against the child or caretaker relative if he knew that all action against him was taken by the State independent of the caretaker relative.

Prior to the adoption of the proposed regulation, consideration will be given to written comments, suggestions, or objections thereto addressed to the Director, Office of Child Support Enforcement,

Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013, and received on or before September 13, 1976.

Such comments will be available for public inspection in room 5225 of the Department's offices at 330 C Street, SW., Washington, D.C., beginning approximately two weeks after publication of this notice in the FEDERAL REGISTER, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202-245-0950).

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

(It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.)

Dated: July 1, 1976.

ROBERT FULTON,
Director, Office of
Child Support Enforcement.

Approved: August 6, 1976.

MARJORIE LYNCH,
Acting Secretary.

Part 302, Chapter III, Title 45 of the Code of Federal Regulations is amended by revising § 302.31 to read as follows:

§ 302.31 Establishing paternity and securing support.

The State plan shall provide that: (a) The IV-D agency will undertake:

(1) In the case of a child born out of wedlock with respect to whom an assignment under § 232.11 of this title is effective, to establish the paternity of such child; and

(2) In the case of any child with respect to whom such assignment is effective, to secure support for such child from any person who is legally liable for such support, utilizing reciprocal arrangements adopted with other States when appropriate; and

(b) The IV-D agency will not undertake to establish paternity or secure child support if there has been a finding of good cause pursuant to 45 CFR 232.12 unless there has been a determination by the State or local IV-A agency pursuant to 45 CFR 232.12(g) that child support enforcement may proceed without the participation of the caretaker relative. If there has been such a determination, the IV-D agency will undertake to establish paternity or secure child support but may not involve the caretaker relative in such undertaking.

[FR Doc.76-23563 Filed 8-12-76;8:45 am]

Social and Rehabilitation Service

[45 CFR Part 232]

SPECIAL PROVISIONS APPLICABLE TO TITLE IV-A

Good Cause for Refusing to Cooperate

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare.

This proposal is designed to implement section 208 of Pub. L. 94-88, which requires the Secretary to prescribe standards for use by State agencies in determining whether an applicant or recipient has good cause for refusing to cooperate (as required by section 402(a)(26)(B) of the Act) because such cooperation would not be "in the best interests of the child." The purpose of this proposal is to specify standards under which State and local welfare agencies shall determine the best interests of the child. The basis of the standards proposed herein is the Service's belief that the "best interests of the child" necessitate a balance between protecting the children and their caretaker relatives from potential harm and maintaining the integrity of the Child Support Enforcement program which can secure important legal and financial benefits for children.

In developing the proposed regulations we have attempted to accomplish two goals which are difficult to achieve simultaneously: protect children and their custodial parents or caretaker relatives from being harmed by the child support process; and, maintain the integrity of the Child Support Enforcement program under title IV-D of the Act. Further, the mandate from Congress is that the child's right to support, to inheritance, and to know who his father is deserves the higher social priority unless identification of the father is clearly against the best interests of the child. If standards are drawn too tightly, they prevent the creation of a loophole in the child support program but expose the child to the risk of harm. If standards are drawn too loosely, they guarantee more than adequate protection but have the potential for seriously damaging the Child Support Enforcement program. The Service believes that the Child Support Enforcement program produces significant benefits for children, including the establishment of paternity which can result in the entitlement to veterans and social security benefits, as well as the direct financial benefits of child support. The program also results in benefits to taxpayers through reimbursement of assistance payments. It is hoped that public comments will assist in refining the achievement of our goals.

Under the proposed regulations, the applicant for, or recipient of, Aid to Families with Dependent Children (AFDC) would be excused from cooperating in establishing paternity or securing support in five specific circumstances as outlined in § 232.13(d). Cases in which the applicant's or recipient's cooperation would be likely to result in in substantial danger, physical harm, or undue harassment to the child or its caretaker relative, would presumably be the major category. Others include forcible rape, incest, adoption, and related circumstances. In order to establish this good cause for refusing to cooperate, the applicant or recipient would be required by § 232.13(e) to provide either evidence of the five specific circumstances or sufficient information to the welfare agency to permit an investigation to verify the circumstances. The State would be required by § 232.13(1) to maintain records on the number of applicants and recipients claiming to have good cause, the number of applicants or recipients found to have good cause, and similar information.

The confidentiality of all information obtained by the Title IV-A agency and the Title IV-D agency would be protected under the applicable safeguarding regulations, 45 CFR 205.50 and 302.18, which provide in essence that the use or disclosure of information concerning applicants or recipients of AFDC or Child Support Enforcement Services will be limited to purposes directly connected with the administration of the Federal or Federally assisted programs (under titles I, IV, X, XIV, XVI, XIX, or XX) including establishing eligibility, providing benefits and services, and investigations and proceedings in connection with the administration of such programs.

Other major provisions of the proposed regulations are as follows:

1. The welfare agency must notify any applicant or recipient who would be required to cooperate of the provisions for cooperation and good cause for refusing to cooperate. (§ 232.13(b))

2. The welfare agency may find that good cause exists only if evidence supplied by the applicant or recipient establishes a prima facie case, or an investigation verifies the claim of good cause, or through a combination of evidence and an investigation. (§ 232.13(f))

3. Evidence is defined to include such items as court, medical, law enforcement and social services records. (§ 232.13(g))

4. In cases involving risk of danger, harm or harrassment, the welfare agency must make a determination of whether child support enforcement could proceed without such risk if the enforcement or collection activity did not involve the participation of the caretaker relative. (§ 232.13(h))

5. The welfare agency may not deny, delay or discontinue assistance pending a determination of good cause if the applicant or recipient has supplied the necessary information (§ 232.13(i))

Other standards were considered in developing the proposed regulations, but were tentatively rejected, pending public comments, in the belief that they were inappropriate to the best interests of the child. For example, an applicant or recipient could be excused from cooperating merely on the basis of an assertion that to cooperate would be against the best interests of the child. This was rejected on the belief that such a procedure would tip the balance too far away from protecting the integrity of the Child Support Enforcement program and could result in spurious claims. We also considered allowing the welfare agency to determine good cause without specifying in the regulations which circumstances would be against the best interests of the child. This was rejected on the basis that this would result in no standards at all and would be inconsistent with the requirements of the

statute. Finally, we considered limiting the standards to those affecting only the child. This approach was rejected on the belief that, under certain circumstances, adverse consequences to the child's caretaker relative are in fact against the best interests of the child and could outweigh the benefits to the child in the form of paternity and support.

Although all comments are welcome and will be taken into consideration, there are several aspects of the proposal for which we are particularly desirous of obtaining comments. Those areas are as follows:

1. Are there circumstances in which it would be against the best interests of the child to require cooperation other than those listed in § 232.13(d)?

2. Are there any circumstances listed in § 232.13(d) which are outweighed by the legal and financial benefits that result from establishing paternity and collecting support and should therefore be excluded?

3. Are there any items of evidence which should either be added to or deleted from the list in § 232.13(g)?

4. Is there any better aproach to implementing the good cause provision than by specifying each circumstance involving the best interests of the child, and requiring evidence or an investigation to prove the existence of the circumstance?

Prior to the adoption of the proposed regulation, consideration will be given to written comments, suggestions, or objections thereto addressed to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013, and received on or before September 12, 1976.

Such comments will be available for public inspection in room 5225 of the Department's offices at 330 C Street, S.W., Washington, D.C., beginning approximately two weeks after publication of this Notice in the FEDERAL REGISTER, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–245–0950).

(Catalog of Federal Domestic Assistance Program No. 13.761, Public Assistance—Maintenance Assistance (State Aid)

(It is hereby certified that the economic and inflationary affects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.)

Dated: July 1, 1976.

ROBERT FULTON,
Administrator, Social and Rehabilitation Service.

Approved: August 6, 1976.

MARJORIE LYNCH,
Acting Secretary.

Part 232, Chapter II, Title 45 of The Code of Federal Regulations is amended by revising § 232.12 and by adding a new § 232.13, as set forth below:

§ 232.12 Cooperation in obtaining support.

The State plan must provide that:

(a) As a condition of eligibility for assistance, each applicant for or recipient of AFDC will be required to cooperate (unless good cause for refusing to do so is determined to exist in accordance with § 232.13 of this chapter) with the State in:

(1) Identifying and locating the parent of a child with respect to whom aid is claimed;

(2) Establishing the paternity of a child born out of wedlock with respect to whom aid is claimed;

(3) Obtaining support payments for such applicant or recipient and for a child with respect to whom aid is claimed; and

(4) Obtaining any other payments or property due such applicant or recipient of such child.

(b) "Cooperate" includes the following:

(1) Appearing at the offices of the State or local agency or the child support agency as necessary to provide verbal or written information, or documentary evidence, known to, possessed by, or reasonably obtainable by him, that is relevant to achieving the objectives of paragraph (a) of this section;

(2) Appearing as a witness at court or other hearings or proceedings necessary to achieving the objectives of paragraph (a) of this section;

(3) Providing information, or attesting to the lack of information, under penalty of prejury; and

(4) After an assignment under § 232.11 has been made, paying to the child support agency any child support payments received from the absent parent which are covered by such assignment.

(c) If the child support agency notifies the State or local agency of evidence of failure to cooperate, the State or local agency shall act upon such information in order to enforce the eligibility requirements of this section.

(d) If the relative with whom a child is living fails to comply with the requirements of paragraph (a) of this section, such relative shall be denied eligibility without regard to other eligibility factors.

(e) If the relative with whom a child is living is found to be ineligible for assistance because of failure to comply with the requirements of paragraph (a) of this section, any aid for which such child is eligible (determined without regard to the needs of the caretaker relative) will be provided in the form of protective payments as described in § 234.60 of this chapter.

§ 232.13 Good cause for refusing to cooperate.

The State plan must provide that:

(a) An applicant for, or recipient of, AFDC may claim to have good cause for refusing to cooperate as required by § 232.12 of this chapter;

(b) The State or local agency shall notify any applicant for, or recipient of, AFDC who is required to cooperate pursuant to § 232.12 of this chapter, prior to requiring such cooperation, that:

(1) The applicant or recipient may claim to have good cause for refusing to cooperate;

(2) The applicant or recipient must comply with the requirements of paragraph (e) of this section in order to permit a determination of good cause for refusing to cooperate; and

(3) Unless the State or local agency determines pursuant to the provisions of this section that there is good cause for refusing to cooperate, the applicant or recepient is required, as a condition of eligibility, to cooperate pursuant to section 232.12 of this chapter.

(c) The State or local agency shall determine, for each applicant for, or recipient of, AFDC who claims to have good cause for refusing to cooperate, whether or not such applicant or recipient has good cause for refusing to cooperate. The applicant or recipient shall be determined to have good cause only if cooperation would be against the best interests of the child (as determined pursuant to paragraphs (d), (e), and (f) of this section) for whom support would be sought;

(d) It is "against the best interests of the child" only if one or more of the following circumstances exists:

(1) The applicant's or recipient's cooperation in establishing paternity and securing support is likely to result in substantial danger, physical harm, or undue harassment to the child or the caretaker relative with whom the child is living;

(2) The child for whom support is sought was conceived as a result of incest or forcible rape, and proceeding to establish paternity and secure support would, in the opinion of the State or local agency, be detrimental to the child or caretaker relative;

(3) Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction;

(4) The applicant's or recipient's legal rights to the child have been terminated by a court of competent jurisdiction; or

(5) The applicant or recipient is planning to relinquish, or has relinquished, the child to a public or licensed social agency for the purposes of adoption, or the applicant or recipient is actively engaged (for a period not to exceed 3 months) with a public or licensed private social agency in resolving the issue of whether to keep or relinquish the child for adoption;

(e) An applicant for, or recipient of, AFDC who claims to have good cause for refusing to cooperate will be required to:

(1) Provided evidence, as defined in paragraph (g) of this section of the existence of the circumstances specified in paragraph (d) of this section; or

(2) Provide sufficient information, such as the absent parent's name and address, to permit an investigation or enable the agency to assist the applicant or recipient in obtaining information to determine the existence of one or more of the circumstances specified in paragraph (d) of this section;

(f) The State or local agency will find that good cause for refusing to cooperate exists only if:

(1) The evidence supplied pursuant to paragraph (e)(1) of this section establishes a prima facie case that cooperating would be against the best interests of the child; or

(2) An investigation of the circumstances of the case verifies the appli-

cant's or recipient's claim that cooperating would be against the best interests of the child; or

(3) A combination of both the evidence supplied pursuant to paragraph (e)(1) of this section and an investigation of the circumstances of the case establishes that cooperating would be against the best interests of the child;

(g) "Evidence" includes only the following:

(1) Birth certificates or medical or law enforcement records which indicate that the child was conceived as the result of incest or forcible rape;

(2) Court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction;

(3) Court, medical, criminal, child protective services, social services or law enforcement records which indicate the likelihood of violent behavior on the part of the absent parent;

(4) Court documents that demonstrate that parental rights have been terminated;

(5) A written statement from a public or licensed private social agency that the applicant or recipient has relinquished, or is planning to relinquish, the child for adoption, or is actively engaged with the agency in resolving the issue of whether to keep or relinguish the child for adoption; and

(6) Such other elements as SRS may determine constitute acceptable evidence;

(h) If the State or local agency makes a determination of good cause on the basis of the circumstances specified in paragraph (d)(1) of this section, it shall also make a determination of whether or not child support enforcement could proceed without risk of substantial danger, physical harm, or undue harassment to the child or caretaker relative if the enforcement or collection activities did not involve the participation of the caretaker relative;

(i) The State or local agency will not deny, delay, or discontinue assistance pending a determination of good cause for refusal to cooperate if the applicant or recipient has complied with the requirements of paragraph (e) of this section;

(j) The State or local agency will promptly report to the IV–D agency all cases in which it has determined that there is good cause for refusal to cooperate and specify those cases, if any, in which it has determined pursuant to paragraph (h) of this section that child support enforcement may proceed without the participation of the caretaker relative;

(k) The State or local agency will periodically review, not less frequently than at each redetermination of eligibility required by § 206.10(a)(9) of this chapter, all cases in which a finding of good cause has been made pursuant to this section. If the agency determines that circumstances have changed such that good cause no longer exists, it will rescind its findings and proceed to enforce the requirements of § 232.12 of this chapter;

(l) The State shall maintain such records relating to its activities under this section as will permit it, upon being required to do so by SRS, to produce reports concerning at least the following:

(1) The number of cases in which the applicant or recipient claimed to have good cause for refusing to cooperate;

(2) The number of cases in which the applicant or recipient was found to have good cause for refusing to cooperate;

(3) The number of cases in which the applicant or recipient was found not to have good cause for refusing to cooperate;

(4) The number of cases in which the applicant or recipient was found to have good cause for refusing to cooperate but there was a determination pursuant to paragraph (h) of this section that child support enforcement may proceed without the participation of the caretaker relative; and

(5) For those cases in which good cause was found

(i) Which of the circumstances specified in paragraph (d) of this section was found to exist; and

(ii) Whether the finding of good cause was made pursuant to paragraph (f)(1), (2), or (3) of this section.

[FR Doc.76–23652 Filed 8–12–76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistance Secretary for Community Planning and Development

[24 CFR Part 570]

[Docket No. R–76–410]

COMMUNITY DEVELOPMENT BLOCK GRANTS

Applications and Criteria for Discretionary Grants

On February 27, 1976, the Department of Housing and Urban Development (HUD) published in the FEDERAL REGISTER (41 FR 8612) regulations setting forth application requirements and criteria for awarding discretionary grants under title I of the Housing and Community Development Act of 1974. Those regulations apply to grants made from appropriations for Fiscal Year 1976.

Notice is hereby given that HUD proposes to amend 24 CFR Part 570, Subpart E, Applications and Criteria for Discretionary Grants, for the purpose of making discretionary grants in Fiscal Year 1977. This amendment affects only grants made from general purpose funds for metropolitan and nonmetropolitan areas which are described in § 570.402.

Additional changes are proposed in § 570.400 which is a general introductory section that precedes specific regulations for each discretionary funding source under the community development block grant program. The changes in § 570.400, however, which are technical in nature, are all for the purpose of transferring material to § 570.402 which deals exclusively with general purpose funds for metropolitan and nonmetropolitan areas. Specifically, all references to preapplications, dates for submitting preapplications and full applications for general purpose funds, and letters to proceed, all of which apply only to general purpose funds, are moved from § 570.400 to § 570.402.

The significant changes to § 570.402 are discussed below:

1. Paragraph (b) sets forth the requirements for preapplications which were previously a part of Section 570.400. Changes to this paragraph indicate that the purpose of the preapplication is for HUD to make funding decisions by comparing the conditions of substandard housing and poverty and proposed activities or programs of applicants. The Secretary may establish a single maximum grant amount on a State by State basis for assistance under this section.

2. Paragraph (b)(1) sets forth the scope of the preapplication.

3. Paragraph (b)(2) specifies the items that are to be submitted as a part of the preapplication including a report on the status of prior assistance received by the applicant under this Part.

4. Paragraph (b)(3) indicates that the earliest and latest dates for submission of preapplications for general purpose funds for nonmetropolitan areas are October 15, 1976, and November 30, 1976, respectively, and for metropolitan areas are January 15, 1977, and February 15, 1977, respectively.

5. Paragraph (b)(4) specifies that applicants are to transmit preapplications concurrently to HUD and the appropriate State and areawide A–95 clearinghouses. The preapplications will serve as a notice of intent to apply for federal funds. A thirty day A–95 review period prior to submission of the preapplication to HUD will no longer be required.

6. Paragraph (b), Criteria for selection, and paragraph (c), HUD review procedures, as published in § 570.402 on February 27, 1976 in the FEDERAL REGISTER (41 FR 8612), have been combined to form a new paragraph (c), HUD review procedures. The new paragraph states that each HUD Regional Office shall establish a review and rating system.

7. Paragraph (c)(1) sets forth three threshold requirements that must be met before a preapplication may be considered for rating. A negative finding on one or more of the threshold factors would disqualify a preapplication from consideration. The first threshold factor is performance by the applicant with previous community development block grants. The standards of performance shall measure progress toward completion of approved activities by taking into account among other factors—expenditures and obligations of funds; award of third party contracts; the provision of other Federal, State, or local funds committed to the activities; and compliance with the applicable block grant program requirements. The second threshold is whether the applicant has taken appropriate local steps to provide for assisted housing in accordance with a previously approved housing assistance plan if such plan exists. Where housing has not actually been provided, such steps may include the removal of impediments to

the development of assisted housing in local ordinances and land use requirements, the formation of a local housing authority where necessary to carry out the housing assistance plan, the provision of sites for assisted housing, and other actions appropriate for implementing the housing assistance plan. The third threshold is that the activities proposed in the preapplication appear eligible for assistance in accordance with § 570.200.

8. Paragraph (e)(2) sets forth the criteria for selection of preapplications meeting the threshold requirements for funding. The extent of substandard housing conditions, the proportion and extent of poverty, and the alleviation of serious threats to health and safety were part of the criteria for Fiscal Year 1976. New criteria in paragraph (c)(2) are the extent to which the proposed activities are designed to benefit low and moderate-income families in paragrph (c)(2)(iii); paragraph (c)(2)(iv), the extent to which the proposed activities are designed to support the expansion or conservation of the applicant's low- and moderate-income housing stock (including infrastructure and facilities in support of housing); and paragraph (c)(2)(vi) which permits the Regional Administrator to grant, at his discretion, additional consideration for preapplications which have evidence of firm commitments of other Federal or State funds for a portion of the cost of activities.

9. Paragraph (c)(3) sets forth the range of the maximum percentage of the total points which may be assigned to each selective criterion in the base rating system of one hundred percent developed by HUD Regional Offices. The activities or programs proposed in the preapplication receive a greater weight than the base demographic characteristic of the applicant. Paragraph (c)(3)(vi) provides that the percentage assigned at the discretion of the Regional Administrator for the criteria in paragraph (c)(2)(vi) may not be more than ten percent in addition to the base rating system. Paragraph (c)(3)(vi) clarifies that in those instances where an applicant proposes a program of coordinated activities in a general location to meet a specific objective, the program as a whole shall receive a single rating and not the individual activities. In other cases, activities shall be rated separately.

10. Paragraph (c)(4) sets forth a special procedure that may be used only in cases where there is an imminent threat to public health or safety which is of such an extraordinary nature that it requires immediate action to be alleviated. For example, a community with documented cases of serious disease resulting from a contaminated drinking water supply would have an immediate threat to public health appropriate for assistance; whereas, a community which has been ordered to improve the quality of its water supply over the next five years would not receive consideration under this provision. Under the qualifying circumstances, the Secretary may immediately invite an application for assistance under this section to alleviate the imminent threat at any time by waiving the preapplication requirements of paragraph (b) of this section in which case no rating under paragraph (c) of this section shall be required. Prior to the approval of such an application, HUD shall verify the nature, urgency, and the immediacy of the threat with appropriate authorities other than the applicant.

11. Paragraph (d) sets forth the requirements for full applications for general purpose funds for metropolitan and nonmetropolitan areas previously a part of § 570.400. Changes indicate that HUD shall invite full applications based upon review of preapplications or the special procedure set forth in paragraph (c)(4) of this section for imminent threats. The Secretary may invite an applicant to submit a full application for an amount less than requested in its preapplication. In determining the amount an applicant is invited to submit a full application for, the Secretary may take into account the level and complexity of the activities proposed and the capacity of the applicant to complete the activities within a reasonable period of time and within estimated costs.

12. Paragraph (d)(1) indicates that full applications shall comply with the requirements of § 570.303 and include schedules showing target dates for the start and the completion of all proposed activities.

13. Paragraph (d)(3) indicates that full applications are to be submitted to the appropriate A–95 State and areawide clearinghouses for review and comment at least 45 days prior to submission to HUD.

14. Paragraph (d)(5) sets forth HUD procedures for review of full applications. Paragraph (d)(5)(i) sets forth the conditions for accepting a full application. Paragraph (d)(5)(ii) prescribes that the HUD review of full applications will insure that any other resources necessary for the completion of proposed activities are available; that any conditions that were a part of the invitation for full application are satisfied; and that any findings of inconsistency developed through the A–95 process have been resolved.

The Secretary will notify the applicant in writing that the full applications has been approved, partially approved, disapproved or otherwise not acted upon.

Paragraph (d)(5)(iii) specifies that the Secretary may make conditional approvals for reasons set forth in paragraphs (e)(1) through (e)(4) of § 570.306 and to insure the provision of other resources committed to complete activities within a reasonable period of time.

15. Paragraph (e) sets forth requirements for general purpose grants for metropolitan and nonmetropolitan areas previously contained in § 570.400.

16. Paragraph (f) sets forth requirements regarding amendments to applications for general purpose funds for metrolopitan and nonmetropolitan areas. Such amendments must have prior HUD approval which may be granted when the circumstances are beyond the control of the recipient or when funds remain after completion of all approved activities. If new activities are to be added or substituted, such new activities shall receive a rating comparable to the original rating of the activities in the initial application.

17. Paragraph (g) contains clarification of the citizen participation requirements of this Part as these apply to preapplications and applications for assistance under this section. Applicants shall inform citizens of the maximum grant amount, the criteria for selection, and that the number of preapplications may substantially exceed the number of applications to be funded. Applicants shall comply with all public hearing requirements of paragraph (e)(4)(ii) of § 570.303 prior to submission of a preapplication, and additional public hearings are not required prior to submission of the full application unless the substance of the preapplication has been altered significantly. All applicable citizen participation requirements shall be met nonetheless prior to resubmission in the current year of a preapplication which was submitted in a previous year.

18. Paragraph (h) sets forth the requirements for applications by States. A differentiation is made between the requirements for a State application in behalf of units of general local government and for direct assistance to the State. The requirements for a State application in behalf of units of general local government are essentially as previously stated with a clarification of the housing assistance plan requirements. For an included unit of general local government with a HUD approved housing assistance plan conforming to the current requirements of paragraph (c) of § 570.303, the approved housing assistance plan may be included in the State application by reference. For an included unit of general local government which does not have a current approved housing assistance plan, a housing assistance plan meeting the requirements of paragraph (c) of § 570.303 and adopted by the unit of general local government shall be submitted as a part of the State application. In those instances where a State is submitting an application for direct assistance for itself and not in behalf of units of general local government and the area to be served is multijurisdictional, regional, or statewide in nature, a HUD approved 701 housing element may serve as the housing assistance plan for the purposes of this section.

Interested persons are invited to participate in the making of the final rule by submitting written comments or views on the proposed amendments. Comments should be filed with the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. All relevant materials received on or before September 14, 1976, will be considered before adoption of final rules. Copies of comments will be available for examination during business hours at the above address.

In connection with the environmental review of the proposed amendments to §§ 570.400 and 570.402, a Finding of Inapplicability has been made under HUD Handbook 1390.1, (38 FR 19182). A copy of the Finding is available for inspection in the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C.

It is hereby certified that the economic and inflationary impacts of these proposed regulations have been carefully evaluated in accordance with OMB Circular No. A–107.

(Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), and Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

In consideration of the foregoing, it is proposed to amend 24 CFR Part 570 as follows:

1. Section 570.400 would be amended by revising paragraph (d)(1) and deleting paragraphs (b), (c)(2)(i), (d)(2), and (e) as follows:

§ 570.400 General.

* * * * *

(b) [Reserved]
(c) * * *
(2) * * *
(i) [Reserved]

* * * * *

(d) *Meeting the requirements of OMB Circular A–95.* (1) *General.* All applicants under this subpart must comply with the requirements set forth in OMB Circular A–95, Federally-recognized Indian tribes are not subject to the regular A–95 requirements; however, they are encouraged to participate voluntarily in the A–95 Project Notification and Review System. HUD will notify the appropriate State and areawide clearinghouses of any applications from Federally recognized Indian tribes upon their receipt.

(2) [Reserved]
(e) [Reserved]

* * * * *

2. Section 570.402 would be revised to read as follows:

§ 570.402 General purpose funds for metropolitan and nonmetropolitan areas.

(a) *Eligible applicants.* Eligible applicants are States, and units of general local government as defined in § 570.3(v), excluding metropolitan cities, urban counties and units of general local government which are included in urban counties as described in § 570.105(b)(3)(ii) and (iii). For the purpose of this section, the second sentence in § 570.3(v) includes those entities described in § 570.403(b)(1), (2) and (3).

(b) *Preapplications.* Preapplications are required for grants from general purpose funds for metropolitan and nonmetropolitan areas. The purpose of the preapplication is for HUD to make funding decisions by comparing the conditions of substandard housing and poverty within an applicant's jurisdiction and the activities or programs proposed by the applicant in accordance with the criteria for selection, with similar conditions and activities from other jurisdictions. The Secretary may establish a single maximum grant amount on a State-by-State basis for assistance under this part.

(1) *Scope of preapplication.* A preapplication may include any number of eligible activities up to the maximum dollar amount established by the Secretary for all applicants within that State. A preapplication may propose activities to be undertaken during any reasonable period of time necessary to complete them. The applicant shall apply for discretionary funds in an amount, which together with other resources that may be available, will be adequate to complete the proposed activities without additional block grant funds. While a recipient remains eligible for discretionary grant funding in subsequent years, an applicant shall not assume that additional funding will be available in subsequent years to continue or expand activities. A preapplication may not, however, be only for planning purposes, as defined in § 570.200(a)(12).

(2) *Submission requirements.* Preapplications shall be submitted on HUD forms to the appropriate HUD Area Office and shall consist of the following:

(i) A brief description of the applicant's community development needs and objectives;

(ii) A description of the activities to be carried out with assistance provided under this Part;

(iii) An estimate of the cost of the proposed activities;

(iv) A map of the applicant's jurisdiction;

(v) The certification required under § 570.303(e)(4);

(vi) The status of any prior assistance under this Part.

(3) *Preapplication submission date.* The Secretary will establish from time to time the earliest and latest dates for submission of preapplications for each fiscal year. For Fiscal Year 1977, the earliest submission date will be October 15, 1976, and the latest submission date will be November 30, 1976 for nonmetropolitan areas, and the earliest submission date will be January 15, 1977, and the latest submission date will be February 15, 1977, for metropolitan areas.

(4) *Modified OMB Circular A–95 procedures for preapplications.* The following special procedure applies to the general purpose funds for metropolitan and nonmetropolitan areas for which a preapplication is required. A copy of the preapplication shall be submitted to the appropriate A–95 State and areawide clearinghouses concurrent with the submission of the preapplication to HUD. The submission of the preapplication will serve as the notification of intent to apply for a Federal grant. The clearinghouses should respond to the applicant regarding their review of the preapplication.

(c) *HUD review procedures.* Each HUD Regional Office shall establish a review and rating system to evaluate preapplications within its jurisdiction. The Regional Administrator may permit variations on a State by State basis, within the limitations pursuant to § 570.402(c)(3). Copies of HUD review and rating systems may be obtained from the appropriate Regional or Area Office prior to submission of a preapplication. HUD will review preapplications based upon the criteria set forth in § 570.402(c)(2). Applicants will be advised of HUD's determinations and judgments on the preapplication, and the availability of funds.

(1) *Threshold factors.* The review and rating system will provide that affirmative determinations shall be made on each of the following threshold factors in order for a preapplication to be considered for rating.

(i) With respect to previously approved assistance under this Part, the applicant has satisfactorily met the performance standards established by HUD. These standards will take into account progress toward completion of approved activities as measured by such factors as expenditure of funds; obligation of funds; award of third party contracts; provision of committed funds from other Federal, State, or local sources; and compliance with applicable program requirements.

(ii) The applicant has taken appropriate local actions to provide assisted housing in accordance with any HUD-approved housing assistance plan applicable to the applicant's jurisdiction. Where housing has not actually been provided, such local actions may include the removal of impediments to the development of assisted housing in local ordinances and land use requirements, the formation of a local housing authority when necessary to carry out the housing assistance plan, the provision of sites for assisted housing when resources are available, and other actions appropriate for implementation of the housing assistance plan.

(iii) Based on information contained in the preapplication, the proposed activities appear to be eligible.

(2) *Criteria for selection.* Preapplications which meet the threshold requirements shall be rated competitively in accordance with the following selection criteria:

(i) Extent of substandard housing conditions as represented by the sum of the number of overcrowded housing units as defined in § 570.3(i) and the number of housing units lacking plumbing, expressed both as an absolute amount and as a percentage of the total housing units within the jurisdiction of the unit of general local government.

(ii) The proportion and extent of poverty as defined in § 570.3(j) and expressed both as an absolute amount and as a percentage of the total population within the jurisdiction of the unit of general local government.

(iii) The extent to which the proposed activities or program are designed exclusively, principally, or incidentally to benefit low- or moderate-income families.

(iv) The extent to which the proposed activities or program are designed to support the expansion or conservation of the low- or moderate-income housing stock (including infrastructure or facilities in support of housing).

(v) The activities or program as proposed are designed to alleviate a serious threat to health or safety.

(vi) At the discretion of the Regional Administrator, additional points may be awarded to those preapplications which involve matching other Federal or State grants or which involve identifiable commitments of other Federal or State resources, including Federal grants administered by States.

(3) *Numerical ratings.* Rating systems developed pursuant to § 570.402(c) shall assign numerical ratings for each criterion set forth in § 570.402(c)(2). In each Regional rating system, § 570.402(c)(3)(i) through (v) shall total one hundred percent of the base rating system. § 570.402(c)(3)(vi) shall be in addition to the base rating system if included. The range of maximum percentage of points for each criterion shall be:

(i) Ten to fifteen percent for the substandard housing described in the criterion in § 570.402(c)(2)(i), one-half for absolute amount and one-half for percent;

(ii) Five to ten percent for poverty described in the criterion in § 570.402(c)(2)(ii), one-half for absolute amount and one-half for percent;

(iii) Twenty-five to thirty-five percent for benefits to families of low- or moderate-income in the criterion in § 570.402(c)(2)(iii);

(iv) Twenty-five to thirty-five percent for housing efforts in the criterion in § 570.402(c)(2)(iv);

(v) Ten to twenty percent for health or safety pursuant to the criterion as described in § 570.402(b)(2)(v);

(vi) In addition to the ratings assigned pursuant to § 570.402(c)(2)(i) through (v), a maximum of an additional ten percent may be assigned for involvement of other resources described in the criterion in § 570.402(c)(2)(vi).

(vii) Activities shall normally receive numerical ratings individually in accordance with § 570.402(c)(3)(iii) through (vi) except that groups of activities which are designed as a coordinated effort concentrated within a general location to meet a specific objective shall receive a single rating jointly as a program and not as individual activities.

(4) *Imminent threat to public health or safety.* Notwithstanding the provisions of § 570.402(b), the Secretary may, at any time, invite a full application for funds available under this section in response to a request for assistance to alleviate an imminent threat to public health or safety that requires immediate resolution by waiving the requirements of § 570.402(b). The urgency and the immediacy of the threat shall be verified by HUD with an appropriate authority other than the applicant prior to approval of the application. For example, an applicant with documented cases of disease resulting from a contaminated drinking water supply would have an immediate threat to public health, while an applicant ordered to improve the quality of its drinking water supply over the next five years would not have an imminent threat within the definition of this paragraph.

(d) *Applications.* HUD shall invite full applications based upon the review of preapplication or based upon an imminent threat to public health or safety pursuant to § 570.402(c)(4). The Secretary may request that an applicant submit a full application for assistance under this Part for an amount less than requested by the applicant in its preapplication. In determining the amount of the grant for which an applicant is invited to submit a full application, the Secretary may take into account the level and complexity of the proposed activities and the capacity of the applicant to complete such activities within a reasonable period of time and within estimated costs.

(1) *Application requirements.* Full applications will be accepted only upon invitation from HUD. Addition of new activities from those proposed in the preapplication will not be approved if such addition or substitution will lower HUD's rating of the preapplication. Full applications shall meet the application requirements of § 570.303 and shall include schedules showing target dates for start up and completion of all proposed activities.

(2) *Timing of submission.* The latest date for submission of a full application shall be established by HUD at the time an applicant is invited to submit a full application.

(3) *Modified OMB Circular A-95 procedure for full applications.* At least 45 days prior to the submission of a full application to HUD for general purpose funds for metropolitan and nonmetropolitan areas, the applicant shall transmit the application to the appropriate State and areawide clearinghouses for review and comment unless the clearinghouses relinquish this requirement. They shall be provided forty-five days for review and comment.

(4) *Waiver of application requirements.* The provisions of § 570.304 shall also apply to applications under this section.

(5) *HUD review and approval of full application.* (i) *Acceptance of application.* Upon receipt of the full application, the HUD Area Office will accept it for review, provided that it has been received before the deadline established pursuant to § 570.402(d)(2); the application requirements specified in § 570.402(d)(1) are complete, except with regard to those applications for which certain submission requirements are waived pursuant to § 570.402(d)(4); the funds requested do not exceed the amount of the invitation by HUD; and any comments and recommendations received from clearinghouses are attached to the application.

(ii) *HUD action on full applications.* Full applications will be reviewed to insure that any other necessary resources that may be required to complete the proposed activities are in fact available; that any conditions that may have been established at the time of invitation to submit a full application have been satisfied; and that any findings on inconsistency developed through the OMB Circular A-95 process have been resolved. The Secretary will notify the applicant in writing that the full application has been approved, partially approved, disapproved, or otherwise not acted on for any reason.

(iii) *Conditional approval.* The Secretary may make conditional approval, in which case the grant will be approved, but the utilization of funds for affected activities will be restricted. Conditional approvals will be made only pursuant to § 570.306(e)(1) through (e)(4) and to insure provision of other resources committed to complete activities with a reasonable period of time and within estimated costs.

(e) *Letter to proceed.* In response to a request by a unit of general local government, the Secretary may, in cases of demonstrated need, issue a letter to proceed authorizing an applicant for funds to incur costs for the planning and preparation of an application for funds available under this subpart. Reimbursement for such costs will be dependent upon HUD approval of such application. Costs incurred by an applicant prior to notification of a funding approval or issuance of a letter to proceed by HUD are not eligible for assistance under this Part.

(f) *Program amendments.* Recipients shall request prior HUD approval for all program amendments to approved applications under § 570.402. HUD approval of program amendments may be granted to those requests which meet the following criteria:

(1) The program amendment is necessitated by actions beyond the control of the applicant, or funds remain after completion of all approved activities, and

(2) In cases where activities are added or are significantly altered, the new activities shall have a rating under the criteria of § 570.402(c) comparable to rating of the original activities.

(g) *Citizen participation.* The citizen participation requirements of this Part shall be met by the applicant prior to the submission of the preapplication. Preapplications from a previous year being resubmitted are again required to meet all citizen participation requirements for the current year. As a part of the information provided pursuant to § 570.303(e)(i), the applicant shall inform citizens of the maximum discretionary grant for which the applicant may apply, the criteria for selection of preapplications, and that the number of preapplications submitted may substantially exceed the number of applications that may be ultimately approved from the available funds. The requirements of § 570.303(e)(4)(ii) shall be met prior to the submission of the preapplication. Additional public hearings are not required for the full application unless there have been significant changes in the activities.

(h) *Applications submitted by states.* States (including the Commonwealth of Puerto Rico) may apply for general purpose funds for metropolitan and nonmetropolitan areas to carry out eligible activities in metropolitan and nonmetro-

politan areas, respectively. Separate applications are required for metropolitan and nonmetropolitan areas. A State may at its option submit separate applications for each metropolitan area for which it seeks funds or submit a single application for more than one metropolitan area, provided that such application clearly identifies the proposed cost attributable to each metropolitan area.

(1) *Applications in behalf of units of general local government.* If a State is submitting an application for assistance under this section in behalf of a unit or units of general local government, the provisions of § 570.303 shall apply only to those units of general local government covered by a State application. The application shall be pursuant to an agreement with the covered units of general local government.

(2) *State applications for direct assistance.* If a State is submitting an application for direct assistance for itself and not in behalf of units of general local government for activities which are otherwise eligible pursuant to § 570.200, the provisions of § 570.303 shall be applied on a statewide basis.

(3) *State application housing assistance plans.* (i) In those instances where there is a HUD approved housing assistance plan meeting the requirements of § 570.303(c) for units of general local government in which the activities are to be carried out, the State need only indicate in the application that it subscribes to and adopts such housing assistance plan.

(ii) In those instances where there is no HUD approved housing assistance plan for a covered unit of general local government, the State shall submit as a part of its application a housing assistance plan adopted by the unit of general local government.

(iii) In those instances where the State is applying for direct assistance and the activities are by nature multijurisdictional, regional, or statewide in nature, a HUD approved State 701 housing element may serve as a housing assistance plan for the purposes of this section.

(4) *Activities in urban counties and metropolitan cities.* A State may not apply for activities to be located in or carried out in metropolitan cities, urban counties or units of general local government which are included in urban counties, unless such funds have been reallocated in accordance with § 570.107.

Issued at Washington, D.C., August 9, 1976.

DAVID O. MEEKER, JR.,
FAIA, AIP, Assistant Secretary for Community Planning and Development.

[FR Doc.76-23705 Filed 8-12-76;8:45 am]

Federal Insurance Administration

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Collins, Erie County, New York

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. 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 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Collins, Erie County, New York.

Under these acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the Main Entrance in Town Hall, 14093 Mill Street, Collins.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Robert F. Gaylord, Supervisor, Town Hall, 14093 Mill Street, Collins, New York 14034. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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
Clear Creek	West corporate limits	743	0	220
	Bagdad Rd. (north)	798	30	0
	Bagdad Rd. (central)	812	5	10
	Conrail	829	240	50
	Bagdad Rd. (south)	862	10	30
	Jennings Rd	971	20	40
	North Division Rd. (extended)	1,060	5	170
	School St	1,080	230	50
	Collins Center Zoar Rd	1,094	200	30

(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: July 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-23317 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Evans, Erie County, New York

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. 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 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Evans, Erie County, New York.

Under these acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review on the Bulletin Board in Evans Town Hall, 42 North Main Street, Angola.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Robert R. Catalino, Supervisor for the Town of Evans, 42 North Main Street, Angola, New York 14006. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline to 100-year flood boundary
Lake Erie	1,000 ft SW of Eighteen mile Creek mouth.	580	20
	90° from Lake Shore Rd. at Hamilton Dr.	580	60
	Delameter Rd. (extended)	580	50
	New Haven Rd. (extended)	580	80
	Larkin Rd. (extended)	579	80
	North of Shell Rd	579	1,600
	South of Shell Rd. (extended)	579	140
			Area flooded
	Ainsworth Rd	579	850 ft along Ainsworth from
	Westminster Rd	579	800 ft along Westminister from Lake Shore Rd.
			Width in feet from shoreline to 100-year flood boundary
	Beach Rd. (extended)	579	100
	Waterman Rd. (extended)	579	110
	Central Ave. (extended)	579	30
	Baraywood Ave. (extended)	579	100
	Pt. Breeze	579	100
	Summerdale Dr. (extended)	579	60
	South corporate limits	579	80

			Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Muddy Creek	Lake Shore Rd	583	20	280
	Pearl St. (extended)	586	320	80
	Oakland St	588	320	100
	Reeves Rd	589	760	200
	Corporate limits	591	180	300
Delaware Creek	Lake Shore Rd	580	20	20
	Birch St	588	40	340
	Herr Rd	609	20	320
	Norfolk-Western RR	645	20	80
	Holland Rd	653	60	260
	Corporate limits	661	340	170
Big Sister Creek	Lake Shore Rd	582	270	430
	Dennis Rd (extended)	589	200	380
	Route 5	606	60	240
	Gold St	608	70	40
	North corporate limit of Angola	621	60	70
	East corporate limit of Angola (extended).	644	70	260
	Route 20	655	10	100
	Route 90	666	20	20
	Ryther Rd	680	90	50
	Derby Rd	699	40	50
	Pontiac Rd	710	20	120
	South corporate limit	738	20	20
Eighteenmile Creek	Lake Shore Rd	581	50	(1)
	Route 5	586	20	(1)
	Norfolk-Western RR	601	20	(1)
	Versailles Rd	613	50	(1)
	Town of Eden corporate limits	622	20	(1)

[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: July 26, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23319 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Kirkwood, Broome County, New York

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. 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 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Kirkwood, Broome County, New York.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood

elevations are available for review at the Town Hall, Box 502, Crescent Drive, Kirkwood, New York.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Arthur J. Shafer, Town Supervisor for Kirkwood, Town Hall, Box 502, Crescent Drive, Kirkwood, New York 13795. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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
Susquehanna River....	Upstream corporate limits	867	(1)	1,080
	Gorman Rd. (extended)	866	(1)	510
	Blakesley Rd. (extended)	863	(1)	760
	Conklin-Kirkwood connection	861	(1)	200
	Trim St. (extended)	857	(1)	140
	Ostrum Rd. (extended)	855	(1)	160
	Loughlin Rd. (extended)	851	(1)	470
	Downstream corporate limits	850	(1)	200

[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: July 28, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23318 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Belhaven, North Carolina

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. 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 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Belhaven, North Carolina.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town of Belhaven must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at Town Hall, Belhaven, North Carolina 27810.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor C. O. Boyette, Town Hall, Belhaven, North Carolina 27810. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Pungo River and Pantego Creek...	Entire town, except the 300 northernmost feet of U.S. Route 264.	7

(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: July 26, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23320 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Roseburg, Oregon

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. 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 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Roseburg, Oregon.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Roseburg must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at City Hall, 900 S.E. Douglas Street, Roseburg, Oregon 97470.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Mike Wyatt, City Hall, 900 S.E. Douglas Street, Roseburg, Oregon 97470. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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
South Umpqua River	Oak Street Bridge	448.5	210	168
	Washington Drive Bridge	448.5	164	160
	I-5 Bridge	443.0	220	120
	Stewart Park Drive Bridge	438.5	268	440
Deer Creek	Pearce Road Bridge	474.0	570	400
	Foot Bridge	466.5	80	160
	Douglas Avenue Bridge	461.0	100	380
	Fowler Street Bridge	450.5	560	240
	Jackson Street Bridge	450.5	776	210
	Diamond Lake Boulevard Bridge	450.0	1400	86
	U.S. Route 99 Bridge	449.5	80	168

(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: July 27, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23321 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Abington, Montgomery County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. 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 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Abington, Montgomery County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain mangement measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available or review at the Township Engineer's Office, Municipal Buliding, 1176 Old York Road, Abington.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. George F. Shuster, Jr., President of the Board of Commissioners, 1176 Old York Road, Abington, Pennsylvania 19001. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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
Baeder Run	Jenkintown Rd.	226	150	110
	Cross Rd. (extended)	230	150	50
	Pleasant Ave. (extended)	242	75	50
	Running Brook Rd.	250	100	200
	Highland Ave.	267	75	50
	Abington Ave.	295	80	40
North Baeder Run	Hilltop Rd. (extended)	260	100	75
	Harte Rd.	274	140	50
	Highland Ave.	300	100	150
Pennypack Creek	Southeast corporate limits	100	280	170
	Moredon Rd.	101	120	20
	McFadden Dr. (extended)	108	360	330
	Reading Co., RR.	113	170	340
	Huntingdon Pike	114	250	220
	Northeast corporate limits	115	490	1,120
Meadow Brook	Reading Co. RR.	116	880	50
	Valley Rd.	119	700	450
	Meadowbrook Rd.	124	70	220
	Cox Rd. (extended)	136	300	130
	Old Valley Rd.	152	150	210
	Susquehanna St. Rd.	155	130	120
Sandy Run	Northwest corporate limits	218	100	250
	Susquehanna St. Rd.	224	150	150
			Total flood width	
	Woodland Rd.	244	470	
	Easton Rd.	252	400	
	Hamilton Ave.	275	280	
	Reading RR.	280	300	
	Old York Rd.	300	150	
	Old Welsh Rd.	314	180	
			Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Tributary No. 1	Avondale Ave. (extended)	238	200	220
	Susquehanna St. Rd.	243	120	100
Tacony Creek	Downstream corporate limits	214	(1)	400
	Reading RR.	220	500	450
	Upstream corporate limits	222	100	350

[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: July 29, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23322 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Clifton Heights, Delaware County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. 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 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Clifton Heights, Delaware County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the Council Room, Borough Building, 7 South Springfield Road, Clifton Heights.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor E. Jack Ippoliti, 7 South Springfield Road, Clifton Heights, Pennsylvania 19018. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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
Darby Creek	Conrail tracks	59	(1)	50
	Broadway Ave. (extended)	61	(1)	180
	Baltimore Pike (upstream side)	71	(1)	380
	Jackson Ave. (extended)	71	(1)	480
	Bridge St. (extended)	81	(1)	30
	Upstream of dam	94	(1)	170
	SEPTA	96	(1)	150
	North corporate limit	102	(1)	70

[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: July 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-23323 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Hanover, Luzerne County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. 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 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Hanover, Luzerne County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at Hanover Municipal Building, 1267 Sans Souci Parkway, Wilkes-Barre, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Joseph Halesey, Chairman of the Hanover Board of Commissioners, 1267 Sans Souci Parkway, Wilkes-Barre, Pennsylvania 18702. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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
Susquehanna River	Upstream corporate limits	545	90	(1)
	Conrail Bridge	542	130	(1)
	Downstream corporate limits	542	2,010	(1)
Solomon Creek	Conrail Bridge	584	90	130
	Middle Rd	548	70	70
	Upstream corporate limits	538	1,220	600
	Fellows St	534	180	1,320
	Conrail Bridge	520	10	10
Spring Creek	Upstream corporate limits	594	15	30
	Conrail Bridge	561	60	20

[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 July 23, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.23326 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Plains, Luzerne County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. 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 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Plains, Luzerne County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the Tax Office in the Municipal Building, 126 North Main Street, Plains, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Clem Falchek, President of the Board of Commissioners, Municipal Building, 126 North Main Street, Plains, Pennsylvania 18705. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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
Susquehanna River	At bridge, Wilkes-Barre connecting R R	551	130	(2)
	Hanes St. (extended)	552	500	(2)
	Popular St. (extended)	552	[1] 1,030	(2)
	Price St. (extended)	552	[1] 2,900	(2)
	Mack St. (extended)	552	3,160	(2)
	Hancock St. (extended)	552	3,060	(2)
	Opposite downstream end of Culver Island.	553	2,080	(2)
	Courtright St. (extended)	553	[1] 1,870	(2)
	Upstream corporate limits	554	680	(2)
Mill Creek	River Rd	551	(2)	50
	Main St	551	(2)	40
	Oak St	587	(2)	80
	North St. (extended)	598	(2)	590
	Cleveland St	599	[1] 320	320

[1] Certain areas are contained within or surrounded by 100-yr flood boundaries, but are elevated above 100-yr flood elevations. For clarification refer to the Flood Insurance Rate Maps currently on display at the above-mentioned address.

[2] 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: July 22, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23328 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Leesport, Berks County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. 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 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Leesport, Berks County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the Borough Hall, 222 Spring Garden Street, Leesport.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Walter Spatz, Borough Hall, 222 Spring Garden Street, Leesport, Pennsylvania 19533. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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
Schuylkill River	Southeast corporate limit	281	40	760
	Apple St. (extended)	283	300	220
	East Wall St	284	500	50
	Shackamaxon St. (extended)	286	380	(1)
	Arlington Dr. (extended)	287	650	
	Northwest corporate limits	288	800	(1)

[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: July 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-23324 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Loyalsock, Lycoming County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. 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 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Loyalsock, Lycoming County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the Loyalsock Township Building, 2501 East Third Street, Williamsport.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Bruce E. Henry, Secretary of the Board of Supervisors, 2501 East Third Street, Williamsport, Pennsylvania 17701. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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
Lycoming Creek	Upstream corporate limit	574	560	(1)
	Route 15	569	1,040	(1)
	Hayes Lane	555	1,310	(1)
	Liberty Dr	550	1,560	(1)
	Route 15	538	100	(1)
	Downstream corporate limit	536	5	(1)
West branch Susquehanna River.	Upstream corporate limit	527	80	(1)
	Tinsman Ave. (extended)	526	320	(1)
	Canfields Lane (extended)	524	2,570	(1)
Loyalsock Creek	Upstream corporate limit	566	(1)	50
	Konkle Rd. (extended)	538	(1)	240
	Route 220	529	(1)	70
	Conrail	524	(1)	50

[1] Corporate limit.

(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: July 22, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.23325 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Myerstown, Lebanon County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. 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 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Myerstown, Lebanon County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the Borough Hall, 515 South College Street, Myerstown.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify the Honorable Lester Frantz, 36 East Main Street, Myerstown, Pennsylvania 17067. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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
Tulpehocken Creek	Corporate limits	437	630	160
	Cherry St	442	110	380
	Railroad St	445	160	280
	College St	448	110	[1] 220
	Locust St	449	120	(1)

[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: July 22, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23329 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of North Wales, Montgomery County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. 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 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of North Wales, Montgomery County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the Counter in the Municipal Building, 300 School Street, North Wales.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Leon T. Lewis, Jr., Municipal Building, 300 School Street, North Wales, Pennsylvania 19454. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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
Dodsworth Run	10th St.	426	50	50
	9th St./Box Inlet	411	50	100
	Montgomery Ave.	388	60	60
	8th St.	379	30	30

(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: July 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–23330 Filed 8–12–76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Wilkes-Barre, Luzerne County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. 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 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Wilkes-Barre, Luzerne County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the Main Entrance of City Hall, North Washington and East Market Streets, Wilkes-Barre.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Walter W. Lisman, City Hall, North Washington and East Market Streets, Wilkes-Barre, Pennsylvania 18711. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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
Susquehanna River	Conrail Bridge near Gordon Ave.	546	210	(1)
	West Market Street Bridge	548	110	(1)
	North Street Bridge	549	200	(1)
	Corporate limits	551	370	(1)
Solomon Creek	Waller Street Bridge	540	730	1,750
	Barney Street Bridge	541	940	1,930
	Reagent Street Bridge	542	740	2,530
	Franklin Street Bridge	543	680	2,500
	Strauss Lane Bridge	555	240	110
Mill Creek	Sidney Street Bridge	557	15	15
	Mill Street Bridge	568	20	20
	Mayock Street Bridge	587	25	(1)
	Corporate limits	598	50	(1)
Laurel Run	Conrail Bridge	560	10	20
	Conrail Bridge near Railroad St.	568	10	20
	Mill Street Bridge	575	10	15
	Govier Street Bridge	580	20	20

[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: July 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–23327 Filed 8–12–76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Belle Fourche, Butte County, South Dakota

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. 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 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Belle Fourche, Butte County, South Dakota.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the City Hall in the Auditor's office, Belle Fourche, South Dakota.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Henry Hespe, 1309 Elkhorn Street, Belle Fourche, South Dakota 57717. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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
Redwater River	11th Ave	3,015	440	(1)
	Harding St. (extended)	3,014	1,210	(1)
	State St. (extended)	3,013	1,350	(1)
Belle Fourche River	Corporate Limits	3,012	30	300
	7th Ave. (extended)	3,012	450	80
	8th Ave. (extended)	3,011	1,100	20
	Custer St. (extended)	3,010	140	(1)
Hay Creek	7th Ave	3,035	90	100
	National St	3,033	20	120
	6th Ave. (south)	3,027	40	150
	Lawrence St. (extended)	3,024	40	110
	Jackson St. (extended)	3,017	530	25
	Indian St. (extended)	3,015	440	100
	10th Ave	3,015	20	290

Source of flooding	Location	Area flooded
Belle Fourche River	Western corporate limit	Majority of area south of Chicago & Northwestern R.R., west of 5th Ave., and north of National St.

[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: July 22, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23331 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Sturgis, Meade County, South Dakota

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. 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 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Sturgis, Meade County, South Dakota.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the Council Room, City Hall, 1147 Sherman Street, Sturgis.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify the Honorable Harold Kelly, Mayor of Sturgis, 1147 Sherman Street, Sturgis, South Dakota 57785. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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
Bear Butle Creek	Upstream corporate limits	3,460	120	480
	3d St	3,409	505	445
	Junction Ave	3,394	110	70
	Downstream corporate limits	3,348	85	310
Vanocker Creek	Unstream corporate limits	3,501	10	5
	Arlette St	3,499	90	155
	Tilford St	3,456	385	30
	Douglas St	3,410	545	225
	Lazelle St	3,376	160	350
Deadman Gulch	Upstream corporate limits	3,492	80	170
	Davenport St	3,478	220	160
	Baldwin St	3,462	(1)	190
Doland Creek	Upstream corporate limits	3,436	440	80
	Spruce St	3,415	380	415
	Main St	3,398	120	225
	Lazelle St	3,386	280	300
Cook Canyon	11th St	3,472	50	95
	Sherman St		95	80

[1] Coincides with flood plan, Vanocker Creek.

(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: July 22, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23332 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Conroe, Montgomery County, Texas

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. 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 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Conroe, Montgomery County, Texas.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the Bulletin Board in the Municipal Building, 505 West Davis Street, Conroe.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor W. T. Hooper, City Hall, P.O. Box 386, Conroe, Texas 77301. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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
West Fork, West Branch Alligator Creek.	Cartwright Rd	219	30	35
	Upstream side, Interstate 45	205	110	60
	Upstream side of Wilson Rd	199	90	240
	Upstream side of Semands Ave	190	60	280
	Oaklawn Dr. (extended)	185	40	260
West Branch Alligator Creek.	Upstream side of Cartwright Rd	232	120	180
	Windswept Dr	225	40	15
	Hillcrest Dr	211	35	45
	Northpine Dr	206	35	45
	Wilson Rd	198	115	60
	Upstream side Semands Ave	192	250	135
	Center line of Interstate 45 (north crossing).	186	235	175
	100 ft downstream from point of confluence of West Fork, West Branch Alligator Creek and West Branch Alligator Creek.	185	265	240
	Center line of Interstate 45 (south crossing).	183	135	85
Alligator Creek	Center line of Cartwright Rd	235	65	95
	South Woody Creek Dr	227	75	75
	Pacific St	211	75	35
	North Thompson St	203	145	50
	North Robertson St	195	65	75
	Center line of Interstate 75	185	35	55
	Bettes St. (extended)	182	140	120
	Austin St. (extended)	180	400	790
	Cable St. (extended)	180	835	615
	Center line of Interstate 15	174	135	145
	Santa Fe RR	169	215	
Live Oak Branch	Live Branch Rd	196	200	160
	Center line of State Highway 105	185	185	135
	Greenway Dr	182	135	165
North Fork Stewarts Creek.	Hilbig Rd	216	135	105
	East Semands St. (extended)	188	110	75
Stewarts Creek	Dallas St	184	240	295
	Airport Rd	181	185	65
	Upstream side of East Davis St	179	400	485
	F Ave	175	1,120	230
	Silverdale Dr. (extended)	168	435	300
Possum Branch	Airport Rd	181	125	175
	East Phillips St	188	350	145
	Upstream side of Santa Fe RR	187	425	580
	F Ave	177	335	190
Silverdale Creek	Wagers St	187	100	85
	Silverdale Dr	185	120	145
Grand Lake Creek	Mallie St. (extended)	176	20	80
	Jewel St. (extended)	170	80	100
	Center line of Interstate Highway 45	166	235	200
	Gladstell St	164	270	10

(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: July 23, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23334 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of San Angelo, Tom Green County, Texas

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. 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 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of San Angelo, Tom Green County, Texas.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the Main Lobby in City Hall Plaza, San Angelo.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Robert L. McClellan, P.O. Box 1751, San Angelo, Texas 76901. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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
South Concho River	Atchison, Topeka and Santa Fe RR	1,846	120	130
	Chadbourne St	1,819	50	300
	Ben Ficklin Dam	1,833	400	770
	East Ave. L	1,814	640	280
Red Arroyo	U.S. Highway 67	1,882	1,160	220
	Knickerbocker Rd	1,856	530	260
	Atchison, Topeka and Santa Fe RR	1,852	180	120
	South Abe St	1,835	180	810
	Chadbourne St	1,823	70	440
North Concho River	East 29th St	1,848	110	1,070
	East 14th St	1,835	200	220
	Caddo St	1,829	40	20
	Beauregard Ave	1,823	100	0
	Chadbourne St	1,813	100	40
	Atchison, Topeka and Santa Fe RR	1,806	20	60
Concho River	Bell St	1,803	180	80
	Woodruff St. (extended)	1,801	220	140
East Angelo Draw	39th St	1,873	200	150
	East 28th St	1,861	260	220
	Hughes St	1,848	380	180
	Harris Ave. (extended)	1,823	380	500
South Fork of Red Arroyo.	Corporate limits	1,877	200	300
	Forest Trail	1,872	380	460
	College Hills Blvd	1,870	1,780	1,200
	Dam	1,911	220	140
	State Highway 306	1,886	240	540
Bretwood Park Arroyo.	Howard St	1,870	90	320
	North Monroe St	1,853	100	160
	South Madison St. (extended)	1,850	140	130
West Branch	Confluence with South Fork of Red Arroyo.	1,892	680	360
	1,600 ft Upstream from confluence with South Fork Red Arroyo.	1,900	240	180
	3,200 ft Upstream from confluence with South Fork Red Arroyo.	1,910	230	280

(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: July 22, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23333 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Stephenville, Erath County, Texas

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. 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 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Stephenville, Erath County, Texas.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at City Hall, 354 North Belknap Street, Stephenville.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Donald R. Jones, City Hall, 354 North Belknap Street, Stephenville. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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
Town Creek	Upstream corporate limit	1,364	175	95
	Brenda St	1,328	60	160
	West Washington St	1,324	200	45
	Downstream corporate limit	1,310	115	150
Bosque River	Upstream corporate limit	1,276	(1)	680
	Route 108	1,270	(1)	225
	F.M. 8	1,263	80	280
	East Washington St	1,252	115	220
	South Graham St	1,244	295	265
	U.S. Route 377, 67	1,239	1,080	90
	Downstream corporate limit	1,237	730	540
East Fork Dey Branch	At S.C.S. Dam No. 7	1,280	50	30
	Clark St	1,260	40	100
Dry Branch	Upstream corporate limit	1,263	80	100
	Confluence Dry Branch	1,255	590	520

[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: July 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-23335 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Manchester, Vermont

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. 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 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Manchester, Vermont.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town of Manchester must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at Town Hall, Manchester Center, Vermont 05255.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Henry Lambert, Town Manager, Manchester Center, Vermont 05225. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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
Batten Kill	Union St	682	10	435
	Vermont R.R. (6.0 miles from town boundary).	695	480	270
	Depot St	698	10	390
West Branch Batten Kill.	Bonnet St	754	140	210
Lye Brook	Lye Brook Rd	719	(1)	35
Bourn Brook	Glen Rd	738	5	240
Bromley Brook	Routeville Rd	883	260	25

[1] To Batten Kill.

(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: July 26, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23336 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Poquoson, York County, Virginia

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. 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 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.4(a) hereby gives notice of his proposed determinations of flood elevations for the Town of Poquoson, York County, Virginia.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the Bulletin Board, City Hall, 830 Poquoson Avenue, Poquoson.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Joseph K. Bunting, Poquoson, Virginia 23662. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline to 100-yr flood boundary. Entire area flooded except area—
Chesapeake Bay.....	Within corporate limits of City of Poquoson.	8.5	South of intersection Pasture Rd. and Hunts Neck Rd.
		8.5	Surrounding intersection Yorktown Rd. and Emmaus Rd.
		8.5	East and south of intersection Little Florida Rd. and Wythe Creek Rd.

(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: July 28, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23337 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Brown County, Wisconsin

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. 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 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the County of Brown County, Wisconsin.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the County of Brown, Wisconsin must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at Brown County Courthouse, 125 South Adam Street, Green Bay, Wisconsin 54301.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Don Holloway, County Executive, Brown County Courthouse, 125 South Adam Street, Green Bay, Wisconsin 54301. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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
Suamico River	North Lake View Dr	585.7	30	40
	C. & N.W. RR	588.5	100	80
	Velp Ave	590.0	80	60
	Riverside Dr	594.5	20	40
	C.M.S.T.P. & P. RR	597.4	20	50
	St. Pat's Dr	610.4	30	70
	Stream Rd	617.4	60	170
Branch River	Old Truss Bridge	839.4	300	1080
	County Trunk Highway G Bridge (downstream).	839.7	600	100
	County Trunk Highway G (south of C.T.H.Z.).	841.2	20	50
	County Trunk Highway Z	845.6	100	300
Neshota River	Truss Bridge	689.1	660	310
	Highway 96	701.4	50	50
Fox River	Highway 172	585.5	90	290
East River	Memory Ave	589.4	300	1,490
	County Trunk Highway XX	590.2	3,100	1,150
	County Trunk Highway G	591.1	1,600	50
	Ledgeview Rd	592.6	230	280
	Highway 32	604.7	65	20
	C.M.S.T.P. & P. RR	617.0	20	410
	Highway 57	624.4	65	60
Dutchman Creek	County Trunk Highway H	588.9	20	20
	County Trunk Highway GG	592.4	75	10
	Gross Avenue			
Ashwaubenon Creek	U.S. Highway 41	585.8	30	15
	County Trunk Highway GG	589.7	(1)	10
	Grant Rd	600.8	50	100
Plum Creek	Company Trunk Highway D	625.3	30	40
Duck Creek	C.B. & W. RR	592.3	(2)	40
	Overland Dr	668.8	77	100
Trout Creek	Riverdale Dr	663.2	100	130
	Brookwood West Road	679.1	0	400
	Shady Dr	707.8	10	5

[1] Area not included.
[2] Outside 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: July 23, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23338 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Durand, Wisconsin

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. 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 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Durand, Wisconsin.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Durand must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at City Hall, 112 East Main Street, Durand, Wisconsin 54736.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor David Castleberg, 112 East Main Street, Durand, Wisconsin 54736. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of corporate boundary to 100-yr flood boundary (feet)
Chippewa River	7th Ave. West	712	140
	4th Ave. West	713	310
	1st Ave. East	713	260
	6th Ave. East (extended)	714	1,350

(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: July 27, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23339 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Oshkosh, Wisconsin

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. 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 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Oshkosh, Wisconsin.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Oshkosh, Wisconsin must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at City Hall, Oshkosh, Wisconsin 54901.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. William Fruch, City Manager, P.O. Box 1130, Oshkosh, Wisconsin 54901. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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
Fox River	Congress St	750	1,090	20
	Wisconsin Ave	749	0	0
	Main St	749	0	0

(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: July 22, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23340 Filed 8-12-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 599-6]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Tennessee: Revised SO_2 Emission Limits

On August 8, 1974 (39 FR 28528), the Administrator approved, with certain exceptions, revised SO_2 emission limits for the Tennessee implementation plan. These were contained in Chapter XIV of the Tennessee air pollution control regulations, which was rewritten by the State to include all its SO_2 emission limiting rules, including those for sulfuric acid plants. Chapter XIV as now constituted sets the following SO_2 emission limits for fuel combustion and process sources respectively: Polk County (Class 1A)—1.6#/10^6 Btu and 500 ppm; Maury, Roane, and Sullivan Counties (Class I)—1.6#/10^6 Btu and 1000 ppm; Humphreys County (Class II)—3#/10^6 Btu and 1000 ppm; and all other Counties (Class III)—4#/10^6 Btu and 2000 ppm. The Administrator at that time disapproved these revised limits as they applied to large fuel combustion sources (heat input of 1000 million Btu or more per hour) in Humphreys and Roane Counties, leaving in effect for these sources the Tennessee plan's original SO_2 emission limit of 1.2#/10^6 Btu.

The State now proposes to delete the existing Chapter XIV of its regulations and replace it with a new one, styled Chapter 1200–3–14. This was adopted after notice and public hearing on October 23, 1975, became State law on March 20, 1976, and was submitted to EPA as a proposed plan revision on April 30, 1976. In support of the proposed SO_2 revision, the State of Tennessee also submitted a revised SO_2 control strategy intended to show that the revised limits will not interfere with the attainment and maintenance of the national ambient air quality standards. The purpose of this notice is to describe the provisions of Chapter 1200–3–14 and to invite public comment on it.

A new County classification system is established which applies throughout Chapter 1200–3–14. There are six classifications and the Counties in them are as follows: Class I—Polk; Class II—Humphreys, Maury, and Roane; Class III—Sullivant; Class IV—Shelby; Class V—Anderson, Davidson, Hamilton, Hawkins, Knox, and Rhea; Class VI—all others.

Paragraph (1) of rule .02 deals with fuel burning sources in operation prior to April 3, 1972, the date on which the original regulations of the Tennessee plan became effective. For Shelby County, allowable emisisons depend on the fuel burned: coal—4#SO_2/10^6 Btu; No. 5 and No. 6 fuel oil and solid fuels other than coal—2.7#SO_2/10^6 Btu; and for other fuels—0.5#SO_2/10^6 Btu. In all other counties, the emission limits depend on source size and/or County classification. In Sullivan County, the limit is 2.4#SO_2/10^6 Btu for all sources; in Class V Counties, 4#SO_2/10^6 Btu; and in Class VI Counties, 5#SO_2/10^6 Btu. For larger sources, those with a rated capacity of less than 1000 million Btu/hr. input, the limit is 1.2#SO_2/10^6 Btu in Polk, Humphreys, Maury, and Roane Counties; for sources with a rated capaciyt of less than 1000 million Btu/hr., the limit is 1.6#SO_2/10^6 Btu in Polk County, and 5#SO_2/10^6 Btu in Humphreys, Maury, and Roane Counties. In addition to meeting these emission limits, owners or operators of larger sources must demonstrate that their SO_2 emissions, either alone or in combination with emissions from other sources, will not interfere with the attainment and maintenance of the national ambient air quality standards; the same sources must also conduct ambient air quality monitoring in a manner prescribed by the State. Finally, for sources subject to paragraph (1), allowable emissions will be calculated on the basis of maximum rated capacity of all fuel combustion units at a plant.

Paragraph (2) of rule .02 provides emission limits for units constructed after April 3, 1972. For units with a rated capacity of more than 250 million Btu per hour, limits are set which are equivalent to those set forth at 40 CFR 60.43

in the Agency's New Source Performance Standards—0.8#SO_2/10^6 Btu when liquid fossil fuel is burned; 1.2#SO_2/10^6 when solid fossile fuel is burned. For smaller units, are imits are set as follows: Class I County—1.6#SO_2/10^6 Btu; Class II and VI Counties—5#SO_2/10^6 Btu; Class III County—2.4#SO_2/10^6 Btu; and Class IV and V Counties—4#SO_2/10^6 Btu.

Rule .03 sets forth emission limits for process sources, which include thermal oxidizers and incinerators. In Polk County, the limit is 500 ppm; in Humphreys, Maury, Roane, and Sullivan Counties, 1000 ppm; in all others, 2000 ppm. Process sources in Shelby County may request to be regulated on an alternative basis rather than meet the 2000 ppm standard; this alternative involves not exceeding the source's SO_2 emission capacity as of 1974, and is limited by certain safeguards. These 1974 emission limits are contained in Table 9–F of the revised control strategy. For regulations to be approvable, they must contain an identifiable emission limit. An additional requirement is that sources which emitted more than 1000 tons of SO_2 during calendar year 1972 or during any succeeding calendar year must perform ambient air quality monitoring and satisfy the State that their emissions, either alone or in combination with those of other sources, will not interfere with the attainment and maintenance of the national ambient air quality standards. All new process sources must use best available control technology as determined by the State.

All emission limits set forth in rules .02 and .03 are expressed as one-hour averages.

Maintenance of air quality should not be a major problem for most of the State. Modelling indicates that ambient SO_2 concentrations, even under worst conditions, will not approach the national standards. Therefore an adequate margin for normal growth exists. In isolated cases, the introduction of a major new source may have to be accompanied by a tightening of regulations or by a tradeoff in emissions from existing sources.

The materials submitted by Tennessee are available for public inspection during normal business hours at the following locations:

Air & Hazardous Materials Division, Environmental Protection Agency, 1421 Peachtree Street, NE., Atlanta, Georgia 30309.

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Division of Air Pollution Control, Tennessee Department of Public Health, Room 256, Capitol Hill Building, 301 Seventh Avenue, Nashville, Tennessee 37219.

The public is invited to participate in the present rulemaking by submitting written comments on the proposed Tennessee revision. To be considered, comments must be received on or before September 13, 1976, and should be addressed to Archie Lee at the Atlanta address given above. After considering all relevant comments and other available information in the light of requirements set forth in the Clean Air Act and in the Agency's implementing regulations (40 CFR Part 51), the Administrator will take approval/disapproval action on the Tennessee revision described in this notice.

(Section 110(a) of the Clean Air Act (42 U.S.C. 1857c–5(a)))

Dated: July 22, 1976.

JOHN A. LITTLE,
Regional Administrator,
Region W.

[FR Doc.76–23566 Filed 8–12–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 20620; RM–2426]

OPERATION OF WIDE-BAND SWEPT RF EQUIPMENT AS ANTI-PILFERAGE DEVICES

Order Extending Time To File Comments

In the matter of the amendment of Part 15 to provide for the operation of wide-band swept RF equipment used as anti-pilferage devices.

1. The Knogo Corporation has requested a thirty-day extension of time for filing comments in this proceeding, on the grounds that, it has undertaken a broad review of its position in this proceeding. The additional time is also required to permit its newly retained counsel to familiarize himself with the matters at issue.

2. Because of the Commission's desire to have the most definitive response possible, Knogo's request is granted.

3. Accordingly, under the authority granted by § 0.241(d), *it is ordered,* That the time for filing comments is extended to September 9, 1976 and the time for filing reply comments is extended to September 20, 1976.

Adopted: August 6, 1976.

Released: August 10, 1976.

RAYMOND E. SPENCE,
Chief Engineer.

[FR Doc.76–23686 Filed 8–12–76;8:45 am]

[47 CFR Part 73]

[Docket No. 20841; FR–2644]

TABLE OF ASSIGNMENTS FM BROADCAST STATIONS

Alabama: Order Extending Time for Filing Comments and Reply Comments

By the Chief, Broadcast Bureau:

1. On June 22, 1976, the Commission adopted a Notice of proposed rule making in the above-entitled proceeding (41 FR 27390). The dates for filing comments and reply comments are presently August 6 and August 26, 1976, respectively.

2. On July 29, 1976, counsel for Phillips Radio, Inc., requested that the time for filing comments be extended to and including August 20, 1976. Counsel states that he is preparing comments, based on an engineering study, for submission in this proceeding proposing the assignment of Channel 252A to Chickasaw, Alabama, as a counterproposal. In addition, he states, because of his vacation schedule and the need to compile comparative demographic data concerning the communities of Theodore and Chickasaw, additional time is necessary.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *it is ordered,* That the dates for filing comments and reply comments are extended to and including August 20 and September 10, 1976, respectively.

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

Adopted: August 6, 1976.

Released: August 10, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76–23685 Filed 8–12–76;8:45 am]

[47 CFR Part 73]

[Docket No. 20863; RM–2624]

TABLE OF ASSIGNMENTS; FM BROADCAST STATIONS

New York: Order Extending Time for Filing Comments and Reply Comments

1. On June 23, 1976, the Commission adopted a Notice of proposed rule making in the above-entitled proceeding (41 FR 27389). The dates for filing comments and reply comments are presently August 9 and August 30, 1976, respectively.

2. On July 30, 1976, counsel for Promedia Communications, Incorporated, requested that the time for filing comments and reply comments be extended to and including September 8 and September 29, 1976, respectively. Counsel states that he was on vacation between July 15 and July 26 and was unable to be in contact with his client or to research the questions raised in the proceeding; that during the period immediately prior to vacation, he was preparing for the continuing cable television hearings of the Communications Subcommittee of the House Committee on Interstate and Foreign Commerce; and that coordination between himself and the consulting engineer was made more difficult by the engineer's business residence being located in Massachusetts, necessitating correspondence by mail.

3. It appears that the requested extension of time is warranted. Accordingly, *It is ordered,* That the dates for filing comments and reply comments are extended to and including September 8 and September 29, 1976, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1)

and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: August 6, 1976.

Released: August 10, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-23684 Filed 8-12-76;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 1]

[Docket No. RM76-24]

SETTLEMENT OF DISPOSITION OF PARTICULAR ISSUES IN PROCEEDINGS

Extension of Time

AUGUST 6, 1976.

On July 30, 1976, the Section of Administrative Law of the American Bar Association filed a motion to extend the date for filing comments in the above-designated proceeding (41 FR 30688, July 26, 1976).

Upon consideration, notice is hereby given that the date for filing comments is extended to and including September 8, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23751 Filed 8-12-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

[34 CFR Ch. I]

OFFICE OF FEDERAL PROCUREMENT POLICY

Proposed Regulations; Public Meeting; Invitation for Public Comment

The Office of Federal Procurement Policy ((OFPP), Office of Management and Budget, plans to promulgate the following OFPP Regulations Nos. 1 and 2 pursuant to the authority and requirements of Pub. L. 93-400, 41 U. S.C. 401 (the Act), and invites the written comments of interested parties for consideration in the drafting of the regulations.

Regulation No. 1 is in implementation of the Act's requirements for establishment of (i) a system of coordinated and, to the extent feasible, uniform procurement regulations for the executive agencies, and (ii) criteria and procedures for soliciting the viewpoints of interested parties in the development of procurement policies and regulations. Regulation No. 2 is in implementation of the Act's requirement for a regulation governing designated formal meetings of this Office held for the purpose of establishing procurement policies and regulations.

Regulation No. 1, establishing the Federal Procurement Regulatory System, was previously published for comment in the FEDERAL REGISTER (41 FR 779) on January 5, 1976. Because it has been extensively revised since that time, in the light of comments received from executive agencies and the public, it is considered desirable to publish it once more in its revised form for further comment. Regulation No. 2, establishing criteria and procedures for public meetings of OFPP, was previously published for comment in the FEDERAL REGISTER (40 FR 60124) on December 31, 1975. Although only minor revisions have been made in Regulation No. 2, it too is reissued for comment in order that the two regulations may be considered together.

A public meeting for the purpose of formal discussion of the two regulations will be held September 21, 1976, in Room 2008, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C., from 10 a.m. until 4:30 p.m. Any interested person or organization desiring to make an oral presentation at the meeting shall provide an advance copy or a written statement, with a request to be heard, which must be received at the Office of Federal Procurement Policy not later than September 17, 1976. Copies of agency, industry, and public comments on the initial drafts of the two regulations are available for examination in the Office of Management and Budget Library, Room G-102, New Executive Office Building, during the hours 9 a.m.-5 p.m. Entrance to the building may be facilitated by telephoning 395-3487 approximately one hour before arrival.

Comments on the proposed Office of Federal Procurement Policy Regulations Nos. 1 and 2 must be received by October 13, 1976, to be considered. Comments should be addressed to the Administrator for Federal Procurement Policy, Office of Management and Budget, Washington, D.C. 20503.

HUGH E. WITT,
Administrator for Federal Procurement Policy.

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

AUGUST 9, 1976.

Subject: Proposed Office of Federal Procurement Policy Regulations Nos. 1 and 2

Enclosed are revised drafts of two regulations proposed to be issued by this Office pursuant to the authority and requirements of Public Law 93-400, 41 U.S.C. 401.

The first implements the requirements for establishment of (i) a system of coordinated and, to the extent feasible, uniform procurement regulations for the executive agencies, and (ii) criteria and procedures for soliciting the viewpoints of interested parties in the development of procurement policies and regulations. The second implements the requirement for a regulation governing designated formal meetings of this Office held for the purpose of establishing procurement policies and regulations.

Proposed Regulation No. 1, establishing the Federal Procurement Regulatory System, was previously mailed to you for comment on December 22, 1975, and was published in the FEDERAL REGISTER (41 FR 779) on January 5, 1976. Because it has been extensively revised since that time, in the light of both agency and industry comments, we are publishing it in its revised form for further comment. Regulation No. 2, establishing criteria and procedures for public meetings of this Office, was previously mailed for comment on January 6, 1976, and was published in the FEDERAL REGISTER (40 FR 60124) on December 31, 1975. Although only minor revisions have been made in proposed Regulation No. 2, it too is reissued for comment in order that the two regulations may be considered together.

A public meeting for the purpose of formal discussion of the two regulations will be held at 10 a.m., September 21, 1976, in Room 2008, New Executive Office Building. If your agency desires to make an oral presentation, please submit a written statement and a request to be heard to this Office not later than September 17, 1976. Copies of agency, industry, and public comments on the initial drafts of the two regulations are available for examination in the Office of Management and Budget Library, Room G-102, New Executive Office Building.

Official agency views on the enclosed draft Office of Federal Procurement Policy Regulations Nos. 1 and 2 are requested by October 13, 1976.

Questions may be referred to Mr. LeRoy J. Haugh, Assistant Administrator for Regulations, telephone (202) 395-6186.

HUGH E. WITT,
Administrator.

REGULATION NO. 1

FEDERAL PROCUREMENT REGULATORY SYSTEM

1. *Purpose.* a. The purpose of this regulation is to establish the Federal Procurement Regulatory System (FPRS), an integrated system of coordinated and, to the extent feasible, uniform procurement regulations for the executive agencies, under the direction of the Administrator for Federal Procurement Policy.

b. The objectives of the system are to bring greater coordination, simplicity, and uniformity into the Federal procurement process, to arrest and reduce the proliferation of diverse and inconsistent procurement regulations, including those implementing or supplementing the primary regulations, and to establish criteria and procedures for public participation in the regulatory process.

2. *Background.* Pub. L. 93-400, which established the Office of Federal Procurement Policy (OFPP), delineates the functions of the Administrator for Federal Procurement Policy. This regulation implements the following provisions of that law:

a. Establishment of a system of coordinated and, to the extent feasible, uniform procurement regulations for the executive agencies; and

b. Establishment of criteria and procedures for soliciting the viewpoints of interested parties in the development of procurement policies, regulations, procedures, and forms.

3. *Authority.* Under Pub. L. 93-400, authority overall direction of Federal procurement policy is vested in the Administrator for Federal Procurement Policy. All executive agency procurement

policies, regulations, procedures, and forms are subject to those prescribed by the Administrator, who shall, in the development of such policies, regulations, procedures, and forms, consult with the executive agencies affected. This authority extends to the procurement aspects of all agency regulations and procedures, whether or not promulgated as part of agency procurement regulations.

4. *Applicability.* a. The provisions of this regulation apply to all executive agencies of the Federal Government making procurements from appropriated funds of:

(i) Property other than real property in being;

(ii) Services, including research and development; and

(iii) Construction, alteration, repair, or maintenance of real property;

and to all executive agencies issuing regulations affecting Federal procurement policy.

b. The term "executive agency" means an executive department, a military department, and an independent establishment within the meaning of sections 101, 102, and 104(1), respectively, of Title 5, United States Code, and also a wholly-owned Government corporation within the meaning of section 101 of the Government Corporation Control Act (31 U.S.C. 846).

5. *Federal Procurement Regulatory System (FPRS).* a. The FPRS, under the direction of OFPP, is hereby established, and shall consist of the following primary procurement regulations: OFPP Regulations; the Armed Services Procurement Regulation (ASPR), applicable to the Department of Defense (DOD) and to the National Aeronautics and Space Administration (NASA); and the Federal Procurement Regulations (FPR), applicable, except for NASA, to the civilian executive agencies and in certain authorized areas to all executive agencies. In addition, the FPRS includes the subsidiary procurement regulations of executive agencies which implement or supplement the ASPR or FPR, as well as the procurement aspects of all intra-agency regulations, procedures, directives, manuals, or other issuances. Also included are the procurement aspects of all interagency regulations, standards, guidelines, and other directives which are applicable to Federal contractors or subcontractors, or which are to be implemented through the Federal procurement process.

b. OFPP Regulations will be issued by the Administrator for Federal Procurement Policy, will be published in Title 41 of the Code of Federal Regulations, and will be independent of the Office of Management and Budget (OMB) system of Circulars and Bulletins. (Some instructions issued through the OMB system of Circulars and Bulletins, published in Title 34 of the Code of Federal Regulations, may also affect procurement policy, but the applicability and implementation of such Circulars and Bulletins will be as provided in that system.)

c. In addition to issuing regulations, OFPP will, on a selective basis, coordinate the development of, or approve in advance, the text of ASPR and FPR provisions. Such OFPP coordination or approval will be transmited to DOD and the General Services Administration (GSA) by numbered letter.

d. OFPP Regulations shall generally be implemented through the ASPR and FPR, and, except as otherwise specified in a particular OFPP Regulation, executive agencies other than DOD and GSA shall not themselves issue regulations or procedures directly implementing OFPP Regulations. Regulations issued by executive agencies implementing or supplementing the ASPR or FPR, as applicable, shall not contain provisions which are inconsistent with coverage in the ASPR or FPR, except as necessitated by special statutory provisions, or by special agency needs arising from program requirements or agency operations, in which case the procedures in paragraph e below shall be followed.

e. Any agency subject to the FPR, or major component of such an agency, which has a need for a regulation inconsistent with the FPR, whether necessitated by statute, by program requirements, or by agency operations, shall notify OFPP and GSA when it initiates the development of such a regulation, and shall not promulgate the regulation without GSA's concurrence. If the agency is unable to reach agreement with GSA on the need for, or content of, an inconsistent regulation, the matter shall be resolved by OFPP. A like procedure shall be applicable to NASA in the promulgation of regulations inconsistent with the ASPR.

f. Nothing herein is intended to stifle beneficial innovation in procurement procedures. Exceptions or deviations from the ASPR and FPR may continue to be granted in the same manner as provided in those regulations. Records of both individual and class deviations shall be maintained by DOD and GSA, and shall be furnished to OFPP quarterly. Instructions regarding deviations from a policy or procedure prescribed by a particular OFPP Regulation will be set forth in such regulation.

g. OFPP cognizance of procurement policy extends to the procurement aspects of regulations issued by any executive agency. These include, for example, regulations implementing the Service Contract Act, or pertaining to small business, equal employment opportunity, clean air, or contract safety standards, issued by such agencies as the Department of Labor, the Small Business Administration, and the Environmental Protection Agency. Accordingly, any executive agency proposing to issue a regulation which, although not primarily concerned with the procurement process, may have an effect on Federal procurement, shall, if the regulation is to be applicable to other agencies, consult with DOD, GSA, and the other principal agencies affected, and shall submit the regulation for review by the Administrator for Federal Procurement Policy before promulgation.

h. Any DOD directive, circular, procedure, or other issuance which is to be implemented in whole or in part through the ASPR, or which otherwise has an effect on procurement policy or procedure, shall be submitted for review by the Administrator for Federal Procurement Policy before promulgation.

6. *Development and Issuance of the ASPR and FPR.* a. Subject to the general guidance of the Administrator for Federal Procurement Policy, the Secretary of Defense and the Administrator of General Services are authorized to prescribe instructions and procedures for the development and issuance of the ASPR and FPR, respectively.

b. DOD and GSA shall closely coordinate the development and revision of the ASPR and FPR in order to minimize duplication of effort and achieve the greatest feasible uniformity in the two regulations. As part of such process, OFPP shall be consulted on significant issues, and otherwise irreconcilable differences shall be resolved by the Administrator for Federal Procurement Policy. In areas where both primary regulations have coverage, neither agency will amend that coverage without the concurrence of the other. The ASPR and FPR shall be made uniform except to the extent necessary to accommodate significant differences in laws, program requirements, or agency operations. "Uniform," for this purpose, means identical except for unavoidable differences required to identify agency organizational elements or officials, to identify documents incorporated by reference, or to describe inherently different organizational procedures.

c. Those parts of the ASPR and FPR which are uniform shall be so identified in those regulations.

d. In the development of the ASPR and FPR, the views and, so far as possible, agreement of agencies and departments affected shall be obtained.

7. *Public Participation.* a. The views of interested nongovernmental parties and organizations shall be given due consideration in the formulation of Federal procurement policy. Accordingly, the public will be afforded an opportunity to comment on proposed OFPP Regulations, and on proposed significant changes or additions to the ASPR and FPR, including related procurement regulations such as Defense Procurement Circulars, by means of the publication of a notice in the FEDERAL REGISTER. Such notice shall include a statement of background and purpose sufficient to explain the reason for the proposed issuance and the text or a summary of the proposed issuance, and shall invite interested parties to comment. If a summary is published, the notice shall advise where the text may be examined. The notice shall also advise whether a copy of any related agency or other official report or recommendation is available for examination.

b. Lists will be maintained of industry associations, professional societies, and other interested parties that have expressed a continuing desire to comment on proposed OFPP Regulations or proposed changes in the ASPR and FPR, and comments on significant changes will ordinarily be solicited directly from such associations and parties in addition

to any notice that may be published in the FEDERAL REGISTER.

c. The solicitation of views from outside the Government may be waived, with the advance approval of the Administrator for Federal Procurement Policy, when circumstances make such solicitation impracticable, such as a requirement to implement a new statute in a relatively short time or when the proposed issuance is not considered to be significant.

d. Normally, at least 60 days shall be provided for the submission of comments, unless a shorter time period is required by unusual circumstances.

e. Unsolicited proposals for changes or additions to OFPP Regulations, the ASPR, and FPR shall be considered, and the reasons for any rejection shall be furnished to the proposers.

f. The foregoing procedures shall not be applicable to ASPR or FPR issuances which implement without substantive change OFPP Regulations or policies which have themselves been developed pursuant to such procedures.

g. Procurement regulations of executive agencies and their major components shall be issued in a manner consistent with the foregoing procedures, except that such procedures need not be followed for regulations which implement without substantive change one of the primary regulations.

h. Intra-agency regulations or directives which deal primarily with matters other than procurement, or which are concerned primarily with matters of agency procedure or management, shall be subject to the foregoing procedures only if their procurement aspects are considered by an agency to be of significant public interest; questionable cases should be referred to OFPP.

8. *Public Meetings.* a. A public meeting shall be convened in connection with the adoption, amendment, or repeal of a procurement policy or regulation whenever an agency determines that such a meeting would be likely to develop significant additional information or views, or would otherwise benefit the consideration of the issues involved.

b. When a public meeting is to be held, notice shall be published in the FEDERAL REGISTER at least 30 days prior thereto. (Such notice may be given at the same time the proposed regulation or policy is published for comment, in which case the notice period may run concurrently with the time allowed for comment.) The notice shall give the time and place of the meeting and shall include a statement of purpose and either the text or a summary of the matter to be considered. If a summary is published, the notice shall advise where the text may be examined. If the purpose of the meeting is to further the development of a policy or regulation for which there is no preliminary text or other formulation, the notice shall include background information and describe the issues to be considered. The notice shall advise whether a copy of any related agency or other official report or recommendation is available for examination. The notice shall also invite interested organizations, associations, firms, and members of the public to submit data, views, or arguments in writing, and shall offer an opportunity for oral presentation by or on behalf of any interested party requesting to be heard and making a written submission which is received at least one working day in advance of the meeting.

c. Any executive agency proposing to convene a public meeting in connection with the development of a procurement policy or regulation shall coordinate such action with OFPP, in order to ensure participation by all interested agencies and to avoid undue burden on the interested public which might result from meetings on the same topic held by different agencies. A public meeting should ordinarily not be convened by an individual executive agency except in connection with a proposed regulation peculiar to that agency's enabling statute, program requirements, or operations.

d. In addition to publication of a notice in the FEDERAL REGISTER, a notice shall be published in the *Commerce Business Daily*. Such notice should be forwarded to the Director of the *Commerce Business Daily* at least two weeks prior to the desired publication date, and should follow the normal format of the Daily's "Business News" items. The length should be less than 150 words, and should refer to a source for obtaining further details.

e. Criteria and procedures for public meetings involving proposed policies and regulations of the Office of Federal Procurement Policy are the subject of a separate OFPP Regulation.

9. *Advance Notice to OFPP.* DOD and GSA shall give the Administrator for Federal Procurement Policy advance notice of all major procurement regulations under consideration at the time development of such regulations is initiated. The purposes of this requirement are: (a) To enable the Administrator to keep the Congress fully and currently informed; (b) to permit timely designation by the Administrator of proposed procurement policies and regulations which shall be subject to formal public meetings of the OFPP; (c) to permit identification of regulations whose text is to be approved by the Administrator; and (d) to ensure the maximum feasible uniformity in the regulations.

10. *Reporting.* DOD and GSA shall submit to OFPP a quarterly report listing all open cases or actions in process to adopt, repeal, or amend the primary procurement regulations (ASPR and FPR) and the subsidiary procurement regulations of the executive agencies and their major components. Reports shall be obtained from the agencies for this purpose. Such listing shall be brief, but descriptive enough to indicate the substance and purpose of each action contemplated and the relative priorities of the actions. Matters believed to be of particular or unusual significance shall be stressed appropriately. The disposition of cases closed since the previous report shall be described.

11. *Implementation.* Implementation of the reequirement of Section 6.b. hereof, that the ASPR and FPR shall be made uniform, shall be through a plan to be developed by DOD and GSA and approved by OFPP. Similarly, the applicability of the ASPR to NASA shall be the subject of a plan to be developed by DOD and NASA and approved by OFPP.

REGULATION No. 2

PUBLIC MEETINGS OF THE OFFICE OF FEDERAL PROCUREMENT POLICY

1. *Purpose.* This regulation provides for the conduct of formal public meetings by the Office of Federal Procurement Policy (OFPP) in connection with the establishment of procurement policies by the Administrator for Federal Procurement Policy.

2. *Authority.* Section 14(b) of the Office of Federal Procurement Policy Act (Pub. L. 93-400; 41 U.S.C. 412(b)) provides that the Administrator shall, by regulation, require that formal meetings of the Office, as designated by him, for the purpose of establishing procurement policies and regulations, shall be open to the public, and that public notice of each such meeting shall be given not less than 10 days prior thereto.

3. *Applicability.* This regulation applies to all procurement policy and regulation matters designated by the Administrator pursuant to 2 above in accordance with the criteria set forth in 6 below.

4. *Scheduling.* In matters designated by him, the Administrator will schedule one or more formal public meetings of the OFPP in connection with the establishment of OFPP policies and regulations.

5. *Conduct.* Meetings will be conducted to provide an opportunity for formal discussion of policies or regulations under consideration by OFPP. Members of the public who have made written submissions at least one working day in advance of the meeting shall be permitted to make brief oral presentations. The Administrator may require that such oral presentations be limited to a brief summary of the main points in the written submissions. At his discretion, the Administrator may allow other members of the public an opportunity to comment briefly on matters under discussion. In any case, the conduct of such meetings and the participation of all present will be subject to the control and direction of the Administrator at all times.

6. *Criteria.* A public meeting shall be convened in connection with the adoption, amendment or repeal of an OFPP policy or regulation when the Administrator determines that a public meeting would materially benefit the consideration of the issues, or would be likely to develop significant additional information or views, or would provide useful public visibility to the policy determination of the Office. However, the convening of such a meeting may be forgone if the Administrator determines that it is not feasible, as in matters of urgency or for other good cause.

7. *Notice.* Notice of any such public meeting shall normally be published in the FEDERAL REGISTER at least 30 days prior thereto. If comments have not previously been invited on the policy or regulation being considered, notice of the meeting shall normally be published at least 60 days prior thereto. The notice shall give the time, place, and purpose of the meeting and shall include either the text or a summary of the matter to be considered. If a summary is published, the notice shall advise where the text may be examined. If the purpose of the meeting is to further the development of a policy or regulation for which there is no preliminary text or other formulation, the notice shall include background information and describe the issues to be considered. If a copy of any related agency or other official report or recommendation is available for inspection, the notice shall advise where it may be examined. The notice shall also invite interested organizations, associations, firms, and members of the public to comment in writing and shall offer an opportunity for oral presentation by or on behalf of any interested party requesting to be heard and making a written submission which is received at least one working day in advance of the meeting. The notice may set a time limit for oral presentations if considered necessary. In addition to publication of a notice in the FEDERAL REGISTER, a brief notice shall be published in the "Business News" section of the *Commerce Business Daily*, which shall refer to a source for obtaining further details.

[FR Doc.76-23582 Filed 8-12-76;8:45 am]

notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

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

Meeting

A meeting of the Advisory Committee on Banking Policies and Practices for the Second National Bank Region will be held at The Club, World Trade Center, 107th Floor, Room A, New York City, New York, on Monday, August 30th, 1976. The meeting will begin at 9:30 a.m. and run until 4 p.m. Topics to be discussed will include an update on the regional implementation of the Haskins & Sells recommendations, EFTS, CBCTs and other topics of interest in the Region. The meeting will be open to the public and interested members will be admitted on a first come basis.

Persons or groups planning to make statements please submit three copies to the Regional Administrator of National Banks, Second National Bank Region, 33 Liberty Street, New York, New York 10005, prior to August 25, 1976.

Dated: August 9, 1976.

ROBERT BLOOM,
Acting Comptroller of the Currency.

[FR Doc.76-23679 Filed 8-12-76;8:45 am]

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

Meeting

A meeting of the Advisory Commiteee on Banking Policies and Practices for the Fourteenth National Bank Region will be held September 10, 1976, at the Casa Sirena Motor Hotel, Oxnard, California. The meeting will be from 8:30 a.m. to 4:30 p.m. and will be open to the public. Interested members of the public will be admitted on a first come basis. Topics to be discussed will include a discussion in the consumer area, regional implementation of the Haskins & Sells recommendations, EFTS, and other topics of interest in the Region.

Persons or groups planning to make statements please submit three copies of such statement to the Regional Administrator of National Banks, Fourteenth National Bank Region, 555 California Street, Suite 3939, San Francisco, California 94104 prior to September 8, 1976.

Dated: August 9, 1976.

ROBERT BLOOM,
Acting Comptroller of the Currency.

[FR Doc.76-23678 Filed 8-12-76;8:45 am]

Internal Revenue Service

[Application No. D-333]

EMPLOYEE BENEFIT PLANS

Pendency of Exemption Relating to a Transaction Involving the Given International Employees' Stock Bonus Plan

CROSS REFERENCE: For a document issued jointly by the Department of the Treasury, Internal Revenue Service, and the Department of Labor, Office of Employee Benefits Security, on the subject of the pendency of an exemption relating to a transaction involving the Given International Employees' Stock Bonus Plan see FR Doc. 76-23466 appearing in the notices section of this issue under the Department of Labor, Office of Employee Benefits Security.

Office of the Secretary

[Public Debt Series No. 20-76]

TREASURY BONDS OF 1996-2001

Interest Rates

AUGUST 9, 1976.

The Secretary of the Treasury announced on August 6, 1976, that the interest rate on the bonds described in Department Circular, Public Debt Series No. 20-76 dated July 29, 1976, will be 8 percent per annum. Accordingly, the bonds are hereby redesignated 8 percent Treasury Bonds of 1996-2001. Interest on the bonds will be payable at the rate of 8 percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-23669 Filed 8-12-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

REGIONAL DISCHARGE REVIEW SYSTEM

Establishment

The Army Discharge Review Board (ADRB) is authorized under 10 U.S.C. 1553 to review the discharge or dismissal of any former member of the Army either at the request of the former member or upon the Board's motion. A person who requests a review of a discharge or dismissal is entitled to appear before the Board in person or by counsel. In a memorandum dated June 18, 1975, the Department of Defense directed the military services to establish procedures for the review of discharges in locations outside of Washington, D.C. The purpose of the Department of Defense directive is to make it easier and less expensive for applicants who live at great distances from Washington, D.C., to appear in person before the Board.

Pursuant to this directive, the Army has now in part time operation Regional Panels in each of the following locations: Atlanta, Georgia; Colorado Springs, Colorado; San Francisco, California; and Indianapolis, Indiana. These panels convene and conduct hearings for a number of days each month on a continuing basis as determined by President, ADRB. The ADRB has expanded its operations as they presently appear in 32 CFR 581.2.

ADDITIONAL HEARING LOCATIONS

Notice is hereby given that approval has been granted for the Army Discharge Review Board (ADRB) to conduct hearings, within assigned resources, in areas other than those mentioned above, when the concentration of petitioners in a geographical area so warrants. This expanded availability will facilitate personal appearances before the Board.

ADRB Traveling Panels and Hearing Examiners are tentatively scheduled in accordance with the listing below. Travel to any particular location on the schedule will be at the discretion of the ADRB President based on the number of applications received from that location. The initial hearings by the traveling groups will be for cases already on hand and prepared for presentation. An applicant desiring to bring his case before one of the ADRB traveling units must submit an application at least six months before the visit scheduled for his location as indicated in the chart below. A former soldier desiring to apply for a review of his discharge may obtain information on how to initiate a discharge review from the local Veterans Administration Office or Commander, US Army Reserve Components Personnel and Administrative Center (USARCPAC), 9700 Page Boulevard, St. Louis, Missouri 63132. The ADRB traveling program will continue as long as there are sufficient applicants.

A Traveling Panel, consisting of six field grade officers, can hear and decide a case referred to it. Under the Hearing

Examiner concept, an officer from the ADRB and a video technician travel to a field location where applicants, with counsel, present their cases before the Examiner and the video camera. The Examiner may, if appropriate, question the applicants and any witnesses that appear. A panel of the ADRB in Washington, D.C., will then hear the applicant's case by viewing the video tape and reviewing the applicant's personnel file and any written evidence introduced at the hearing. The Hearing Examiner is not a voting member of the ADRB panel deciding the case. His role is to present the video tape and evidence gathered in the field to the panel.

A three-month test of Traveling Panels and Hearing Examiners conducted in 12 cities and two penal institutions earlier this year proved the concept to be workable and well received in the areas visited.

The following table reflects the tentative annual schedule for ADRB Traveling Panels and Hearing Examiners and the dates by which applications must be submitted:

Month	Location			Application submission date
	Traveling panel	Hearing examiner	Hearing examiner	
January	None scheduled	None scheduled	None scheduled	
February	Los Angeles, Calif	Mobile, Ala	Spokane, Wash	Mar 1 to Aug 31.
March	Salt Lake City, Utah	Syracuse, NY	Hawaii [1]	Apr 1 to Sep 30.
April	Jackson, Miss	Phoenix, Ariz	Puerto Rico [1]	May 1 to Oct 31.
May	Pittsburgh, Pa	Omaha, Nebr	Las Vegas, Nev	Jun 1 to Nov 30.
June	Minneapolis, Minn	Buffalo, N.Y	Shreveport, La	Jul 1 to Dec 31.
July	Seattle, Wash	Helena, Mont	Alaska [1]	Aug 1 to Jan 31.
August	Austin, Tex	Raleigh, N.C	Madison, Wis	Sep 1 to Feb 28.
September	St. Petersburg, Fla	Oklahoma City, Okla	Norfolk, Va	Oct 1 to Mar 31.
October	Boston, Mass	Boise, Idaho	El Paso, Tex	Nov 1 to Apr 30.
November	Kansas City, Mo	Portland, Maine	Flint, Mich	Dec 1 to May 31.
December	None scheduled	None scheduled	None scheduled	

[1] Scheduled only when sufficient applications have been received.

Notice is hereby given that, since the foregoing itinerary is subject to modification and since, following receipt of a new application, the ADRB must obtain the petitioner's military records before a hearing may be scheduled, the receipt of an application by the ADRB is not tantamount to scheduling such hearing. Petitioners and/or their counsel will be notified by mail of the date and place of their hearing when personal appearance is requested.

Dated: August 9, 1976.

WILLIAM E. WEBER,
Colonel, Infantry, President,
Army Discharge Review Board.

[FR Doc.76-23671 Filed 8-12-76;8:45 am]

Office of the Secretary

DDR&E HIGH ENERGY LASER REVIEW GROUP (HELRG) VULNERABILITY, EFFECTS AND HARDENING PANEL

Closed Meeting

Pursuant to the provisions of section 10 of Appendix I, Title 5, United States Code, notice is hereby given that a closed meeting of the DDR&E High Energy Laser Review Group Vulnerability, Effects and Hardening Panel will be held jointly with the Laser Hardened Materials and Structures Group and the Structures and Materials Intelligence Seminar at 0830 on Monday and Tuesday, September 27–28, 1976 at Annapolis, Maryland and on Wednesday and Thursday, September 29–30, 1976 at Fort Meade, Maryland. The purpose is to review matters pertaining to the Department of Defense high energy laser program.

The subject of the meeting is classified in accordance with subparagraph (1) of section 552(b) of Title 5 of the U.S. Code.

MAURICE W. ROCHE,
Director, Correspondence and
Directives OASD (Comptroller).

AUGUST 10, 1976.

[FR Doc.76-23681 Filed 8-12-76;8:45 am]

DEFENSE INDUSTRY ADVISORY GROUP IN EUROPE (DIAGE)

Closed Meeting

The Defense Industry Advisory Group in Europe (DIAGE) will hold a closed meeting on September 16, 1976, in the United States Mission to the North Atlantic Treaty Organization, Brussels, Belgium, on matters involving classified defense information and proprietary company data which come under the purview of subparagraph (4), section 552(b) Title 5 USC.

The agenda topics will be: Status of NATO projects, and discussion of activities of U.S. defense industry firms in Europe.

Any person desiring information about the advisory group may telephone Brussels 241.44.00 ext 5727, or write to the Executive Secretary, Defense Industry Advisory Group—Europe, USNATO, HQS NATO, 1110 Brussels, Belgium.

MAURICE W. ROCHE,
Directorate for Correspondence and
Directives, OASD (Comptroller).

AUGUST 10, 1976.

[FR Doc.76-23680 Filed 8-12-76;8:45 am]

DEPARTMENT OF JUSTICE

Office of the Attorney General

VOTING RIGHTS ACT AMENDMENTS OF 1975

Partial List of Determinations Made Pursuant to Section 4(b) of the Voting Rights Act of 1965, as Amended

Section 4(b) of the Voting Rights Act of 1965, 42 U.S.C. 1973, et seq., as amended by the Voting Rights Act Amendments of 1975 (Pub. L. 94–73) requires that the Director of the Census determine whether, in any State or any political subdivision of a State "less than 50 percentum of the citizens of voting age were registered on November 1, 1972, or that less than 50 percentum of such persons voted in the Presidential Election of November 1972." (42 U.S.C. 1973b(b).) Section 4(b) requires the Attorney General to determine whether any State or political subdivision of a State "maintained on November 1, 1972, any test or device," 42 U.S.C. 1973b(b). For purposes of this determination test or device is defined as "any practice or requirement by which any State or political subdivision provided any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language, where the Director of the Census determines that more than 5 percentum of the citizens of voting age residing in such State or political subdivision are members of a single language minority." (42 U.S.C. 1973b(f)(3).)

The Director of the Bureau of the Census and the Attorney General have made their respective determinations pursuant to sections 4(b) and 4(f)(3) with regard to some States and political subdivisions. Those jurisdictions which to date have been determined to meet the requirements of Section 4(b) and for which determinations have not been previously published in the FEDERAL REGISTER are listed in the following table. Determinations of coverage of additional jurisdictions under section 4(b) will appear in later issues of the FEDERAL REGISTER.

Dated: August 9, 1976.

EDWARD H. LEVI,
Attorney General.

Dated: August 10, 1976.

VINCENT P. BARABBA,
Director, Bureau of the Census.

STATES OR POLITICAL SUBDIVISIONS COVERED UNDER SECTION 4(B) OF THE VOTING RIGHTS ACT OF 1965, AS AMENDED BY THE VOTING RIGHTS ACT AMENDMENTS OF 1975

Specified language minority:	*State or political subdivision*
Spanish heritage.	Florida:
	Collier County.
	Hendry County.
	Michigan:
	Clyde Township, (Allegan County).
	Buena Vista Township (Saginaw County).

[FR Doc.76-23651 Filed 8-12-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

FAIRBANKS DISTRICT ADVISORY BOARD

Meeting

Notice is hereby given that the Fairbanks District Advisory Board of the Bureau of Land Management will meet at the Fairbanks Inn Banquet Room, 1521 Cushman Street, Fairbanks Alaska, October 15–16, 1976, beginning at 8 a.m. both days. The meeting will be concerned primarily with the following issues: Wild and Scenic Rivers; National Petroleum Reserve Number 4; Minerals Management (access and invalid claims as a result of ANCSA withdrawals); and, Recreational Use Permit System.

The meeting will be open to the public. Time will be made available beginning at 1 p.m. on Friday, October 15, for brief statements by members of the public and, also, on Saturday, October 16, beginning at 1 p.m. Those wishing to make an oral statement should notify the District Manager, Fairbanks District, Bureau of Land Management, 1028 Aurora Drive, Fairbanks, Alaska 99701 by the close of business on October 12, 1976. Any interested person or organization may file a written statement with the Board for its consideration. Such statements may be submitted at the meeting or mailed to the District Manager, Fairbanks District, Bureau of Land Management. Further information concerning the meeting may be obtained from Bill Robertson, Public Affairs Officer, Fairbanks District, Bureau of Land Management, 1028 Aurora Drive, Fairbanks, Alaska 99701, or by calling (901) 452–4725.

CURTIS V. MCVEE,
State Director, Alaska.

[FR Doc.76–23587 Filed 8–12–76;8:45 am]

OUTER CONTINENTAL SHELF

Approval of Official Protraction Diagrams

1. Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagram, appeared on the date indicated, is available, for information only, in the Outer Continental Shelf Office, Bureau of Land Management, Anchorage, Alaska. In accordance with Title 43, Code of Federal Regulations, this protraction diagram is the basic record for the description of mineral and oil and gas lease offers in the geographic area it represents.

OUTER CONTINENTAL SHELF PROTRACTION DIAGRAM

Description:	Approval Date
NN 4–2 Mitrofania Island (revised)	July 15, 1976

2. Copies of this diagram are for sale at two dollars ($2.00) per sheet by the Manager, Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510.

The street address is 800 "A" Street, Anchorage, Alaska. Checks or Money Orders should be made payable to the Bureau of Land Management.

EDWARD J. HOFFMANN,
Manager, Alaska Outer Continental Shelf Office.

[FR Doc.76–23594 Filed 8–12–76;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: International Crane Foundation, City View Road, Baraboo, Wisconsin 53913. George W. Archibald, Ph. D., Director.

FORM NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION TO ... (If ... one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Importation of six (6) cranes (endangered species) for propagation and scientific research purposes at Baraboo, Wisconsin

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
George W. Archibald, PhD
International Crane Foundation
City View Road
Baraboo, Wisconsin 53913

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Non-profit research center for propagation of cranes

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
International Crane Foundation Research Center

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
George W. Archibald 608-356-3553

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Wisconsin

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Import from Holland, and West Germany to Baraboo, Wisconsin direct (quarantine Clifton, N.J.)

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
not required

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF $

10. DESIRED EFFECTIVE DATE: 15 Sep 76

11. DURATION NEEDED: —

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
4 Encl: Certificate submitted according to 50 CFR 13, Statement and pictures submitted as requested in 50 CFR 17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) George Archibald | DATE June 23, 1976.

$ 200
10/74

INTERNATIONAL CRANE FOUNDATION,
Baraboo, Wis., May 6, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement,
U.S. Department of the Interior,
Fish and Wildlife Service,
Washington, D.C. 20240.

DEAR DR. BAVIN: The International Crane Foundation is requesting an Endangered Species Permit for the importation of the following cranes for breeding purposes:

1 pair (male and female) White Naped Cranes (*Grus vipio*), from Mr. Jack Van der Brink, Amsterdam, Holland.

1 pair (male and female) White Naped Cranes (*Grus vipio*), from Mr. Wolfe Brom, Director, Walsrode Bird Park, Walsrode, West Germany.

1 each male Siberian Crane (*Grus leucogeranus*), from Mr. Wolfe Brem, Director, Walsrode Bird Park, Walsrode, West Germany.

1 each male Siberian Crane (*Grus leucogeranus*), from Dr. Heinz-Georg Klos, Director, West Berlin Zoo, West Berlin, West Germany.

The above listed birds are available for shipment and the owners are willing to ship them to us for propagation purposes.

These birds will be shipped via air to Clifton, New Jersey quarantine station for 30 days, then to Chicago, Illinois, and then they will be transported via truck from Chicago, Illinois to Baraboo, Wisconsin.

Please make the expiration date no less than 6 months for this permit as there is much coordinating to be done regarding so many quarantine units.

Sincerely,

MILDRED L. ZANTOW,
Administrator.

Submitted under "Rules and Regulations" Title 50, FEDERAL REGISTER, Vol. 40, No. 223, Tuesday, November 18, 1975, Part 17.22 Permits for scientific purposes or for the enhancement of propagation or survival.

1. To import 2 each adult female White Naped Cranes (*Grus vipio*), 2 each adult male White Naped Cranes (*Grus vipio*), and 2 each adult male Siberian Cranes (*Grus leucogeranus*) for propagation purposes.

2. These cranes are in captivity at the present time having been removed from the wild.

3. The only supply of these cranes at the present time is from the wild or from collectors who have breeding stock in their possession.

4. The exact location of removal from the wild is not known at the International Crane Foundation.

5. The cranes to be covered by this permit are the property of Mr. Jack Vande Brink of Amsterdam, Holland and the Walsrode Zoo, Walsrode, West Germany and are to be shipped to ICF on loan for propagation.

6. These cranes will be kept at the International Crane Foundation, City View Road, Baraboo, Wisconsin in individual confines. Each will have an enclosed wooden structure 15' x 15', and an outdoor exercise pen 40' x 60'. There are 15 such confines in the immediate area. Enclosed photo.

Dr. George Archibald is a Ph. D. from Cornell University, New York. He has studied and researched cranes in many countries of the world. At the present time he has 13 of the existing 15 species in his care at the International Crane Foundation. Dr. Archibald is considered an authority on crane care and propagation.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts of Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

GEORGE W. ARCHIBALD,
Director,
International Crane Foundation.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-215-07; please refer to this number when submitting comments. All relevant comments received on or before September 12, 1976 will be considered.

Dated: August 9, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-23675 Filed 8-12-76;8:45 am]

Office of the Secretary

FREDERICK B. DYER

Appointee's Statement of Financial Interests

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER.

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on June 30, 1976, as Regional Power Liaison Representative, WSCC (NWPP), DEPA, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

None.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

FREDERICK B. DYER.

AUGUST 6, 1976.

[FR Doc.76-23588 Filed 8-12-76;8:45 am]

S. RIGGS SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 12, 1976.

Dated: July 27, 1976.

RIGGS SHEPPERD,

[FR Doc.76-23589 Filed 8-12-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[PPQ 639]

SOIL SAMPLES

List of Approved Laboratories for Receipt

Correction

In FR Doc. 76-20427 appearing on page 29450 in the issue of Friday, July 16, 1976, the following corrections should be made:

(1) On page 29451, in the alphabetical listings under "B" the following name was omitted: "Burton, Joe C., Milwaukee, WI[3] (10-30-77)".

(2) On page 29452, in the first column, in the listing of 'Delaware University', "Newark, SE[3]" should have read "Newark, DE[3]".

(3) On page 29453, in the first column, in the listing for 'International Geochemics, Ltd.', "Gretha, LA" should have read "Gretna, LA".

(4) On page 29454, in the third column, in the first listing for 'Soil and Plant Laboratory, Inc.' the date now reading "6-30-7)" should have read "(6-30-77)".

(5) On page 29455, in the second column, in the first listing for 'Tulane University', "LO[3]" should have read "LA[3]".

Commodity Credit Corporation

COMMODITY CREDIT CORPORATION ADVISORY BOARD

Cancelled Meeting

The meeting of the Commodity Credit Corporation Advisory Board scheduled for August 23 and 24, 1976 notice of which was published in the FEDERAL REGISTER on July 30, 1976 (41 FR 31922) has been cancelled.

Signed at Washington, D.C. on August 6, 1976.

SEELEY G. LODWICK,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.76-23662 Filed 8-12-76;8:45 am]

Farmers Home Administration

NEWLY CONSTRUCTED HOUSING FOR LOWER-INCOME FAMILIES IN RURAL AREAS

Memorandum of Understanding on Use of Section 8 of the United States Housing Act of 1937 and Section 515 of the Housing Act of 1949

CROSS REFERENCE: For a document agreeing to policies, procedures and joint arrangements set forth in the memorandum of understanding on the above-mentioned subject, see FR Doc. 76-23706, Department of Housing and Urban Development appearing in the Notices Section of this issue.

Packers and Stockyards Administration

LOGAN COUNTY LIVE STOCK MARKET, INC., RUSSELLVILLE, KENTUCKY, ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

KY-162	Logan County Live Stock Market Inc., Russellville, Kentucky.
KY-161	Henry County Stock Yards, Inc., Sligo, Kentucky.
NC-147	Mountain Livestock Auction, Murphy, North Carolina.
ND-131	Central Livestock Association, Inc., Dickinson, North Dakota.
OK-196	Fairfax Livestock Auction, Fairfax, Oklahoma.
OK-195	Woodward Livestock Auction, Inc., Woodward, Oklahoma.
WI-134	Equity Livestock Auction Market, Monroe, Wisconsin.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by August 27, 1975.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 10th day of August, 1976.

EDWARD L. THOMPSON,
Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.76-23664 Filed 8-12-76;8:45 am]

Rural Electrification Administration

BASIN ELECTRIC POWER COOPERATIVE

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration intends to prepare a Draft Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with an anticipated request for a loan guarantee commitment for Basin Electric Power Cooperative, 1717 East Interstate Avenue, Bismarck, North Dakota 58501, to provide for new generation facilities and related transmission facilities.

The proposed generating facilities are expected to consist of two 450 MW lignite-fired steam generating units. It is presently proposed that these units will be constructed adjacent to the site of the planned American Natural Gas coal gasification plant near Beulah, North Dakota. The two plants propose to mutually share and exchange certain joint operations including water, coal and steam. Possible transmission facilities are being studied.

Interested persons are invited to submit comments which may be helpful in preparing the Draft Environmental Impact Statement.

Comments should be forwarded to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to the borrower whose address was given above. Additional information may be obtained at the borrower's office during regular business hours.

Dated at Washington, D.C., this 6th day of August, 1976.

DAVID A. HAMIL,
Administrator.

[FR Doc.76-23667 Filed 8-12-76;8:45 am]

BASIN ELECTRIC POWER COOPERATIVE AND TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.

Proposed Loan Guarantees

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing guarantees supported by the full faith and credit of the United States of America for loans in the approximate amount of $668,000,000 to Basin Electric Power Cooperative of Bismarck, North Dakota, and $381,000,000 to Tri-State Generation and Transmission Association, Inc. of Denver, Colorado, for undivided interest shares of the proposed Missouri Basin Power Project. These loan funds will be used to finance Basin's 42.27 percent share and Tri-State's 24.13 percent share of the Missouri Basin Power Project, which consists of a generation plant having three 500 MW coal-fired units, approximately 621 miles of transmission line (including 60 miles of double circuit transmission facilities) and various related facilities. The total cost of the Missouri Basin Power Project is currently estimated by REA to be $1,581,000,000.

Legally organized lending agencies capable of making, holding and servicing the loans proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrowers of the guaranteed loan funds from Mr. James L. Grahl, Manager, Basin Electric Power Cooperative, 1717 East Interstate Avenue, Bismarck, North Dakota 58501.

In order to be considered, separate loan proposals should be developed for Basin's proposed 42.27 percent share and for Tri-State's proposed 24.13 percent share of the Missouri Basin Power Project and submitted within 30 days of the date of this notice. Proposals for Basin's share should be submitted to Mr. Grahl and financing proposals for Tri-State's share should be submitted to Mr. William E. Mickey, Manager, Tri-State Generation and Transmission Association, Inc., Post Office Box 29198, Denver, Colorado 80229. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Basin Electric Power Cooperative, Tri-State Generation and Transmission Association, Inc., and the Rural Electrification Administration deem appropriate. Prospective lenders are advised that guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 10th day of August 1976.

DAVID H. ASKEGAARD,
Acting Administrator,
Rural Electrification Administration.

[FR Doc.76-23763 Filed 8-12-76;8:45 am]

MINNKOTA POWER COOPERATIVE, INC.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration intends to prepare a Draft Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with an anticipated request for a loan guarantee commitment for Minnkota Power Cooperative, Inc., Box 1318, Grand Forks, North Dakota 58201, to provide for new generation facilities and related transmission facilities.

The proposed generating facilities are a joint venture to construct a nominal 440 MW generating station near Beulah, North Dakota. The participants at this time include Minnkota Power Coopera-

tive, Inc. (30 percent share), Otter Tail Power Company (35 percent share), Montana-Dakota Utilities Company (20 percent share), Northwestern Public Service Company (10 percent share), and Minnesota Power and Light Company (5 percent share). Possible transmission facilities are being studied.

Interested persons are invited to submit comments which may be helpful in preparing the Draft Environmental Impact Statement.

Comments should be forwarded to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to the borrower whose address was given above. Additional information may be obtained at the borrower's office during regular business hours.

Dated at Washington, D.C., this 5th day of August, 1976.

DAVID A. HAMIL,
Administrator.

[FR Doc.76-23666 Filed 8-12-76;8:45 am]

UNITED POWER ASSOCIATION

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration intends to prepare a Draft Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with a request for a loan guarantee commitment for United Power Association, Elk River, Minnesota 55330, to provide new generation facilities.

The proposed generating facilities include three 25 MW combustion turbines to be constructed in Minnesota near the towns of Pine City, Cambridge, and Maple Lake, respectively.

Interested persons are invited to submit comments which may be helpful in preparing the Draft Environmental Impact Statement.

Comments should be forwarded to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to the borrower whose address was given above. Additional information may be obtained at the borrower's office during regular business hours.

Dated at Washington, D.C., this 6th day of August, 1976.

DAVID A. HAMIL,
Administrator.

[FR Doc.76-23668 Filed 8-12-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

VOTING RIGHTS ACT AMENDMENTS OF 1975

Partial List of Determinations Made Pursuant to Section 4(b) of the Voting Rights Act of 1965, as Amended

CROSS REFERENCE: For a document issued jointly by the Department of Justice, Office of the Attorney General, and the Department of Commerce, Bureau of the Census, on the subject of a partial list of determinations made pursuant to section 4(b) of the Voting Rights Act of 1965, as amended by the Voting Rights Act Amendments of 1975, see FR Doc. 76-23651 appearing in the notices section of this issue under Department of Justice, Office of the Attorney General.

Domestic and International Business Administration

[Order No. 43-2 Amdt. 3]

BUREAU OF INTERNATIONAL COMMERCE

Organization and Function

This order effective July 4, 1976 amends the material appearing at 39 FR 20622 of June 12, 1974, 39 FR 35694 of October 3, 1974, and 40 FR 41160 of September 5, 1975.

DIBA Organization and Function Order 43-2, dated March 25, 1974, as amended, is hereby further amended as follows:

1. Section 5. *Office of Export Development.* Subsection 5.10a is revised as follows to reflect the transfer of staff support for the President's Interagency Committee on Export Expansion (PICEE):

a. The President's Export Council Staff shall promote Government dialogue with U.S. business by providing coordination, program guidance and support services to the President's Export Council (PEC), the Regional Export Councils (REC) and the District Export Councils (DEC); shall assist the PEC in communicating its recommendations through the Secretary of Commerce to the President, the Council on International Economic Policy, and the President's Interagency Committee on Export Expansion (PICEE); and shall provide coordination and support services for PICEE.

2. Subsection 5.03 Export Information Division is revised by a pen and ink change to reflect transfer of the control intelligence function to the Bureau of East-West Trade:

Delete: and shall support the export control function of the Department and the economic defense activities of other U.S. agencies.

3. Subsection 5.04 Domestic Export Programs Division is amended as follows to reflect the transfer of PICEE staff support to the Office of the Director, OED:

.04 The Domestic Export Programs Division shall serve as the focal point for conducting domestic programs which stimulate an interest in exporting and provide information and assistance to firms interested in international trade. In this regard it shall organize conferences, seminars and other promotional techniques to familiarize U.S. industry with the advantages of exporting; shall develop promotional literature to acquaint U.S. firms with export opportunities and procedures and with BIC programs; shall direct the national multiplier program which enlists the support of service organizations such as banks and airlines in delivery of informational material on overseas marketing opportunities to carefully identified elements of industry; shall work with trade associations to promote exporting among their membership; shall serve as Washington liaison with DIBA's District Offices in support of the Export Assistance Masters Program (TEAM) which utilizes graduate university students to prepare foreign market surveys for individual U.S. firms; shall stimulate and arrange visits to expositions and industry for foreign businessmen and government officials; shall identify, with the assistance of the foreign Service, prospective foreign buyers and shall direct these buyers to appropriate domestic trade shows and arrange for meetings with U.S. manufacturers in order to facilitate sales; shall provide development, scheduling and displays for and shall participate in selected domestic trade shows to promote DIBA and Departmental programs; shall administer the President's "E" and "E Star" Award and other national incentive programs; shall direct national marketing and advertising efforts undertaken to stimulate export awareness; shall serve as liaison for the Bureau of International Commerce with the Office of Field Operations for the preparation of comprehensive prepackaged sales programs for the District Offices to use in their calls on target industries.

4. Section 6. *Office of International marketing* is revised to reflect the creation of a new division—*Operational Planning Division* and the abolishment of the Program Coordination Division, as follows:

.01 The Office of the Director includes: The Director who shall plan and direct the execution of the policies and programs of the Office, and the Deputy Director who shall provide principal direction to overseas operations, coordinate the development of individual Country Commercial Programs and the scheduling of trade promotion events, assure concurrence with Government policy and program documents such as Policy Analysis and Resource Allocation (PARA) and Country Analysis and Strategy Papers (CASP), and perform the functions of the Director in his absence. The Office of the Director shall also prepare or coordinate the preparation of OIM Publications, including the Commercial News for the Foreign Service. The Director shall supervise and direct the following:

.02 The Assistant Director for Program Development shall develop and coordinate information programs for industry; collect and disseminate foreign market data; be responsible for developmental planning of international trade promotion events; and maintain the planning interface with U.S. industry for all international trade promotion events.

a. The Operational Planning Division shall have responsibility for all phases of planning and market research specification development for all international trade promotion events including trade fairs, trade center exhibitions, trade missions, the joint export expansion program, technical sales seminars

and catalog events; analyze manufacturer/end-user relationships to develop new themes and precise definitions of targeted event participants; plan and prepare Global Market Surveys within each industry segment; establish international market research requirements; and develop and maintain a working relationship with U.S. industry to insure that the business community needs and desires are reflected in all planning.

b. The Market Research Division shall analyze market research bids received from contractors, determine the contractor, and arrange for the printing and production of Global Market Surveys and sectoral studies which are multiple product studies in a country.

5. Subsection 6.05 is revised as follows:

.05 The Developed Markets and Emergent Market areas shall each be responsible for the content and overall management of country marketing programs for assigned territory within global export priorities and targets established by the Office of Market Planning; serve as the focal point in DIBA for the development of the Country Commercial Program; provide overseas marketing information and counseling services to the U.S. business community and to other U.S. Government agencies; identify key economic, trade, financial and marketing problems in overseas country or country groupings; provide to the U.S. business community a regular review of the prospects for increased U.S. exports in significant overseas markets on a geographical basis; provide for development in detail of the annual country commercial programs; schedule and direct trade promotional activities within the country, including Trade Centers and commercial fairs; within the framework of Bureau-approved country programs, provide guidance and direction to overseas personnel engaged in commercial activities; i.e., the Commercial Foreign Service, Trade Center staffs, commercial fair staffs, and other trade promotion personnel; and maintain contact with foreign government representatives in the United States on matters concerning the marketing programs developed for their countries.

In addition to the functions set forth in paragraph .05, the Office of the Assistant Director for Emergent Markets shall administer the Department's responsibilities pursuant to the China Trade Act of 1922, as amended.

6. The attached BIC organization chart supersedes the organization chart dated August, 1975. A copy of the chart is on file with the original of this document in the Office of the FEDERAL REGISTER.

CHARLES W. HOSTLER,
Deputy Assistant Secretary for International Commerce.

Approved:

DONALD E. JOHNSON,
Deputy Assistant Secretary for Domestic and International Business.

[FR Doc.76-23581 Filed 8-12-76;8:45 am]

[Order No. 48-1]

OFFICE OF FIELD OPERATIONS

Organization and Function

This order effective July 26, 1976 supplements the material appearing at 41 FR 1935 of January 13, 1976.

Section 1. *Purpose.* This order prescribes the scope of authority of the Deputy Assistant Secretary for Field Operations and describes the functions of the Office of Field Operations.

Section 2. *Organization and Line of Authority.* .01 The Deputy Assistant Secretary for Field Operations shall report and be responsible to the Assistant Secretary for Domestic and International Business. The Deputy Assistant Secretary shall be assisted by the Deputy Director who will coordinate Program development and implementation and who will also perform the functions of the Deputy Assistant Secretary in the latter's absence.

.02 The Deputy Assistant Secretary shall head the following organizational elements:

Office of the Deputy Assistant Secretary, District Offices, Satellite Offices.

Section 3. *Office of the Deputy Assistant Secretary.* .01 The Deputy Assistant Secretary for Field Operations shall be responsible to the Assistant Secretary, Domestic and International Business. He shall plan and direct the execution of policies and programs of the Office of Field Operations which shall serve as the principal medium of contact with the business community at local levels through District Offices located in principal cities throughout the country.

.02 The Deputy Director shall assist in the direction of the Office and perform the functions of the Deputy Assistant Secretary in his absence.

.03 OFO Headquarters Office shall plan, direct, control and evaluate effectiveness of the field implementation of DIBA programs and the business-related programs of other Commerce organizations, and shall be responsible for assisting DIBA Bureaus and other Commerce organizations in the planning and design of business information. Field implementation includes the delivery of export information and related business aids; the conduct of domestic marketing and business reference services, including publication of the Commerce Business Daily and guidance and direction of Federal Preparedness Programs, Crisis Management and Emergency Operations. The Office of the Director also shall be responsible for issuing and maintaining the Field Operations Manual and for the necessary administrative liaison between the Directorate of Administrative Management for DIBA, and the field structure.

.04 Each District Office under the direction of a District Office Director shall serve as the Department's principal medium of contact wtih the business community within its area. Under guidelines and priorities established by the DAS/FO, District Offices shall ascertain the needs and desires for information and assistance relevant to the private economy that fall within the scope of Commerce's responsibilities; deliver to business and industry export promotion and expansion programs, information, and services; maintain and operate domestic informational services and related activities; and effect support and multiplier activities with business and professional organizations, state and local government agencies, educational institutions, and other appropriate organizations. In addition, District Office Directors designated as Emergency Coordinators shall, in coordination with other appropriate Commerce District Directors, execute such Federal Preparedness Planning, Crisis Management and Emergency Operations as are outlined in D.O.O. 40-1 and as may be directed by the Department.

.05 Each Satellite Office under the direction of the responsible District Office Director shall serve as a vehicle to complement the efforts of District Office in carrying out the Department's foreign trade and domestic trade business programs in its area, and to coordinate State and Federal activities related to these programs. Under guidelines and priorities established by District Office Directors, Satellite Offices shall answer business inquiries; make out-of-office calls on local business firms to promote and encourage the use of the business services of the Department; establish an "account executive program" for providing services to firms having high export potential; counsel firms on business problems; conduct both domestic and international trade seminars; and explain, as appropriate, to personnel of the agency in which the Satellite Office is located, the services available to business firms from the Department of Commerce.

Section 4. *Administrative and Public Affairs.* .01 The Office of Public Affairs, DIBA shall furnish public affairs and information services to the Office of Field Operations and its District Offices.

.02 The Directorate of Administrative Management, DIBA shall furnish management, budget, personnel, travel and administrative services. The Directorate will also serve as liaison with Departmental elements providing other administraitve services.

LEONARD S. MATTHEWS,
Assistant Secretary for Domestic and International Business.

[FR Doc.76-23571 Filed 8-12-76;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 15, COMPUTER SYSTEMS SECURITY

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 1 (Supp. IV, 1974), notice is hereby given that the Federal Information Processing Standards Task Group 15 (FIPS TG-15), "Computer Systems Security" will hold a meeting from 9 a.m. to 4 p.m. on Tuesday, September 21, 1976 in Room B-163, Building 222 and on Wednesday, September 22 and Thursday, September 23, 1976 in Room B-27, Building 225 of the Na-

tional Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to review the efforts of the task teams in their specific assignments and to continue the development of guidelines in the management and technological areas of information processing security.

The meeting will be open to the public, who may participate with oral or written statements. Inquiries may be addressed to Miss Susan K. Reed, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (phone 301–921–3861).

Dated: August 10, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc.76–23764 Filed 8–12–76;8:45 am]

National Oceanic and Atmospheric Administration

ECOLOGICAL SERVICES, TEXAS INSTRUMENTS, INC.

Receipt of Application for Endangered Species Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take an endangered species of fish for scientific purposes as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) and the National Marine Fisheries Service Regulations Governing Endangered Fish and Wildlife Permits (50 CFR 217–222).

Ecological Services, Texas Instruments, Inc., P.O. Box 237, Buchanan, New York 10511, to take for research purposes, an endangered species of fish, the shortnose sturgeon (*Acipenser brevirostrum*) in the Hudson River in the State of New York during a 3-year period.

The Applicant will in the course of assessing the status of fish populations and the impact of power generation facilities on these populations occasionally take shortnose sturgeon by such means as gill netting or trawling. Live specimens so captured will be measured, weighed and returned immediately to the Hudson River. Any specimen found dead upon the retrieval of the collecting gear will be preserved after being weighed and measured. Such specimens will be deposited in scientific collections.

The data collected from these occasionally captured specimens will be provided to other researchers who are conducting more extensive work on shortnose sturgeon.

Documents submitted in connection with this application are available for review in the following offices:

Director, National Marine Fisheries Service, Department of Commerce, 3300 Whitehaven Street, NW., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Written data or views, or requests for a public hearing on this application, should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before September 13, 1976. The holding of such a hearing is at the discretion of the Director. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate.

Any statements and opinions that may be contained in this notice in support of this application are summarized from information supplied by the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: August 6, 1976.

HARVEY M. HUTCHINGS,
Acting Associate Director, for Resource Management, National Marine Fisheries Service.

[FR Doc.76–23703 Filed 8–12–76;8:45 am]

INTERNATIONAL MARINE MAMMAL PROGRAM

Report of NOAA/FWS Task Force

Under section 108(a) of the Marine Mammal Protection Act, the Secretaries of Commerce and Interior, through the Secretary of State, are charged with the responsibility to see that the concepts embodied in the Act are implemented in the conservation of all marine mammals in all parts of the world.

Therefore, the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Fish and Wildlife Service (FWS) established a Task Force to prepare recommendations for an International Marine Mammal Program. The Task Force report, which does not necessarily reflect policy of NOAA or FWS, but which will be used to help develop it, will now be submitted to an interagency committee of all interested government agencies. In order to give all interested individuals an opportunity to express their views for consideration by the interagency committee, copies of the Task Force report are available from the Office of International Affairs, National Oceanic and Atmospheric Administration, Main Commerce Building, Room 5804, Washington, D.C. 20230 (telephone 202–377–2977). Comments on the report, directed to the same address, are requested by August 27, 1976.

Dated: August 10, 1976.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.76–23701 Filed 8–12–76;8:45 am]

STATE OF OREGON

Public Hearing on Draft Environmental Impact Statement

Notice is hereby given that the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold two public hearings for the purpose of receiving comments on the draft environmental impact statement for the Coastal Zone Management Program of the State of Oregon.

The first hearing will be held in the Oregon State University Marine Science Center Auditorium, Newport, Oregon, at 7:30 p.m., Wednesday, September 15, 1976. The second hearing will be held on September 16, 1976, at 7:30 p.m., in the Multnomah County Courthouse, County Commissioners Chambers, 1021 SW. 4th Street, Portland, Oregon.

The views of interested persons and organizations are solicited. These may be expressed orally or in written statements. Presentations will be scheduled on a first-come, first served basis, but may be limited to a maximum of ten minutes or as otherwise appropriate. Priority will be given to those with written statements. Time will be available at the end of the meeting for persons without statements to present their views orally. 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:

Grant Dehart, National Oceanic and Atmospheric Administration, Office of Coastal Zone Management, 3300 Whitehaven Street NW., Washington, D.C. 20235 (phone: 202/634–4235).

Written comments may also be submitted by mail to the Office of Coastal Zone Management. Such comments must be received before September 24, 1976, 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:

Oregon Land Conservation and Development Commission, 1175 Court Street, NE., Salem, Oregon 97310 (phone: 503/378–4926).

The statement is also available for inspection by the public, both at the Office of Coastal Zone Management and at the following locations:

Astoria Public Library, 450 10th Avenue, Astoria, Oregon 97103.
Bandon Public Library, Box 128, Bandon, Oregon 97411.
Bay City Library, Bay City, Oregon 97107.
Chetco Community Library, Box 1097, Brookings, Oregon 97415.
Coos Bay Public Library, 525 West Anderson, Coos Bay, Oregon 97420.
Coquille Public Library, 101 North Birch, Coquille, Oregon 97423.
Myrtle Point Library, 435 Fifth Street, Myrtle Point, Oregon 97458.
Newport Public Library, 251 West Olive Street, Newport, Oregon 97365.
North Bend Public Library, 1925 McPherson Avenue, North Bend, Oregon 97459.

Pacific City Library, Pacific City, Oregon 97135.
Port Orford Public Library, Box 328, Port Orford, Oregon 97465.
Powers Public Library, Box 559, Powers, Oregon 97466.
Garibaldi Public Library, Gilchrist, Oregon 97737.
Gold Beach Library, Box 625, Gold Beach, Oregon 97444.
Langlois Library, Box 26, Langlois, Oregon 97450.
Lincoln City Library, 1213 N. Highway 101, Lincoln City, Oregon 97367.
Manzanita Library, Manzanita, Oregon 97130.
Waldport Public Library, Box 650, Waldport, Oregon 97394.
Yachats Public Library, Box 234, Yachats, Oregon 97498.
Library Clatsop County Courthouse, 1680 Lexington, Astoria, Oregon 97103.
Library, Oregon State University, Corvallis, Oregon 97331.
Reedsport Public Library, Reedsport, Oregon 97467.
Seaside Public Library, 60 North Roosevelt Drive, Seaside, Oregon 97138.
Tillamook County Library, 210 Ivy Avenue, Tillamook, Oregon 97141.
Toledo Public Library, 150 North Alder Street, Toledo, Oregon 97391.
Southwestern Oregon Community College Library, Box 518, Empire Station, Coos Bay, Oregon 97420.
Library, Umpqua Community College, P.O. Box 967, Roseburg, Oregon 97470.
Library, University of Oregon, Eugene, Oregon 97403.

Comments may address the adequacy of the impact statement and/or the nature of the Oregon Coastal Zone Management Program itself.

Following consideration of the comments received at this hearing, as well as written comments submitted, 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.76-23677 Filed 8-12-76;8:45 am]

ROBERT ELSNER

Modification of Permit

Notice is hereby given that, pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Scientific Research Permit issued to Robert Elsner, Institute of Marine Science, University of Alaska, Fairbanks, Alaska 99701, on July 3, 1974, is modified in the following manner:

The period of validity, during which the authorized marine mammals may be taken, is extended from August 1, 1976, to August 1, 1978.

This modification is effective on August 13, 1976.

The permit, as modified, and documentation pertaining to the modification is available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801.

Dated: July 27, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-23702 Filed 8-12-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76N-0282; DESI 4589]

ALCOHOL-DEXTROSE INTRAVENOUS SOLUTIONS

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

In a notice (DESI 4589; Docket No. FDC-D-490 (now Docket No. 76N-0282)) published in the FEDERAL REGISTER July 28, 1972 (37 FR 15184), the Food and Drug Administration announced its conclusions that the drug products described below are effective for increasing caloric intake and less than effective (possibly effective and lacking substantial evidence of effectiveness) for certain other indications. The notice provided an opportunity for hearing for the indication concluded at that time to lack substantial evidence of effectiveness. No person submitted data in support of the possibly effective indications, and they are now reclassified as lacking substantial evidence of effectiveness. This notice offers an opportunity for hearing concerning the possibly effective indications which are now reclassified as lacking substantial evidence of effectiveness and states the conditions for marketing the drugs for the indication for which they continue to be regarded as effective. Persons who wish to request a hearing may do so on or before September 13, 1976.

The notice that follows does not pertain to the indication stated in the July 28, 1972 notice to lack substantial evidence of effectiveness. No person requested a hearing concerning it, and it is no longer allowable in labeling. Any such product labeled for that indication is subject to regulatory action.

1. That part of NDA 4-589 pertaining to 5 percent Alcohol, 5 percent Dextrose in Normal Saline; McGraw Laboratories, 1015 Grandview Ave., Glendale, CA 91201.

2. That part of NDA 4-589 pertaining to 5 percent Alcohol, 5 percent Dextrose in Distilled Water; McGraw Laboratories.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, 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 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.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drugs are effective for the indication listed in the labeling conditions below. The drugs now lack substantial evidence of effectiveness for the indications evaluated as possibly effective in the July 28, 1972 notice.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug is in sterile aqueous solution form suitable for intravenous administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indication is as follows:

For increasing caloric intake.

3. *Marketing status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before October 12, 1976, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1 (f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts quali-

fied by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), 21 CFR 314.111 (a)(5), and 21 CFR 300.50, demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), 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 application(s) (or, if indicated above, those part of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground 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 applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved 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 all identical, related, or similar drug products.

If an applicant or any 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 September 13, 1976, a written notice of appearance and request for hearing, and (2) on or before October 12, 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 proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

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 such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice 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 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 of opportunity for hearing shall be filed in quintuplicate. Such submissions, 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 (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 4589, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Surgical-Dental Drug Products (HFD–160), Rm. 18B–08, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC–20), Rm. 4–65.

Requests for the report of the National Academy of Sciences-National Research Council: Data Preparation Branch (HFD–614), Division of Drug Information Resources, Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–101), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: August 5, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 76–23628 Filed 8–12–76;8:45 am]

[DESI 9296]

CERTAIN ANTIHYPERTENSIVE COMBINATION DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation

In a notice published in the FEDERAL REGISTER of October 11, 1973 (38 FR 28093), the Commissioner of Food and Drugs withdrew approval of that part of NDA 12–359 providing for Salutensin Tablets containing protoveratrine A, reserpine, and hydroflumethiazide. The basis for that action was the drug product lacked substantial evidence of effectiveness as a fixed combination. The product had been used in the treatment of high blood pressure. The manufacturer reformulated the product to delete the component protoveratrine A leaving only reserpine and hydroflumethiazide in the product. Combinations similar to that reformulated product were reviewed in the Drug Efficacy Study, were concluded to be effective for the treatment of hypertension, and that conclusion was published in the FEDERAL REGISTER of February 6, 1973 (38 FR 3418) (DESI 9296). The Director of the Bureau of Drugs concludes that the reserpine and hydroflumethiazide combination is also effective for the treatment of hypertension. The notice that follows states that conclusion and sets forth the conditions for marketing such product.

NDA 12–359; Salutensin Tablets containing hydroflumethiazide and reserpine; Bristol Laboratories, Division Bristol-Myers Co., P.O. Box 657, Syracuse, NY 13201.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application

is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, 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 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.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug is effective for the indications listed in the labeling conditions below.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug is in tablet form suitable for oral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indication is as follows:

For treatment of hypertension (see box warning). The labeling should contain the following warning in a box and dosage statement.

WARNING

This fixed combination drug is not indicated for initial therapy of hypertension. Hypertension requires therapy titrated to the individual patient. If the fixed combination represents the dosage so determined, its use may be more convenient in patient management. The treatment of hypertension is not static, but must be reevaluated as conditions in each patient warrant.

DOSAGE: As determined by individual titration (see box warning).

3. *Marketing status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before October 12, 1976, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such products. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

Communications forwarded in response to this notice should be identified with the reference number DESI 9296, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Cardio-Renal Drug Products (HFD–110), Rm. 16B–45, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–101), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: August 5, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76-23625 Filed 8-12-76;8:45 am]

[Docket No. 76N–0281; DESI 8943]

CERTAIN CARBONIC ANHYDRASE INHIBITORS

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

In a notice (DESI 8943; Docket No. FDC–D–306 (now Docket No. 76N–0281)) published in the FEDERAL REGISTER, July 25, 1972 (37 FR 14828), the Food and Drug Administration announced its conclusions that the drug products described below containing dichlorphenamide are effective in the adjunctive treatment of glaucoma, and the drug product containing ethoxzolamide is effective in the adjunctive treatment of glaucoma and edema due to congestive heart failure. The drug products were also classified as less than effective (possibly effective, probably effective, and lacking substantial evidence of effectiveness) for certain other indications. The notice provided an opportunity for hearing for the indications concluded at that time to lack substantial evidence of effectiveness. No person submitted data in support of the probably effective or possibly effective indications, and they are now reclassified as lacking substantial evidence of effectiveness. The holders of the new drug applications listed below have deleted all less-than-effective indications from the labeling of the drug products. This notice offers an opportunity for hearing concerning the probably effective and possibly effective indications, which are now reclassified as lacking substantial evidence of effectiveness, and states the conditions for marketing the drugs for the indications for which they continue to be regarded as effective. Persons who wish to request a hearing may do so on or before September 13, 1976. Other products included in the July 25, 1972 notice are not affected by this notice.

The notice that follows does not pertain to the indications stated in the July 25, 1972 notice to lack substantial evidence of effectiveness. No person requested a hearing concerning them, and they are no longer allowable in labeling. Any such product labeled for those indications is subject to regulatory action.

1. NDA 11–047; Cardrase Tablets containing ethoxzolamide; The Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49002.

2. NDA 12–499; Oratrol Tablets containing dichlorphenamide; Alcon Laboratories, Inc., 6201 S. Freeway Rd., Box 1959, Ft. Worth, TX 76101.

3. NDA 11–366; Daranide Tablets containing dichlorphenamide; Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, PA 19486.

4. NDA 16–144; Ethamide Tablets containing ethoxzolamide; Allergan Pharmaceuticals, Inc., 2525 DuPont Dr., P.O. Box DP, Irvine, CA 92664 (NDA 16–144 was approved after publication of the July 25, 1972 notice. Although it was not included in that notice, the conclusions described herein apply to it.)

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, 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 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.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drugs are effective for the indications listed in the labeling conditions below. The drugs now lack substantial evidence of effectiveness for the indications evaluated as probably effective and possibly effective in the July 25, 1972 notice.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug is in conventional tablet form suitable for oral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without precription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications are of follows:

ETHOXZOLAMIDE

The adjunctive treatment of: edema due to congestive heart failure; chronic simple (open angle) glaucoma, secondary glaucoma, and preoperatively in acute angle closure glaucoma where delay of surgery is desired in order to lower intraocular pressure.

DICHLORPHENAMIDE

For adjunctive treatment of: chronic simple (open angle) glaucoma, secondary glaucoma, and preoperatively in acute angle closure glaucoma where delay of surgery is desired in order to lower intraocular pressure.

3. *Marketing status.* a. Marketing of such drug product that is now the subject of an approved or effective new drug application may be continued provided that, on or before October 12, 1976, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1 (c))) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), 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 application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground 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 applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved 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 all identical, related, or similar drug products.

If an applicant or any 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 September 13, 1976, a written notice of appearance and request for hearing, and (2) on or before October 12, 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 proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

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 such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice 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 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 of opportunity for hearing shall be filed in quintuplicate. Such submissions, 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 (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 8943, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Anti-Infective Drug Products (HFD-140), Rm. 12B-23, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of

Generic Drug Monographs (HFD–530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC–20), Rm. 4–65.

Requests for the report of the National Academy of Sciences-National Research Council: Data Preparation Branch (HFD–614), Division of Drug Information Resources, Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–101), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: August 5, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76–23627 Filed 8–12–76;8:45 am]

[Docket No. 76N–0312; DESI's 7913 and 9130]

CERTAIN STEROID PREPARATIONS FOR OPHTHALMIC AND/OR OTIC USE

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

In a notice (DESI 9130; Docket No. FDC–D–221 (now Docket No. 76N–0312)) published in the FEDERAL REGISTER of August 26, 1970 (35 FR 13605), and in a subsequent notice (DESI 7913; Docket No. FDC–D–323 (now also Docket No. 76N–0312)) published in the FEDERAL REGISTER of October 22, 1971 (36 FR 20451), the Food and Drug Administration announced its conclusions that certain steroid preparations described below are effective for the treatment of various inflammatory disorders of the eye and/or ear. The notices also classified the preparations as less than effective (probably effective, possibly effective, and lacking substantial evidence of effectiveness) for certain other indications and provided an opportunity for hearing for the indications concluded at that time to lack substantial evidence of effectiveness. No person submitted data in support of the probably or possibly effective indications, and they are now reclassified as lacking substantial evidence of effectiveness. This notice offers an opportunity for hearing concerning the probably effective and possibly effective indications, which are now reclassified as lacking substantial evidence of effectiveness, and states the conditions for marketing the drugs for the indications for which they continue to be regarded as effective. Persons who wish to request a hearing may do so on or before September 13, 1976.

The notice that follows does not pertain to the indications stated in the August 26, 1970 or the October 22, 1971 notices to lack substantial evidence of effectiveness. No person requested a hearing concerning them, and they are no longer allowable in labeling. Any such product labeled for those indications is subject to regulatory action.

1. NDA 8–765; Cortisone Acetate Ophthalmic Ointment containing 1.5 percent cortisone acetate; The Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49002.

2. That part of NDA 7–913 pertaining to Cortone Acetate Ophthalmic Suspension containing 0.5 percent cortisone acetate; Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, PA 19486.

3. NDA 9–018; Hydrocortone Ophthalmic Ointment containing 1.5 percent hydrocortisone acetate and Suspension containing 0.5 percent and 2.5 percent hydrocortisone acetate; Merck Sharp & Dohme.

4. NDA 10–231; Hydrin-2 Ophthalmic Suspension containing 2 percent hydrocortisone acetate; Riker Laboratories, Inc., Subsidiary 3M Co., 19901 Nordhoff St., Northridge, CA 91324.

5. NDA 10–645; Optef Eye Drops containing 0.2 percent hydrocortisone; The Upjohn Co.

6. NDA 9–130; Cortril Ophthalmic Ointment containnig 0.5 percent and 2.5 percent hydrocortisone acetate; Pfizer Laboratories, Division Pfizer Inc., 235 E. 42d St., New York, NY 10017.

7. NDA 9–825; Isopto Hydrocortisone Eye Drops containing 0.5 percent and 2.5 percent hydrocortisone with hydroxypropyl methylcellulose; Alcon Laboratories, Inc., 6201 S. Freeway, Box 1959, Ft. Worth, TX 76101.

8. NDA 10–639; Hydeltrasol Ophthalmic Solution containing 0.5 percent prednisolone sodium phosphate; Merck Sharp & Dohme.

9. NDA 11–028; Hydeltrasol Ophthalmic Ointment containing 0.25 percent prednisolone sodium phosphate; Merck Sharp & Dohme.

10. NDA 13–422; Maxidex Ophthalmic Solution containing 0.1 percent dexamethasone; Alcon Laboratories, Inc.

11. NDA 11–984; Decadron Phosphate Ophthalmic Solution containing 0.1 percent dexamethasone sodium phosphate; Merck Sharp & Dohme.

12. NDA 11–977; Decadron Phosphate Ophthalmic Ointment containing 0.05 percent dexamethasone sodium phosphate; Merck Sharp & Dohme.

The following drug products were not included in the August 26, 1970 or the October 22, 1971 notices, but the conclusions described in this notice are applicable to them.

1. NDA 9–816; Cortef Aectate Ophthalmic and Otic Suspension containing hydrocortisone acetate; The Upjohn Co.

2. NDA 9–817; Cortef Acetate Opthalmic Ointment containing hydrocortisone acetate; The Upjohn Co.

3. That part of NDA 10–439 pertaining to Isopto P.H.N. Opthalmic Solution containing hydrocortisone or hydrocortisone acetate; Alcon Laboratories, Inc.

4. NDA 8–054; Cortogen Ophthalmic Suspension containing cortisone acetate; Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033.

5. NDA 9–841; Isopto Cortisone Ophthalmic Suspension containing cortisone acetate; Alcon Laboratories, Inc.

6. NDA 10–776; Delta Cortef Eye Solution containing prednisolone acetate; The Upjohn Co.

7. That part of NDA 7–913 pertaining to Cortone Acetate Ophthalmic Ointment containing cortisone acetate; Merck, Sharp & Dohme.

In a notice published in the FEDERAL REGISTER of October 27, 1971 (36 FR 20619), the approval of NDA 7–913 for Cortone Acetate Ophthalmic Ointment and Suspension was withdrawn on the ground of failure to submit required reports under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)). At the time that notice was published, no final conclusions concerning its less than effective (probably effective) indication had been reached. Those conclusions have now been reached, and the purpose of including Cortone (cortisone acetate) Ophthalmic Ointment and Suspension in this notice is to inform all interested persons of such conclusions and offer them the opportunity to request a hearing concerning all issues relating to its legal status.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, 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 to determine whether it covers any drug product he manufacturers or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufacturers 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.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drugs are effective for the indications listed in the labeling conditions below. The drugs now lack substantial evidence of effectiveness for the indications evaluated as probably or possibly effective in the August 26, 1970 and the October 22, 1971 notices. The probably effective indications in the October 22, 1971 notice included the otic in-

dication for dexamethasone sodium phosphate 0.05 percent. This 0.05 percent strength of dexamethasone sodium phosphate now lacks substantial evidence of effectiveness for the otic indication.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein, except that abbreviated applications are not appropriate for hydrocortisone preparations for otic use containing less than 0.5 percent hydrocortisone since such low strengths have not been shown to be effective for that route of administration. The manufacturer's labeling for the product described in this notice that contains 0.2 percent hydrocortisone does not recommend the product for otic use.

1. *Form of drug.* The drugs are in ointment, aqueous solution, or aqueous suspension forms formulated to be suitable for the intended route of administration. Dosage forms for ophthalmic use shall be sterile.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription." Labels for ophthalmic preparations state that the preparation is sterile.

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications are as follows:

OPHTHALMIC

Steroid responsive inflammatory conditions of the palpebral and bulbar conjunctiva, cornea, and anterior segment of the globe, such as allergic conjunctivitis, acne rosacea, superficial punctate keratitis, herpes zoster keratitis, iritis, cyclitis, selected infective conjunctivitis when the inherent hazard of steroid use is accepted to obtain an advisable diminution in edema and inflammation; corneal injury for chemical or thermal burns, or penetration of foreign bodies.

OTIC

(For all except the 0.05 percent dexamethasone sodium phosphate)

Steroid responsive inflammatory conditions of the external auditory meatus, such as allergic otitis externa, selected purulent and nonpurulent infective otitis externa when the hazard of steroid use is accepted to obtain an advisable diminution in edema and inflammation.

3. *Marketing status.* a. Marketing of drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before October 12, 1976, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1 (f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), 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 application(s) (or, if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground 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 applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved 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 all identical, related, or similar drug products.

If an applicant or any 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 September 13, 1976, a written notice of appearance and request for hearing, and (2) on or before October 12, 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 proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

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 such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice 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 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 of opportunity for hearing shall be filed in quintuplicate. Such submissions, 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 (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 7913 or 9130, as appropriate, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Anti-Infective Drug Products (HFD–140), Rm. 12B–45, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC–20), Rm. 4–65.

Requests for the report of the National Academy of Sciences-National Research Council: Data Preparation Branch (HFD–614), Division of Drug Information Resources, Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–101), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: August 5, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76-23623 Filed 8-12-76;8:45 am]

[FDA-225-76-2003]

FOOD, FOOD CONTAINERS, AND FOOD-RELATED ARTICLES AND EQUIPMENT

Memorandum of Understanding With Consumer Product Safety Commission

The Food and Drug Administration is announcing that a Memorandum of Understanding has been executed with the Consumer Product Safety Commission on July 26, 1976. The purpose of the memorandum is to delineate areas of jurisdiction in the administration of the Consumer Product Safety Act and the Federal Food, Drug, and Cosmetic Act with respect to food, food containers, and food-related articles and equipment.

Pursuant to the announcement published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697) that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs is issuing this notice.

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
CONSUMER PRODUCT SAFETY COMMISSION
AND THE
FOOD AND DRUG ADMINISTRATION

PURPOSE

The purpose of this Memorandum of Understanding is to delineate the areas of jurisdiction of the respectve signatories for administration of the Consumer Product Safety Act and the Federal Food, Drug, and Cosmetic Act with respect to food, food containers, and food-related articles and equipment.

LEGAL BACKGROUND

A. *CPSC Responsibilities.* The Consumer Product Safety Commission (CPSC) administers the Consumer Product Safety Act (CPSA) (15 U.S.C. 2051 *et seq.*), which was enacted to protect the public from unreasonable risks of injury associated with consumer products. In order to accomplish its mission the Commission is authorized, among other things to issue consumer product safety standards, to establish requirements for warnings and instructions, to declare consumer products banned hazardous products when the public cannot be protected adequately by feasible consumer product safety standards, and to require manufacturers, distributors, and retailers to report potential substantial product hazards associated with consumer products to the Commission, and after opportunity for a hearing, to give notice, and/or repair, replace, or refund the purchase price of the consumer product found to present a substantial product hazard.

The term "consumer product" is defined in section 3(a)(1) of the CPSA (15 U.S.C. 2052(a)(1)) as follows:

The term "consumer product" means any article, or component part thereof, produced or distributed (i) for sale to a consumer for use in or around a permanent or temporary household or residence, a school, in recreation, or otherwise, or (ii) for the personal use, consumption or enjoyment of a consumer in or around a permanent or temporary household or residence, a school, in recreation, or otherwise; but such term does not include—* * *

(I) food, The term "food" as used in this subparagraph means all "food", as defined in section 201(f) of the Federal Food, Drug, and Cosmetic Act, * * *

Thus, articles classified as "food" under the Federal Food, Drug, and Cosmetic Act (FDC Act) (21 U.S.C. 301 et seq.) are not "consumer products" and cannot be regulated under the CPSA.[1] The definition of the term "food" in Section 201(f) of the FDC Act (21 U.S.C. 321(f)) is, therefore, critical in delineating the scope of CPSC's jurisdiction over "consumer products":

The term "food" means (1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article.

B. *FDA Responsibilities.* The Food and Drug Administration (FDA) of the Department of Health, Education, and Welfare has the responsibility for enforcing the FDC Act which, among other things, prohibits the introduction into interstate commerce of articles of food that are adulterated or misbranded. An "adulterated food", as described in section 402 (21 U.S.C. 342), is one which, because of its contents is, among other things, injurious to health or otherwise unfit for food. A "misbranded food", under section 403 of the Act (21 U.S.C. 343), is one which, among other things, is false or misleading in any particular of its labeling. The purpose of the FDC Act is to ensure that foods are wholesome, safe to eat, produced under sanitary conditions, and labeled and packaged in a truthful, informative, and nondeceptive manner. Under the FDC Act, FDA is also responsible for ensuring that "food additives", as defined in section 201(s) (21 U.S.C. 321(s)), are safe under the conditions of their intended use.

NEED FOR CLARIFICATION

The need for this Memorandum of Understanding arose because of uncertainty concerning the scope of the statutory exclusion under the CPSA for all articles defined as "food" by the FDC Act. The need for clarification is acute because determination of whether a potentially hazardous consumer article is a "food" determines as well whether consumers are to be protected from risk of injury or illness by CPSC pursuant to the CPSA or by FDA pursuant to the FDC Act. Congress recognized the need for cooperation between CPSC and other federal agencies when, in section 29(c) of the CPSA (15 U.S.C. 2078(c)), it provided that the Commission and the heads of other departments and agencies engaged in administering programs related to product safety shall, to the maximum extent practicable, cooperate and consult in order to insure fully coordinated efforts.

While this Memorandum addresses the significant food-related jurisdictional issues encountered since enactment of the CPSA in 1972, it is recognized by the two agencies that additional points needing clarification may arise in the future and that changes in this agreement may become necessary.

AGREEMENT

CPSC and FDA have agreed upon the following principles:

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[1] Substances which are "foods" subject to the FDC Act are also excluded from the definition of "hazardous substance" under section 2(f)2 of the Federal Hazardous Substances Act (15 U.S.C. 1261(f)2). They therefore cannot be regulated by CPSC under that Act. However, under section 2(2)(C) of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471(2)(C)), "food" may be made subject by CPSC to a child-resistant (special) packaging requirement.

A. *Aerosol Propellants.* Aerosol propellants included in a food product may be substantially dissipated before the food is ingested. Nevertheless, they are "components" of food and thus "food" within the meaning of the FDC Act and subject to regulation by FDA.

B. *Food Contact Surfaces (Migration).* Articles having food contact surfaces, such as food containers, and food cooking, eating, and preparation articles, from which there is migration of a substance from the contact surface to the food are food "components" and thus "food" within the meaning of the FDC Act and subject to regulation by FDA. *Natick Paperboard Co.* v. *Weinberger*, 525 F. 2d 1102 (1st Cir. 1975); *United States* v. *Articles of Food Pottery*, 370 F. Supp. 371 (E.D. Mich. 1974). However, in any case where there is migration, FDA will have regulatory authority over the article as a "food", and CPSC will have regulatory authority over the article for hazards unrelated to migration (see paragraph C below).

C. *Food Contact Surfaces (No "Migration").* Articles employed in the preparation or holding of food may cause contamination or spoilage without migrating or otherwise becoming a component of the food, e.g., home canning equipment that fails to provide a seal adequate to keep air from passing into stored food; pressure cookers, slow cookers, refrigerators, or freezers which fail to perform at proper temperatures, thereby rendering food unfit to eat; can openers which, in opening a can, cause metal particles from the can (not from the can opener) to be deposited in food. Because such articles do not present a hazard by becoming components of food, they are subject to regulation as "consumer products" by CPSC under the CPSA. (FDA may, of course, take action under the FDC Act against food contaminated or spoiled by such articles if interstate commerce is involved. FDA may also regulate the equipment and procedures employed by commercial processors of food which has been or is to be shipped in interstate commerce when necessary to assure the wholesomeness or safety of such food.)

D. *Food Containers (Mechanical Hazards).* Food containers may present mechanical risks of injury not related to food contamination or spoilage, e.g., a defect in the container which leads to an explosion or breakage of the container, sharp edges presented by the container, defects in the nozzle, etc. Because such articles do not present hazards by becoming components of food, they are subject to regulation by CPSC under the CPSA. Such articles may also be subject to overlapping jurisdiction of FDA under the FDC Act, because FDA has jurisdiction over a food container (even where the container is not a food) which "is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents (food) injurious to health," and because FDA has jurisdiction as well over a food which "bears • • • any • • • deleterious substance" (Sec. 402(a)(1), (6) of the FDC Act, 21 U.S.C. 342(a)(1), (6)).

E. *Technical Assistance.* The Food and Drug Administration will provide, upon the request of CPSC, technical assistance, such as evaluation of sealing efficiency of home canning lids, where FDA determines that it has the technical and laboratory capability to provide such assistance. Results of all evaluations will be reported to CPSC.

F. *Future Jurisdictional Questions.* Each agency will fully cooperate with the other in administrative, regulatory, and technical matters, and will continue to discuss and reach understandings in future jurisdictional questions. This agreement may be modified by mutual consent of both parties, and may be terminated by either party upon a thirty (30) day advance written notice to the other. Any modification or notice of termination will be published in the FEDERAL REGISTER.

For the Consumer Product Safety Commission:

S. JOHN BYINGTON,
Chairman.

Dated: July 23, 1976.

For the Food and Drug Administration:

SHERWIN GARDNER,
for Alexander M. Schmidt, M.D.
Commissioner of Food and Drugs.

Dated: July 26, 1976.

Effective date: This Memorandum of Understanding became effective July 26, 1976.

Dated: August 9, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-23629 Filed 8-12-76;8:45 am]

[Docket No. 76N-0316; DESI 11657]

PROPIOLACTONE FOR STERILIZATION

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

In a notice (DESI 11657; Docket No. FDC-D-305 (now Docket No. 76N-0316)) published in the FEDERAL REGISTER of July 17, 1971 (36 FR 13285), the Food and Drug Administration announced its conclusions that the drug product described below is effective for the sterilization of arterial and osseous (bone) tissue grafts and rabies vaccine. The drug product was also classified as possibly effective for the sterilization of other vaccines and lacking substantial evidence of effectiveness for certain other indications. The notice provided an opportunity for hearing for the indications lacking substantial evidence of effectiveness. No person requested a hearing. The manufacturer of the drug product has deleted the indications classified as possibly effective and lacking substantial evidence of effectiveness. No data were submitted in support of the possibly effective indication.

This notice offers an opportunity for hearing concerning the possibly effective indication, which is now reclassified as lacking substantial evidence of effectiveness, and sets forth the conditions for marketing the drug for the indications for which it continues to be regarded as effective. Persons who wish to request a hearing may do so on or before September 13, 1976.

The notice that follows does not pertain to the indications stated in the July 17, 1971 notice to lack substantial evidence of effectiveness. No person requested a hearing concerning those indications, and they are no longer allowable in labeling. Any such drug product labeled for those indications is subject to regulatory action.

NDA 11-657; Betaprone containing propiolactone; Fellows Medical Division, Chromalloy Inc., 12741 Capital Ave., Oak Park, MI 48237.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, 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 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.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug is effective for the indications listed in the labeling conditions below and lacks substantial evidence of effectiveness for all its other labeled indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug is in liquid form suitable for sterilization of biological materials (not to be used as an injection for humans or animals).

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The indications are as follows:

Propiolactone is indicated for the sterilization of (a) arterial and osseous

(bone) tissue grafts; and (b) rabies vaccine.

3. *Marketing status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before October 12, 1976 the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), 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 application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground 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 applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved 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 all identical, related, or similar drug products.

If an applicant or any 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 September 13, 1976, a written notice of appearance and request for hearing, and (2) on or before October 12, 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 proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

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 such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice 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 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 of opportunity for hearing shall be filed in quintuplicate. Such submissions, 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 (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 11657, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Surgical-Dental Drug Products (HFD–160), Rm. 18B–08, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC–20, Rm. 4–65.

Requests for the report of the National Academy of Sciences-National Research Council: Data Preparation Branch (HFD–614), Division of Drug Information Resources, Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–101), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: August 5, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76–23624 Filed 8–12–76;8:45 am]

[Docket No. 76N–0319; DESI 5319]

RADIOPAQUE MEDIUM CONTAINING SODIUM ACETRIZOATE AND POVIDONE

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

In a notice (DESI 5319; Docket No. FDC–D–310 (now Docket No. 76N–0319)) published in the FEDERAL REGISTER of

June 18, 1971 (36 FR 11765), the Food and Drug Administration announced its conclusions that the drug product described below is effective in hysterosalpingography and possibly effective for the mechanical release of tubal obstruction. The manufacturer of the drug product has deleted the possibly effective indication from the labeling. No person has submitted any data in support of the possibly effective indication, and that indication is now reclassified as lacking substantial evidence of effectiveness. This notice offers an opportunity for a hearing concerning that indication and sets forth the conditions for marketing the drug product for the indication for which it continues to be regarded as effective. Persons who wish to request a hearing may do so on or before September 13, 1976.

NDA 9-008; Salpix Contrast Medium; containing sodium acetrizoate and povidone; Ortho Pharmaceutical Corp., Rt. 202, Raritan, NJ 08869.

Such drugs are regarded as new drugs (21 U.S.C. 321 (p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, 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 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.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug is effective for the indications listed in the labeling conditions below. The drug now lacks substantial evidence of effectiveness for the indication evaluated as possibly effective in the June 18, 1971 notice.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Preparations containing sodium acetrizoate and povidone are in sterile form suitable for hysterosalpingography.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indication is as follows:

For use in hysterosalpingography.

3. *Marketing status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before October 12, 1976, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1 (f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), and 21 CFR 300.50, demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), 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 application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground 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 applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved 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 all identical, related, or similar drug products.

If an applicant or any 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 September 13, 1976, a written notice of appearance and request for hearing, and (2) on or before October 12, 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 proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

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 such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice 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 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 of opportunity for hearing shall be filed in quintuplicate. Such submissions, 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 (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 5319, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Oncology and Radiopharmaceutical Drug Products (HFD–150), Rm. 17–34, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC–20), Rm. 4–65.

Request for the report of the National Academy of Sciences-National Research Council: Data Preparation Branch (HFD–614), Division of Drug Information Resources, Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–101), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: August 5, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76–23626 Filed 8–12–76;8:45 am]

Health Services Administration

APPOINTMENT OF UNIFORMED GUARDS AS SPECIAL POLICEMEN

Delegation of Authority

Notice is hereby given that, in furtherance of the delegation of authority to the Secretary of Health, Education, and Welfare by the Administrator of General Services concerning the appointment of uniformed guards of the Department of Health, Education, and Welfare as special policemen for duty in connection with the policing of the Staten Island, New York, U.S. Public Health Service Hospital (41 FR 19162, May 10, 1976), the following delegation, with authority to redelegate, has been made effective:

1. From the Secretary of Health, Education, and Welfare to the Assistant Secretary for Health, pursuant to the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), as amended, authority to appoint uniformed guards as special policemen, to make all needful rules and regulations, and to annex to such rules and regulations such reasonable penalties (not to exceed those prescribed in 40 USC 318(c) as will ensure their enforcement for the protection of persons and property at the U.S. Public Health Service Hospital, Staten Island, New York, over which the United States has exclusive jurisdiction. Such authority to be exercised in accordance with the limitations and requirements of the above cited acts and the policies, procedures, and controls prescribed by the General Services Administration.

Dated: August 5, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76–23654 Filed 8–12–76;8:45 am]

Office of Child Support Enforcement

AUDIT AND PENALTY REQUIREMENTS

Availability of Draft Policies

On July 9, 1976, the Office of Child Support Enforcement (OCSE) published in the FEDERAL REGISTER (40 FR 28344) a Notice of Intent to Publish Proposed Regulation on Audit and Penalty Requirements Under Title IV–D of the Social Security Act. OCSE has developed draft proposed regulations preparatory to publication of a Notice of Proposed Rule Making. In order to obtain maximum possible participation in the development of the proposed rule, OCSE is making this draft available commencing August 16, 1976 to interested States organizations and individuals upon request.

Copies may be requested by writing to:

Department of Health, Education, and Welfare, Office of Child Support Enforcement, 330 C St. SW., Washington, D.C. 20201, ATTN: Ms. Dunn

or telephoning (202) 245–8717.

Dated: August 10, 1976.

DON WORTMAN,
Action Director, Office of Child Support Enforcement.

[FR Doc.76–23676 Filed 8–12–76;8:45 am]

Office of the Secretary

[Contract No. HEW—100–76–0133]

DESIGN OF AN ANALYTIC MODEL AND SURVEY INSTRUMENT FOR DATA ON SINGLE-PARENT HOUSEHOLDS FOR A FOLLOW-ON SIE SURVEY

Contract Award

Pursuant to section 606 of the Community Services Act of 1974 (Pub. L. 93–644) 42 U.S.C. 2946, this agency announces the award of Contract No. HEW—100–76–0133 to Radd Associates, Ltd., 1750 Pennsylvania Avenue NW., Suite 301, Washington, D.C. 20006 for a research project entitled, "Design of an Analytic Model and Survey Instrument for Data on Single-Parent Households for a Follow-On SIE Survey." This effort will include: 1) the design of a questionnaire to be administered to a sample of single heads of families, with minor children, identified by the Survey of Income and Education (Bureau of the Census); and 2) the development of a model for analyzing the resulting data. The purpose of the follow-on survey is to generate basic demographic data about this population. The cost of this contract is $9,251.96 and the intended completion date is July 19, 1976.

Dated: August 9, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76–23656 Filed 8–12–76;8:45 am]

EVALUATION OF PERSONAL CARE ORGANIZATIONS AND OTHER IN-HOME ALTERNATIVES TO NURSING HOME CARE FOR ELDERLY AND LONG-TERM DISABLED

Program Results

Pursuant to section 606 of the Community Services Act of 1974 (Pub. L. 93–644) 42 U.S.C. 2946, this agency announces the results, findings, data, or recommendations reported as a result of activities associated with HEW project entitled, "Evaluation of Personal Care Organizations and Other In-Home Alternatives to Nursing Home Care for the Elderly and Long-Term Disabled."

This final report focused upon the identification, critical assessment and integration of the available evidence concerning the cost-effectiveness and efficiency of in-home alternatives to institutional care. Major findings revealed a lack of standard methodologies and instruments across previous studies, limitations in size of programs, and little variation in location. Because of these limitations, results of these projects will provide only answers in the most qualified sense on the effectiveness and cost-efficiency of alternatives to institutionalization.

Experimentation using local day care and home care projects did not appear feasible due to the negativism exhibited toward randomization among clients in addition to the limited capacity of such

projects to significantly alter the scope of their operations.

Finally, this report described requirements of a prospective design to assess alternatives to institutional care. The feasibility of the experimental options was judged on the basis of four factors: technical, contractual, environmental, and financial.

A copy of this report will be filed and available as soon as possible, from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Dated: August 9, 1976.

WILLIAM A. MORRILL,
Assistant Secretary of Planning and Evaluation.

[FR Doc.76-23660 Filed 8-12-76;8:45 am]

OFFICE OF THE ASSISTANT SECRETARY, COMPTROLLER

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the statement of organization, functions, and delegations of authority for the Department of Health, Education and Welfare, Office of the Secretary, is amended to revise Section 1W0902—Division of Accounting Operations (39 FR 42407, December 5, 1974, as amended). The change is made to expand the mission statement and to reflect the transfer of systems programming and analysis support from the Division of Systems Planning to the Division of Accounting Operations under the Deputy Assistant Secretary, Finance. This change is reflected as follows:

Replace Section 1W0902.00 Mission with the following Section 1W0902.00 Mission. The Division of Accounting Operations provides accounting, financial reporting, and fiscal services for the Office of the Secretary, which includes the Working Capital and Consolidated Funds, Office of Human Development, Departmental Management, Office for Civil Rights and the Office of Consumer Affairs.

Add to Section 1W0902.20 Functions the following:

11. Plans, develops, and maintains the accounting system for the Office of the Secretary.

Dated: August 5, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76-23655 Filed 8-12-76;8:45 am]

POLICY ANALYSIS SOURCE BOOK FOR SOCIAL PROGRAMS

Program Results

Pursuant to section 606 of the Community Services Act of 1974 (Pub. L. 93-644) 42 USC 2946, this agency announces the results of the HEW project entitled "The Policy Analysis Source Book for Social Programs." The Source Book was prepared by the National Planning Association under contract to the National Science Foundation's Research Applied to National Needs Program, with support from NSF and HEW's Policy Research Program.

The Source Book is an annotated bibliography of materials analyzing the effectiveness and efficiency of current and alternative social programs, including health, housing, education, income maintenance, transportation, social services, energy, and environmental protection.

The 1,200 page, two volume Source Book contains about 4,000 abstracts, each summarizing the scope and findings of a book, article, or report dealing with social programs or problems. Items were selected on the basis of policy relevance and quality. Indexing is designed to enable a user to find materials using a given methodology such as benefit-cost analysis, or dealing with a specific aspect of program effectiveness such as income distribution effects, regardless of original source or subject field. The book is intended for the desk-side use of policy analysts and evaluators. It provides quick reference to pertinent materials a busy staff person would otherwise never know about.

The basic purpose of the Source Book is to improve the quality of the analysis and information used in reaching social decisions. It is primarily intended for use by Federal government staff, but will also be of value to state and local officials, academic researchers, and others concerned with improving the functioning of social programs.

The approach used in creating the Source Book was to select the small portion of research, analysis, and evaluation most useful and relevant to policymaking. Journals, libraries, bibliographies, and experts were consulted to obtain nominations. No known substitute in coverage or focus exists, since most other systems or collections include all material from specific sources or on a given subject, regardless of its policy relevance.

Copies of the book are available through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at a price of $15.00 paperbound.

Dated: August 9, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc. 76-23659 Filed 8-12-76;8:45]

[Modification of Contract No. HEW-100-75-0179]

PROJECT SHARE: CAPACITY BUILDING CLEARINGHOUSE

Contract Modification

Pursuant to section 606 of the Community Services Act of 1974 (Pub. L. 93-644) 42 USC 2946, this agency announces the modification of Contract No. HEW-100-75-0179 to Aspen Systems Corporation, 11600 Nabel Street, Rockville, MD 20852, for a research project entitled "Project Share: A National Clearinghouse for Improving the Management of Human Services." The purpose of this project is to meet the need expressed by State and local officials for current information on innovative approaches to planning and managing the delivery of human services by acquiring, announcing, and making available documents relevant to the planning, management, and delivery of human services, by providing a source of documentary and reference services, and by analyzing and synthesizing reports describing human services integration activities. The estimated increase in the contract is $286,834, and the intended completion date is June 30, 1977.

Dated: August 9, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76-23658 Filed 8-12-76;8:45 am]

[Contract No. HEW-100-76-0170]

RESEARCH ON SOCIAL INSURANCE

Contract Award

Pursuant to section 606 of the Community Services Act of 1974 (Pub. L. 93-644), 42 USC 2946, this agency announces the award of contract No. HEW-100-76-0170 to the National Bureau of Economic Research, Inc., 204 Junipero Serra Boulevard, Stanford, CA 94305. The purpose of this project is to conduct a critical review of the existing literature in social insurance, to identify the major analytical and policy issues, and to conduct research in selected areas where the previous research is inadequate. The estimated cost of this contract is $156,890.00 and the intended completion date is June 30, 1977.

Dated: August 9, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76-23657 Filed 8-12-76;8:45 am]

YEAR ROUND SCHOOL EVALUATION DESIGN

Program Results

Pursuant to section 606 of the Community Services Act of 1974, (Pub. L. 93-644) 42 USC 2946, this agency announces the results of an HEW project entitled "Year Round School Evaluation Design."

This project reviewed the history of year-round schools in the United States, ascertained the extent of year-round school programs in 1975, reviewed the research literature, and presented case studies of programs; which were planned but never implemented, implemented and discontinued or are ongoing.

Considerable interest and activity in year-round schools at the State and local level was identified and contrasted with a lack of knowledge at the Federal level. The general inadequacy of existing year-round school research was identified and

a proposed agenda for research at the Federal level was described.

A copy of this report will be available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Dated: August 9, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76-23661 Filed 8-12-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-76-580]

NEWLY CONSTRUCTED HOUSING FOR LOWER-INCOME FAMILIES IN RURAL AREAS

Memorandum of Understanding on Use of Section 8 of the United States Housing Act of 1937 and Section 515 of the Housing Act of 1949

I. INTRODUCTION

For the purpose of encouraging and facilitating the use of assistance under Section 8 of the United States Housing Act of 1937 and Section 515 of the Housing Act of 1949, as amended, to provide newly constructed housing for lower-income families in rural areas, the Department of Agriculture (hereinafter referred to as the Farmers Home Administration (FmHA)) and the Department of Housing and Urban Development (HUD) hereby agree to the policies, procedures and joint working arrangements set forth in this Memorandum. The Secretary of each Department will expedite all necessary actions to implement this Memorandum.

II. PROPERTY STANDARDS

FmHA agrees that any Section 515 Rural Rental Housing Project to be assisted by the Section 8 Housing Assistance Payments Program pursuant to this Memorandum will be in accord with HUD Minimum Property Standards, (7 CFR 1804.-3) and appropriate State and local laws, codes, ordinances and regulations.

III. CONTRACT AND FAIR MARKET RENTS

A. FmHA agrees to provide interest credit on any newly constructed Section 515 project to be assisted by Section 8 housing assistance payments to reduce the effective interest rate applicable to the Section 8 units by one percentage point below the FmHA interest rate in effect for Section 515 loans at the time of loan closing.

B. HUD agrees to accept FmHA certifications on a project-by-project basis that Contract Rents are reasonable based on the quality, location, amenities and management and maintenance services to be provided and do not exceed the applicable Fair Market Rents for newly constructed Section 8 units. HUD will provide the FmHA State Directors on request with the current applicable Fair Market Rents for newly constructed Section 8 units as published in the FEDERAL REGISTER and in effect at the time the certification is made.

C. HUD agrees to provide the FmHA State Directors on request with the current income limits for determining eligibility for the Section 8 program.

IV. SITE AND NEIGHBORHOOD STANDARDS

The site (location) and neighborhood standards to be set forth in the revised FmHA regulations which have been agreed to by HUD and FmHA shall be applicable to all newly constructed Section 515 projects to be assisted by Section 8 housing assistance payments. HUD agrees to accept FmHA's certification as to compliance with such standards on a project-by-project basis.

V. EQUAL OPPORTUNITY REQUIREMENTS

A. FmHA agrees to assure compliance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Orders 11063 and 11246, and Section 3 of the Housing and Urban Development Act of 1968 and will issue regulations pursuant thereto.

B. HUD agrees to accept certifications from FmHA that projects approved by FmHA will be developed and operated in accordance with the provisions of paragraph V(A) above.

VI. ENVIRONMENTAL STANDARDS

A. HUD and FmHA have issued regulations to implement the National Environmental Policy Act (NEPA) in accordance with guidelines issued by the Council on Environmental Quality (CEQ). HUD and FmHA agree to discuss their environmental regulations, procedures and forms to achieve uniform thresholds and forms.

B. FmHA shall comply with NEPA and all rules, regulations and requirements issued by FmHA pursuant thereto including:

1. Environmental assessments will be made for such projects with 5 or more units;

2. The suitability and effect of the existing environment will be considered for each project for which an assessment is required, as well as the impacts that would result from a project approval;

3. Proposals shall be rejected if, after appropriate modifications to a proposal, there would remain environmental impacts which are unacceptable under NEPA and FmHA policies.

C. HUD agrees to accept the certification that sites approved by FmHA are in accordance with the provisions of paragraph VI (B) above.

VII. RELOCATION

In the case of a Public Housing Agency (PHA)-Owner project which is to be constructed on a site which has occupants, the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 will be met.

VIII. DAVIS-BACON WAGE RATES

A. FmHA agrees to assure that not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (49 Stat. 1011), shall be paid to all laborers and mechanics employed in the development of any new construction project with nine or more assisted units.

B. HUD agrees to accept a certification on a project-by-project basis from FmHA that there will be compliance with the provisions of paragraph VIII (A) above.

IX. OTHER FEDERAL REQUIREMENTS

FmHA agrees to comply with the following requirements:

1. Clean Air and Federal Water Pollution Control Act and all rules and regulations and requirements issued by FmHA pursuant thereto.

2. The National Historic Preservation Act (Pub. L. 89-665), the Archeological and Historic Preservation Act of 1974 (Pub. L. 93-291) and Executive Order 11593 on Protection and Enhancement of the Cultural Environment.

X. DISTRIBUTION OF HOUSING ASSISTANCE FUNDS

A. Housing assistance funds shall be allocated by HUD in accordance with the requirements of Section 213(d)(1) of the Housing and Community Development (HCD) Act of 1974 and HUD regulations pursuant thereto.

B. The HUD field office director, in planning the utilization of housing assistance funds in accordance with the Section 213(d)(1) factors, shall consult with the appropriate FmHA State Director(s) in order that the use of the housing assistance funds be coordinated as nearly as possible with FmHA Section 515 activities.

C. HUD agrees to make a set-aside during Fiscal Year 1976, including the transition quarter, sufficient Section 8 contract authority to assist not less than 4,000 newly constructed dwelling units to be financed by the FmHA under the Section 515 rural rental housing program. Subject to congressional authorization of contract authority, HUD agrees to make a set-aside of such assistance for not less than 10,000 units in subsequent fiscal years.

D. To the extent any Section 8 housing assistance funds set-aside for use with Section 515 projects are not committed to such projects 45 days prior to the end of any fiscal year, HUD may withdraw and redistribute such funds except that HUD will not withdraw any Section 8 funds which FmHA advises HUD will be committed before the end of the fiscal year. Funds shall be deemed to be committed for such projects after receipt and review by HUD of the Form AD-621 (Preapplication for Federal Assistance) and the verification by HUD's Regional Accounting Division of the availability of funds.

XI. BASIC PROCESSING

A. When FmHA has a completed Form AD-621 (Preapplication for Federal Assistance) for a section 515 project for which a commitment for Section 8 assistance is desired, it shall transmit a

copy of the completed form and all completed attachments with a covering letter stating that Section 8 is desired. Upon receipt thereof, the HUD field office director shall initiate reviews under Section 213 of the HCD Act, all reviews to establish acceptability under HUD's previous participation requirements, and any reviews necessary to establish consistency with the Section 8 requirements. HUD shall indicate to FmHA any negative information on the proposed project as submitted, the availability of funds and that funding is contingent upon compliance with Section 213 requirements and clearance under the previous participation requirements.

B. Such reports as may be deemed necessary by HUD and FmHA concerning Section 8/Section 515 projects will be provided to HUD.

XII. EXECUTION OF AGREEMENTS TO ENTER INTO HOUSING ASSISTANCE PAYMENTS CONTRACT AND HOUSING ASSISTANCE PAYMENTS CONTRACT

A. HUD will prepare an Agreement to Enter Into Housing Assistance Payments Contract for execution by the owner only after receipt of certifications on a project-by-project basis by FmHA. The certifications to be submitted at this time are as specified in paragraphs III(B), IV, V(B), VI(C), and VIII(B).

B. HUD will prepare a Housing Assistance Payments Contract for execution by HUD and the owner after the project is completed and FmHA submits on a project-by-project basis, certifications that:

1. The project was completed in accordance with the requirements of the Agreement to Enter Into Housing Assistance Payments Contract.

2. The project is in good and tenantable condition.

3. The project has been constructed in substantial compliance with drawings and specifications except for ordinary punchlist items or incomplete work awaiting seasonal opportunity.

4. There has been no change in management capability.

C. If HUD has any information or other substantial reason to question the correctness of any FmHA certification, HUD shall promptly bring the matter to the attention of FmHA and FmHA shall advise HUD of its final determination in the matter.

XIII. HUD REVIEW RESPONSIBILITIES

A. FmHA assumes no responsibility for assuring compliance by the owner with the terms of the Housing Assistance Payments (HAP) Contract. FmHA and HUD agree to attempt to work out procedures for FmHA to assume responsibility for Housing Assistance Payments Contract compliance for Private-Owner and Public Housing Agency-Owner projects.

B. It is understood that to carry out its responsibilities for the administration of the Section 8 program, HUD may audit and review FmHA Section 8 related activities for compliance with outstanding HUD requirements covered by the provisions of this Memorandum of Understanding.

XIV. INTER-DEPARTMENTAL TASK FORCE

FmHA and HUD agree to the establishment of an inter-departmental task force, consisting of Headquarters and field office personnel, which will periodically, and as needed, convene for the purpose of reviewing program issues and recommending solutions thereto to assure the effective coordination of the Section 8 and Section 515 in areas served by the FmHA.

XV. TRAINING

FmHA and HUD agree to make available appropriate personnel to carry out any inter-departmental training that may be necessary to implement an effective combination of the Section 8 and Section 515 programs.

Dated: June 23, 1976.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.76-23706 Filed 8-12-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27114 etc.]

PAN AMERICAN WORLD AIRWAYS, INC.-TRANS WORLD AIRLINES, INC.

Route Agreement; Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 8, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

For information concerning the issues and other details involved in this proceeding, interested persons are referred to Order 76-7-40, dated July 12, 1976, instituting this proceeding, Order 76-8-20, dated August 4, 1976, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 9, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-23693 Filed 8-12-76;8:45 am]

[Docket 28848]

WICHITA CASE; IMPROVED AUTHORITY

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on September 13, 1976, at 9:30 a.m. (local time), in the First Floor Auditorium, Kansas Gas and Electric Company Building, 201 North Market Street, Wichita, Kansas, before the undersigned administrative law judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on June 22, 1976, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 9, 1976.

GREER M. MURPHY,
Administrative Law Judge.

[FR Doc.76-23692 Filed 8-12-76;8:45 am]

CIVIL SERVICE COMMISSION

ADVISORY COMMITTEE ON ADMINISTRATIVE LAW JUDGES

Establishment

The Advisory Committee on Administrative Law Judges has been established in the public interest by the Chairman of the Civil Service Commission under the authority of 5 U.S.C. 1305 and pursuant to the applicable provisions of the Federal Advisory Committee Act, Pub. L. 92-463.

The purpose of the Committee is to make recommendations to the Civil Service Commission for improvements in managerial effectiveness and utilization of Administrative Law Judges in the Federal Government in connection with recruitment and selection, selective certification procedures, classification, administrative support and facilities, productivity (including processing time and quality of decisional work), standards of performance (including discipline), and trends in legislation requiring formal APA hearings and an increase in the number of Administrative Law Judges.

Copies of the Committee's charter will be filed with Committees of the Congress and with the Library of Congress in accordance with section 9(c) of the Federal Advisory Committee Act. Inquiries regarding this notice may be addressed to Arthur L. Burnett, Assistant General Counsel, Legal Advisory Division, Office of General Counsel, Civil Service Commission.

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

[FR Doc.76-23635 Filed 8-12-76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 77, of the proposed addition of the following commodity to Procurement List 1976, November 25, 1975 (40 FR 54742).

Class 8465: Bag, Soiled Clothes, Nylon; 8465-00-122-3869.

Comments and views regarding the proposed addition may be filed with the Committee on or before September 13, 1976. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-23614 Filed 8-12-76;8:45 am]

PROCUREMENT LIST 1976

Proposed Deletions

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 77, of the proposed deletion of the following commodities from Procurement List 1976, November 25, 1975 (40 FR 54742).

MILITARY RESALE ITEM NUMBERS AND DESCRIPTIONS

906—Broom, corn
921—Mop, self-wringing
927—Mophead, wet
929—Mop, dusting
930—Applicator, wax
931—Refill, wring easy mop
938—Refill, wax applicator
939—Refill, mophead, dusting
942—Cloth, dish
943—Cloth, dishwashing
953—Scrubber, plastic
967—Bag, laundry
981—Cloth, all purpose
982—Cloth, polishing
984—Cloth, wash
985—Bib, terrycloth
992—Mat, floor
997—Duster, all purpose

Comments and views regarding these proposed deletions may be filed with the Committee on or before September 13, 1976. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-23673 Filed 8-12-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

FOOD, FOOD CONTAINERS, AND FOOD-RELATED ARTICLES AND EQUIPMENT

Memorandum of Understanding With the Food and Drug Administration

CROSS REFERENCE: For a document giving notice of a Memorandum of Understanding between the U.S. Consumer Product Safety Commission and the Food and Drug Administration regarding certain related objectives in carrying out their respective responsibilities in the administration of the Consumer Product Safety Act and the Federal Food, Drug, and Cosmetic Act with respect to food, food containers, and food-related articles and equipment, see FR Doc. 76-28269 appearing at page 34342 of this issue of the FEDERAL REGISTER.

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Receipt

Environmental impact statements received by the Council on Environmental Quality from August 2 through August 6, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (September 27, 1976) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental, Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, (202) 447-3965.

FOREST SERVICE

Draft

Magpie-Confederate Planning Unit, Helena N.F., Broadwater, Lewis and Clark Counties, Montana. August 2: Proposed is the implementation of a Multiple Use Plan for the Magpie-Confederate Planning Unit, Helena National Forest. The unit encompasses 83,773 acres of National Forest in the Big Belt Mountains of Montana. The goal of the proposed plan is economic stability of the surrounding community with proper use of resources. Adverse impacts range from those normally associated with complete vegetation removal by clear-cutting and dozer piling, road construction, or mining, to selective removal of grass and forbs by grazing cattle or wildlife. (194 pages) (ELR ORDER No. 61130.)

Ninemile-Mill Unit Plan, Lolo N.F., several Counties in Montana, August 4: The proposed action is for the implementation of a revised multiple use plan for the Ninemile-Mill Planning Unit, Lolo National Forest. This action affects 120,950 acres of National Forest land of which 115,262 acres are in Missoula County, 5,120 acres are in Mineral County, 330 acres are in Lake County, and the remaining 238 acres are in Sanders County. Adverse effects include alteration of the natural landscape and disturbance of the natural condition of vegetation, soil, water, and wildlife. (199 pages) (ELR ORDER No. 61137.)

Gallina Unit Plan, Santa Fe National Forest, Rio Arriba and Sandoval Counties, New Mexico, August 6: Proposed is a management plan for the 59,780 acre Gallina Planning Unit, Santa Fe National Forest. The proposal recognizes the need to continue commodity management at about the current level while continuing the protection of amenity values. Adverse effects include temporary impacts from commodity production resulting in soil disturbance, dust from unsurfaced roads, vegetative debris, and surface erosion when ground cover is reduced (115 pages). (ELR Order No. 61145.)

Final

Twelvemile Unit Land Use Plan, Salmon National Forest, Lemhi County, Idaho, August 2: Proposed is a land use plan for the 54,500 acre Twelvemile Planning Unit, Salmon National Forest, which is located in the north central portion of Idaho. The major environmental effects resulting from project implementation will be due to timber harvest, access road construction, and possible mining activities. Adverse effects include landscape alterations due to implementation of resource activities and some accelerated erosion and water degradation associated with access road construction (206 pages). Comments made by: HUD, DOI, EPA, USDA, State agencies and concerned citizens. (ELR Order No. 61124.)

Long Park Reservoir, Daggett County, Utah, August 2: The proposed project provides for constructing an earth filled dam approximately 103 feet high and 725 feet long, located at Long Park in Sections 13, 14, and 15 on National Forest lands within Daggett County, Utah. The reservoir capacity will be about 13,700 acre feet with a surface area of 400 acres. Adverse effects include the inundation of about 400 acres of timber and forage producing land, and considerable soil disturbance. (102 pages). Comments made by: DOI, USDA, State and local agencies, and concerned citizens. (ELR Order No. 61121.)

Salina Planning Unit, Fishlake National Forest, Sevier County, Utah, August 2: Proposed is a Land Use Plan for the 328,990-acre Salina Planning Unit located on the Fishlake National Forest, Utah. Adverse effects include the elimination of vegetative cover by mining, road construction, and heavy recreation pressure. Some wildlife habitat, primarily big game winter range, will be destroyed where the remainder of I-70 is to be constructed. (97 pages.) Comments made by: USDA, DOC, EPA, DOI, FEA, State and local agencies, and concerned citizens. (ELR Order No. 61123.)

Ryan Park Winter Sports Site, Medicine Bow National Forest, Carbon County, Wyo., August 2: Proposed is the allocation of 280 acres of National Forest land adjacent to Ryan Park, Wyoming for a winter sports site. The current allocation of 67 acres for a winter sports site at the nearby Ryan Park Ski Village would be terminated. Adverse effects include the loss of 10 acres of land from wood production, and an increase in the consumption of energy. (155 pages). Comments made by: EPA, DOI, USDA, State and local agencies, and concerned citizens. (ELR Order No. 61116.)

SOIL CONSERVATION SERVICE

Final

Anasco River Watershed, Puerto Rico, August 2: This project entails the construction of flood detention and sediment control structures and 26.62 miles of channel works in the Anasco River Watershed, Puerto Rico. Impacts include the conversion of 145 acres of crop and pasture land into channels, the conversion of 78 acres of crop and pasture land into maintenance berms and spoil areas, relocation of 25 families and 2 farms, loss of agricultural and wildlife use on 88 acres, inundation of 4,720 feet of perennial streams, and increased turbidity in project channels during construction. (114 pages). Comments

made by: DOT, HEW, COE, EPA, DOC, HUD, Commonwealth agencies, and private organizations. (ELR Order No. 61129.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attention: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314. (202) 693-6795.

Draft

Bay Port and Caseville Harbors, Maintenance, Michigan, August 3: Proposed is the maintenance dredging of the navigation channels at Bay Port and Caseville Harbors during May and June of 1977 (FY 1977) to remove the shoaling. It is estimated that about 17,000 cubic yards of unpolluted material must be removed from Bay Port Harbor and about 30,000 cubic yards from Caseville Harbor. Adverse effects include temporary turbid conditions and a decline in water quality in dredging and disposal areas. Aquatic life in both locations will be disturbed or destroyed. (Detroit District) (134 pages). (ELR Order No. 61134.)

Final

Red Rock Dam and Lake, Maintenance, several counties, Iowa, August 2: Proposed is the operation and maintenance of Red Rock Dam and Lake Red Rock which provides flood protection and low-flow augmentation downstream. Adverse impacts include periodic inundation of terrestrial habitat between 725 msl and 780 msl, an estimated 4,400 acre-feet of sediment deposited in the upper reaches of the lake, seasonal fluctuations in Lake levels resulting in an unstable environment for aquatic life, and period inundation of historical and archaeological sites. (Rock Island District) (295 pages) Comments made by: EPA, DOI, DOC, USDA, DOT, HEW, and State and local agencies, and concerned citizens. (ELR Order No. 61118.)

Grand Haven Harbor, Shore Damage Mitigation, Ottawa County Mich., August 4: Proposed is a project to mitigate shore erosion in the vicinity of Grand Haven Harbor that is attributable to the Federal navigation structures at the harbor. Sediment accumulation at the harbor mouth will serve as the unpolluted source of material for seven beach nourishment supply sites. The dredging will cause temporary benthic damage, displacement of fish, night-time nuisance light, exhaust emissions discharge, inconvenience during operations, and associated detraction from the recreational and aesthetic qualities of the area. (Detroit District). (217 pages).

Comments made by: DOI, USDA, DOC, DOT, and FPC. (ELR Order No. 61136.)

Iatan Steam-Electric Generating Facility, Platte County, Mo., August 6: Kansas City Power and Light Company and St. Joseph Light and Power Company have applied for a permit for proposed construction of a 630 Megawatt coal-fired steam-electric generating facility and appurtenant structures on and in the Missouri River near the town of Iatan, Missouri. The project will require the displacement of 2 families. The use of a once-through cooling system would adversely affect plankton, fish, fish eggs, and larvae carried through the system. Some fish would be lost from impingement on the intake screens. Construction disruption would result. (Kansas City District) (204 pages) Comments made by: USDA, HUD, DOC, 2HEW, 2DOI, 2EPA, FPC, and State and local agencies. (ELR Order No. 61149.)

Conchas Lake O&M, Canadian River, San Miguel, County, N. Mex., August 3: Proposed is the continued operation and maintenance of Conchas Lake for irrigation and flood control. Project implementation would involve implementation of the current Master Plan including expansion and upgrading of roads and project lands and landscaping. Adverse effects include the loss of existing vegetation and small animal habitat, and the intermittent inundation of some 13,375 acres. (Albuquerque District). (111 pages). Comments made by: IBWC, DOI, HEW, ERDA, EPA, AHP, USDA, FPC and State agencies. (ELR Order No. 61133.)

Fort Fisher and Vicinity, New Hanover County, N.C., August 6: The statement proposes a project that would preserve the Fort Fisher Historic Site and related facilities by means of a rubble revetment along the entire upland bluff fronting the Site, artificial beach fill, and periodic beach replenishment. Temporary construction disruption would result. (Wilmington District). (98 pages). Comments made by: DOI, DOT, EPA, and State agencies. (ELR Order No. 61147.)

San Juan Harbor, Puerto Rico, August 6: The statement refers to consideration of a plan to deepen, widen, and possibly realign and extend San Juan Harbor navigation channels, turning basins, maneuvering areas, and anchorages, creation of a new anchorage and cruiseship basin and incorporation of Sabana approach channel into the authorized Federal project. Adverse impacts include the destruction of benthic organisms, temporary increased turbidity and some localized increased toxicity. (133 pages). Comments made by: USDA, DOC, DOI, FPC, EPA, DOT, USCG, and Commonwealth agencies. (ELR Order No. 61146.)

Lavon Lake, East York Trinity River, Texas, August 2: The statement refers to the on-going modification of Lavon Lake, East York Trinity River, for increased storage of conservation water. The project is operated for flood control, water conservation, and recreational purposes. Adverse impact of the action includes the commitment of 10,230 acres of agricultural lands to project measures. (Fort Worth District). (144 pages). Comments made by: USCG, USDA, HEW, DOI, and State and local agencies, and concerned citizens. (ERL Order No. 61119.)

Offshore Terminal & Submarine Pipeline, Permit, Virgin Islands, August 6: Proposed is the issuance of a dredge and construction permit to Hess Oil Virgin Islands Corporation (HOVIC) for the purpose of constructing an offshore oil tanker unloading terminal and submarine pipeline approximately 2 miles south of the HOVIC refinery at Limetree Bay, St. Croix. Adverse effects include destruction of 4½ acres of reef coral habitat and killing of some fish by blasting. Suffocation of adjacent corals, benthic algaes, and seagrasses would also occur due to suspended solids. (Jacksonville District) (195 pages). Comments made by: DOC, EPA, DOI, USCG, USDA, and FPC. (ELR Order No. 61148.)

Supplement

Saw Mill River Flood Control (S-2), New York, August 4: The supplement concerns the modified plan for flood control on the Saw Mill River at Yonkers, New York. The modified plan consists of a U-shaped concrete channel in lieu of the vertical sheet pile plan previously recommended. The project will result in the loss of fish and wildlife habitat and the aesthetic effect of the modified appearance of the streams and the land due to the presence of structural works. (New York District). (104 pages). Comments made by: HUD, DOI, EPA, HEW, AHP, and State and local agencies, N.Y. University. (ELR Order No. 61135.)

DEPARTMENT OF DEFENSE

NAVY

Contact: Mr. Peter M. McDavitt, Special Assistant to the Assistant Secretary of the Navy (Installations and Logistics) Washington, D.C. 20350, (202) 692-3227.

Draft

NAS OCEANA/ALF FENTRESS Land Use Zoning, Virginia, August 4: Proposed are restrictive use easements on lands in high accident potential areas and high noise areas adjacent to NAS OCEANA in Virginia Beach, Virginia, and adjacent to ALF FENTRESS in Chesapeake, Virginia. Also proposed is the acquisition, by fee title, of land within the runway clear zone at NAS OCEANA. Adverse effects are expected to be minimal and include a potential reduction of the value and marketability of the land involved, and removal from the city tax rolls of the land to be acquired by fee title. (67 pages). (ELR Order No. 61138.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6308.

Draft

White Marsh Joint Venture, Baltimore County, Md., August 4: Proposed is a subdivision of 430 acres with local planning and zoning approval for 3,000 mixed housing units, in White Marsh, Maryland. The residential community is part of a larger 1,500 acre development which will include a 200 acre shopping mall, an office park, and industrial development. Negative impacts include conversion of woodland to urban use, some increase in air pollution and noise levels and increased traffic congestion on local roads. (Region 3). (70 pages). (ELR Order No. 61141.)

104h

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD).

Final

Park Forest—Richton Park Stormwater Retention, Illinois, August 6: Proposed is the construction of one stormwater detention basin in Park Forest Census Tract 8304, Illinois. The project will benefit all persons in the Villages of Park Forest and Richton Park by preventing the flooding that now occurs on the project site and adjacent area, and by increasing active recreational facilities. Adverse effects include disturbance of marshland. (214 pages). Comments made by: EPA, DOI, State agencies, and concerned groups and individuals. (ELR Order No. 61150.)[1]

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260,

[1] CEQ did not receive copies of the draft EIS or publish notice of its availability, but it appears that all other appropriate parties did receive copies by early June. EPA's date of receipt was June 1. In such cases, CEQ counts the review period from EPA's receipt date. Thus the minimum review period for the draft EIS expired on July 15. The 30 day review period for the final EIS begins, as usual, on CEQ's date of receipt, which was August 6.

Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BUREAU OF LAND MANAGEMENT

Draft

Emery Power Plant, Emery County Utah, August 3: Proposed is the construction and operation of two 420 megawatt coal-fired, steam-electric generating units by the Utah Power and Light Co. in Emery County, Utah. Two 345 Kilovolt transmission lines would deliver power to substations near Camp Williams and Sigurd, with a third line tying the two substations together. The project would meet Class II air quality limitations under the Prevention of Significant Deterioration Regulations, but the plant would be within a 100 mile radius of a number of National Parks, Recreational areas, Monuments and Forests, all of which have the potential of redesignation to a Class I area. (679 pages). (ELR Order No. 61131.)

BUREAU OF OUTDOOR RECREATION

Final

Upper Delaware National Scenic River, Pennsylvania, and New York, August 2: The statement refers to a proposal that 75.4 miles of the Upper Delaware River, between Hancock, New York and Matamoras, Pennsylvania, be included in the National Wild and Scenic River System upon a determination by the Secretary of the Interior that adequate land protection measures have been taken. No significant adverse effects are anticipated on ecological systems. (176 pages). Comments made by: DOI, USDA, DOD, HUD, EPA, FPC, TVA, State and local agencies, and concerned citizens. (ELR Order No. 61127.)

New River Gorge, National Wild and Scenic Rivers, Fayette, Summers, and Raleigh Counties, W. Va. Proposed is the legislative designation of the New River Gorge in West Virginia as part of the National Wild and Scenic Rivers System under overall management of the National Park Service. Inclusion in the System will provide protection of existing scenic, recreational, historic, fish and wildlife, and water quality values of the river. No significant adverse effects are anticipated on ecological systems (157 pages). Comments made by: USDA, COE, DOI, EPA, FPC, State and local agencies. (ELR Order No. 61128.)

NATIONAL PARK SERVICE

Final

Knife River Indian Villages National Historic Site, Mercer County, N. Dak., August 2: The National Park Service proposes the establishment of Knife River Indian Villages National Historic Site in North Dakota, to protect and interpret a cluster of four Indian village sites on 1291.56 acres of land near the confluence of the Knife and Missouri Rivers north of Stanton, North Dakota. The project will result in social impact from acquisition of properties and ecological impact through increased visitor use (94 pages). Comments made by: USDA, DOI, USA, EPA. (ELR Order No. 61126.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, 202–426–4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Anchorage International Airport, N–S Runway, Alaska, August 4: Proposed is the construction of a new North-South runway at Anchorage International Airport, Alaska. Construction plans also include a parallel taxiway system, runway and and taxiway lighting, navigational aids, service roads, a storm drain system, and security fencing. Adverse effects include loss of relatively undisturbed habitat due to clearing, grading, and gravel extraction necessitated by runway and ancillary construction. (4 volumes). (ELR Order No. 61140.)

Mecklenburg-Brunswick Regional Airport, Mecklenberg, and Brunswick counties, Va., August 4: Proposed is a new aviation airport project to serve Mecklenburg and Brunswick Counties, Virginia. The project would include land acquisition, construction of paved runway, taxiway, parking apron, airport access road and relocation of a secondary road. Adverse impacts include the clearing of 273 acres of farmland and 60 acres of woodland, the loss of wildlife habitat and exposure to noise in excess of 100 CNR of 2 churches, 2 residences and a store. (78 pages). (ELR Order No. 61143.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Hawaii Belt Road, Holualoa-Papa, Kona County, Hawaii, August 4: The proposed project consists of the construction over a 12- to 15-year period of approximately 31 miles of highway in the districts of North and South Kona on the island of Hawaii. The project would extend from Keala Kowaa Heiau at Honolulu to Milolii Junction at Papa. Adverse effects include the displacement of about 12 resident individuals and families. The possibility exists for some adverse effect on the archeologically important Kona Field System. (154 pages). (ELR Order No. 61139.)

Interstate 15 West Interchange, American Falls Dam, Power County, Idaho, August 2: Proposed is Project RS–RSG–1721(19) which would improve State Highway 39 through the City of American Falls. The project begins at the east end of the American Falls Dam and ends at the I–15W interchange east of the city. Approximately 2 miles of urban secondary highway would be built with four lanes, curb and gutter, painted median and left turn bays in the urban area. Also, a new railroad crossing structure would be provided. Adverse impacts include displacement of residences and businesses, short term effects on air and noise quality and the conversion of private residential, commercial, and agricultural lands to highway use. (Region 10), (57 pages). (ELR Order No. 61125.)

FAP Route 409, O'Fallon to Sandoval, St. Clair, Clinton, and Marion counties Ill., August 3: Proposed is the completion of a freeway system known as F–409, which begins at I–64 near O'Fallon, generally parallels U.S. Route 50 across the state, and connects to an already existing freeway in Indiana near Vincennes. It intersects with I–64 on the west, I–57 in the middle, and F–411 near the eastern border of the state. Between I–64 and I–57, the portion from U.S. Route 51 to I–57 has received Design Approval. This statement covers the remaining portion in this area, that being from I–64 to U.S. Route 51. Adverse effects include acquisition of 1,800 acres of right-of-way and the relocation of between 7 and 14 families. (Region 5), (171 pages). (ELR Order No. 61132.)

New Hampshire Route 9, Sullivan-Nelson-Stoddard, Cheshire County N.H., August 2: Proposed is the improvement of a deficient two-lane section of N.H. Route 9 located in the communities of Sullivan, Nelson, and Stoddard. Four two-lane corridors will be constructed on new location with a minimum 200 foot controlled access right-of-way. The adverse impacts include acquisition of property, residences and businesses, increased noise levels and intrusion upon conservation areas, wetlands and wildlife habitat. (Region 1), (256 pages). (ELR Order No. 61120.)

Knowlton Bridge and Approaches (State Truck Highway 34), Marathon County, Wisc., August 6: Proposed is the construction of a new bridge over Lake DuBay and the updating of the approaches to that bridge to current standards. This bridge carries State Truck Highway 34 and is called the Knowlton Bridge. The project begins just north of the community of Dancy in south central Marathon County and proceeds north across Lake DuBay, ending at a recently constructed portion of Highway 34 north of Knowlton. Adverse effects include acquisition of approximately 37 acres of land and the displacement of one home. (110 pages). (ELR Order No. 61144.)

Final

Iowa 9, Waukon to Lansing, Allamakee County, Iowa, August 2; Proposed is the upgrading of a segment of Iowa 9 in Allamakee County from 7th Street S.E. in Waukon, northeasterly approximately 17.4 miles to 2nd Street in Lansing. The proposed construction would consist of 24-foot wide pavement with 10-foot stabilized shoulders on an improved vertical and horizontal alignment. Adverse impacts include the loss of 65 to 90 acres of pastureland, the removal of wildlife habitat, and an increase in dust and noise levels. (134 pages). Comments made by: HEW, HUD, USDA, DOI, EPA, COE, DOT, USCG, and State agencies. (ELR Order No. 61122.)

Interstate 20, Dallas and Kaufman Counties, Tex., August 2; The statement refers to the construction of I–20 on new location from the intersection of U.S. 175 and I.H. 635, east to east of Forney in the cities of Balch Springs, Kleberg, Mesquite, Forney, and Terrell. The proposed project consists of a 4 to 8 lane controlled access freeway facility. Adverse impacts include the displacement of 105 residences, and 4 businesses, the crossing of 8 farms and temporary increases in air, water, and noise pollution during construction. (242 pages). Comments made by: HEW, HUD, COE, USDA, DOI, EPA, State and local agencies, and concerned citizens. (ELR Order No. 61117.)

Virgin Islands. The proposed highway improvement is a continuation of the Cross Island Highway, St. Croix, Virgin Islands. The project would begin at the Sunny Isle intersection in Estate Sion Farm, proceed in a generally easterly direction, and terminate at the Contentment Road/Centerline Road junction in Estate Herman Hill, Project length is approximately 2.75 miles. Subject to the alternate chosen, between 2 and 5 residences will be displaced. (Region 1), (125 pages.) Comments made by: DOT, EPA, DOI. (ELR Order No. 61142.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76–23704 Filed 8–12–76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA–1548]

INTENSE NEUTRON SOURCE FACILITY LOS ALAMOS SCIENTIFIC LABORATORY, NEW MEXICO

Availability of Final Environmental Statement

Notice is hereby given that the Final Environmental Statement, ERDA–1548, Intense Neutron Source Facility, Los Alamos Scientific Laboratory, Los Ala-

mos, New Mexico, was issued pursuant to the Energy Research and Development Administration's (ERDA) implementation of the National Environmental Policy Act of 1969. The statement was prepared in support of legislative action related to the ERDA request for appropriation of funds for Fiscal Year 1977 for the project.

Copies of the final statement are available for public inspection in the ERDA public document rooms at:

ERDA Headquarters, 20 Massachusetts Avenue, NW. Washington, D.C.
Albuquerque Operations Office, Kirtland Air Force Base East, Albuquerque, New Mexico.
Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois.
Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho.
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee.
Richland Operations Office, Federal Building, Richland, Washington.
San Francisco Operations Office, 1333 Broadway, Oakland, California.
Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina.

Copies have been furnished to those who commented on the draft statement that was issued by the Energy Research and Development Administration as ERDA–1548, January 28, 1976. Copies are also available for public inspection at designated Federal Depository Libraries.

A limited number of single copies are available for distribution by the Technical Information Center, P.O. Box 62, Oak Ridge, Tennessee 27830 (615) 483–8611, Extension 34672. The statement is also available from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Germantown, Maryland, this 10th day of August 1976.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator for Environment and Safety.

[FR Doc.76–23720 Filed 8–12–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 599–3]

ECOLOGY ADVISORY COMMITTEE

Renewal

Pursuant to section 7(a) of the Office of Management and Budget Circular No. A–63, Transmittal Memorandum No. 1, dated July 19, 1974, it is hereby determined that renewal of the Ecology Advisory Committee of the Science Advisory Board is in the public interest in connection with the performance of duties imposed on the Agency by law. The charter which continues the Ecology Advisory Committee through August 8, 1978, unless otherwise sooner terminated, will be filed at the Library of Congress.

JOHN QUARLES,
Acting Administrator.

AUGUST 6, 1976.

[FR Doc.76–23569 Filed 8–12–76;8:45 am]

[FRL 596–7]

CALIFORNIA

Marine Sanitation Device Standard

On May 26, 1976, notice was given that the State of California had petitioned the Administrator, Environmental Protection Agency, to determine, pursuant to section 312(f)(3) of Pub. L. 92–500, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for that portion of San Diego Bay that is less than 30 feet deep at mean lower low water (MLLW), Mission Bay, Oceanside Harbor, and Dana Point Harbor (41 FR 21516, May 26, 1976). The portions of San Diego Bay affected by this determination are those waters less than 30 feet in depth at mean lower low water as determined from the most recent National Oceanic and Atmospheric Administration chart.

Section 312(f)(3) states:

[A]fter the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such State require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such waters to which such petition would apply.

Following an examination of the petition and supporting information, and in consideration of all comments received pursuant to the May 26 FEDERAL REGISTER notice, I have determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for that portion of San Diego Bay that is less than 30 feet deep at mean lower low water (MLLW), Mission Bay, Oceanside Harbor, and Dana Point Harbor. This determination is made pursuant to section 312(f)(3) of Pub. L. 92–500.

In its petition, the State of California certified that there are six pump-out facilities for San Diego Bay, which include Harbor Police, Pearson Standard, Union Oil, Harbor Island Marina, Marina Cortez, and Coronado Cay's Marina, two pump-out facilities for Mission Bay, one pump-out facility in Oceanside Harbor, and two pump-out facilities for Dana Point Harbor. The State certified that adequate treatment is available for sewage removed from all vessels.

All pump-out facilities in San Diego Bay have an adjacent water depth of at least 10 feet and the Harbor Police facility has an approximate water depth of 20 feet. Pump-out facilities in the Bay can serve pleasure crafts and small boats that are able to dock. Merchant vessels for which adequate pump-out facilities are not provided in San Diego Bay, would not be subject to this determination since these vessels would not be able to traverse areas of less than 30 foot depth because of their greater drafts. Such ships would require berthing accommodations located outside of the designated area. Areas in San Diego Bay deeper than 30 feet should have greater flushing action in those waters, and, therefore, less potential for pollution from vessel sewage discharges.

One of the facilities at Mission Bay has an adjacent water depth of 20 feet, which is the depth of the dredged entrance channel. The other pump-out facility in Mission Bay has an adjacent water depth of eight feet. The Harbor District pump-out facility in Oceanside Harbor is located immediately adjacent to the entrance channel, which is dredged to approximately 19 feet. Both of the pump-out facilities located in Dana Point Harbor have an adjacent water depth of approximately 10 feet, which is the depth of the Harbor and which will accommodate all vessels that can use the other harbor facilities.

Each bay or harbor addressed by this determination has at least one pump-out facility that is available for use on a 24-hour basis. Other privately operated facilities normally are available during daylight hours. The pump-out rates of the dockside facilities vary between five and ten gallons per minute and all of the pumping units discharge directly to the sanitary sewer and to a treatment facility that meets State and Federal requirements. A survey conducted by the California Regional Water Quality Control Board revealed no evidence of boat overcrowding at any of the pump-out facilities. Most boats require only five minutes to empty the holding tanks.

The Agency received only one comment pursuant to the May 26 FEDERAL REGISTER notice of receipt of the State of California's petition; the San Diego County Department of Public Health commented in support of the State's petition.

Dated: August 6, 1976.

JOHN QUARLES,
Acting Administrator.

[FR Doc.76–23568 Filed 8–12–76;8:45 am]

[599–4]

SCIENCE ADVISORY BOARD ECOLOGY ADVISORY COMMITTEE

Open Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that a meeting of the Ecology Advisory Committee of the Science Advisory Board will be held beginning at 9 a.m., September 13–14, 1976, in the Administrator's Conference Room (Room 1101), Waterside Mall West Tower, 401 M Street, SW., Washington, D.C.

This is the ninth meeting of the Ecology Advisory Committee. The agenda includes a report on the Science Advisory Board activities; review of EPA's National Ecology Research Plan 1978–1982; discussions on the value of long-term ecosystem research to EPA's missions; ecological problems in the Office of Water and Hazardous Materials; a briefing on the Agency's standards and regulations development process; and member items of interest.

The meeting is open to the public. Any member of the public wishing to attend, participate, or obtain additional information should contact Dr. J. Frances Allen, Executive Secretary, Ecology Advisory Committee, (703) 557-7720.

THOMAS D. BATH,
Staff Director,
Science Advisory Board.

AUGUST 6, 1976.

[FR Doc.76-23570 Filed 8-12-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 818]

DOMESTIC PUBLIC RADIO SERVICES

Common Carrier Services Information; Applications Accepted for Filing

AUGUST 9, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act), applications filed under Part 68, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning raido and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier; (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See §§ 1.227(b)(3) and 21.30(b) of the Commission's rules.]

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

22541-CD-P-76 Greenville Telephone Answering Service (New) C.P. for a new 1-way station to operate on 152.24 MHz. to be located 1625 Dayton Road, Greenville, Ohio.

22542-CD-P-76 Swartzlander Radio Limited (New) C.P. for a new station to operate on 454.250 MHz. to be located at 1375 N. SR590, Gibsonburg, Ohio.

22543-CD-P-76 John W. Bennett (KQK772) C.P. to replace transmitter operating on 43.22 MHz located at Hurley Hospital, Begole & 6th Ave., Flint, Michigan.

22544-CD-P-76 Massachusetts-Connecticut Mobile (KQK747) C.P. to relocate and change antenna system operating on 158.70 MHz located at Andrews Hill, 1 mile West of Naugatuck, Connecticut.

22545-CD-P-76 L&L Service, Inc. d/b as Metro Communication Service (KIY519) C.P. for additional facilities to operate on 152.15 MHz to be located at City Water Tower, Colbert Height, Alabama.

22546-CD-P-76 Radio Paging, Inc. (KKI445) C.P. for additional facilities to operate on 72.24 MHz to be located at a new site described as Loc. #6: One Shell Plaza, Houston, Texas.

22547-CD-P-76 Industrial Communications Systems, Inc. (KSV926) C.P. to change antenna system operating on 158.70 MHz at approximately 23.3 miles West of downtown Los Angeles, Caddie Peak, California.

22548-CD-P-76 Airsignal of California, Inc. (KWU256) C.P. to change antenna system operating on 35.22 MHz located at Del Webb Town House, 2200 Tulare, Fresno, California.

22549-CD-P-76 Indiana Bell Telephone Company, Incorporated (KSC874) C.P. to change antenna system operating on 152.-78 MHz located at 116 East Taylor Street, Kokomo, Indiana.

22550-CD-P-76 Farmers Independent Telephone Co. (New) C.P. for a new 1-way station to operate on 152.51 MHz. to be located at the Telephone Office, Falun, Wisconsin.

22551-CD-P-(2)-76 Comex, Inc. (KCI295) C.P. for additional facilities to operate on 152.24 MHz at Loc. #2: Uncanoonuc Mtn., near Manchester; and 152.24 MHz at Loc. #3 Plausawa Hill, Pembroke, New Hampshire.

22552-CD-P-76 Radio Phone Communications, Inc. (KIG297) C.P. for additional facilities to operate on 35.58 MHz to be located at a new site described Loc. #2 to be located Northwest Intersection of Va., #190 & Centerville Turnpike, Virginia Beach, Virginia.

22553-CD-TC-76 Rosa I. Alonson Consent to Transfer of Control from Rosa I. Alonso, TRANSFEROR to Santos Mateo Negron and Santiago Acosta Rivera TRANSFEREE. (KUS408) (WWA336) St. Thomas, Virginia Island.

22554-CD-P-76 Otis L. Hale dba Mobilfone Communications (KLB500) C.P. for additional facilities to operate on 152.12 MHz at a new site described as Loc. #6: 5.6 miles NE of Benton Post Office, Exit 121 on Interstate 30, Benton, Arkansas.

22555-CD-TC-(2)-76 Empire Dispatch, Inc. Consent to Transfer of Control from Irene Eleanor Cooper, Executrix of Estate of Kenneth Hawn Cooper aka Kenneth H. Cooper, deceased, TRANSFEROR to Irene E. Cooper, TRANSFEREE. Stations: KAA279, Greely, Colorado and KRS659, Fort Collins, Colorado.

22559-CD-P-(6)-76 Pacific Northwest Bell Telephone Company (KOA246) C.P. to replace transmitter, change antenna system and relocate facilities operating on 35.26, 152.51, 152.54, 152.63, 152.66, & 152.69 MHz to be located on Sentinel Hill near SW Fairmount Boulevard, Portland, Oregon.

22560-CD-AL-(6)-76 Charlotte Electronics Corporation, acting by its Division, Charlotte Message Center. Consent to Assignment of License from Charlotte Message Center, ASSIGNOR to Charlotte Message Center, Inc., ASSIGNEE. Stations: KIM-903 & KRS668, Fort Myers, Florida; KRH-640 & KRM952, Naples, Florida; KIQ513, Punta Gorda, Florida; and KSV894, Immokalee Florida.

22561-CD-P-(2)-76 General Communications, Inc. (KEC516) C.P. for additional facilities to operate on 43.58 MHz at (2) new sites described as Loc. #2: 50 Presidential Plaza, Syracuse, New York; and Loc. #3: Corner Route 173 and Palmer Road, 7 miles ESE of Syracuse, New York.

22562-CD-P-(3)-76 John W. Bennett Radio Paging Service. Consent to Assignment of License from Bennett Radio Paging Service, ASSIGNOR to Bennett Communications Systems, Inc., ASSIGNEE. Station: Owosso, Michigan; KOP326 & KQK772, Flint, Michigan.

22656-CD-P-76 General Telephone Company of Illinois (KJU818) C.P. for additional facilities to operate on 152.63 MHz located 1 mile SW of Jacksonville, Illinois.

22566-CD-P-(2)-76 Digital Paging Systems of Pittsburgh, Inc. (KGA252) C.P. for additional facilities to operate on 454.025 & 454.125 MHz to be located at a new site described as Loc. #4: 1715 Grandview Avenue, Pittsburgh, Pennsylvania.

22567-CD-ML-76 Southwestern Bell Telephone Company (KKB395) Modification of License to change base frequency from 152.72 MHz to 152.69 MHz located 5 miles SSE of Goldsmith, Texas; and repeater frequency from 157.98 MHz to 157.95 MHz located at same location.

22568-CD-P-76 Indiana Bell Telephone Company Incorporated (KSC873) C. P. to relocate facilities operating on 152.57 MHz to be located 1100 Feet West of South 23rd and Raible Streets, Anderson, Indiana.

22571-CD-ML-76 Radio and Eletronic Service Company, Inc., dba Mobilfone (KIF 649) Modification of license to change frequency from 454.025 MHz to 454.325 MHz located at 3101 North "R" Street, Pensacola, Florida.

22572-CD-AL-76 L. T. Niethammer and Valera M. Mitchell dba Delta Mobile Radio Service. Consent to Assignment of License from Delta Mobile Radio Service, ASSIGNOR, to Delta Mobile Radio Service, Inc., ASSIGNEE. Station: KMJ221, Mt. Vaca, California.

22573-CD-P-(2)-76 Lester B. Biddle, Jr. (NEW) C. P. for a new 2-way station to operate on 454.100 & 454.200 MHz to be located at 100 Beck Avenue, Panama City, Florida.

22574-CD-P-76 Chicago Communications Service, Inc. (NEW) C. P. for a new 2-way station to operate on 454.225 MHz to be located at intersection of Arlington Heights Road and Hwy. 12, Arlington Heights, Illinois.

22575-CD-P-76 Lancaster Alarm Co., Inc. (NEW) C. P. for a new 2-way station to operate on 454.175 MHz to be located at North Queen and Chestnut Streets, Lancaster, Pennsylvania.

22576-CD-P-76 Airsignal Of Nevada, Inc. (KWU211) C. P. to relocate facilities operating on 35.22 MHz at Loc. #3 to be located at Black Mountain, 6.5 miles SW of Henderson, Nevada.

MAJOR AMENDMENT

Airsignal International of Philadelphia Pennsylvania, Inc. (KGC223) FN: 21765-CD-P-76. Amend to add the base frequency 43.58 MHz to Loc. #8 described as 2.5 miles ENE of Bridgeton (Cumberland) New Jersey; and to add a new Loc. #9: described as Claridge Hotel, Indiana & Boardwalk, Atlantic City (Atlantic) New Jersey to operate on the base frequencies 35.22 MHz & 43.58 MHz.

Correction

FN: 22468-CD-MP-76 Rogers Radio Communications Service, Inc. (KTS204) Lake Zurich, Illinois. Correct Location to read Loc. #8 instead of Loc. #7. All other particulars are to remain as reported on PN #816, dated July 26, 1976.

INFORMATIVE

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reasons of potential electrical interference:

35.22 MHz & 43.58 MHz.

Airsignal International of Philadelphia, Pennsylvania, Inc., Atlantic City, N.J. 21765-CD-P-76 (as amended)

Radio Telephone Service, Inc., Atlantic City, N.J. 22117-CD-P-(3)-76

RURAL RADIO

60383-CR-P-76 The Mountain States Telephone and Telegraph Company (NEW) C. P. for a new Rural Subscriber station to operate on 157.95 to be located 8.6 miles South of Buford, Wyoming.

60384-CR-P-76 RCA Alaska Communications, Inc. (WGF82) C. P. to change frequency from 162.3V MHz to 162.15 MHz located at FAA VHF Bldg. at Cordova Airport, Alaska.

60387-CR-AL-(2)-76 Charlotte Message Center Consent to Assignment of Radio Station License from Charlotte Electronics Corporation, acting by its division, Charlotte Message Center, ASSIGNOR to Charlotte Message Center, Inc., ASSIGNEE. Stations: KJG88 & KJG89, Temporary-Fixed Location.

60434-CR-TC-76 West Indies Communications, Inc. Consent to Transfer of Control from Rosa I. Alonso, TRANSFEROR to Santos Mateo Negro & Santiago Acosta Rivera, TRANSFEREES. Station: WWY45, Temporary-Fixed Location.

POINT TO POINT MICROWAVE RADIO SERVICE

4695-CF-P-76 Same (NEW) Egmont Key, Florida Lat. 27 35 11 N.-Long. 82 45 43 W. C.P. for a new station on station on frequency 2172.0V MHz toward St. Petersburg, Florida on azimuth 29.2 degrees.

4696-CF-P-76 Same (KGP51) Causeway 7845 22nd St. Causeway, Tampa, Florida Lat. 27 55 11 N.-Long. 82 22 0 W. C.P. to change polarization from horizontal to vertical on frequency 5974.9 and 6093.5 MHz toward MacDill AFB.

4697-CF-P-76 Same (KRT56) MacDill AFB Sage Site 2-129, Tampa, Florida Lat. 27 50 4 N.-Long. 82 28 16 W. C.P. to change polarization from horizontal to vertical on frequency 6226.9 and 6345.5 MHz toward Causeway.

4718-CF-P-76 Puerto Rico Telephone Company (NEW) Esperanza and Ferrocarril Sts., San German, Puerto Rico Lat. 18 04 56 N.-Long. 67 02 44 W. C.P. for a new station on frequency 11685.0V MHz toward Monte Estado, Puerto Rico on azimuth 37.9 degrees.

4719-CF-P-76 Same (WWT48) Monte Estado 2M1SSW, Maricao, Puerto Rico Lat. 18 09 05 N.-Long. 66 59 22 W. C.P. to add communications on frequency 10915.0V MHz toward San German, Puerto Rico on azimuth 217.9 degrees.

4721-CF-P-76 Southern Bell Telephone and Telegraph Company (KJJ86) 7.5 mile North of Polk City, Florida Lat. 28 17 38 N.-Long. 81 50 07 W. C.P. to change frequencies 6286.2H to 6197.2V and 6406.8H to 4198H MHz toward LK Hamilton, Florida, on azimuth 141. degrees; replace transmitter and increase output power.

4722-CF-P-76 Same (KJM35) Water Tank Road, LK Hamilton, Florida, Lat. 28 02 53 N.-Long. 81 36 51 W. C.P. to change frequencies 6034.2H to 5945.2V and 6152.8H to 4180H MHz toward Polk City, Florida on azimuth 321.5 degrees; change frequencies 5960.0H to 5945.2H and 6078.6H 60 4180H MHz toward Frostproof, Florida on azimuth 179.9 degrees replace transmitters and increase output power.

4723-CF-P-76 Same (KJM36) 4 miles WSM of Frostproof, Florida Lat. 27 43 57 N.-Long. 81 35 41 W. C.P. to change frequencies from 6212.0H to 6197.2V and 6330.7H to 4198H MHz toward LK Hamilton, Florida on azimuth 356.9 degrees; change frequency 6192.2H to 6345.5H MHz toward Avon Park, Florida on azimuth 149.0 degrees; replace transmitters and increase output.

4631-CF-P-76 Southwestern Bell Telephone Company (NEW) Albany Tower 2.5 miles SW of Albany, Texas Lat. 32 42 56 N./Long. 99 19 11 W. C. P. For a new station on frequency 2126.8V MHz toward Albany Repeater, Texas on azimuth 236.0 degrees.

4632-CF-P-76 Same (NEW) Albany Repeater 10 miles SW of Albany, Texas Lat. 32 38 14 N./Long. 99 27 24 W. C.P. For a new station on frequency 2152.4H MHz toward Abilene, Texas on azimuth 231. degrees and 2176.8V MHz toward Albany Tower, Texas on azimuth 55.9 degrees.

4633-CF-P-76 Same (KYO86) 366 North Cypress Abilene, Texas Lat. 32 27 08 N./Long. 99 44 03 W. C.P. To add a point of communication on frequency 2112.4H MHz toward Albany Repeater, Texas on azimuth 51.7 degrees.

4659-CF-R-76 Indiana Bell Telephone Company (KYS50) Location: within territory of the grantee. Application for renewal of radio station license (Developmental) expiring September 12, 1976. Term: September 12, 1976 to September 12, 1977.

4681-CF-P-76 South Central Bell Telephone Company (KLK82) 1002 Main Street, Columbus, Mississippi Lat. 33 29 43 N./Long. 88 25 17 W. C.P. To add frequency 3730H MHz toward West Point, Mississippi on azimuth 299.6 degrees; replace to move antenna for 5937.8H MHz toward West Point, Mississippi.

4682-CF-P-76 Same (KLT63) 22 South Division St., West Point, Mississippi Lat. 33 36 14 N./Long. 88 39 00 W. C.P. to add frequency 3770H MHz toward Aberdeen, Mississippi on azimuth 13.1 degrees, and 3770H MHz toward Columbus, Mississippi on azimuth 119.5 degrees; increase tower height, replace and move antenna for 5204.7H MHz toward Starkvill, and 6219.5H MHz toward Columbus.

4683-CF-P-76 Same (KLR70) 7 miles North of Aberdeen, Mississippi Lat. 33 55 37 N./Long. 88 33 36 W. C.P. to change frequency 5967.4V 6071.2V MHz to 3730H toward Tupelo, Mississippi on azimuth 340.2 degrees; and 2720H MHz toward West Point on azimuth 193.1 degrees; increase tower height, replace to move antennas.

4684-CF-P-76 Same (KLR71) 337 North Broadway, Tupelo, Mississippi Lat. 34 15 38 N./Long. 88 42 18 C.P. To change frequency 6264.0V 6352.9V MHz to 3770H MHz toward Aberdeen, Mississippi on azimuth 160.1 degrees; increase tower height, replace and move antanna for 3770V to 6213.0H MHz toward Pontotoc, and 6345.5H MHz toward Ecru.

4694-CF-P-76 General Telephone Company of Florida (KIY21) 830 Arlington Ave., St. Petersburg, Florida Lat. 27 46 19 N./Long. 82 38 44 W. C.P. To add point of communication on frequency 2122.0V MHz toward Egmont Key, Florida on azimuth 209.2 degrees.

4620-CF-MP-76 Microvideo, Inc. (KLH35) 0.5 Mile North of Silverton, Texas. (Lat. 34° 33'08" N., Long. 101°17'24" W.): Modification of C.P. (2843-C1-R-71) to replace transmitters (5945.0H, 6000.0H and 6300.-0H MHz) to 6182.4H, 6241.7H and 6301.0H MHz toward, Memphis, Texas on azimuth 73.4°.

4621-CF-MP-76 Microvideo, Inc. (KLH36) 0.7 Mile West of Memphis, Texas. (Lat. 34°43' 47" N., Long. 100°33'59" W.): Modification of C.P. (2844-C1-R-71) to replace transmitters (6135.0H, 6190.0H and 6245.-0H MHz) to 5960.H, 6019.3H and 6078.6H MHz toward Wellington & Childress, both in Texas, via power split, on azimuths 136.8 & 64.2°, respectively.

4622-CF-MP-76 Microvideo, Inc. (KLU60) Southeast edge of Childress, Texas. (Lat. 30°24'25" N., Long. 100°12'05" W.): Modification of C.P. (6453-C1-R-71) to replace transmitters (5945.0V, 6000.0V and 6300.0V MHz) to 6241.7V, 6301.0V and 6360.3V MHz toward Paducah & Quanab, both in Texas, via power split, on azimuth 195.9° & 103.8°, respectively.

4654-CF-P-76 American Television Relay, Inc. (KKB98) 28.8 Miles SE of Farmington, New Mexico. (Lat. 36°24'54" N., Long. 107°50'39" W.): C.P. to add 6226.9V & 6404.8V MHz toward Durango, New Mexico, on azimuth 357.3 degrees. (Applicant requests waiver of Section 21.701(1) of the Commission's Rules.)

4655-CF-P-76 Mountain Microwave Corporation (NEW) 2.8 Miles SSW of Durango, Colorado. (Lat. 37°13'58" N., Long. 107° 53'33" W.): C.P. to add 5960.0H & 6019.3H MHz toward Silverton, Colorado, via passive reflector, on azimuth 14.0 degrees. (Applicant requests waiver of Section 21.701 (1) of the Commission's Rules.)

4656-CF-P-76 Mountain Microwave Corporation (KYO71) 4.5 Miles North of Silverton, Colorado. (Lat. 37°52'26" N., Long. 107° 40'11" W.): C.P. to add 6271.4V & 6330.7V MHz toward Waterdog Peak, via passive reflector, on azimuth 116.4°.

4657-CF-P-76 Mountain Microwave Corporation (KBT68) 1.3 Miles SE of Montrose, Colorado. (Lat. 38°23'15" N., Long. 107° 40'26" W.): C.P. to add 11015H & 11175.H MHz toward Grand Junction, Colorado, on azimuth 313.0°.

4690-CF-P-76 Eastern Microwave, Inc. (KCL72) 2 Miles NW of Adams, Massachusetts. (Lat. 42°38'14" N., Long. 73°10' 07" W.): C.P. to add 5945.2V MHz toward Bennington, Vermont, on azimuth 195°21'.

4691-CF-P-76 Newhouse Alabama Microwave, Inc. (WBB359) Volcan Parkway, Birmingham, Alabama. (Lat. 33°29'25" N., Long. 86°47'53" W.): C.P. to add 11015.0V & 1175.0V MHz toward Gate City, Alabama, on azimuth 40.8°.

4710-CF-P-76 Transportation Microwave Corporation (WSM 28) 4.0 miles NE of Monroe, New York, Blooming Grove, New York. (Lat. 41°22'41" N., Long. 74°08'12" W.): Modification of Construction permit to change location of receive station—6785.0V MHz toward Mahwah, New Jersey, on azimuth 190.7°.

4711-CF-P-76 Transportation Microwave Corporation (WSM 29) Bald Mtn., 3 miles NW of Mahwah, New Jersey. (Lat. 41°07' 14" N., Long. 74°12'03" W.): Modification of Construction permit to change transmit station (6615.0V MHz toward Mountain L & 6585.0V MHz toward Jersey City, New Jersey) location to as above listed.

4712-CF-P-76 Transportation Microwave Corporation (WSM 30) 418 Duncan Ave., Jersey City, New Jersey. (Lat. 40°43'58" N., Long. 74°05'12" W.): Modification of Construction permit to change location of receive station—6745.0V MHz toward Mahwah, New Jersey, on azimuth 347.5°

The following renewal applications for the term ending February 1, 1981, have been received:

Pacific Telatronics, Inc.

File No.	Call sign	Station name	Location	State
7815-CF-R-76	KNM 58	Sacramento	2490 Garden Highway	California.
7816-CF-R-76	KNM 59	Red Hill	26 mi northeast of Marysville	Do.
7817-CF-R-76	KNM 60	Cohassel Ridge	KHSL TV site	Do.
7818-CF-R-76	KPN 74	King Mountain	8 mi east of Wolf Creek	Oregon.
7819-CF-R-76	KPQ 90	Vineyard Hill	6 mi north of Corvallis	Do.
7820-CF-R-76	KPQ 91	Blanton Heights	3.5 mi south of Eugene	Do.
7821-CF-R-76	KPQ 92	Harness Mountain	19 mi south of Cottage Grove	Do.
7822-CF-R-76	KPQ 99	Soda Mountain	13 mi southwest of Ashland	Do.
7823-CF-R-76	KPR 20	Hamaker Mountain	Near Keno	Do.
7824-CF-R-76	KTG 38	Shasta Bally Mountain.	13 mi west of Redding	California.
7825-CF-R-76	KTG 39	Horse Mountain	7 mi southwest of Willow Creek	Do.
7826-CF-R-76	KTG 46	Mount Bradley	1.5 mi west of Dunsmuir	Do.

[FR Doc.76-23527 Filed 8-12-76;8:45 am]

[FCC 76R-228; Docket No. 20832; File No. BPH-9308]

GREAT TRAILS BROADCASTING CORP.

Construction Permit To Change Site and for Other Changes

1. The above-captioned application was designated for hearing by Memorandum Opinion and Order, FCC 76-502, released June 15, 1976, to determine, inter alia, whether the proposal of Great Trails Broadcasting Corporation (Great Trails) would realistically provide a local transmission facility to its proposed community of license (Suburban Community issue). In designating that issue, the Commission—without discussion—placed the burden of going forward on parties respondent Group One Broadcasting Co. (Group One) and WAVI Broadcasting Corporation (WAVI) and the burden of proof upon the applicant. Now before the Review Board is a motion to modify burden of proceeding, filed June 30, 1976, by Group One and WAVI, in which they urge that, consistent with the nature of the Suburban Community issue and applicable precedent, both burdens should be placed upon Great Trails.[1]

2. As properly noted by the Bureau, while it is true that the Commission need not place all burdens on an applicant when an issue is precipitated—such as here—by a petition to deny, it has customarily done so when the issue in question is raised by the terms of the application itself, rather than on extrinsic facts alleged by petitioners.[2] Rust Communications Group, Inc., FCC 76R-44, 36 RR 2d 244.

Here, it is evident from a reading of the designation Order that the primary factors upon which the Commission relied in determining that a Suburban Community issue was warranted were apparent upon a reading of Great Trails' application itself.[3] Moreover, it has been the customary practice in specifying Suburban Community issues to place both the burden of proceeding and proof on the applicant whose proposals are drawn into question. See, e.g., Berwick Broadcasting Corporation, 12 FCC 2d 8, 12 RR 2d 665 (Rev. Bd. 1968); Centerville Broadcasting Co., 21 RR 2d 216 (Rev. Bd. 1971). And, Great Trails has presented no argument which would persuade us to depart from this practice here.

3. Accordingly, *it is ordered*, That the motion to modify burden of proceeding, filed June 30, 1976, by Group One Broadcasting.Co. and WAVI Broadcasting Corporation (WAVI) is granted; and that the fourth ordering clause of the designation Order herein (FCC 76-502, released June 15, 1976) is modified to read as follows:

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof on Issues 1 and 2 herein shall be on the applicant.

Adopted: August 3, 1976.

Released: August 10, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-23658 Filed 8-12-76;8:45 am]

[1] Other related pleadings before the Board for consideration are: (a) Broadcast Bureau's comments, filed July 9, 1976; (b) opposition, filed July 14, 1976, by Great Trails; and (c) reply, filed July 23, 1976, by Group One and WAVI.

[2] See section 309(e) of the Communications Act of 1934, as amended.

[3] In the absence of a reasoned analysis with respect to the allocation of burdens, the Board may appropriately entertain the present request. Atlantic Broadcasting Co., 5 FCC 717, 8 RR 2d 991 (1966).

FEDERAL MARITIME COMMISSION

HOLT HAULING AND WAREHOUSING SYSTEM, INC., PIERPONT MANAGEMENT CO. AND RETLA STEAMSHIP CO.

Revisions

Notice of revisions filed by:

Ms. Amy Loeserman Klein, Galland, Kharasch, Calkins & Brown, Canal Square, 1054 Thirty-First Street, NW., Washington, D.C. 20007.

Notice of Agreement No. T-3323, among Holt Hauling and Warehousing System, Inc. (Holt), Pierpoint Management Company (Pierpoint) and Retla Steamship Company (Retla), appeared in the FEDERAL REGISTER on July 16, 1976, (41 FR 29493). The parties have now submitted three revised pages to the agreement, viz: pages 12, 12a and 39. The substance of the revisions will allow Pierpoint or Retla to perform necessary dredging, which Holt fails to perform, deducting such costs from the rent due. Holt shall assist in securing any licenses, permits or authorizations that may be advisable or required. The dredging shall be carried out to the maximum extent and manner permissible in accordance with the applicable rules and regulations of any governing public authority. Holt shall also provide, upon Pierpoint's request, suitable removable camels to allow a vessel to safely moor at a distance of four feet from the face of the pier. The recources available to Pierpoint and Retla in the event the depth as set forth in the agreement is not provided, are set forth in the revisions. An additional seven (7) days from the date of publication of this notice in the FEDERAL REGISTER will be allowed for comments with respect to the revised pages.

Interested parties may inspect and obtain a copy of the revisions at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the revisions at the Field Offices located at New York, New York; New Orleans, Louisiana; San Francisco, California; and Old San Juan, Puerto Rico. Comments on such revisions, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Any person desiring a hearing on the proposed revisions shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the revisions (as indicated hereinabove) and the statement should indicate that this has been done.

By order of the Federal Maritime Commission.

Dated: August 10, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-23724 Filed 8-12-76;8:45 am]

[No. 76-38]

ISLA GRANDE MARINE TERMINAL, SAN JUAN, PUERTO RICO

Further Enlargement of Time To Respond

Counsel for Puerto Rico Ports Authority has moved for an extension of time to respond to the order to show cause in this proceeding. Counsel also has filed various other motions concerning procedural aspects of the matter. In order to permit orderly consideration of these latter motions, we are extending the filing dates herein for one week.

Accordingly, it is ordered that affidavits of fact and memoranda of law shall be filed by respondents on or before August 16, 1976. Reply affidavits and memoranda shall be filed by Hearing Counsel, interveners and respondents on or before August 30, 1976. Requests for hearing shall be filed on or before September 7, 1976.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-23723 Filed 8-12-76;8:45 am]

PUERTO RICO PORTS AUTHORITY AND PUERTO RICO MARITIME SHIPPING AUTHORITY

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 2, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumsances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

E. J. Sheppard, Esquire, Morgan, Lewis and Bockius, 1800 M Street, NW., Washington, D.C. 20036.

Agreement No. T-3211, as amended by T-3211-1, between Puerto Rico Ports Authority (Ports) and Puerto Rico Maritime Shipping Authority (PRMSA), provides for the 15-year lease by Ports to PRMSA of Parcels IV-F and IV-G, consisting of 9.98 cuerdas, located in the Central Market Development in Puerto Nuevo, Puerto Rico. PRMSA shall be entitled to the exclusive use of the premises for: (1) the operation and handling of vans, containers and highway vehicles; and (2) the reception, handling, delivery and temporary storage incidental to its transportation of cargo transported or to be transported. As compensation, PRMSA shall pay an annual rental of $12,800 per cuerda plus utility charges. After the first three-year period Ports will establish a new rental to reflect any increase in rental for comparably situated lots in the same area subject to review every three years thereafter on the same basis.

By order of the Federal Maritime Commission.

Dated: August 9, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-23721 Filed 8-12-76;8:45 am]

[No. 76-44]

TRI-STATE TERMINALS, INCORPORATED V. TRANSOCEANIC TERMINAL CORPORATION, ET AL.

Filing of Complaint

AUGUST 9, 1976.

Notice is hereby given that a complaint filed by Tri-State Terminals against Transoceanic Terminal Corporation, Federal Marine Terminals, Inc., and Federal Commerce and Navigation Company, Limited was served August 9, 1976. The complaint alleges that respondents have violated sections 15 and 16 of the Shipping Act, 1916 by virtue of various agreements and activities involving Lake Michigan traffic at the Port of Chicago and the Port of Indiana.

Hearing in this matter shall commence on or before February 9, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.23722 Filed 8-12-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP76-116 etc]

ALABAMA-TENNESSEE NATURAL GAS CO. ET AL.

Hearing Dates

AUGUST 10, 1976.

Pursuant to the directives prescribed in the Commission's order issued on July 20, 1976, in the above-styled proceedings the following dates will be fixed for the purpose of convening formal hearings with respect to particular interstate pipeline companies as provided for in the latter order:

Company	Docket No.	Date
El Paso Natural Gas Co.	RP76-122	Aug. 23, 1976
Texas Gas Transmission Corp.	RP76-129	Aug. 24, 1976
Trunkline Gas Co.	RP76-132	Aug. 31, 1976
Panhandle Eastern Pipe Line Co.	RP76-127	Sept. 1, 1976
Texas Eastern Transmission Corp.	RP76-134	Sept. 7, 1976
Cities Service Gas Co.	RP76-118	Sept. 9, 1976
Columbia Gas Transmission Corp.	RP76-119	Do.
Northwest Pipeline Corp.	RP76-126	Do.
Transwestern Pipeline Co.	RP76-131	Sept. 14, 1976
Transcontinental Gas Pipe Line Corp.	RP76-130	Do.
Arkansas-Louisiana Gas Co.	RP76-117	Do.
United Gas Pipe Line Co.	RP76-133 [1]	

[1] United Gas Pipe Line Co. is presently involved in an on-going curtailment hearing. The presiding judge has certified to the Commission the question relating to adequacy of the curtailment hearing record to provide the information sought by the above-styled proceeding involving United. A specific hearing date will be set for United when and if necessary.

Formal hearings are not contemplated for the following remaining pipelines specified in the above-styled proceedings and unless specifically noticed on or before September 3, 1976, such hearings will not be convened:

Company	*Docket No.*
Alabama-Tennessee Natural Gas Company	RP76-116
East Tennessee Natural Gas Company	RP76-120
Eastern Shore Natural Gas Company	RP76-121
Lawrenceburg Gas Transmission Corporation	RP76-123
Louisiana-Nevada Transit Company	RP76-124
Mid-Louisiana Gas Company	RP76-125
Tennessee Natural Gas Lines, Inc.	RP76-126

The aforementioned formal hearings scheduled herein will be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 at 10 a.m., e.d.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23750 Filed 8-12-76;8:45 am]

[Docket No. CP76-5]

CONSOLIDATED GAS SUPPLY CORP.

Motion To Amend

AUGUST 9, 1976.

Take notice that on July 6, 1976,[1] Consolidated Gas Supply Corporation (Con-

See footnote of p. 34358.

solidated), 4 Gateway Center, Pittsburgh, Pennsylvania 15222, filed in Docket No. CP76–5 a motion to amend the Commission's order issued December 2, 1975, in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing Consolidated to render in 1976 and 1977 an additional one-year storage service for Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), consisting of an additional storage capacity volume of 500,000 Mcf and an additional daily demand volume of 3,300 Mcf of gsa, all as more fully set forth in the motion which is on file with the Commission and open to public inspection.

Consolidated states that the order of December 2, 1975, authorized it to render storage service for Tennessee for each of two injections and withdrawal seasons, beginning with the 1975 summer injection period and ending with the 1976–1977 withdrawal period, under Consolidated's supplemental storage service program, as follows:

[In thousands of cubic feet (14.73 lbs/in ² a)]

Period	Daily storage volume	Storage capacity volume
1st 12 mo of service	26,100	3,940,000
2d 12 mo of service	22,800	3,440,000

Consolidated indicates that these storage services were purchased by Tennessee for the purpose of enabling it to render off-peak storage services during both twelve-month periods to ten of its existing New England distribution customers with a total storage volume of 3,440,000 Mcf and to render a similar storage service during only the first twelve-month period to East Tennessee Natural Gas Company (East Tennessee), also an existing customer of Tennessee, with a total storage volume of 500,000 Mcf.

Consolidated now requests that the order of December 2, 1975, be amended to authorize it to render in the second twelve-month period the identical services rendered during the first twelve-month period for Tennessee, consisting in total of a storage capacity volume of 3,940,000 Mcf and a daily demand volume of 26,100 Mcf and representing additional volumes of 500,000 Mcf and 3,300 Mcf, respectively, to the volumes certificated by the December 2, 1975, order for the later period.

The application indicates that the proposed expanded storage service is requested by Tennessee to enable it to continue to render for another year, as requested by East Tennessee, the same storage service to East Tennessee rendered during the 1975–76 period.

Any person desiring to be heard or to make any protest with reference to said motion to amend should on or before August 24, 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.76–23757 Filed 8–12–76;8:45 am]

[1] The motion was tendered for filing July 6, 1976; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until July 30, 1976. Thus, filing was not completed until the latter date.

LANDS WITHDRAWN IN PROJECT NO. 1307

Order Vacating Land Withdrawal

AUGUST 6, 1976.

The Forest Service, United States Department of Agriculture, has requested that the land withdrawal for Project No. 1307 be vacated in its entirety, thereby requiring Commission consideration under Section 24 of the Federal Power Act.

The withdrawal for Project No. 1307 was effectuated February 23, 1935, pursuant to the filing by Henry Dahlem of Cody, Wyoming, of an application for license, and covers all United States lands (approximately 2 acres) lying within the boundary of the project as shown on map Exhibit F (FPC No. 1307–1). Protraction of public land surveys indicated that the lands lie within the unsurveyed NW¼ of sec. 12, T. 52 N., R. 109 W., Sixth Principal Meridian, Wyoming. Notice of the withdrawal was given to the General Land Office (now Bureau of Land Management) by letter dated March 13, 1935.

Project No. 1307 was a 17-horsepower diversion-conduit development on Grinnell Creek, a small tributary of the North Fork Shoshone River, near the east entrance to Yellowstone National Park, in Park County, Wyoming. The 25-year license for the project expired on April 5, 1960, and the project was subsequently operated under authority of a Forest Service special use permit which terminated May 14, 1971. The Forest Service reports that power development was discontinued prior to May 14, 1971, and that the project ditch is now included in a resort special use permit. Reactivation of the power plant is considered unlikely as the area is now served by a rural electric cooperative.

The Commission finds. The land withdrawal for Project No. 1307 no longer serves a useful purpose and should be vacated in its entirety.

The Commission orders. The land withdrawal for Project No. 1307 is hereby vacated in its entirety.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–23752 Filed 8–12–76;8:45 am]

[Docket No. CP74–187]

MONTANA POWER CO.

Petition To Amend

AUGUST 9, 1976.

Take notice that on July 19, 1976, The Montana Power Company (Petitioner), 40 East Broadway, Butte, Montana 59701, filed in Docket No. CP74–187 a petition to amend further the Commission's order issued March 21, 1975, in said docket, as amended, pursuant to Section 3 of the Natural Gas Act by authorizing Petitioner to import nautral gas from Canada to the United States at a border price of $1.80 (Canadian) per million Btu's, effective September 1, 1976, and $1.94 (Canadian) per million Btu's, effective January 1, 1977, as such price is set forth in amendments to Canadian-Montana Pipeline Company's (Pipeline Company) export licenses issued by the National Energy Board of Canada (NEB), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it currently is authorized in this docket to import at a border point near Aden, Alberta, Canada, natural gas purchased from Pipeline Company at a price of $1.60 per million Btu's. It is further stated that on June 17, 1976, the NEB issued amendments to Pipeline Company's export licenses establishing the proposed higher border prices for the exportation of natural gas. Petitioner asserts that it imports from Canada more than 70 percent of the natural gas supply necessary to serve its market and that the ability of Petitioner to meet its market requirements and avoid curtailment of service directly depends on continued importation of natural gas under the authorization granted in the subject docket.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 24, 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 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.76-23758 Filed 8-12-76;8:45 am]

[Docket No. ER76-824]

NORTHERN INDIANA PUBLIC SERVICE CO.

Filing of Revised Tariff Sheet

AUGUST 6, 1976.

Take notice that on July 30, 1976, The Northern Indiana Public Service Company (Northern Indiana) tendered for filing a change to its FPC Electric Service Tariff, Second Revised Volume No. 1 for service to the Kosciusko County Rural Electric Membership Corporation and the LaGrange County Rural Electric Membership Corporation.

Northern Indiana states that copies of this filing have been mailed to all interested customers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 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. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23753 Filed 8-12-76;8:45 am]

[Docket No. ER76-818]

NORTHERN STATES POWER CO. (MINNESOTA)

Proposed Rate Increase

AUGUST 6, 1976.

Take notice that Northern States Power Company, Minneapolis, Minnesota, (NSP) on July 29, 1976, tendered for filing Sixth Revised Schedule A to NSP's contracts with the following sixteen total requirements wholesale customers:

	FPC Rate Schedule No.
City of Anoka	338
City of Arlington	378
Village of Brownton	324
Village of Buffalo	369
City of Chaska	323
City of Granite Falls	355
Home Light and Power Co	335
Village of Kasota	318
Village of Kasson	379
City of Lake City	361
Village of North Saint Paul	371
City of Saint Peter	325
City of Shakopee	368
Town of Valley Springs	366
City of Waseca	380
City of Winthrop	364

The rate schedule is proposed to be effective for deliveries of power and energy on and after September 1, 1976, but NSP requests, in accordance with a settlement agreement in Docket No. E-9148 that the proposed increase be suspended by the Commission so as to allow the increase to become effective for deliveries of power and energy on and after January 1, 1977.

NSP states that the proposed rate schedule will increase revenues from the total requirements sales by $1,453,000, based on sales for the June 1, 1976, to May 31, 1977, test year. The proposed increase is needed, NSP states, so that the revenues will more nearly recover NSP's costs in rendering the service.

As provided in § 35.2 of the regulations under the Federal Power Act, a copy of the proposed rate schedule and comparative billing data have been mailed to each of NSP's customers affected by the proposed change, to the Minnesota Public Service Commission, and to the South Dakota Public Utilities Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 17, 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 application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23754 Filed 8-12-76;8:45 am]

[Docket No. CP76-459]

NORTHWEST PIPELINE CORP.

Application

AUGUST 6, 1976.

Take notice that on July 30, 1976, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP76-459 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7 (b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1977, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers and other sellers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally co-extensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $9,000,000 and that the cost of any single project would not exceed $1,500,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 30, 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.76-23755 Filed 8-12-76;8:45 am]

[Docket No. ER76-821]

TOLEDO EDISON CO.

Service Agreement

AUGUST 6, 1976.

Take notice that The Toledo Edison Company, on July 30, 1976, tendered for filing proposed changes in its FPC Electric Service Tariff, Original Volume Number 1 applicable to sales to Municipalities for Resale. The changes consist of filing a Service Agreement executed by the Village of Oak Harbor, Ohio and Sixth Revised Sheet Number 3, List of Purchasers.

Toledo Edison states that the executed Service Agreement with the Village of Oak Harbor provides that the Village will be served under rate Municipal Resale Service Rate—Small and that the Service Agreement replaces a contract (Rate Schedules FPC Number 16) which

will expire on August 31, 1976. An effective date of September 1, 1976 has been requested for the filed Service Agreement.

Copies of this filing were served upon the Village of Oak Harbor, Ohio and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 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. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23756 Filed 8-12-76;8:45 am]

[Docket No. RP76-135]

CITIES SERVICE GAS CO.

Proposed Changes in FPC Gas Tariff

AUGUST 6, 1976.

Take notice that Cities Service Gas Company (Cities Service) on July 23, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, consisting of the following tariff sheets:

Seventeenth Revised Sheet PGA-1
Third Revised Sheet No. 28
First Revised Sheet No. 29
Fourth Revised Sheet No. 37D
Original Sheet Nos. 37K, 37L, and 37M

Cities Service states that the filing proposes an increase above its presently effective rates which would increase revenues from jurisdictional sales by $13,489,441, based on the test period (the twelve months ended March 31, 1975, adjusted for known changes through December 31, 1976).

Cities Service states that the increased rates are required to reflect a rate of return of 12.60 percent, additional advance payments to producers for natural gas supplies, increases in plant and related cost of service items, increases in the cost of materials, supplies, wages and services, increases in ad valorem, payroll, franchise and state income taxes, and a reduction in gas purchase and sales volumes.

Cities Service's filing also includes in its General Terms and Conditions a minor amendment to Article 6 and a new Article 23 containing an advance payments rate adjustment provision.

Cities Service proposes an effective date of August 23, 1976, and states that copies of this filing were served on each of its customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 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.76-23638 Filed 8-12-76;8:45 am]

[Docket No. ER76-804]

COMMONWEALTH EDISON CO.

Tariff Change

AUGUST 6, 1976.

Take notice that on July 22, 1976 Commonwealth Edison (Com Ed) tendered for filing a new Appendix E dated July 31, 1976 to the Facility Use Agreement between it and Illinois Power Company (Illinois), dated March 1, 1964. Under this Appendix E, Com Ed has provided two 345,000 volt disconnect switches and transmission towers at the point of interconnection near Illinois' Latham substation on Com Ed's 345 Kv line No. 2102.

Com Ed requests waiver of the notice requirements in order to permit the retroactive payment of the monthly facilities use charge of $1,932 to June 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 20, 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.76-23639 Filed 8-12-76;8:45 am]

[Docket No. ER76-817]

INDIANAPOLIS POWER & LIGHT CO.

Filing of Rate Increase, and Petition for Waiver of Prefiling Requirements

AUGUST 6, 1976.

Take notice that on July 29, 1976, Indianapolis Power & Light Company (Indianapolis) tendered for filing rate schedules in the form of agreements which set forth the rates, charges, terms and conditions for providing wholesale electric service to all Indiana Rural Electric Membership Corporations (REMC) it serves. The new rate is intended to supersede and replace existing agreements and rates designated as Indianapolis Power & Light Company Rate Schedules FPC No. 10 and FPC No. 11, as amended, with respect to the type of service enumerated above.

The only customers presently affected by the proposed new rates are Boone County REMC and Morgan County REMC. Both have completed arrangements with Indianapolis, dated as of October 1, 1976, which bind Indianapolis to render service under the new rates for a period of two (2) years after their effective date, unless, in the case of Morgan County REMC, service by Indianapolis is replaced with that of another supplier.

Indianapolis alleges that the structure of the new rates have not been changed from the present rate; that the principal change in the new rates is to provide a total increase of $252,292 in annual revenues based upon the test year ended December 31, 1975, producing a rate of return for such test year of 8.10% on the original cost, less depreciation, of its facilities devoted to wholesale service under the new rates.

Indianapolis proposes that the Commission waive its prefiling of testimony and exhibits requirement, and any other requirement not satisfied by the subject filing. Indianapolis further proposes, in light of the fact that the present services contract rates to the REMCs expire October 23, 1976, that the new rate be effective as of that date.

Indianapolis states that copies of this filing, and all pertinent data, have been sent to Morgan County REMC, Boone County REMC and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 25, 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.76-23640 Filed 8-12-76;8:45 am]

[Docket No. RI76-131]

MARINE CONTRACTORS AND SUPPLY, INC.

Amended Petition for Special Relief

AUGUST 6, 1976.

Take notice that on July 23, 1976, Marine Contractors and Supply, Inc., P.O. Box 27344, Houston, Texas, filed an amended petition to its June 10, 1976 petition for special relief in Docket No. RI76-131 pursuant to §§ 2.76 and 1.11 of the Commission's regulations (18 CFR 2.76 and 1.11). In its June 10, 1976 petition, Marine Contractors and Supply, Inc. requested a rate of $1.00 per Mcf. for the sale of gas from the Lucy Field, (Rob 9 Suc consolidated unit) St. Charles Parish, Louisiana to Transcontinental Gas Pipe Line Corp., 2700 South Post Oak Road, Houston, Texas. That petition was noticed on July 8, 1976, in the FEDERAL REGISTER at 41 FR 28019. The amended petition requests a rate of 85¢ per Mcf, and in all other terms is identical to its June 10, 1976 petition.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 30, 1976, filed 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 protestants parties to the proceeding. Any party wishing to become 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.76-23641 Filed 8-12-76;8:45 am]

[Docket No. RP76-100]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Granting Late Interventions

AUGUST 6, 1976.

By order issued May 28, 1976, in the captioned proceeding, the Commission accepted and suspended a proposed rate increase in the captioned proceeding. Untimely petitions to intervene have been received from Michigan Power Company, Natural Gas Pipeline Company of America, Iowa Electric Light and Power Company, and The Public Service Commission of Wisconsin. The Commission believes that the interest of these petitioners is sufficient to warrant intervention.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioners to intervene.

The Commission orders: (A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23642 Filed 8-12-76;8:45 am]

[Docket No. ER76-644]

MISSOURI PUBLIC SERVICE CO.

Request for Extension of Time for Filing Revised Rate Schedules

AUGUST 6, 1976.

Take notice that on July 22, 1976, Missouri Public Service Company (MPS) tendered for filing a request for a 180 day extension to file Revised Rate Schedules "A" and "C" to its Interchange Agreement with the City of Independence, Missouri, FPR Rate Schedule No. 26. MPS states that the additional time is needed to mutually agree upon revised schedules. Schedule "C" has a fuel clause which does not conform to the Commission's Order No. 517 according to MPS.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 20, 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.76-23643 Filed 8-12-76;8:45 am]

[Docket No. RP76-106]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Granting Late Interventions

AUGUST 6, 1976.

By order issued June 30, 1976, the Commission accepted and suspended a proposed increase in rates in the captioned docket. Timely and untimely petitions to intervene have been received from the following parties:

Central Illinois Light Company
Iowa Electric Light and Power Company
Iowa Power and Light Company
Mississippi River Transmission Corporation
Northern Indiana Public Service Company
Wisconsin Southern Gas Company, Inc.
Illinois Commerce Commission

The Commission believes that the interest of these petitioners is sufficient to warrant intervention.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioners to intervene.

The Commission orders: (A) The above-named petitoners are hereby permitted to intervent in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23644 Filed 8-12-76;8:45 am]

[Docket No. CP73-219]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Petition To Amend

AUGUST 5, 1976.

Take notice that on July 19, 1976, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP73-219 a petition to amend the order accompanying Opinion No. 693 (51 FPC 1446) issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act, by which petition Petitioner requests authorization to transport an increased volume of natural gas for United Gas Pipe Line Company (United) and Trunkline Gas Company (Trunkline) in Louisiana, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that it is authorized in the instant docket to transport up to 200,000 Mcf of natural gas per day for United and up to 300,000 Mcf of natural gas per day for Trunkline. Petitioner requests authorization to transport from the existing Holly Beach delivery point in Cameron Parish to the existing Erath redelivery point in Vermilion Parish up

to 50,000 Mcf of gas per day on a firm basis and up to 20,000 Mcf of gas per day on a best efforts basis for United for 18 months from the date that Stingray Pipeline Company's (Stingray) facilities to the West Cameron Block 533 Field, as proposed in Docket No. CP75-329, are completed and placed in service. It is stated that the gas would be delivered or be caused to be delivered by United from production in Blocks 532, 533, 586, and 587 in the West Cameron Area, offshore Louisiana.

Petitioner also requests authorization to transport from the Holly Beach delivery point to the existing Cameron redelivery point in Cameron Parish a total of 400,000 Mcf of gas per day commencing October 1, 1976, and a total of 460,000 Mcf of gas per day commencing the date additional facilities, proposed by Stingray in Docket No. CP76-96, are placed in service. The service rendered by Petitioner for Trunkline would be reduced at such times as United is delivering the increased volumes as proposed in the instant petition and at such times as Trunkline is transporting for Petitioner up to 50,000 Mcf of gas per day.

The additional transportation services proposed in the instant petition would be rendered at the rates provided by Petitioner's Rate Schedules X-48 and X-49, the rate schedules for the existing services for United and Trunkline, respectively, the petition states.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 26, 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.76-23636 Filed 8-12-76;8:45 am]

[Docket No. CP76-463]

NORTHWEST PIPELINE CORP.

Application

AUGUST 6, 1976.

Take notice that on August 2, 1976, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP76-463 an application pursuant to section 7 of the Natural Gas Act and § 157.7(g) of the regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission for and approval of the abandonment, during the calendar year 1977, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which 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 construction and abandonment would not exceed $3,000,000 and that the cost of any single project would not exceed $500,000. These costs would be financed with working funds, supplemented, as necessary, by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 31, 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 and 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.76-23645 Filed 8-12-76;8:45 am]

[Docket No. RP73-89 (PGA 76-2A)]

SEA ROBIN PIPELINE CO.

Filing of Revised Tariff Sheet

AUGUST 6, 1976.

Take notice that on July 20, 1976, Sea Robin Pipeline Company (Sea Robin) tendered for filing Tenth Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1 to become effective July 2, 1976.

This filing is being made pursuant to Commission order issued June 30, 1976 to reflect the elimination from the purchased gas cost in Sea Robin's May 14, 1976 PGA filing, volumes and costs related to three new purchase contracts which did not materialize by July 1, 1976.

A copy of the revised tariff sheet with supporting data is being mailed to all of Sea Robin's jurisdictional customers and interested state 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 §§ 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 August 17, 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.76-23646 Filed 8-12-76;8:45 am]

[Docket No. CP71-151]

SOUTHERN ENERGY CO.

Application To Amend

AUGUST 6, 1976.

Take notice that on July 23, 1976, Southern Energy Company (Applicant) filed in Docket No. CP71-151 an application to amend the Commission's Opinion No. 622 and order issued June 28, 1972, in said docket (47 FPC 1624), as modified on rehearing by Opinion No. 622-A and order (48 FPC 723), pursuant to section 3 of the Natural Gas Act by removing the price limitation and allowing the contract pricing formula to operate without limitation on the price of liquefied natural gas (LNG) to be imported by Applicant or, in the alternative, by raising the ceiling on the operation of the contract pricing formula from 83.0 cents per million Btu's to 131.0 cents per million Btu's of LNG, all as more fully set forth in the application to amend which is on file with the Commission and open to public inspection.

Applicant states that Opinion No. 622, as modified, authorized it to import LNG from Algeria which LNG would be pur-

chased from El Paso Algeria Corporation (El Paso) under a contract with a pricing formula which permits changes in the LNG price based on changes in (i) the price El Paso pays for LNG; (ii) the costs of tankers and other facilities; (iii) operating expenses, and (iv) the cost of debt. It is further stated that said contract pricing formula was approved but that the import authorization granted Applicant limited the price to 83.0 cents per million Btu's. It is indicated that the ceiling price of 83.0 cents per million Btu's was based on a 1972 cost estimate and that Opinion No. 622–A provided that the limitation on the price for LNG could be raised upon a showing that actual costs reasonably and prudently incurred exceeded the cost estimates upon which the 83.0-cent price was based.

Applicant asserts that 95 percent of El Paso's costs have now been incurred or contracted for and the total cost and resulting price to Applicant is therefore known with a great deal of certainty, and that the actual, reasonably and prudently incurred costs experienced by El Paso have exceeded the 1972 estimates upon which the 83.0-cent price was based. Applicant states that the current estimate of the price under the contract formula in the first full year of full deliveries is 130.29 cents per million Btu's.

Accordingly, Applicant requests that the Commission find that the additional costs incurred and to be incurred by El Paso serve the present and future public convenience and necessity and, therefore, that the Commission remove the price limitation and allow the contract pricing formula to operate without limitation. Applicant requests, in the alternative, that the Commission raise the ceiling on the operation of the contract pricing formula from 83.0 cents per million Btu's to 131.0 cents per million Btu's.

Any person desiring to be heard or to make any protest with reference to said application to amend should on or before August 27, 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 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.76–23647 Filed 8–12–76;8:45 am]

[Docket Nos. RP74–41 and RP75–73 (PGA 76–5A)]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

AUGUST 5, 1976.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on July 20, 1976 tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following sheets; accordingly to Texas Eastern:

Second Substitute Twentieth Revised Sheet No. 14
Second Substitute Twentieth Revised Sheet No. 14A
Second Substitute Twentieth Revised Sheet No. 14B
Second Substitute Twentieth Revised Sheet No. 14C
Second Substitute Twentieth Revised Sheet No. 14D
Second Substitute Revised Twentieth Revised Sheet No. 14
Second Substitute Revised Twentieth Revised Sheet No. 14A
Second Substitute Revised Twentieth Revised Sheet No. 14B
Second Substitute Revised Twentieth Revised Sheet No. 14C
Second Substitute Revised Twentieth Revised Sheet No. 14D

Texas Eastern states that these sheets are being issued in substitution of tariff sheets filed by Texas Eastern on May 17, 1976 and June 15, 1976, for a PGA rate increase and a reduction due to repayments of advance payments, respectively. Texas Eastern states that such May 17, 1976 and June 15, 1976 filings were approved by the Commission by letter orders dated June 30, 1976 and July 8, 1976, respectively. Texas Eastern states that the PGA filing of May 17, 1974 was suspended, in part, for one day and accepted effective July 2, 1976, and accepted, in part, without suspension effective July 1, 1976, subject to revisions by Texas Eastern to reflect a change in rates by one of its pipeline suppliers.

Texas Eastern asserts that the above tariff sheets comply with the requirements of the Commission's letter order of June 30, 1976 and also reflect the advance payment reduction approved by letter order dated July 8, 1976. Texas Eastern requests effective dates for the above tariff sheets consistent with the effective dates allowed in the abovementioned letter orders.

Texas Eastern states that copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 18, 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.76–23637 Filed 8–12–76;8:45 am]

[Docket No. RP76–84]

UNITED GAS PIPE LINE CO.

Order Granting Intervention

AUGUST 6, 1976.

On April 9, 1976, United Gas Pipe Line Company (United) filed proposed tariff sheets which would increase its jurisdictional revenues. United requested that the tariff sheets be allowed to become effective on May 9, 1976.

Public notice of United's proposed rate increase was issued on April 16, 1976, with protests and petitions to intervene due on or before April 28, 1976. On June 25, 1976, an untimely petition to intervene was received from Algonquin Gas Transmission Company (Algonquin). Having reviewed Algonquin's petition, the Commission concludes that Algonquin has an interest in this proceeding which is sufficient to warrant its intervention herein.

The Commission finds: It is desirable and in the public interest to allow Algonquin to intervene in these proceedings.

The Commission orders: (A) Algonquin is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Federal Power Commission; *Provided, however*, That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the notice of intervention; and *Provided further*, That the admission of such intervenor shall not be construed as recognition by the Federal Power Commission that it might be aggrieved because of any order or orders of the Federal Power Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–23648 Filed 8–12–76;8:45 am]

[Docket No. RP73–94 (PGA 76–2)]

VALLEY GAS TRANSMISSION, INC.

Order Granting Intervention

AUGUST 6, 1976.

On May 14, 1976, Valley Gas Transmission, Inc. (Valley Gas) filed a proposed tariff sheet pursuant to its Purchased Gas Cost Provision. Valley Gas requested that the tariff sheet be allowed to become effective on July 1, 1976.

Public notice of Valley Gas proposed tariff revision was issued on May 21, 1976, with protests and petitions to intervene due on or before June 7, 1976. On June 7, 1976, a timely petition to intervene was received from Tennessee Gas Pipeline Company, a division of Tenneco, Inc. (Tennessee). Having reviewed Tennessee's petition, we conclude that

Tennessee has an interest in this proceeding which is sufficient to warrant its intervention herein.

The Commission finds: It is desirable and in the public interest to allow Tennessee to intervene in these proceedings.

The Commission orders: (A) Tennessee is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Federal Power Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the notice of intervention; and *Provided further,* That the admission of such intervenor shall not be construed as recognition by the Federal Power Commission that it might be aggrieved because of any order or orders of the Federal Power Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-23649 Filed 8-12-76;8:45 am]

FEDERAL RESERVE SYSTEM

[H. 2, 1976 No. 30]

BOARD OF GOVERNORS

Actions; Applications and Reports Received During the Week Ending July 24, 1976

ACTIONS OF THE BOARD

Report on bill, S. 3163, letter to Chairman Proxmire of the Senate Banking, Housing and Urban Affairs Committee commenting on a bill that would permit interest to be paid on demand deposits that consist of public funds of the United States or of a State or a political subdivision or instrumentality of a State.

Further consideration early next year to the question whether commercial banks should be permitted to pay the same ceiling rate of interest on Individual Retirement Accounts as thrift institutions.

Amendments to Regulation G, Securities Credit By Persons Other Than Banks, Brokers, Or Dealers, to reduce the amount of paperwork and reporting required in the regulation of securities credit.

Letter to Senator Biden, Chairman of the Consumer Affairs subcommittee of the Banking, Housing and Urban Affairs Committee in response to questions raised relating to violations of the Truth in Lending Act.

American Security Corporation, Washington, D.C., issuance of order announcing determination that ASC is entitled to grandfather privileges with respect to certain nonbanking activities.

Citibank Overseas Investment Corporation, New York, New York, consent for an additional extension of time within which to establish a branch in San Juan, Puerto Rico.[1]

First Citizens Bank of Butte, Butte, Montana, extension of time for three months within which First Citizens Bank of Butte may accomplish membership in the Federal Reserve System.[1]

Dauphin Deposit Corporation, Harrisburg, Pennsylvania, extension of time of three months from August 1, 1976, to November 1, 1976, in which to consummate acquisition of 100 per cent of the voting shares of Dauphin Deposit Bank and Trust Company, Harrisburg, Pennsylvania.[1]

First Bancshares of Florida, Inc., Boca Raton, Florida, extentension of time until October 19, 1976, within which to acquire shares of and open Vero Beach National Bank, Vero Beach, Florida.[1]

Kentucky National Corporation, Louisville, Kentucky, 90-day extension of time, from July 24, 1976, until October 22, 1976, to commence certain de novo activities at an office at 101 South Fifth Street, Louisville, Kentucky.[1]

Northern Michigan Corporation, Escanaba, Michigan, extension of time from July 24, 1976, to October 24, 1976, within which the de novo Northern Michigan Bank of Kingsford, Kingsford, Michigan, shall be opened for business; and to extend from July 24 to October 24, 1976, the time within which the Corporation may consummate acquisition of Northern Michigan Bank of Kingsford, Kingsford, Michigan.[1]

Northeast United Bancorp, Inc., of Texas, Fort Worth, Texas, extension of time to November 17, 1976, in which to consummate the acquisition of First State Bank, Bedford, Texas.[1]

Republic of Texas Corporation, Dallas, Texas, extension of time to October 27, 1976, within which to consummate the acquisition of Braes Bayou National Bank, Houston, Texas and to open for business.[1]

Redwood National Mortgage Company, San Francisco, California, a subsidiary of Redwood Bancorp, also of San Francisco, extension of time to October 24, 1976, within which to divest itself of unimproved property in Albany, California.[1]

Peoples State Bank of Holland, Michigan, extension of time to December 19, 1976, within which to establish a branch in the vicinity of 501 West Main Street, Holland Township, Michigan.[1]

Foxworth Bank, Foxworth, Mississippi, investment in bank premises.[1]

NOTE.—The H.2 release is now published in the FEDERAL REGISTER. It will continue to be sent, upon request, to anyone desiring a copy.

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

Union Trust Company of Maryland, Baltimore, Maryland. Branches to be established at the following locations:

A. In the Bel Air Plaza Shopping Center, Bel Air, Hartford County.

B. In the College Center Building, Towson State College, Baltimore County.[2]

First Bank and Trust Company of South Bend, South Bend, Indiana. Branch to be established at the southeast corner of State Road No. 23 and Rittersweet Road, Grander, Harris Township, St. Joseph County.[2]

Louisville Trust Bank, Inc., Louisville, Kentucky. Branch to be established at 3940 Westport Road, Louisville, Jefferson County.[2]

Seattle Trust and Savings Bank, Seattle, Washington. Branch to be established on the southeast corner of N.E. 85th Street and 124th Avenue N.E. in the unincorporated King County.[2]

International Investments and Other Actions Approved Pursuant to Sections 25 and 25(a) of the Federal Reserve Act and Sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as amended.

First Chicago International Banking Corporation; Chicago, Illinois: Board interpretation re: letter of credit transactions.

State of New York Banking Department, New York, New York: views of the board for establishment of an agency in New York City by The Sumitomo Trust and Banking Company, Limited, Osaka, Japan.

First Chicago International Finance Corporation, Chicago, Illinois: Investment—to acquire First Chicago Investments Canada Limited, Toronto, Canada.

Security Pacific Overseas Corporation, Los Angeles, California: regarding the sale of mutual funds.

Allied Bank International, New York, New York: Investment to establish and wholly-own a de novo Bank and Trust Company in Nassau, to be known as Allied Bank and Trust Company (Bahamas) Limited.

First National City Overseas Investment Corporation, New York, New York: FNC Comercio E. Particlpacoes S.A. to issue debt obligations, Rio de Janeiro, Brazil.

American National Overseas Corporation, Chicago, Illinois: Investment—to enter into a joint venture, Americorp-Servicos Assessoria E. Particiapoes Limitada, Brazil.

To Merge Pursuant to Section 18(c) of the Federal Deposit Insurance Act.

APPROVED

First Guaranty Bank, Hurt, Virginia for prior approval to merge with Schoolfield Bank and Trust Company, Danville, Virginia.

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

APPROVED

Bancook Corporation, Cook, Nebraska, for approval to acquire 80 per cent or more of the voting shares of Farmers Bank of Cook, Cook, Nebraska.[2]

Hastings State Company, Hastings, Nebraska, for approval to acquire 80 percent or more of the voting shares of Hastings State Bank, Hastings, Nebraska.

DENIED

C N Banc Holding Corporation, Maplewood, Missouri, for approval to acquire 80 per cent or more of the voting shares of Citizens National Bank of Greater St. Louis, Maplewood, Missouri.

To Expand A Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

APPROVED

Mellon National Corporation, Pittsburgh, Pennsylvania, for approval to acquire 100 per cent of the voting shares of Local Loan Company, Chicago, Illinois.

[1] Application processed on behalf of the Board of Governors under delegated authority.

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

DELAYED

Southwest Bancshares, Inc., Houston, Texas, notification of intent to engage in de novo activities (originating loans as principal, originating loans as agents, servicing loans for nonaffiliated individuals, partnerships, and corporations; servicing loans for subsidiaries of Southwest Bancshares, Inc. and such other activities as may be incident to the business of a mortgage company) at 2901 West Loop South, Houston, Texas, through a subsidiary, Southwest Bancshares Mortgage Company (7/21/76).[3]

REACTIVATED

Manufacturers Hanover Corporation, New York, New York, notification of intent to engage in de novo activities (of a consumer finance business including without limitation making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a finance company, servicing loans and other extensions of credit for any person; and acting as agent or broker for the sale of credit related life accident and health insurance and consumer credit related property (including non-filing insurance) and casualty insurance which is related to extension of credit made or acquired by Ritter Finance Company and/or its direct and indirect subsidiaries) at King Street, Elizabethtown, North Carolina, through its subsidiary, Ritter Finance Company, Inc., of North Carolina (6/30/76).[3]

Root River Agency, Inc., Preston, Minnesota, notification of intent to engage in de novo activities (an agriculture credit company) at 100 Anthony, North, Preston, Minnesota (7/23/76).[3]

PERMITTED

Citicorp, New York, New York, notification of intent to engage in de novo activities (consumer personal lending, preauthorized consumer revolving credit; and acting as broker for the sale of consumer credit related life/accident and health insurance and consumer credit related property and casualty insurance; if these proposals are effected, the subsidiary will offer to sell insurance as follows: credit life/accident and health or individual decreasing or level (in the case of single payment loans) life insurance to cover the outstanding balance of consumer credit transactions singly or jointly with their spouses or cosigners in the case of life coverage in the event of death, or, to make the contractual monthly payments on the consumer credit transactions in the event of the obligators' disability to the extent permissible under applicable State insurance laws and regulations; and individual casualty insurance on personal property subject to security agreements and to include liability coverage in home or automobile owner "package" policies where such is the general practice; further, in regard to the sale of credit related insurance, the subsidiary will not act as a general insurance agency) at 1701 North Kipling Street, Suite 205, Lakewood, Colorado, through its subsidiary, Nationwide Financial Service Corporation and its subsidiary, Citicorp Person-to-Person Financial Center, Inc. (7/24/76).[3]

CB&T Bancshares, Inc., Columbus, Georgia, notification of intent to engage in de novo activities (writing and issuing credit life insurance policies and credit accident and health insurance policies in connection with the extensions of credit such as would be made by a second mortgage company) at 1148 Broadway, Columbus, Georgia, through a subsidiary, CB&T Homeowners, Inc. (7/24/76).[3]

Flagship Banks, Inc., Miami Beach, Florida, notification of intent to continue to engage through a subsidiary known as Flagship Service Corporation (Company), a subsidiary, Flagship Bank of Tampa in the following activities now being performed by Company (providing bookkeeping or data processing services for the internal operations of the holding company and its subsidiaries and storing and processing other banking, financial or related economic data such as performing payroll, accounts receivable or payable, or billing services). After reorganization, Company will be a direct wholly-owned subsidiary of Flagship Banks, Inc.; activities will be conducted at 120 Andalusia Avenue, Coral Gables; 4720 Cypress Street, Tampa; 103 Century 21 Drive, Suite 110, Building No. 2, Jacksonville; and 5800 Diplomat Circle, Ambassador Building, Orlando, all located in Florida (7/24/76).[3]

Bankshares of Nebraska, Inc., Grand Island, Nebraska, notification of intent to engage in de novo activities (sale of credit life and credit disability (accident and health) insurance on extensions of credit) at First Center, 3413 West Thirteenth Street, Grand Island, Nebraska, through a subsidiary, First Savings Company (7/22/76).[3]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring for its own account loans and other extensions of credit, servicing for itself or others loans and other extensions of credit such as would be made or provided by a finance company, including but not limited to the following specific activities: making of consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real or personal property or a combination thereof; acting as agent or broker for the sale of credit life and credit accident and health insurance, and credit related property and casualty insurance in connection with extensions of credit by FinanceAmerica Corporation) at offices to be located at 31 A Black Horse Pike, Runnemede, New Jersey, through its subsidiary, FinanceAmerica Corp., a New Jersey Corporation (7/19/76).[3]

Patagonia Corporation, Tucson, Arizona, notification of intent to engage in de novo activities (originating residential mortgages and mortgages on commercial real estate for sale to permanent investors; servicing of mortgages for permanent investors; and interim lending for land development and construction financing where the loan will be sold to a permanent investor) at 1700 First Avenue, Yuma, Arizona, through its subsidiary, Western American Mortgage Company (7/22/76).[3]

WITHDRAWN

CHAMBANCO, INC., Chambers, Nebraska, for approval to acquire the assets of Adams & Adams Insurance Agency, Chambers, Nebraska.

Harvard State Company, Harvard, Nebraska, for approval to acquire the assets of Voorhees Insurance Agency, Harvard, Nebraska.

APPLICATIONS RECEIVED

To Become a Member of the Federal Reserve System Pursuant to Section 9 of the Federal Reserve Act.

The Central Trust Company of Canal Winchester, Canal Winchester, Ohio.

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

Old Kent Bank of Kentwood, Kentwood, Michigan. Branch to be established in the vicinity of 52nd Street and Eastern Avenue, S.E., Kentwood.

To Merge Pursuant to Section 18(c) of the Federal Deposit Insurance Act.

First Virginia Bank of Colonial Heights, Colonial Heights, Virginia for prior approval to merge with Richmond National Bank, Richmond, Virginia.

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

Nabach, Inc., Farmer City, Illinois, for approval to acquire 52.27 percent of the voting shares of State National Bank in Lincoln, Lincoln, Illinois.

Sidney Holding Company, Sidney, Montana to acquire 80.5 percent of the voting shares of The Sidney National Bank, Sidney, Montana.[2]

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

LITCO Corporation of New York, Garden City, New York, for approval to acquire 100 percent of the voting shares of Long Island Bank, Hicksville, New York, successor by conversion to Long Island National Bank, Hicksville, New York.[2]

Tower-Soudan Agency, Inc., Tower, Minnesota, for approval to acquire an additional 43.67 percent of the voting shares of State Bank of Tower, Tower, Minnesota.[2]

First City Bancorporation of Texas, Inc., Houston, Texas, for approval to acquire 100 percent of the voting shares (less directors' qualifying shares) of First City Bank-Northeast, N.A., Houston, Texas.

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

Citicorp, New York, New York, notification of intent to engage in de novo activities (purchasing and servicing for its own account consumer installment sales finance contracts, and will act as broker for the sale of consumer credit related life and accident and health insurance and consumer credit related property and casualty insurance on purchased consumer installment

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

[2] Application processed by the Reserve Bank on behalf of the Board Governors under delegated authority.

sales finance contracts; said insurance will only be offered when such transactions are the equivalent of direct extensions of consumer credit by the subsidiary. If this proposal is effected, the subsidiary will offer to sell insurance as follows: group credit life and accident and health insurance to cover the outstanding balances on consumer installment sales finance contracts to the obligator, singly or jointly with their spouses or co-signers in the case of life coverage, in the event of death, or, to make the contractual monthly payments on consumer installment sales finance transactions in the event of the obligators' disability to the extent permissible under applicable state insurance laws and regulation; individual casualty insurance on personal property subject to security agreements; further, in regard to the sale of credit related insurance, the subsidiary will not act as a general insurance agency) at Mall View Office Park, 5313 50th Street, Building B, Suite 5, Lubbock, Texas, through its subsidiary, Nationwide Financial Corporation (7/21/76).[3]

Florida National Banks of Florida, Inc., Jacksonville, Florida, notification of intent to engage in de novo activities (the business of acting as agent for the sale of credit life and accident and health insurance directly related to extensions of credit by the bank holding company and/or its banking and nonbanking subsidiaries), at Titusville, Opa-Locka, Miami, Fort Pierce, Coral Gables, Madison, Bushnell, Bartow, De Land, St. Petersburg, Ft. Lauderdale, Daytona Beach, Pensacola, Jacksonville, Orlando, Vero Beach, Port St. Joe, West Palm Beach, Key West, Gainesville, Brent, Starke, Lakeland, Chipley, Belle Glade, Ocala, Perry and Fernandina Beach, all located in Florida (7/20/76).[3]

Century Financial Corporation of Michigan, Saginaw, Michigan, for approval to acquire all the voting shares of Century Life Insurance Company of Michigan, Phoenix, Arizona, (underwriting, as reinsurer, credit life and credit accident and health insurance which is directly related to extensions of credit by the bank holding company system).

Nabach, Inc., Farmer City, Illinois, for approval to continue to engage in the provision of investment advisory service for State National Bank in Lincoln, Lincoln, Illinois.

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (making or acquiring for its own account, or for the account of others, loans and extensions of credit, including making consumer installment personal loans, to small businesses and other extensions of credit such as would be made by a factoring company or a commercial finance company, and acting as broker or agent for the sale of consumer-related life/accident and health insurance and consumer related property and casualty insurance) at 16052 Beach Blvd, Huntington Beach, California, through its subsidiary, Security Pacific Finance Corp. (7/16/76).[3]

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

REPORTS RECEIVED

Current Report Filed Pursuant to Section 13 of the Securities Exchange Act.

Bank of the Commonwealth, Detroit, Michigan.

PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, August 6, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-23700 Filed 8-12-76;8:45 am]

CUBANC CORP.

Order Approving Formation of Bank Holding Company

CUbanc Corp., Columbus, Ohio, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 per cent (less directors' qualifying shares) of the voting shares of The Alexandria Bank Company, Alexandria, Ohio ("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 Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a recently formed corporation organized for the purpose of becoming a bank holding company[1] through the acquisition of Bank. Bank holds total deposits of approximately $2.8 million, representing 1.1 percent of total deposits in commercial banks in the relevant banking market[2] and is the smallest of five banking organizations in the market.[3]

Since Applicant has no present operations or subsidiaries, consummation of the proposed transaction would not have any adverse effect on existing or potential competition,[4] nor would it increase the concentration of banking resources or have an adverse effect on other banks in the relevant market. Thus, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant and Bank are regarded as satisfactory and the future prospects for each appear favorable. Applicant will not incur debt incident to the subject proposal. It is expected that, following consummation of this proposal, Bank will increase interest rates it pays on savings deposits, initiate a credit card program, and expand its hours of operation. Accordingly, considerations relating to the convenience and needs of the communities to be served lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[5] effective August 4, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-23694 Filed 8-12-76;8:45 am]

[1] Applicant was organized by The Ohio Central Credit Union, Inc., Columbus, Ohio, and The Ohio Credit Union League, Columbus, Ohio. Applicant's shares are to be held by seven individuals and 24 State chartered credit unions. No credit union will own more than 5 percent of the outstanding voting shares of Applicant.

[2] The relevant banking market is approximated by Licking County except for the Townships of Jersey, Lima, and Etna.

[3] All banking data are as of June 30, 1975.

[4] No credit union that will share in the ownership of Applicant operates in the relevant banking market.

FIRST YUKON BANKSHARES, INC.

Order Approving Formation of Bank Holding Company

First Yukon Bankshares, Inc., Oklahoma City, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 84.77 percent of the voting shares of The First National Bank of Yukon, Yukon, Oklahoma ("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 Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a nonoperating corporation with no subsidiaries, was organized for the purpose of becoming a bank holding company through the acquisition of Bank. Bank holds deposits of $23.7 million[1] and is the 30th largest bank in the relevant banking market,[2] controlling less than one per cent of the total deposits in commercial banks in the

[5] Voting for this action: Chairman Burns and Governors Wallich, Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Governor Gardner.

[1] All banking data are as of December 31, 1975.

[2] The relevant banking market is approximated by the Oklahoma City SMSA, which is comprised of Canadian, Cleveland, McClain, Oklahoma and Pottawatomie Counties.

market. Upon acquisition of Bank, Applicant would control approximately 0.2 per cent of the total commercial bank deposits in the State of Oklahoma. Since the proposed transactions is essentially a reorganization of Bank's present ownership into corporate form, consummation of the proposal would not appear to have any adverse effects on other banks or on competition in the relevant market. Therefore, competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant and Bank are regarded as satisfactory. The future prospects of Applicant are dependent upon those of Bank, which also are regarded as satisfactory. Although Applicant will assume debt in acquiring the shares of Bank, it appears that income and management fees from Bank will provide sufficient revenue to Applicant to service the debt adequately without adversely affecting the financial condition of Bank. In addition, Applicant has committed that, during the period of debt amortization, it will not retire or pay dividends on any of its non-cumulative preferred stock until after each respective year's principal and interest payments of Applicant's acquisition debt have been amortized as projected and unless Bank's capital has been maintained as projected. Accordingly, considerations relating to banking factors are consistent with approval. Although consummation of the transaction would have no immediate effect on area banking needs, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that consumation of the proposed transaction would be consistent with 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 made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[3] effective August 6, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-23695 Filed 8-12-76;8:45 am]

FORT SAM HOUSTON BANKSHARES, INC.

Order Approving Acquisition of Greenwood Life Insurance Co.

Fort Sam Houston Bankshares, Incorporated, San Antonio, Texas ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), to acquire 100 percent of the outstanding shares of Greenwood Life Insurance Company, San Antonio, Texas ("Company"), a company that will engage in the activity of underwriting credit life insurance and credit accident and health insurance that is directly related to extensions of credit by the bank holding company system. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the applications, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 FEDERAL REGISTER 23759). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the 34th largest banking organization in Texas, controls one bank, National Bank of Fort Sam Houston, San Antonio, with deposits of approximately $129.2 million, representing 1.3 percent of the total deposits in commercial banks in the State.[1]

Company is an existing life insurance company,[2] the activities of which are limited to reinsurance of ordinary life policies issued by its present parent company, Government Personnel Mutual Life Insurance Company ("GPMLIC"). After consummation, Company would terminate its captive reinsurance activities for its present parent,[3] and commence both reinsurance activities and direct underwriting activities for Applicant. Since the proposal thus essentially involves a de novo activity, consummation of the transaction would not have any significant adverse effects on existing or potential competition in the relevant market.[4]

Credit life and credit accident and health insurance is generally made available by banks and other lenders and is designed to assure repayment of a loan in the event of death or disability of the borrower. In connection with its addition of credit insurance underwriting to the list of permissible activities for bank holding companies, the Board stated:

> To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

Applicant's Bank, through two policies issued by an unaffiliated insurance company, now offers to its customers credit life insurance on a single life in connection with installment and revolving credit loans it originates. Rates now being charged for this coverage are 39.9 percent below maximum rates permitted by State law. Applicant proposes to reduce current rates by 3.57 percent resulting in rates that are 42.1 percent below State regulatory maxima. Applicant further proposes to begin offering coverage on single payment consumer loans and coverage on joint lives when applicable. The proposed rates for this coverage are 3.55 percent below State regulatory maxima. Moreover, Bank currently does not offer credit accident and health insurance to its credit customers. Applicant proposes to provide this coverage at 3.51 percent below State regulatory maxima. As an additional public benefit, Applicant would increase maximum credit life insurance coverage from $10,000, the present maximum, to $20,000 except on revolving credit loans, where the limit would remain at $10,000. Applicant also proposes to extend from one month to three months the period during which coverage on the life of a borrower in default would continue.

Although policies currently in use by Bank do not contain a suicide exclusion provision, Applicant proposes to include such a provision in its policies from Company. The suicide exclusion is a standard provision in policies issued by the six credit-related insurance subsidiaries of bank holding companies presently doing business in Texas. The Board does not view Applicant's proposed addition of the suicide exemption provision as significantly reducing the net public benefits that will result from the implementation of the other elements of the Applicant's proposal. Accordingly, the Board finds that Applicant's proposed premium rate reductions and its

[1] All banking data are as of December 31, 1975, and reflect bank holding company acquisitions and formations as of April 1, 1976.

[2] Company holds life insurance policies with a face value of $236,500 pursuant to reinsurance agreements with its present parent. It does so to qualify as an insurer, and thereby retain its charter, under the Texas Insurance Code. At the time of consummation, Company will simultaneously reinsure approximately $3.8 million face value of insurance in force formerly underwritten by Bank's present insurance underwriter in connection with past extensions of credit by Bank. The reinsurance transaction is to be undertaken to allow Company to retain its charter; thereafter, Company will begin its underwriting activities.

[3] In order to ensure that Company will engage in no insurance activities carried over from its former parent that are impermissible for subsidiaries of bank holding companies, a clause in the contract of sale between Applicant and GPMLIC provides that the reinsurance agreements in existence between the two parties shall be terminated and that GPMLIC shall recapture all of such reinsurance, thereby relieving Company as resinsurer immediately following consummation.

[3] Voting for this action: Chairman Burns and Governors Wallich, Coldwell, Jackson, Partee and Lilly. Absent and not voting: Governor Gardner.

[4] The San Antonio SMSA is the relevant credit-related insurance market for purposes of analyzing the competitive effects of the proposal.

proposed increases in policy coverage are procompetitive and in the public interest.

Based upon the foregoing and other considerations reflected in the record, including a commitment by Applicant to maintain on a continuing basis the public benefits that the Board has found to be reasonably expected to result from this proposal and upon which the approval of this proposal is based, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiares as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas, pursuant to authority hereby delegated.

By order of the Board of Governors,[1] effective August 6, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-23696 Filed 8-12-76;8:45 am]

LITCO CORPORATION OF NEW YORK

Acquisition of Bank

LITCO Corporation of New York, Garden City, New York, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Long Island National Bank, Hicksville, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 24, 1976.

Board of Governors of the Federal Reserve System, August 6, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-23697 Filed 8-12-76;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Wallich, Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Governor Gardner.

SEILON, INC.

Acquisition of Bank

Seilon, Inc., Toledo, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to retain approximately .4 per cent of the voting shares of Nevada National Bancorporation (formerly First Bancorporation), Reno, Nevada. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 7, 1976.

Board of Governors of the Federal Reserve System, August 6, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-23698 Filed 8-12-76;8:45 am]

SPALDING CITY CORP.

Formation of Bank Holding Company

The Spalding City Corporation, Spalding City, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Spalding City Bank, Spalding, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit vews in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than September 8, 1976.

Board of Governors of the Federal Reserve System, August 9, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-23699 Filed 8-12-76;8:45 am]

FEDERAL TRADE COMMISSION

HARMSCO, INC.

Denial of Application for Waiver of Magnuson-Moss Warranty Act

I. By application dated September 4, 1975, Harmsco, Inc. (Harmsco), a manufacturer of swimming pool water treatment systems, requested a waiver of section 102(c) of the Magnuson-Moss Warranty Act, Pub. L. 93-637, 15 U.S.C. 2302(c) (the "Act").

Section 102(c) of the Act provides that no warrantor of a consumer product may condition his written or implied warranty of such product on the consumer's using, in connection with such product, any article or service (other than one provided without charge) identified by brand, trade or corporate name, unless a waiver of this provision is granted by the Commission.

Harmsco seeks the waiver in order to use the following clause in its warranty:

> This guarantee is void if filter cartridges other than those manufactured by Harmsco, Inc. are used in this filter.

As required by section 102(c), the Commission published Harmsco's application in the December 18, 1975 FEDERAL REGISTER for public comment. The record was open for comment until February 16, 1976. The only evidence submitted and arguments made in connection with the waiver application were those of the applicant.

The application of Harmsco, Inc. for a waiver of section 102(c) is denied for the reasons set forth below.

II. There are two distinct products under consideration in this waiver request: (1) The filter unit ("unit") and (2) the filter cartridge ("cartridge"). The unit consists of pumps, pipes, tank, housing and related components. Harmsco's proposed warranty covers only the unit. The unit is a relatively expensive product with a service life expectancy of at least ten years (as evidenced by the duration of the warranty against defects offered by the manufacturer).

The cartridge is a cylindrical device which is inserted into the unit which acts as the filtering element. The unit pumps water through the cartridge to be filtered. Harmsco seeks a waiver so that the cartridge may be identified by brand name in the unit's warranty and its use made a condition of warranty coverage. Cartridges must be replaced regularly throughout the life-cycle of the unit to keep the filtration system operating; their cost is minor in comparison to the cost of the unit.

Section 102(c) provides that "the prohibition of this subsection may be waived by the Commission if—

(1) The warrantor satisfies the Commission that the warranted product will function properly only if the article or service so identified is used in connection with the warranted product and

(2) The Commission finds that such a waiver is in the public interest."

In support of the waiver request the applicant has submitted the following materials:

(1) Two photographs of weighted barrels each supported by three cartridges. One barrel is supported by three non-Harmsco cartridges while the other is supported by three Harmsco cartridges. These photographs show that the non-Harmsco cartridges deform under a weight of 255 lbs. while Harmsco cartridges can support at least 440 lbs. without similar deformation. There is no

indication on the record of the relevance of this feature to the statutory standard.

(2) Three advertisements for Harmsco cartridges. These advertisements set out the applicant's product claims for its products. There is no documentation in the advertisement supporting the advertised claims.

(3) A "Swimming Pool Filter Evaluation Program" report dated September 22, 1972 by Enviro-Engineers, Inc., 600 Bancroft Way, Berkeley, California ("1972 Report"). This report, commissioned by Harmsco compares the performance of the Harmsco filtration system to three other systems in six different areas: turbidity, pH, alkalinity, oil and grease, residual chlorine and hardness. The other systems used sand, sand and gravel, and earth, respectively, instead of cartridges as the filtering element. This report concludes that the Harmsco system has better overall performance characteristics than the other systems tested.

(4) A "Filter Evaluation Program" report dated January 24, 1974 by Engineering Science, Inc., 600 Bancroft Way, Berkeley, California ("1974 Report"). Also commissioned by Harmsco, this report contains 11 pages of description of test procedures, results and conclusions. Harmsco's cartridges were compared to systems using sand, earth and two different non-Harmsco cartridges as filtering elements. These systems were compared in terms of turbidity removal, length of filtration cycle, and filtration capacity. This report concludes that the Harmsco system gives better overall performance than both the non-cartridge systems. It further concludes that Harmsco cartridges used in conjunction with a Harmsco unit perform better than other cartridges used in conjunction with the same unit.

Initially, the two reports raise a crucial question: does a demonstration that the tied-in product is more efficient than, or superior in performance to, other products of the same kind satisfy the statutory standard that "the warranted product will function properly only if" the tied-in product is used in connection with it. To answer this an understanding of the underlying policy of section 102 (c) is necessary.

The clear purpose of section 102(c) is to prohibit the implementation of tying arrangements by means of warranties. Tying arrangements have long been held to be "unreasonable in and of themselves whenever a party has sufficient economic power with respect to the tying product to appreciably restrain competition in the free market for the tied product and a 'not insubstantial' amount of interstate commerce is affected". "Northern Pacific R. Co. v. U.S..", 356 U.S. 1, 5–6 (1958). Congress indicated in section 102(c) its intention to prohibit those tying arrangements imposed upon consumers by means of a penalty of loss of warranty coverage.

With this background in mind, the Commission believes that a mere demonstration of the superior performance characteristics does not satisfy the "function properly" standard.

The proper functioning of the warranted product is not necesarily the best functioning of that product. Some consumers may wish to choose a lower level of performance in consideration of other factors such as price or availability. To consumers making such a choice the warranted product is still "functioning properly" in acordance with their desires, even though it may not perform at its highest efficiency.

This construction of section 102(c) does not prohibit a warrantor from requiring the consumer to use a secondary product or service of praticular objective specifications if the warrantor possesses a reasonable basis to conclude that such specifications: (1) Are reasonably related to the warranted product's performance or the warrantor's liability under the written warranty; and (2) are not being used to evade the prohibition of Section 102(c). For example, Harmsco may require the use of a cartridge with a particular porosity. (This specification is given as an illustration; it is not the Commission's view of an appropriate standard.) In contrast to brand name identification, such a requirement does not reduce competition because consumers may choose among those brands meeting the specifications, allowing any manufacturer to compete for the consumer's business.

Even assuming, arguendo, that a showing of superior performance would meet the statutory standard, the test reports submitted by Harmsco fail to demonstrate this, as the relevance and validity of the reports' conclusions are subject to considerable doubt.

The 1972 Report does not demonstrate such superior performance, as it does not compare Harmsco cartridges to other cartridges; rather, it compares Harmsco cartridges to filtration systems using sand, sand and gravel, and earth as the filtering element. These other elements are incompatible with the Harmsco unit. Thus while the report may support an assertion that cartridge filtration systems, in general, are superior to other types of filtration systems, it is not responsive to the issues that section 102(c) poses.

While the 1974 Report similarly compares Harmsco cartridge systems with non-cartridge systems, it also compares them with other cartridge systems. To this extent the 1974 Report gives more support to Harmsco's assertion that Harmsco cartridges are superior to other cartridges. However, this report has other weaknesses which compromise its validity as support for the assertion that Harmsco cartridges are superior to other cartridges.

First, there is no indication that the two non-Harmsco cartridges compared to the Harmsco cartridge are a representative sample of all possible substitute cartridges. Without such a showing, the Commission is unable to rely on the report's conclusions.

Second, the non-Harmsco cartridges were physically altered to fit into the Harmsco unit used in the tests conducted. This alteration raises serious doubts as to the validity of the test results. The applicant for a waiver bears the burden of proving that such comparative tests follow proper methodology in reaching their conclusions.

III. Accordingly, the Commission has concluded that Harmsco has failed to satisfy the statutory standard for obtaining a waiver of Section 102(c). The request is denied.

(Sec. 102, 88 Stat. 2183 (15 U.S.C. 2302).)

By direction of the Commission dated August 4, 1975.

CHARLES TOBIN,
Secretary.

[FR Doc.76-23707 Filed 8-12-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on August 6, 1976. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed EEOC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before August 31, 1976, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–376–5425.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

EEOC requests clearance of a revision to Form EEO–1, Equal Employment Opportunity Employer Information Report. The filing of this report is required of all employers with 100 or more employees and certain Federal government contractors and first-tier subcontractors with 50 or more employees who are subject to Title VII of the Civil Rights Act of 1964, as amended by the Equal Em-

ployment Opportunity Act of 1972. Form EEO–1 will be revised to reflect five new race/ethnic categories as follows:

a. *White* (Not of Hispanic Origin). All persons having origins in any of the original peoples of Europe, North Africa, the Middle East, or the Indian Subcontinent.

b. *Black* (Not of Hispanic Origin). All persons having origins in any of the black racial groups.

c. *Hispanic*. All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

d. *Asian or Pacific Islanders*. All persons having origins in any of the original peoples of the Far East, Southeast Asia, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.

e. *American Indian or Alaskan Native*. All persons having origins in any of the original peoples of North America.

EEOC estimates respondent burden to average 20 hours per respondent. There are approximately 40,000 respondents as estimated by EEOC.

NORMAN F. HEYL,
Regulatory Reports,
Review Officer.

[FR Doc.76–23689 Filed 8–12–76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[332–73]

HARMONIZED COMMODITY DESCRIPTION AND CODING SYSTEM

Public Notice of Hearings on Certain Draft Chapters

The United States International Trade Commission hereby gives notice that public hearings will be held at 10 a.m., e.d.t., on September 2, 1976, in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436 on drafts of, and U.S. comments on, the following chapters of the Harmonized Commodity Description and Coding System:

Chapter 64: Footwear, gaiters and the like; parts of such articles.
Chapter 69: Ceramic products.
Chapter 70: Glass and glassware.

The purpose of this hearing is to obtain the comments and views of interested parties with respect to draft chapters of the Harmonized Commodity Description and Coding System, and of the U.S. comments submitted in connection therewith.

Requests to appear at the hearings on these chapters must be filed in writing with the Secretary of the Commission not later than August 27, 1976. Parties who have properly entered an appearance by this date will be individually notified of the date on which they are scheduled to appear. Such notice will be sent as soon as possible after August 27, 1976. Any person who fails to receive such notification by August 31, 1976, should immediately communicate with the Office of the Secretary of the Commission. Parties wishing to submit written comments in lieu of attendance at the hearings should do so by September 13, 1976.

In its public notice issued May 10, 1976, regarding hearings on the chapters of the Harmonized Commodity Description and Coding System (41 FR 19781 of May 13, 1976) interested parties were notified regarding the rules governing the conduct of the hearings, and the submission of written statements. The Commission's notice of May 10, 1976, applies to the hearings on the chapters being released today to the extent that it is applicable.

In its public notice of May 4, 1976 (41 FR 18716 of May 6, 1976), the Commission identified those chapters which have been considered thus far by the Harmonized System Committee, and the chapters for which a technical team draft has been released. Since that notice was issued the Commission has received the following draft chapters prepared by the technical team:

Chapter 12: Oil seeds and oleaginous fruit; miscellaneous grain seeds and fruit; industrial and medical plants; straw and fodder.
Chapter 16: Preparations of meat, of fish, of crustaceans or molluscs.
Chapter 17: Sugar and sugar confectionary.
Chapter 24: Tobacco.
Chapter 27: Mineral fuels, mineral oils and products of their distillation; bituminous substances, mineral waxes.
Chapter 63: Old clothing and old textile articles; rags.
Chapter 87: Vehicles, other than railway or tramway rollingstock, and parts thereof.
Chapter 88: Aircraft and parts thereof.
Chapter 89: Ships, boats, and floating structures.
Chapter 98: Miscellaneous manufactured articles.

Copies of the foregoing chapters and of the chapters and U.S. comments thereon which are the subject of the hearing are available for public inspection at the offices of the Commission at 701 E Street NW., Washington, D.C. 20436 or at 6 World Trade Center, New York, New York 10048.

Issued: August 9, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76–23610 Filed 8–12–76;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

PRIVACY ACT OF 1974

Adoption of Routine Use

On page 19872 of the May 13, 1976, edition of the FEDERAL REGISTER (41 FR 19872), pursuant to the provisions of the Privacy Act of 1974 (Pub. L. 93–579), the National Credit Union Administration proposed an addition to the routine uses of each of its systems of records as previously published on pages 47427–47434 of the FEDERAL REGISTER of October 8, 1975. Interested persons were given until June 18, 1976, to submit written comments as to whether this proposal should be adopted, rejected or modified.

In view of the fact that no unfavorable comments were received, the proposed addition is hereby adopted and shall be effective immediately.

C. AUSTIN MONTGOMERY,
Administrator.

AUGUST 6, 1976.

[FR Doc.76–23665 Filed 8–12–76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

ADP SERVICES

Government Reliance on the Private Sector

The longstanding policy of Government reliance on the private sector for goods and services, currently expressed in OMB Circular A–76, has not been effectively implemented in many cases, including Government requirements for data processing services. Executive agencies are extensively involved in the operation of ADP activities which provide services that are available from commercial sources.

To facilitate agency efforts to improve the implementation of Circular A–76 in this functional area, supplemental guidance has been prepared in the form of a draft Transmittal Memorandum to the Circular. All interested parties are invited to submit their views and comments on this Memorandum for consideration by the Office of Federal Procurement Policy. Responses should be received by September 15, 1976 and should be addressed to:

Administrator for Federal Procurement Policy, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503.

Dated at Washington, D.C., on August 10, 1976.

HUGH E. WITT,
Administrator.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

[Circular No. A–76; Transmittal Memorandum No. —]

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: GOVERNMENT RELIANCE ON COMMERCIAL SERVICES TO MEET AUTOMATIC DATA PROCESSING REQUIREMENTS

1. *Purpose.* This memorandum provides guidance for executive agencies in meeting their requirements for general purpose data processing services in accordance with the Government's general policy of reliance on the private sector for its needs, as set forth in Office of Management and Budget (OMB) Circular No. A–76, Policies for Acquiring Commercial or Industrial Products and Services for Government Use.

2. *Authority and scope.* This Transmittal Memorandum is issued under the authority granted to the Office of Federal Procurement Policy by Pub. L. 93–400 to monitor, and revise "policies, regulations, procedures, and forms relating to reliance by the Federal Government on the private sector to provide needed property and services" (41 U.S.C. 405). It is applicable to all general purpose data processing activities operated and managed by executive agencies that provide serv-

ices that are obtainable from a private source, as defined in Circular No. A–76.

3. *Background.* It is the longstanding policy of the Federal Government to rely on the private enterprise system to satisfy its needs for products and services, except in those specific cases where it is clearly demonstrated to be in the National interest for an agency to provide a product or service for its own use. In the area of data processing, agencies have generally purchased or leased equipment and facilities to provide their automatic data processing (ADP) services. In this approach, the nature and degree of reliance on the private sector is distinctly different from acquisition of the needed service directly from a private source.

An agency that procures facilities instead of services generally maintains a staff with the expertise necessary to perform system design, software development, operation, maintenance, and logistic support. The service approach, which shifts the agency role from performance to management of the ADP function, does not eliminate the need for in-house expertise, but establishes it at the level necessary to prepare service performance specifications and to monitor the performance of commercial services. Under the policy of Circular No. A–76, direct procurement of services, with all the associated functions being performed in the private sector, is the preferred alternative for meeting data processing requirements.

4. *Policy.* Consistent with the Government's general policy of reliance on the private sector, agencies will obtain ADP services from competitive commercial sources in preference to direct operation of in-house activities, except as provided in paragraph 5 of Circular No. A–76. All Government ADP activities that meet the Circular No. A–76 definition of a commercial or industrial activity are subject to the requirements of the Circular, including a "new start" review for initiation, expansion, upgrade, replacement, or modernization. Current agency ADP operations that cannot be justified under the criteria specified in Circular No. A–76 and this Transmittal Memorandum shall be terminated in a planned and appropriate manner.

5. *Planning and management guidelines.* Each agency will initiate a positive action program to ensure that the policy and requirements of this Transmittal Memorandum are fully and effectively implemented. This program will include the following elements:

a. Review (and revision as necessary) of all agency instructions and directives related to the acquisition of ADP support to identify and incorporate Circular No. A–76 requirements with emphasis on the application of this policy early in the ADP system planning process.

b. Maximum emphasis on "new starts" to avoid capital investment and financial commitments for new, expanded, or modernized facilities for ADP activities that have not been reviewed and justified under Circular No. A–76.

c. Preparation of a multiyear plan, to be included in the Spring ADP Plan submitted annually to OMB, beginning with the 1977 submission. This plan should project new and continuing ADP requirements, and include a schedule of actions that will achieve greater reliance on the private sector for ADP services. Where appropriate, agencies should set goals and make use of Management by Objective (MBO) methodology to increase reliance on the private sector.

d. Development of a program outline for achieving greater reliance on commercial services, with milestones and specific targets where appropriate, for submission to OMB within ninety days from the date of issuance of this Transmittal Memorandum.

6. *Acquisition guidelines.* Agency policies and procedures for acquiring ADP hardware, software, and services must reflect the policy of Circular No. A–76 and provide for the efficient procurement of commercial ADP services. As a minimum, the following guidelines will be implemented immediately:

a. Government ADP requirements normally will be expressed in terms of the services to be performed, rather than the equipment and software to be used in performing these services. The statement of requirements should allow the contractor maximum flexibility in the type of equipment and personnel used, as long as satisfactory services are provided.

b. Agency requests to the General Services Administration (GSA) for delegation of procurement authority for acquisition of ADP equipment to be operated by the agency will include a specific statement indicating that the proposed acquisition has been reviewed and approved under the provisions of Circular No. A–76, or an explanation of why the Circular does not apply.

c. Studies to determine whether a commercial or industrial ADP activity can be justified on the basis of cost should be limited to situations where there is reason to assume that in-house costs will be significantly less than competitive commercial prices. When cost studies are made they will include all the cost elements specified in Circular No. A–76. The cost differential favoring reliance on commercial sources will reflect the possibility of early obsolescence and the uncertainty of requirements which are characteristic of ADP operations. This differential (which Circular No. A–76 specifies should normally be at least 10 percent for any new start) should be established for each cost study at a level that is appropriate for the degree of risk and uncertainty involved in Government operation of that particular activity. In the case of ADP activities, this differential can be substantially more than 10 percent.

d. In the preparation of a cost comparison, particular attention must be given to the following areas to ensure an equitable and accurate result.

(1) Determination of a valid commercial cost figure presents a serious problem—generally this requires solicitation of competitive bids for the required services. Commercial firms have indicated a willingness to provide cost or price proposals if they are assured that an objective cost study will be made.

(2) The Government and commercial cost estimates must be based on equivalent services.

(3) Fair market value of equipment and facilities used in existing Government ADP activities, which would become excess if the service were obtained commercially, must be determined and included in the study as a cost of Government performance.

(4) Determination of the proper residual or salvage value of equipment that the agency proposes to acquire, in order to ensure the correct depreciation cost in the cost comparison.

e. More comprehensive guidelines are being developed to assist agencies in calculating both the Government and commercial costs of providing ADP services. In the interim, guidance available in Circular No. A–76 and this Memorandum will be used.

7. *Termination guidelines.* All agency ADP activities should be reviewed by September 30, 1977 to determine whether Government performance is justified under the exception criteria of Circular No. A–76. When a Government commercial or industrial activity is to be terminated or reduced, the action must be carefully planned to ensure transition without the disruption of vital services. Agency planning should include:

a. All reasonable consideration for Government employees displaced by termination or curtailment of Government ADP activities, including a phased reduction of operations to facilitate reassignment and reduction by attrition.

b. Careful coordination of contract services, including a period of overlap, when necessary, to avoid disruption of the agency mission.

8. *Inquiries.* Inquiries concerning this Transmittal Memorandum may be submitted to the Office of Management and Budget, Office of Federal Procurement Policy, 726 Jackson Place, NW., Washington, D.C. 20503, telephone 395–3327 (IDS Code 103).

JAMES T. LYNN,
Director.

[FR Doc.76–23691 Filed 8–12–76;8:45 am]

[Policy Letter No. 76–1]

OFFICE OF FEDERAL PROCUREMENT POLICY

Energy Policy

AUGUST 6, 1976.

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

Subject: Federal Procurement Policy Concerning Energy Conservation.

Pub. L. 94–163, the Energy Policy and Conservation Act, establishes a number of Federal energy conservation measures, one of which is to promote energy conservation and efficiency through procurement policies and decisions of the Federal Government. Responsibility for this program was delegated to me by section 3 of Executive Order 11912, April 13, 1976.

In the furtherance of this program, you are requested to ensure that the principles of energy conservation and efficiency are applied in the procurement of property and services whenever the application of such principles would be meaningful and practicable and consistent with agency programs and operational needs. These principles may be appropriate for application, along with price and other relevant factors, in the formulation of purchase requests and solicitations and during the evaluation and selection of bids and proposals. In addition, with respect to procurement of consumer products, as defined under Part B of Title III (42 U.S.C. 6291) of the Energy Policy and Conservation Act, agencies should take cognizance of energy use/efficiency labels (42 U.S.C. 6294) and prescribed energy efficiency standards (42 U.S.C. 6295).

Specific procedural implementation of this policy will be promulgated in the Armed Services Procurement Regulation and the Federal Procurement Regulations.

HUGH E. WITT,
Administrator.

[FR Doc.76–23585 Filed 8–12–76;8:45 am]

PRIVACY ACT OF 1974

Reports on New Systems

The purpose of this notice is to list reports on new systems filed with the Office of Management and Budget to give

members of the public the opportunity to make inquiries about them and to comment on them.

The Privacy Act of 1974 requires that agencies give advance notice to the Congress and the Office of Management and Budget of their intent to establish or modify systems of records subject to the Act (5 U.S.C. 552a(o)). During the period July 26 through August 6, 1976 the Office of Management and Budget received the following reports on new (or revised) systems of records.

GENERAL SERVICES ADMINISTRATION

System name. Council of Governments (COG) Computerized Carpool Matching System.

Report date. July 23, 1976.

Agency point of contact. Philip Schmidt, Director of Management Services, General Services Administration (BR), Washington, D.C. 20405.

DEPARTMENT OF DEFENSE

System names. (1) Army Child Protection Case Management Files; (2) Army Apprenticeship Program Participation Files.

Report date. July 27, 1976.

Agency point of contact. William T. Cavaney, Executive Director, Defense Privacy Board, 1000 Independence Ave., SW., Washington, D.C. 20314.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.76-23690 Filed 8-12-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 19641; 70-5885]

APPALACHIAN POWER CO.

Proposed Agreement With Municipal Authority for Construction of Pollution Control Equipment Financed by Sale of Revenue Bonds

AUGUST 6, 1976.

Notice is hereby given that Appalachian Power Company ("Appalachian"), 40 Franklin Road, Roanoke, Virginia 24009, an electric utility subsidiary company of American Electric Power Company Inc., a registered holding company, has filed an application-declaration and an amendment thereto with this Commission designation sections 9(a), 10 and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44(b)(3) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transaction.

Appalachian states that in order to comply with prescribed environmental quality control standards of the State of West Virginia it has been and will be necessary to construct a certain high efficiency electrostatic precipitator ("the Project") for particulate emission control and related facilities at its John E. Amos Generating Station ("the Plant"). By resolution of February 7, 1975, Putnam County, West Virginia ("County") determined that it would authorize and issue one or more series of its pollution control revenue bonds ("Revenue Bonds") to finance the acquisition, construction and installation of the Project.

Appalachian proposes to enter into an agreement of sale ("Agreement") with the County whereby the County will construct and equip the Project. To finance the Project, the County will issue Revenue Bonds in an initial principal amount of $25,000,000 ("Series A Bonds") and additional Revenue Bonds in principal amounts presently estimated not to exceed $65,000,000, sufficient to cover construction costs of the Project. The proceeds from the sale of the Series A Bonds will be deposited by the County with a Trustee ("Trustee") under an indenture to be entered into between the County and such Trustee (the "Indenture") pursuant to which the Series A Bonds are to be issued and secured. Such proceeds will be applied to payment of the cost of construction of the Project. The Agreement also will provide for the sale of the Project to Appalachian, the payment by Appalachian of the purchase price of the Project in semi-annual installments over a term of years, and the assignment and pledge to the Indenture Trustee of the County's interest in, and of the monies receivable by the County under, the Agreement.

The Agreement will provide that each installment of the purchase price for the Project payable by Appalachian will be in such an amount (together with other monies held by the Trustee under the Indenture for that purpose) as will enable the County to pay, when due, (i) the interest on the Revenue Bonds, any additional bonds and any refunding bonds, (ii) the principal amount of the Revenue Bonds, any additional bonds and any refunding bonds payable at the time of their respective stated maturities and (iii) amounts, including any accrued interest, payable in connection with any mandatory redemption of the Revenue Bonds, any additional bonds or any refunding bonds. The Agreement also obligates Appalachian to pay the fees and charges of the Trustee, as well as certain administrative expenses of the County. The Agreement further provides that Appalachian may prepay the purchase price of the Project (i) by paying, under certain conditions, amounts sufficient to redeem all the Revenue Bonds then outstanding and all other amounts payable under the Indenture or (ii) at any time by depositing in the Indenture's Bond Fund or delivering to the Trustee amounts sufficient to provide for the release of the Indenture. Upon prepayment, Appalachian may terminate the Agreement.

Appalachian proposes to convey equipment previously constructed (the "Existing Facilities"), subject to Appalachian's First Mortgage Lien to the County, and Appalachian will receive out of the Revenue Bond proceeds, an amount equal to Appalachian's original cost of the Existing Facilities. The Existing Facilities will thereupon become a part of the Project. Proceeds received by Appalachian in reimbursement of the cost of construction, as defined in the Agreement, are to be applied in connection with its 1976 construction program. Appalachian estimated that its construction costs in 1976 will be approximately $137,000,000. Appalachian had expended $5,748,000 for the Existing Facilities as of March 31, 1976, and it is estimated that the Project will cost approximately $90,000,000.

It is contemplated that the Revenue Bonds will be sold by the County pursuant to arrangements with a group of underwriters represented by Blyth Eastman Dillon & Co. Incorporated. In accordance with the laws of the State of West Virginia, the interest rate to be borne by the Revenue Bonds will be fixed by the County Commission of the County. While Appalachian will not be a party to the underwriting arrangements for the Revenue Bonds, the Agreement will provide that the terms of the Revenue Bonds and their sale by the County shall be satisfactory to Appalachian.

Appalachian has been advised that the annual interest rates on obligations, interest on which is tax exempt, historically have been and can be expected at the time of issue of the Revenue Bonds to be 1½% to 2½% lower than the rates on obligations of like tenor and comparable quality, interest on which is fully subject to federal income tax.

The Series A Bonds will be dated on or about the first day of the month in which they are issued, will bear interest semi-annually and will mature at a date or dates not more than 30 years from the date of their issuance. It is expected that the Series A Bonds will not be redeemable at the option of the County within 10 years from their issue date except under certain circumstances. Series A Bonds will be subject to mandatory redemption under the circumstances and terms specified in the Indenture.

The fees and expenses incident to the proposed disposition of the Existing Facilities and the acquisition of the Project (as distinguished from and excluding fees and expenses incident to the sale of the Revenue Bonds by the County payable out of the proceeds of the sale) will be supplied by amendment. It is stated that the Virginia State Corporation Commission and the West Virginia Public Service Commission have jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 31, 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 application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C.

20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further 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 and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-23572 Filed 8-12-76;8:45 am]

[811-1994]

LIGHTHOUSE FUND B, INC.

Filing of Application for Order Declaring That Applicant Has Ceased To Be an Investment Company

Notice is hereby given that Lighthouse Fund B, Inc. ("Applicant"), 2211 Congress Street, Portland, Maine 04112, registered under the Investment Company Act of 1940 (the "Act") as a diversified, open-end, management investment company, filed an application on July 20, 1976, pursuant to section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a Delaware corporation, registered under the Act on December 31, 1969. Applicant states that, on June 24, 1976, at a Special Meeting of shareholders, the sale of substantially all of Applicant's assets to Sigma Capital Shares, Inc. ("Sigma"), an open-end, diversified, management investment company registered under the Act, in return for shares of Sigma, was approved by Applicant's shareholders. Thereafter, on June 25, 1976, the sale of Applicant's assets to Sigma was consummated. Applicant states that the Sigma shares received in the sale have been distributed, pro-rata, to its shareholders and that as a consequence, Applicant is a shell corporation and will be dissolved in accordance with Delaware law.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 2, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-23762 Filed 8-12-76;8:45 am]

[Release No. 12688]

NASDAQ, INC.

Order Granting Extension of the Temporary Exemption From Registration

AUGUST 4, 1976.

By order dated February 6, 1976 (Release No. 34-12079) the Commission temporarily exempted NASDAQ, Inc. from registration as a securities information processor. The February 6, 1976 order stated that the exemption would extend from thirty (30) days after consummation of the sale of the NASDAQ system to the NASD and, upon receipt of an application for registration or exemption from registration, would continue for ninety (90) days following publication of notice of such application. By order dated March 10, 1976 (Release No. 34-12190) the Commission extended the exemption provided by the February 6, 1976 order for a period of fifteen (15) days to allow NASDAQ, Inc. additional time within which to file its application for registration.

On March 22, 1976, pursuant to Section 11A(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] NASDAQ, Inc. filed an application with the Commission for registration as a securities information processor.[2] Section 11A(b)(3) of the Act requires the Commission to grant or deny the registration application within ninety days of the date notice of such application is published.[3]

Review of the NASDAQ, Inc. application raised certain technical questions for which additional information is required. NASDAQ, Inc., pursuant to section 11A(b)(3) of the Act, consented by letter dated June 28, 1976 to a thirty (30) day extension of time for Commission action upon its application so that it could discuss the necessary additional information with the Commission staff. Although, NASDAQ, Inc. has now completed its preparation and compilation of the necessary additional information to supplement its application, Commission action would be required on the application as supplemented by August 5, 1976. In view of the time required by NASDAQ, Inc. for preparation of this additional information and for review by the NASD Board of Governors, NASDAQ, Inc. has consented by letter dated July 29, 1976 to an additional forty-five (45) day extension of time to provide the Commission with a sufficient period for review of this additional information.

The Commission finds that an extension until September 20, 1976[4] of the February 6, 1976 and March 10, 1976 orders granting NASDAQ, Inc. a temporary exemption from registration is appropriate and consistent with the public interest, the protection of investors, and the purposes of section 11A of the Act provided, however, that all terms and conditions of the February 6, 1976 order shall continue in full effect during the term of this exemption.

Accordingly, *it is ordered*, Pursuant to section 11A(b)(1) of the Act, that the ninety (90) day exemptive period following publication of notice of the NASDAQ, Inc. application for registra-

[1] Section 11A(b)(1) of the Act provides for the registration with the Commission of those securities information processors which perform the function of "an exclusive securities information processor on behalf of a national securities exchange or registered securities association. NASDAQ, Inc. performs the functions of an exclusive securities information processor on behalf of the National Association of Securities Dealers, Inc., a registered securities association.

[2] Notice of the application was given by Release No. 34-12289 (March 31, 1976), 41 FR 14794 (April 7, 1976), 9 SEC Docket 323 (April 13, 1976).

[3] Section 11A(b)(3) states that "[w]ithin ninety days of the date of publication of such notice (or within such longer period as to which the applicant consents) the Commission shall—

(A) by order grant such registration, or

(B) institute proceedings to determine whether registration should be denied.

[4] The extension of the temporary exemption until September 20, 1976 makes the temporary exemption coterminous with the time period (90 days following publication of notice of the application plus the additional 75 days to which NASDAQ, Inc. has consented) within which the Commission is required to act on the application for registration.

tion as a securities information processor is hereby extended as of July 6, 1976 until September 20, 1976. It is further ordered that NASDAQ, Inc., during the term of this exemption, is subject to all terms and conditions of the February 6, 1976 order (Release No. 34–12079) which initially exempted NASDAQ, Inc. from registration.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–23573 Filed 8–12–76;8:45 am]

[File No. SR–NYSE–76–26]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Changes

On April 16, 1976, the New York Stock Exchange, Inc. (the "NYSE"), 11 Wall Street, New York, New York 10005, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act") 15 U.S.C. 78s(b), as amended by Pub. L. No. 94–29 (June 4, 1975), and Rule 19b–4 thereunder, 17 CFR 240.19b–4, proposed rule changes to revise a number of rules and constitutional provisions, which relate to the regulation of the structure and composition of member organizations, in order to eliminate "unnecessary regulatory constraints on the capital raising efforts of member organizations" and permit utilization of "new avenues of equity and debt financing." Notice of the proposed rule changes, together with the terms of substance, was given by publication of a Commission release (Release No. 34–12409 (May 5, 1976)) in the FEDERAL REGISTER (41 FR 20032 (May 14, 1976)). Interested persons were invited to submit written data, views and arguments concerning the proposal by June 4, 1976. The Commission has not received any comments concerning the proposed rule changes.

The overall approach taken by the NYSE in SR–NYSE–76–26 represents a constructive, initial step in the elimination of undue regulation of member organizations and their associated persons. The NYSE would reduce the regulation of member corporations with "freely transferable securities" by utilizing a new narrower definition, "publicly-held securities." A "publicly held security" would include any class of equity security issued by a member corporation which is owned beneficially by one hundred or more persons who are not members, allied members, or employees of such corporation. Current restrictions and limitations on freely and non-freely transferable securities and holders thereof generally are reduced and, in some cases, totally removed.

With respect to Article I, section 3(h), Article IX, sections 7(b)(1), (g), (h), (i), and (j), of the NYSE Constitution and NYSE Rules 2, 85, 91, 92, 96, 98, 99, 100, 102, 104, 105, 112, 113, 311, 312, 313, 314 (supplementary material only), 315, 317, 318, 320, 323, 324 and 325,[1] the Commission finds that the proposed rule changes in SR–NYSE–76–26 are consistent with the requirements of the Act and rules and regulations thereunder applicable to national securities exchanges.[2]

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, 15 U.S.C. 78s(b)(2), that the proposed amendments to Article I, section 3(h), Article IX, sections 7(b)(1), (g), (h), (i), and (j), of the NYSE Constitution and NYSE Rules, 2, 85, 91, 92, 96, 98, 99, 100, 102, 104, 105, 112, 113, 311, 312, 313, 314 (supplementary material only), 315, 317, 318, 320, 323, 324 and 345 be, and hereby are, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–23761 Filed 8–12–76;8:45 am]

[Release Nos. 33–5729, 34–12662, 35–19629, IC–9369, AS–193; File No. S7–647]

REQUEST BY ARTHUR ANDERSEN & CO.

Partial Response and Solicitation of Comments on Certain Questions; Correction

In FR Doc. 76–22737 appearing at page 32810 in the FEDERAL REGISTER of August 5, 1976, in paragraph (2) in the first column the words "having substantial authoritative support and those" should be inserted between the words "as" and "contrary" in the 7th and 8th lines.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 10, 1976.

[FR Doc.76–23760 Filed 8–12–76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02–0076]

BENEFICIAL CAPITAL CORP.

Approval of the Transfer of Control of a Small Business Investment Company

On May 14, 1976, a notice was published in the FEDERAL REGISTER (41 FR 20038) stating that Beneficial Capital Corp., 10 East 40th Street, New York, New York 10016, had filed an application with the Small Business Administration (SBA), pursuant to § 107.701 of the rules and regulations governing small business investment companies (13 CFR 107.701 (1976)), for the transfer of control of this company to Mr. John J. Hoey.

Interested parties were given until the close of business May 29, 1976, to submit their comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA approved this application for transfer of control effective July 28, 1976.

Dated: August 6, 1976.

DANIEL SCHLESINGER,
Acting Deputy Associate Administrator for Investment.

[FR Doc.76–23590 Filed 8–12–76;8:45 am]

[License No. 05/07–0078]

CONTINENTAL ILLINOIS VENTURE CORP.

Application for Transfer of Ownership and Control

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing Small Business Investment Companies (13 CFR 107.701 (1976)) for transfer of ownership and control of the Continental Illinois Venture Corporation (CIVC), 231 South LaSalle Street, Chicago, Illinois 60604, a Federal Licensee under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.).

CIVC was licensed on April 2, 1970, and its private paid-in capital and paid-in surplus totalled $3,111,800 at July 31, 1976. The Class "A" voting common stock of CIVC is owned 29 percent by Continental Illinois Corporation (CIC), Chicago, Illinois, 20 percent by Continental Illinois Employees Profit Sharing Trust, Chicago, Illinois, 17 percent by Leo Burnett Company, Inc., Chicago, Illinois, 17 percent by Illinois Central Industries, Inc., Chicago, Illinois, 17 percent by Universal Oil Products Company, Des Plaines, Illinois. In addition, the Class "B" non-voting common stock is owned 83 percent by CIC and 17 percent by Mr. John L. Hines. Mr. Hines also holds 10,000 warrants for CIVC stock.

Pub. L. 94–305 permits CIC to own 100 percent of a small business investment company (SBIC). As such, CIC proposes to purchase all the Class "A," Class "B" and warrants not already held by CIC with the result that CIC will own all of the issued and outstanding common shares of CIVC.

The proposed transfer of control is subject to the prior approval of SBA. Assuming consummation of the proposed transfer of ownership and control, the management of CIVC will be:

John L. Hines, President, Chief Executive Officer and Director, 231 South LaSalle Street, Chicago, Illinois 60604.

Leo B. Engemann, Vice President and Treasurer, 231 South LaSalle Street, Chicago, Illinois 60604.

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[1] The Commission's approval of amendments to the rules, particularly section 7(b)(1) of Article IX and Rules 318 and 324, is subject, nevertheless, to the Commission's review pursuant to Section 31(b) of the Securities Acts Amendments of 1975. See, e.g., Securities Exchange Act Release No. 12157 (March 2, 1976).

Section 7(g) of Article IX and Rule 311 are approved as filed in Securities and Exchange Commission File No. SR–NYSE–76–26 which reflects proposed rule changes covered by pending Securities and Exchange Commission File No. SR–NYSE–76–3.

[2] On August 6, 1976, the NYSE consented to an extension of time until October 15, 1976, within which the Commission is required to act pursuant to section 19(b)(2) of the Act on the proposed amendments to Rules 314 (body of the rule), 321, and 322 contained in Securities and Exchange Commission File No. SR–NYSE–76–26. The Commission understands that the NYSE will withdraw the proposed amendment to Rule 419, which was rescinded by the NYSE in Securities and Exchange Commission File No. SR–NYSE–76–25 Securities Exchange Act Release No. 12550 (June 17, 1976).

James J. Vavruska, Secretary and Assistant Treasurer, 231 South LaSalle Street, Chicago, Illinois 60604.
Samuel B. Guren, Investment Officer and Assistant Secretary, 231 South LaSalle Street, Chicago, Illinois 60604.
Barbara A. Klocek, Investment Officer and Assistant Secretary, 231 South LaSalle Street, Chicago, Illinois 60604.
Kevin J. Hallagan, Assistant Secretary, 231 South LaSalle Street, Chicago, Illinois 60604.
Edward M. Cummings, Director, 231 South LaSalle Street, Chicago, Illinois 60604.
John H. Perkins, Director, 231 South LaSalle Street, Chicago, Illinois 60604.
George R. Baker, Director, 231 South LaSalle Street, Chicago, Illinois 60604.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new shareholder and management, and the probability of successful operations of the company under such management (including profitability and financial soundness) in accordance with the Act and regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments on the proposed transfer of ownership and control to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Chicago, Illinois.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 6, 1976.

DANIEL SCHLESINGER,
Acting Deputy Associate Administrator for Investment.

[FR Doc.76-23591 Filed 8-12-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of Pipeline Safety Operations

[Docket No. 76-12W]

TRANS-ALASKA PIPELINE

Anticipated Petition for Waivers

Alyeska Pipeline Service Company (Alyeska) has advised the Department of Transportation that it expects to petition the Director of the Materials Transportation Bureau for waivers of provisions applicable to the construction of liquid pipelines. Alyeska is the company formed by the owners of the trans-Alaska pipeline system to design, construct and operate the pipeline. In its advice to the Department, and in testimony before cognizant Congressional Committees in mid-July 1976, statements made on behalf of Alyeska have included the following information:

Late in the summer of 1975 it came to the attention of Alyeska and to officials of the State of Alaska, the Department of the Interior and the Department of Transportation, that there were possible problems with the quality of girth welds, made in the field to join adjacent sections of pipe, and with the radiographic record of girth welds made during the 1975 construction season. Alyeska undertook a reexamination of its 1975 weld and radiograph programs. It determined that of the welds that were accepted in 1975, some 3,995 welds were apparently not radiographed in conformance with applicable requirements, or were radiographed and found to be not in conformity with the Bureau's construction standards (49 CFR Part 195), and in particular, the requirements for weld acceptability, weld repair, and replacement of defective welds.

Of the approximately 1,400 radiographic defects initially determined, it subsequently appeared that some 307 related to welds which had been scheduled for 1975 but had, in fact, not been made. Another 237 welds have now been radiographed by Alyeska. Of the remaining radiographic deficiencies, there are 61 welds for which there is not any radiograph on file, and of that number, 21 are identified by Alyeska as being in "critical areas." Additionally, another 59 radiographic deficiencies, or a total of 80, are both in critical areas and significant in nature. Alyeska includes in the "significant" category radiographs which purport to be of two or more welds but are, in fact, duplicates of one weld.

A total of 2,552 welds were found by x-rays to have discontinuities in excess of the criteria set forth in section 6 of the American Petroleum Institute Standard for Welding Pipelines and Related Facilities (13th ed. 1973) (API-1104), which is incorporated by reference in 49 CFR 195.228, or other variations from the construction standards set forth in Subpart D of 49 CFR 195. As of recent date, remedial work has been undertaken on more than half of those defective welds, leaving a balance of 1,235. Of that figure, some 760 welds are located in "critical areas" meaning, according to Alyeska, under riverbeds, in permafrost, or in other areas of difficult access or environmental sensitivity.

The radiographic deficiencies are measured against the requirement for radiographic inspection of all main line girth welds, which is set forth in Section 3.2.2.3 of the Stipulations for the Agreement and Grant of Right-of-Way for the Trans-Alaska Pipeline, entered into by the United States, acting through the Secretary of the Interior, and by the owner-permittees, but could also be discrepancies in the program intended by Alyeska to demonstrate compliance with 49 CFR 195.234. Since paragraph (a) of § 195.234 provides that nondestructive testing may be performed by any process that will clearly indicate defects affecting weld integrity, use of other accepted techniques for nondestructive testing could meet the Bureau's requirements, but would be at variance with the Stipulation. Alyeska has not explicitly indicated whether it will petition the Department of the Interior for any amendment to or other relief from the present requirements of the Stipulation. In an August 5 news release, however, Alyeska announced that "it has suspended, pending further review, its efforts to develop an acoustic imaging system as an independent tool for examination of buried welds." That news release also stated that Alyeska now believes "the necessary additional development of the system and its acceptance by the government agencies as an independent tool could not occur within the time remaining for construction of the pipeline."

Alyeska has stated its belief that the 1,235 welds, including the 760 located in areas of "critical" access, do not pose a risk to the safety and integrity of the pipeline. Accordingly, it is to be anticipated that Alyeska will apply for waivers with respect to all or a substantial portion of those welds. Although the Bureau is not yet in receipt of any such waiver request, Alyeska has announced in its August 5 news release that it "will apply at this time for exceptions to strict pipeline weld specifications for 11 welds buried beneath rivers" and "* * * that other applications may be filed later." It is expected that Alyeska will not request a waiver for any weld containing a crack.

It is anticipated that in support of its petition(s) Alyeska will present the results of tests being conducted by or for the British Welding Institute. Those tests are intended to establish fracture toughness, by use of crack opening displacement (COD) method, and impact toughness, by use of the Charpy notch test. Further, Alyeska is expected to present a fracture mechanics analysis that is intended to demonstrate mathematical relationships between dimensions of defects of various types and the associated risks of crack formation and crack propagation. Those relationships may be stated as functions of the length, depth and orientation of weld defects or arc burns and, in some cases, functions of other characteristics such as the radial (weld depth) location. Depth, orientation and location may be either estimated by interpretation of radiographs or measured by use of ultrasonic techniques.

In this connection, the National Bureau of Standards (NBS) is serving as technical consultant to the Bureau's Office of Pipeline Safety Operations. The NBS will prepare an analysis of test procedures and methodology, and an assessment of the adequacy of the statistical data base. It will also prepare its own evaluation of any submitted fracture mechanics analysis, including specifically, provision for safety margins taking into consideration projected normal operating conditions, abnormal loading, fatigue cycling, corrosion fatigue cycling, anticipated temperature ranges, and other environmental conditions. The NBS evaluations and analyses will be made part of the record of proceedings on any petition that relies upon the fracture mechanics concept.

Thus, the anticipated petition(s) and the proceedings thereon may raise issues requiring analysis of interrelated technical problems. This Notice is accordingly published to bring the nature of those problems to the attention of interested Federal and State agencies and

other interested persons at the earliest practicable time.

Further, since the nature of the anticipated petition(s) is unusual and the number of weld deficiencies to be addressed may be large, this Notice sets forth a preliminary determination of the information and data required for processing any request for a waiver to allow girth weld defects or arc burns greater than allowed by 49 CFR Part 195, Subpart D, on the basis of a fracture mechanics concept.

REQUIREMENT I—EVALUATION OF PROPOSED ALTERNATIVE MAXIMUM ALLOWABLE WELD DEFECT AND ARC BURN SIZES

Discussion. Alternative allowable defect sizes should be proposed applicable to each type of defect, other than cracks, for which a waiver is being requested. If a waiver is being requested for any arc burns, allowable arc burn sizes should be proposed. Proposed alternative allowable weld defect and proposed allowable arc burn sizes must be supported by fracture mechanics analyses using the worst case fatigue stress spectrum. For analysis, these defects must be assumed to be surface cracks equal in size to twice the proposed allowable weld defect or arc burn size (in both length and depth). These assumed defects must not grow in size such that stressing to the maximum credible service stress could cause leakage. The crack growth analyses must account for both cyclic and sustained stresses in the most deleterious service environments and temperatures.

For weld defects the final output of the analysis shall be a proposed allowable defect size curve with weld defect depth (Y axis) versus weld defect length (X axis); defects having sizes which fall below this curve will be within the proposed acceptance limits. For arc burns, the final output of the analysis shall be a proposed allowable arc burn size curve with arc burn depth (Y axis) versus arc burn length (X axis); arc burns having sizes which fall below this curve will be within the proposed acceptance limits. Requests for waiver of any weld defects or arc burns which fall above their respective curve must be the subject of separate submittals, as describe in Requirement III.

SUPPORTING INFORMATION AND DATA

1. A minimum fracture toughness value for the pipeline shall be established by documenting the fracture toughness in sufficient notch locations and temperatures for the weld metal and the heat-affected zone that is representative of the pipeline welds and, in the case of arc burns, for the base metal. The toughness value used in the fracture mechanics analyses shall be the minimum toughness at 10° C below the minimum anticipated service temperature.

2. A maximum fatigue crack growth rate for the pipeline shall be established by documenting the fatigue crack growth behavior of the weld metal and heat-affected zone that is representative of the pipeline welds and operating conditions and, in the case of arc burns, representative of the base metal. The fatigue crack growth rate used in the fracture mechanics analyses shall be the maximum fatigue growth rate multiplied by an assumed safety factor of four.

3. A minimum threshold for sustained load crack growth shall be established by documenting for each of the service environments the sustained load cracking behavior of the weld metal and the heat-affected zone that is representative of the pipeline welds and, in the case of arc burns, representative of the base metal. The minimum threshold established shall be used as a terminal condition for the fracture mechanics analyses.

4. The worst case fatigue stress spectrum, the worst case instantaneous credible stress, and the appropriate residual stress, all representative of pipeline welds and heat-affected zones shall be used in the proposed allowable weld defect analysis. Similarly, the worst case of hoop stresses shall be used in the proposed allowable arc burn analysis. Documentation of stress analysis methodology and derivation is necessary for proper assessment of the operating and residual stresses.

5. Any request shall contain relevant documentation of the material property data. This includes tensile, elastic, impact, and corrosion properties of the weld, heat-affected, and base material at appropriate temperatures and environments.

REQUIREMENT II—EVALUATION OF INDIVIDUAL DEFECTS OR ARC BURNS FOR WHICH WAIVER IS REQUESTED AGAINST ALLOWABLE DEFECT AND ARC BURN SIZES ESTABLISHED UNDER REQUIREMENT I

SUPPORTING INFORMATION AND DATA

1. In the case of weld defects, inspection data shall be provided for each individual weld for which a waiver is requested. These data shall include defect type, location and dimensions (length and depth). The methodology used to obtain these data shall also be described. The dimensions of non-planar defects such as porosity and slag inclusions may be determined from radiographs; uncertainties in these measurements and differences in interpretations shall be described. The length of planar defects, such as lack of penetration or lack of fusion, may also be determined from radiographs; uncertainties in these measurements and differences in interpretations shall be described. The depth of planar defects should be determined by a nondestructive test method specifically designed for depth measurement, such as ultrasonics reflection methods. If radiographs are used to determine the depth of planar defects, an additional assumed safety factor of two shall be applied to the estimated depth.

2. In the case of arc burns, inspection data shall be provided for each individual arc burn for which a waiver is requested. These data shall include the location and the maximum length and depth of the arc burn heat-affected area. The methodology used to obtain these data shall also be described. The length of heat-affected areas may be determined from radiographs; uncertainties in these measurements and differences in interpretations shall be described. The depth of each heat-affected area shall be determined by estimating on a conservative basis the depth of other arc burns of representative severity using appropriate metallographic examination techniques and applying an additional assumed safety factor of two to this estimated depth.

REQUIREMENT III—EVALUATION OF SPECIAL CASES NOT MEETING ALLOWABLE DEFECT OR ARC BURN SIZE CRITERIA ESTABLISHED UNDER REQUIREMENT I

Discussions. Separate submittals are required to establish alternative acceptance standards for defects and arc burns that exceed the allowable size criteria that may be established on the worst case basis for Requirement I. This submittal must be based on the fatigue stress spectrum, environment and location of the defect under consideration. All other technical requirements are the same as specified in Requirement I.

The inspection data provided for each individual weld defect or arc burn shall include the maximum width of that defect or arc burn. The width of weld defects and arc burns may be determined the manner described in Requirement II for determining the length of weld defects and arc burns.

For the most critical combinations of weld defects, arc burns and operating conditions, full (or large) scale tests may be required to demonstrate that the pipeline retains an acceptable level of integrity.

Supporting Information and Data. Except as described in the discussion above, the supporting information and data requirements are the same as specified for Requirements I and II.

Docket No. 76–12W is being established in the Office of Pipeline Safety Operations, 2100 Second Street, SW., Washington, D.C. 20590, at this time to receive any written views or comments that interested persons may wish to submit based on the general discussion of the anticipated waiver petition(s), the statement of evaluation requirements and the description of the required information and data set forth in this Notice. Upon receipt of a petition for waiver from Alyeska, the Bureau will publish a supplemental notice in the FEDERAL REGISTER under this docket number describing the petition, making it available for public inspection and inviting public comment on the specific requests made in the petition.

Persons planning to file comments on this Notice or on the anticipated petition(s) who wish to be served with copies of future notices issued by the Bureau in this matter, may file with the Docket Clerk at the above address a request to be placed on the Notice Mailing List for Docket No. 76–12W.

All comments received will be considered and will be made available in the docket for public inspection along with

the petition(s) and related analyses for public inspection upon receipt.

(18 U.S.C. 831–835, 49 CFR 1.53(g).)

Issued in Washington, D.C., on August 12, 1976.

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc.76-23938 Filed 8-12-76;11:35 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON MANPOWER AND EMPLOYMENT

Meeting

The BRAC Committee on Manpower and Employment will meet at 10 a.m., September 22, 1976, at the General Accounting Office Building, 441 G Street, NW., Room 2106, Washington, D.C. The agenda for the meeting is as follows:

1. New program proposals.
2. Report on status of the Local Area Unemployment Statistics (LAUS) Program.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 523–1559.

Signed at Washington, D.C., this 10th day of August 1976.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.76-23725 Filed 8-12-76;8:45 am]

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924 (b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 9th day of August 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applicantions received during the week ending August 6, 1976

Name of applicant	Location of enterprise	Principal product or activity
Niehols Realty, Inc	Brattleboro, Vt	Sale of cars and trucks.
Nuroco Woodwork, Inc	Whitefield, N.H	Manufacture of furniture.
Herbert P. Vallancourt	Van Buren, Maine	Manufacture of cedar shingles.
Glen & Mohawk Milk Association, Inc	Fultonville, N.Y	Receiver and processor of milk and milk products.
Bountiful Ridge Nurseries, Inc	Somerset County, Md	Sale of fruit trees and berry bushes.
William Francis Helbling	Wayne County, Pa	Manufacture and sale of electric wire, cable, and cordsets.
Neill, C.C. & E., Inc	Hickory, N.C	Skilled nursing and intermediate care facility.
Cadillac Malleable Iron Co., Inc. (tenant of City of Marion).	Marion, Ala	Manufacture of ferrous castings.
South Carolina Agri-Development Corp. (SCAD).	Orangeburg, S.C	Grading, packaging, and sale of farm produce.
American Olivine Corp	Dillsboro, N.C	Production of sand and gravel for blast furnace flux and refractory mixes.
AGRI-Plus	Fort Valley, Ga	Manufacture and distribution of agricultural chemicals.
Zartic Frozen Meats, Inc	Cedartown, Ga	Production of frozen meats and seafood.
Manderley Nursing Homes, Inc	Osgood, Ind	Comprehensive nursing home—intermediate care.
Wright Realty	Buffalo, Minn	Constructing and leasing a retail outlet for farm supplies.
Newberry Truck & Implement Co	Newberry, Mich	Sale and repair of cars and trucks.
Madison Grain Co	Tallulah, La	Grain elevator.
Bethesda Foundation	Clarinda, Iowa	Nursing home.
Oakland Feeding Corp	Oakland, Iowa and Bassett and Gresham, Nebr.	Cattle feedlots and grain elevator.
Design Homes of Silt, Colorado, Inc	Silt, Colo	Production of modular homes.
Nelson's Dressed Meats, Inc	Monte Vista, Colo	Slaughtering and sale of beef, pork, and lamb.
Kalispell Feed and Grain Supply, Inc	Kalispell, Mont	Sales of farm supplies.
Winco, Inc	Alamosa, Colo	Distribution of petroleum products and auto accessories.

[FR Doc.76-23615 Filed 8-12-76;8:45 am]

INDIAN AND NATIVE AMERICAN PROGRAMS

Fiscal Year 1977 Allocations

The Employment and Training Administration announces the tentative allocation of Fiscal Year 1977 funds for use by each designated Indian and Native American prime sponsor to continue public service employment and comprehensive employment and training programs under titles II and III (section 302) of the Comprehensive Employment and Training Act (CETA) during the period September 1, 1976 through September 30, 1977. These allocations are for planning purposes only and are subject to change. The following list represents the tentative allocations by designated prime sponsor:

FY–77 PLANNING ALLOCATIONS

ALABAMA

99–6–648–30–152: Mr. Houston L. McGhee, Chief, Creek Nation East of the Mississippi, Tribal Council, Route 3, Box 286, Atmore, Alabama 36502.

II	----------
III	$133,432
VI	----------
Summer	----------
Total	133,432

ALASKA

99–7–124–30–14: Mr. Dennis J. Tiepelman, President, Mauneluk Association, Inc., P.O. Box 256, Kotzebue, Alaska 99752.

II	
III	$195,631
VI	
Summer	
Total	195,631

99-7-120-30: Mr. Al Ketzler, President, Tanana Chiefs Conference, Inc., First and Hall Streets, Fairbanks, Alaska 99701.

II	
III	$347,983
VI	
Summer	
Total	347,983

99-7-119-30-3: Mr. Herbert Smelcer, President, Copper River Native Assn, Inc., Drawer G, Copper Center, Alaska 99573.

II	
III	$42,319
VI	
Summer	
Total	42,319

99-7-118-30-2: Mr. Cecil Barnes, President, North Pacific Rim Native Corporation, 912 East 15th Avenue, Anchorage, Alaska 99501.

II	
III	$69,513
VI	
Summer	
Total	69,513

99-7-123-30-7: Mr. Robert W. Madden, General Manager, Kawerak, Inc., P.O. Box 505, Nome, Alaska 99762.

II	
III	$288,373
VI	
Summer	
Total	288,373

ALASKA

99-7-117-30-1: Ms. Vera M. Shaflestad, Executive Director, The Aleut League, 833 Gambell Street, Anchorage, Alaska 99501.

II	
III	132,620
VI	
Summer	
Total	132,620

99-7-121-30-5: Mr. Joseph Upicksoun, President, Arctic Slope Regional Corporation, P.O. Box 426, Barrow, Alaska 99723.

II	
III	107,673
VI	
Summer	
Total	107,673

99-7-064-30-8: Mr. Wallace D. Leask, Mayor, Metlakatla Indian Community, P.O. Box 8, Metlakatla, Alaska 99926.

II	5,472
III	196,104
VI	
Summer	
Total	201,576

99-7-089-30-9: Mr. George Miller, Jr., Tanaina Corporation, P.O. Box 1210, Kenai, Alaska 99611.

II	
III	62,376
VI	
Summer	
Total	62,376

99-7-113-30-10: Ms. Jeanmarie Larson, Executive Director, Cook Inlet Native Association, P.O. Box 515, Anchorage, Alaska 99510.

II	
III	214,688
VI	
Summer	
Total	214,688

99-7-115-30-12: Mr. Frank R. Peterson, Executive Director, Kodiak Area Native Association, Box 172, Kodiak, Alaska 99615.

II	
III	89,613
VI	
Summer	
Total	89,613

ALASKA

99-7-116-30-13: Mr. Boris Kosbruk, President, Bristol Bay Native Association, P.O. Box 179, Dillingham, Alaska 99576.

II	
III	$160,797
VI	
Summer	
Total	160,797

99-7-114-30-11: Ms. Juanita M. Corwin, Executive Director, Central Council of the Tlingit and Haida Indians of Alaska, 130 Seward Street, Room 412, Juneau, Alaska 99801.

II	
III	$414,069
VI	
Summer	
Total	414,069

99-7-122-30-6; Mr. Oscar Kwagley, Executive Director, Yupiktak Bista, Inc., P.O. Box 219, Bethel, Alaska 9959.

II	
III	$689,703
VI	
Summer	
Total	689,703

ARIZONA

99-7-476-30-26: Mr. Herschel Andrews, Vice President, Salt River Pima-Maricopa Community Manpower Programs, Route 1, Box 216, Scottsdale, Arizona 85256.

II	$5,368
III	110,295
VI	
Summer	
Total	115,663

99-7-181-30-27: Mr. Cecil Williams, Chairman, The Papago Council, The Papago Tribe of Arizona, P.O. Box 837, Sells, Arizona 85634.

II	$76,395
III	401,378
VI	
Summer	
Total	477,773

99-7-059-30-28: Mr. Peter MacDonald, Chairman, Navajo Tribal Council, The Navajo Tribe of Indians, Window Rock, Arizona 86515.

II	$798,295
III	5,940,118
VI	
Summer	
Total	6,738,413

99-7-057-30-29: Mr. Abbott Sekaquaptewa, Chairman, Hopi Tribal Council, P.O. Box 123, Oraibi, Arizona 86039.

II	$28,080
III	317,351
VI	
Summer	
Total	345,431

99-7-268-30-30: Sister Mary Rose Christy, Project Director, Arizona Indian Centers, Inc., Suite 908, 2721 N. Central Avenue, Phoenix, Arizona 85004.

II	
III	$103,378
VI	
Summer	
Total	103,378

ARIZONA

99-7-054-30-31: Mr. Alexander Lewis, Sr., Governor, Gila River Indian Community, P.O. Box 97, Sacaton, Arizona 85247.

II	$20,613
III	475,587
VI	
Summer	
Total	496,200

99-7-492-30-32: Mr. Tony Chana, Chairman of the Board, American Indian Association, Inc., 2512 S. 6th Avenue, Tucson, Arizona 85713.

II	
III	$238,437
VI	
Summer	
Total	238,437

99-7-173-30-33: Mr. Buck Kitcheyan, Tribal Chairman, San Carlos Apache Tribe, P.O. Box 0, San Carlos, Arizona 85550.

II	$22,643
III	306,709
VI	
Summer	
Total	329,352

ARKANSAS

99-7-174-30-34: Mr. Ronnie Lupe, Tribal Chairman, White Mountain Apache Tribe, P.O. Box 708, Whiteriver, Arizona 85941.

II	$29,870
III	400,315
VI	
Summer	
Total	430,185

99-7-498-30-35: Mr. Anthony Drennan, Sr., Chairman, Tribal Council, Colorado River Indian Tribes, Route 1, Box 23-B, Parker, Arizona 85344.

II	$7,433
III	66,138
VI	------
Summer	------
Total	73,571

99-7-053-30-36: Ms. Grace McCullah, Executive Director, The Indian Development District of Arizona, 1230 East Camelback Road, Phoenix, Arizona 85014.

II	$11,735
III	130,387
VI	-------
Summer	-------
Total	142,122

99-7-195-30-37: Mr. Syd Beane, Executive Director, Phoenix Indian Center, 4025 North 2nd Street, Phoenix, Arizona 80012.

II	-------
III	$323,152
VI	---------
Summer	---------
Total	323,152

CALIFORNIA

99-7-086-30-38: Ms. Cosma L. Childs, Chairperson, Candelaria American Indian Council, 2739 Buckaroo Avenue, Oxnard, California 93030.

II	-------
III	$96,352
VI	-------
Summer	-------
Total	96,352

99-7-085-30-39: Mr. Lincoln D. Billedeaux, Executive Director, Indian Centers, Inc., 1127 W. Washington Blvd., Los Angeles, California 90015.

II	----------
III	$1,237,720
VI	----------
Summer	----------
Total	1,237,720

99-7-084-30-40: Mr. Matthew L. Calac, Executive Director, Americans for Indian Future and Traditions, Inc., 803 Robinson Building, 520 E. Street, San Diego, California 92101.

II	-------
III	$249,399
VI	-------
Summer	---------
Total	249,399

99-7-686-30-43: Mr. Milton Marks, Chairperson, Tri-County Indian Development Council, Inc., P.O. Box 4911, Eureka, California 95501.

II	-------
III	$251,300
VI	---------
Summer	---------
Total	251,300

99-7-082-30-44: Mr. David Peri, Chairman of the Board, YA-KA-AMA Indian Education and Development, Inc., 6215 Eastside Road, Healdsburg, California 95448.

II	-------
III	$129,568
VI	-------
Summer	-------
Total	129,568

99-7-499-30-45: Mr. Gus M. Adams, Director, Indian Center of San Jose, Inc., 90 South Second Street, San Jose, California 95113.

II	-------
III	$209,477
VI	---------
Summer	---------
Total	$209,477

99-7-056-30-41: Mr. Banning Taylor, Chairman, Board of Directors, California Tribal Chairman's Association, 2427 Marconi Avenue, Suite No. 7, Sacramento, California 95821.

II	$19,959
III	126,404
VI	---------
Summer	---------
Total	$146,363

99-7-458-30-42: Mr. Karl Mathiesen, Chief Councilman, Sacramento Indian Center, Inc., Employment and Training Program, 2007 O Street, Sacramento, California 95814.

II	-------
III	$151,703
VI	---------
Summer	---------
Total	$151,703

99-7-081-30-46: Mr. Karl Mathiesen, Chairman of the Board, Region IX American Indian Council, 330 Ellis Street, Room 518, San Francisco, California 94102.

II	-------
III	$709,183
VI	---------
Summer	---------
Total	$709,183

99-7-170-30-47: Mr. Timothy D. DeAsis, Executive Director, Orange County Indian Center, Inc., 127 Topanga Drive, Anaheim, California.

II	-------
III	$179,935
VI	---------
Summer	---------
Total	$179,935

99-7-055-30-48: Mr. Lawrence M. Blacktooth, Chairman, The Inter-Tribal Council of California, Inc., Manpower Consortium, 2969 Fulton Avenue, Sacramento, California 97821.

II	$21,882
III	1,704,914
VI	----------
Summer	----------
Total	1,726,796

99-7-175-30-49: Mr. John Ayner, President, San Joaquin Council for the American Indian, Inc., P.O. Box 68, 144 Mun Kwok Ln., Suite 446, Stockton, California 95202.

II	-------
III	$72,219
VI	---------
Summer	---------
Total	72,219

CONNECTICUT

99-7-361-30-60: Mr. Brian Myles, Executive Director, American Indians for Development, P.O. Box 117, Meriden, Connecticut 06450.

II	-------
III	$117,550
VI	---------
Summer	---------
Total	117,550

COLORADO

99-7-060-30-85: Mr. Manuel L. Sandos, Director, Training Service Section, Colorado Division of Employment and Training, 770 Grant Street, Room 222, Denver, Colorado 80203.

II	$13,937
III	101,320
VI	-------
Summer	-------
Total	115,257

99-7-076-30-86: Mr. Clarence Acoya, Chairperson, Denver Native Americans United Employment and Training Program, 1525 Josephone, Denver, Colorado 80206.

II	-------
III	$332,294
VI	---------
Summer	---------
Total	832,294

DELAWARE

No Prime Sponsor Selected Yet.

III	$26,226

DISTRICT OF COLUMBIA

FLORIDA

99-7-052-30-77: Mr. Buffalo Tiger, Chairman, Miccosukee Tribe of Indians of Florida, P.O. Box 4404, Tamiami Station, Miami, Florida 33144.

II	$3,441
III	70,934
VI	------
Summer	------
Total	74,375

99-7-004-30-70: Mr. Howard E. Tommie, Chairman, Seminole Tribe of Florida, 6073 Stirling Road, Hollywood, Florida 33024.

II	$3,201
III	83,579
VI	------
Summer	------
Total	86,780

99-7-692-30-72: Ms. Jan Tuveson, Co-Director, Florida Governor's Council On Indian Affairs, 105 E. College Avenue, Tallahassee, Florida 32301.

II	-------
VII	$255,541
VI	---------
Summer	---------
Total	255,541

GEORGIA

99-7-691-30-71: Mr. Tommy Hess, Director, Georgia Department of Human Resources, Economic Opportunity Office, 618 Ponce de Leon Avenue, N.E., Atlanta, Georgia 30308.

II	------
III	$97, 722
VI	------
Summer	------
Total	97, 722

HAWAII

99-7-688-30-52: Mr. Robert Y. Watada, Administrator, State of Hawaii, Department of Labor and Industrial Relations, Office of Manpower Planning, 720 Kapiolani Blvd., Room 302, Honolulu, Hawaii 96813.

II	------
III	$41, 622
VI	------
Summer	------
Total	41, 622

ILLINOIS

No Prime Sponsor Selected Yet.

III	$419, 221

INDIANA

99-6-696-30-159: Mr. Emerson DeLaney, President, Indian Brotherhood Council, Inc., 117 State Street, Hammond, Indiana 46320.

III	$150, 258

IOWA

IDAHO

99-7-066-30-16: Mr. Cornell Tahdooahnippah, Executive Director, Idaho Inter-Tribal Policy Board, Inc., 910 Sonna Building, Suite 214, Boise, Idaho 83702.

II	$26, 566
III	271, 899
VI	------
Summer	------
Total	289, 465

99-7065-30-15: Mr. Richard A. Halfmoon, Chairman, Nez Perce Tribal Executive Council, P.O. Box 305, Lapwai, Idaho 83540.

II	$4, 164
III	88, 824
VI	------
Summer	------
Total	92, 988

KANSAS

99-7-168-30-78: Mr. Joy R. Hunter, Executive Director, Mid-American All Indian Council, Inc., 1650 East Central, Wichita, Kansas 67214.

II	------
III	$155, 149
VI	------
Summer	------
Total	155, 149

99-7-178-30-80: Mr. C. J. Morris, Chairman, United Tribes of Kansas and Southeast Nebraska, P.O. Box 147, Horton, Kansas 66439.

II	$7, 433
III	321, 958
VI	------
Summer	------
Total	329, 391

KENTUCKY

LOUISIANA

99-7-503-30-131: Mr. L. M. Burgess, Chairman, Board of Directors, Indian Manpower Services, Inc., 11764 S. Harrells Ferry Road, Baton Rouge, Louisiana 70816.

II	$ 551
III	279, 354
VI	------
Summer	------
Total	279, 905

MAINE

99-7-001-30-61: Mr. Allen Sockabasin, President, Tribal Governors, Inc., Maine Indian Manpower Services, 93 Main Street, Orono, Maine 04473.

II	$ 4, 232
III	226, 719
VI	------
Summer	------
Total	230, 951

MARYLAND

99-6-349-30-161: Ms. Marion Pines, Director, Mayor's Office of Manpower Resources, 701 St. Paul Street, Suite 105, Baltimore, Maryland 21202.

II	------
III	$196, 497
VI	------
Summer	------
Total	196, 497

MASSACHUSETTS

99-7-494-30-62: Mr. Clifford Saunders, Executive Director, Boston Indian Council, Inc., 105 S. Huntington Avenue, Jamaica Plain, Massachusetts 02130.

II	------
III	$221, 097
VI	------
Summer	------
Total	221, 097

99-7-650-30-63: Mr. Anthony P. Lacerda, Director, Yarmouth CETA Consortium, 66 Center Street, Hyannis, Massachusetts 02601.

II	------
III	$38, 432
VI	------
Summer	------
Total	38, 432

MICHIGAN

99-7-694-30-132: Mr. J. Wagner Wheeler, Executive Director, Grand Rapids Inter-Tribal Council, 756 Bridge Street, NW., Grand Rapids, Michigan 49508.

II	------
III	$96, 538
VI	------
Summer	------
Total	96, 538

99-7-172-30-133: Mr. Michael C. Parish, Executive Director, Inter-Tribal Council of Michigan, Inc., 405 East Easterday Avenue, Sault Ste. Marie, Michigan 49783.

II	$12, 698
III	------
VI	------
Summer	------
Total	12, 698

99-7-695-30-134: Mr. Vince Adams, Chairman, North American Indian Association Of Detroit, Inc., 360 John R, Detroit, Michigan 48226.

II	------
III	$282, 570
VI	------
Summer	------
Total	282, 570

99-7-507-30-135: Mr. Joseph K. Lumsden, Tribal Chairman, Sault Ste. Marie Tribe of Chippewa Indians, 206 Greenough Street, Sault Ste. Marie, Michigan 49783.

II	------
III	$55, 707
VI	------
Summer	------
Total	55, 707

99-7-007-30-136: Mr. L. John Fufkins, Chairman, Michigan Commission on Indian Affairs, Office of American Indian Manpower Programs, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

II	------
III	$549, 441
VI	------
Summer	------
Total	549, 441

MINNESOTA

99-7-017-30-137: Mr. Roger A. Jourdain, Chairman, Red Lake Tribal Council, Red Lake, Minnesota 56671.

II	$16, 518
III	172, 144
VI	------
Summer	------
Total	188, 662

99-7-204-30-138: Mr. Harold LaRosa, Chairman, Urban American Indian Center, 1530 East Franklin Avenue, Minneapolis, Minnesota 55404.

II	$3, 854
III	598, 399
VI	------
Summer	------
Total	602, 253

99-7-009-30-139: Mr. William J. Houle, Chairman, Fond du Lac Reservation Business Committee, Cloquet, Minnesota 55720.

II	$3, 200
III	78, 284
VI	------
Summer	------
Total	81, 484

99-7-012-30-140: Mr. David R. Munnell, Chairman, Leech Lake Reservation Business Committee, Box 308, Cass Lake, Minnesota 56633.

II	$11, 975
III	249, 464
VI	------
Summer	------
Total	261, 439

99-7-254-30-141: Mr. Bill Dwer, Chairman, American Indian Fellowship Association, 101 N. 1st Avenue, East, Duluth, Minnesota 55802.

II	$310
III	55, 768
VI	------
Summer	------
Total	56, 078

MINNESOTA

99-7-008-30-142: Mr. Arthur Gahbow, Chairman, Mille Lacs Reservation Community Action Program, Star Route, Onamia, Minnesota 56359.

II	$2,581
III	45,007
VI	------
Summer	------
Total	47,588

99-7-010-30-143: Mr. Harry Boness, Sr., Chairman, Nett Lake Reservation Business Committee, Nett Lake, Minnesota 55772.

II	$2,822
III	97,176
VI	------
Summer	------
Total	99,998

99-7-011-30-144: Mr. Rueben Rock, Chairman, White Earth Reservation Business Committee, P.O. Box 274, White Earth, Minnesota 56591.

II	$12,801
III	168,205
VI	-------
Summer	-------
Total	181,006

MISSISSIPPI

99-7-005-30-74: Mr. Calvin J. Isaac, Tribal Chief, Mississippi Band of Choctaw Indians, Tribal Office Building, Route 7, Box 21, Philadelphia, Mississippi 39350.

II	$18,204
III	455,192
VI	-------
Summer	-------
Total	473,396

MISSOURI

99-7-237-30-79: Ms. Mayme Mattawaoshshe, Executive Director, Region VIII American Indian Council, Inc., Indian Employment and Training, 310 Armour Road, Suite 212, Kansas City, Missouri 64116.

II	-------
III	278,621
VI	-------
Summer	-------
	278,621

MONTANA

99-7-032-30-92: Mr. Charles D. Plumage, President, Fort Belknap Indian Community, Fort Belknap Agency, Harlem, Montana.

II	$9,395
III	178,624
VI	-------
Summer	-------
Total	188,019

99-7-074-30-87: Mr. Charles E. Fisher, Board Chairman, Montana United Indian Association, P.O. Box 786, Helena, Montana 59601.

II	-------
III	$416,600
VI	-------
Summer	-------
Total	416,600

99-7-035-30-89: Mr. John Windy Boy, Chairman, Business Committee of the Chippewa Cree Tribe, Rocky Boy Route, Box Elder, Montana 59521.

II	$12,905
III	156,785
VI	-------
Summer	-------
Total	169,690

99-7-030-30-90: Mr. Patrick Stands Over Bull, Chairman, Crow Tribe of Indians, Crow Tribal Council, P.O. Box 371, Crow Agency, Montana 59022.

II	$16,449
III	163,332
VI	-------
Summer	-------
Total	179,781

99-7-006-30-88: Mr. Earl Old Person, Chairman, Blackfeet Tribal Business Council, Browning, Montana 59417.

II	$19,409
III	440,791
VI	-------
Summer	-------
Total	460,200

MONTANA

99-7-033-30-94: Mr. Norman Hollow, Tribal Chairman, Fort Peck Tribal Executive Board, Assiniboine and Sioux Tribes, Fort Peck Indian Reservation, Box 1027, Poplar, Montana 59255.

II	$20,372
III	290,040
VI	-------
Summer	-------
Total	310,412

99-7-034-30-93: Mr. Allen Rowland, Tribal President, Northern Cheyenne Tribal Council, P.O. Box 128, Lame Deer, Montana 59043.

II	$14,728
III	169,627
VI	-------
Summer	-------
Total	184,355

99-7-031-30-91: Mr. Harold W. Mitchell, Jr., Tribal Council Chairman, The Confederated Salish and Kootenai Tribes of the Flathead Reservation, Flathead Sub-Agency, Dixon, Montana 59831.

II	$10,392
III	211,275
VI	-------
Summer	-------
Total	221,667

NEBRASKA

99-7-509-30-84: Ms. Jan R. Searcy, Executive Director, United Indians of Nebraska, 1270 South 119 Court, Omaha, Nebraska 68144.

II	-------
III	$176,797
VI	-------
Summer	-------
Total	176,797

99-7-014-30-81: Mr. Edward L. Cline, Chairman, Omaha Tribe of Nebraska, Omaha Tribal Council, Macy, Nebraska 68039.

II	$8,534
III	134,573
VI	-------
Summer	-------
Total	143,107

99-7-236-30-83: Mr. Enid Goodteacher, Tribal Chairman, Santee Sioux Tribe of Nebraska, Route 2, Niobrara, Nebraska 68760.

II	$1,961
III	92,473
VI	-------
Summer	-------
Total	94,434

99-7-087-30-82: Mr. Art May, Chairman, Nebraska Indian Inter-Tribal Development Corporation, P.O. Box 238, Winnebago, Nebraska 68071.

II	$5,093
III	106,314
VI	-------
Summer	-------
Total	111,407

NEVADA

II	$------
III	------
VI	------
Summer	------
Total	------

99-7-058-30-51: Mr. Larry M. Manning, Chairman, Executive Board, Inter-Tribal Council of Nevada, Inc., 98 Colony Road, Reno, Nevada 89502.

II	$33,413
III	453,499
VI	-------
Summer	-------
Total	486,912

NEW HAMPSHIRE

NEW JERSEY

99-6-651-30-155: Mr. William R. Mate, Administrator, Comprehensive Employment and Training Act, Department of Labor and Industry, State of New Jersey, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey 08625.

II	-------
III	$221,463
VI	-------
Summer	-------
Total	221,643

NEW MEXICO

99-7-023-30-126: Mr. Delfin J. Lovato, Chairman, All Indian Pueblo Council, Inc., P.O. Box 6005, Station B, 1015 Indian School Road, N.W., Albuquerque, New Mexico 87107.

II	$106,609
III	1,164,739
VI	-------
Summer	-------
Total	1,271,348

99-7-146-30-129: Mr. Chavey P. Coho, President, Ramah Navajo School Board, Inc., Box 248, Ramah, New Mexico 87321.

II	-------
III	$79,816
VI	-------
Summer	-------
Total	79,816

99-7-021-30-128: Mr. Virgil Wyaco, Acting Governor, Pueblo of Zuni, Zuni Tribal Council, P.O. Box 339, Zuni, New Mexico 87327.

II	$26,704
III	298,636
VI	
Summer	
Total	325,340

99-7-077-30-127: Mr. Gerald T. Wilkinson, Executive Director, National Indian Youth Council, 201 Hermosa, N.W., Albuquerque, New Mexico 87108.

III	$437,138

NEW YORK

99-7-522-30-54: Mr. Rudolph Hart, Head Chief, St. Regis Mohawk Tribe, Cultural Center, Hogansburg, New York 13655.

II	$9,085
III	129,833
VI	
Summer	
Total	138,918

99-7-689-30-66: Mr. Luke M. Abrams, President, Native American Manpower, Inc., 250 Summer Street, Buffalo, New York 14222.

II	
III	$245,102
VI	
Summer	
Total	245,102

99-7-002-30-55: Mr. Robert C. Hoag, President, Seneca Nation of Indians, Manpower Programs, P.O. Box 344, Salamanca, New York 14779.

II	$25,156
III	599,536
VI	
Summer	
Total	624,692

New York City—No prime sponsor selected yet.

II	2,168
III	$577,884
	580,052

NORTH CAROLINA

99-7-003-30-75: Mr. John A. Crowe, Principal Chief, Eastern Bank of Cherokee Indians, P.O. Box 487, Cherokee, North Carolina 28719.

II	$27,943
III	352,250
VI	
Summer	
Total	380,193

99-7-067-30-73: Mr. Kenneth R. Maynor, Executive Director, Lumbee Regional Development, Association, Inc., P.O. Box 68, Pembroke, North Carolina 28372.

II	
III	$2,003,698
VI	
Summer	
Total	2,003,698

99-7-070-30-69: Mr. A. Bruce Jones, Executive Director, North Carolina Commission of Indian Affairs, 235 Heart of Raleigh Motel, Raleigh, North Carolina 27603.

II	
III	$661,872
VI	
Summer	
Total	661,872

NORTH DAKOTA

99-7-165-30-98: Mr. Warren W. Means, Executive Director, United Tribes Educational Technical Center, 3315 South Airport Road, Bismark, North Dakota 58501.

II	
III	$129,978
VI	
Total	129,978

99-7-075-30-95: Mr. Edwin J. Henry, Tribal Chairman, Turtle Mountain Tribal Council, Turtle Mountain Band of Chippewa Indians, Belcourt, North Dakota 58316.

II	$14,178
III	427,173
VI	
Summer	
Total	441,351

99-7-002-30-97: Mr. Wayne Packineau, Acting Chairperson, Three Affiliated Tribes, Division of Indian and Native American Programs, Box 597, New Town, North Dakota 58763.

II	$13,662
III	152,069
VI	
Summer	
Total	165,731

99-7-046-30-96: Mr. Pat McLaughlin, Chairman, Standing Rock Sioux Tribe, Manpower Program, Fort Yates, North Dakota 58538.

II	$32,416
III	289,853
VI	
Summer	
Total	322,269

99-7-037-30-100: Mr. Carl McKay, Tribal Chairman, Devils Lake Sioux Tribe, Manpower Programs, Fort Totten, North Dakota 58335.

II	$6,642
III	169,564
VI	
Summer	
Total	176,206

OHIO

99-7-350-30-155: Ms. Ruby Hooper, Chairwoman, Cleveland American Indian Center, Inc., 5500 Lorain Avenue, Cleveland, Ohio 44102.

III	$196,140

99-6-496-30-156: Mr. Soloman Brokeshoulder, Chairman, Tecumseh Confederacy, 147 Hill Street, Xena, Ohio 45385.

III	$103,259

OKLAHOMA

99-7-029-30-117: Mr. Leonard Biggoose, Chairman, Ponca Tribe of Indians, P.O. Box 11 (White Eagle), Ponca City, Oklahoma 74601.

II	
III	$106,322
VI	
Summer	
Total	106,322

99-7-027-30-121: Mr. Ross O. Swimmer, Principal Chief, Cherokee Nation, P.O. Box 119, Tahlequah, Oklahoma 74464.

II	
III	$2,049,369
VI	
Summer	
Total	2,049,369

99-7-022-30-119: Mr. Sylvester J. Tinker, Principal Chief, Osage Tribal Council, P.O. Box 178, Pawhuska, Oklahoma 74056.

II	$7,399
III	165,994
VI	
Summer	
Total	173,393

99-7-048-30-116: Mr. Howard Goodbear, Tribal Chairman, Cheyenne and Arapaho, Tribes of Oklahoma, P.O. Box 38, Concho, Oklahoma 73022.

II	
III	$271,295
VI	
Summer	
Total	271,295

99-7-041-30-125: Mr. C. David Gardner, Principal Chief, Choctaw Nation of Oklahoma, Box 59, Durant, Oklahoma 74701.

II	
III	$732,510
VI	
Summer	
Total	732,510

99-7-036-30-115: Mr. Bob Giago, Director, United Urban Indian Club, Inc., 1212 North Hudson, Oklahoma 73103.

II	
III	$527,834
VI	
Summer	
Total	527,834

OKLAHOMA

99-7-038-30-124: Mr. Russell B. Ellis, Director, Central Tribes of the Shawnee Area, Inc., Box 2427, University Station, Shawnee, Oklahoma 74802.

II	
III	$264,135
VI	
Summer	
Total	264,135

99-7-025-30-122: Mr. Edward F. Mouss, Executive Director, Creek Nation, Department of Manpower, P.O. Box 1114, Okmulgee, Oklahoma 74447.

II	
III	$611,829
VI	
Summer	
Total	611,829

99-7-072-30-120: Mrs. Evelyn F. Stephens, Executive Director, Oklahoma Tribal Assistance Program, Inc., P.O. Box 2841, Tulsa, Oklahoma 74101.

II	
III	$567,320
VI	
Summer	
Total	567,320

99-7-047-30-113: Mr. Bob Cannon, Chairman, Kiowa Tribe of Oklahoma, P.O. Box 1028, Anadarko, Oklahoma 73005.

II	
III	$377,754
VI	
Summer	
Total	377,754

99-7-140-30-118: Mr. Dana A. Knight, Chairman, North Central Inter-Tribal Council, Inc., 315 S. Pine, P.O. Box 2384, Ponca City, Oklahoma 74601.

II	
III	$101,745
VI	
Summer	
Total	101,745

99-7-042-30-114: Mr. Overton James, Governor, Chickasaw Nation of Oklahoma, CETA Program, West First at Muskogee, Box 645, Sulphur, Oklahoma 73086.

II	
III	$429,788
VI	
Summer	
Total	429,788

OKLAHOMA

99-7-051-30-123: Mr. Edwin Tanyan, Principal Chief, Seminole Nation of Oklahoma, 4th and Brown, Wewoka, Oklahoma 74884.

II	
III	$186,104
VI	
Summer	
Total	186,104

99-7-182-30-112: Mr. James M. Cox, Chairman, Comanche Indian Tribe, P.O. Box 1127, Lawton, Oklahoma 73501.

III	$255,098

OREGON

99-7-164-30-18: Mr. Lowell Curley, Chairman, Urban Indian Council, 2326 NW. Westover, Portland, Oregon 97210.

II	
III	$278,990
VI	
Summer	
Total	278,990

99-7-088-30-17: Mr. Butch Crume, Project Director, The Klamath Tribe, 4054 South 6th Street, P.O. Box 5123, Klamath Falls, Oregon 97601.

II	
III	$105,368
VI	
Summer	
Total	105,368

99-7-256-30-19: Mr. Ken Smith, General Manager, The Confederated Tribes of the Warm Springs Indian Reservation, P.O. Box 548, Warm Springs, Oregon 97761.

II	$4,956
III	493,472
VI	
Summer	
Total	498,428

PENNSYLVANIA

99-7-642-30-57: Mr. Russell Simms, Executive Director, Council of Three Rivers American Indian Center, Inc., 803 N. Homewood Avenue, Pittsburgh, Pennsylvania 15208.

II	
III	$85,932
VI	
Summer	
Total	85,932

99-7-477-30-58: Mr. Mack C. Lynch, President, United American Indians of Delaware Valley, Inc., 225 Chestnut Street, Philadelphia, Pennsylvania 19106.

II	
III	$136,843
VI	
Summer	
Total	136,843

99-7-649-30-59: Mr. James L. Crews, Chairman, Susquehannock Area, American Indians, Inc., 610 N. 3rd Street, Harrisburg, Pennsylvania 17107.

II	
III	$63,407
VI	
Summer	
Total	63,407

RHODE ISLAND

99-7-510-30-64: Mr. William Wilcox, Director, Rhode Island Indian Council, Inc., D.N.A.P. CETA III, 56 Washington Street, Providence, Rhode Island 02903.

II	
III	$92,823
VI	
Summer	
Total	92,823

SOUTH CAROLINA

SOUTH DAKOTA

99-7-043-30-104: Mr. Al Trimble, President, Oglala Sioux Tribe, P.O. Box G, Pine Ridge, South Dakota 57770.

II	$47,145
III	640,600
VI	
Summer	
Total	687,745

99-7-040-30-102: Ms. Elnita Rank, Chairperson, Crow Creek Sioux Tribe, P.O. Box 636, Fort Thompson, South Dakota 57339.

II	$5,196
III	102,476
VI	
Summer	
Total	107,672

99-7-063-30-107: Tribal Chairman, Yankton Sioux Tribe, Route No. 3, Wagner, South Dakota 57380.

II	$8,775
III	87,352
VI	
Summer	
Total	96,127

99-7-044-30-105: Mr. Edward J. Driving Hawk, President, Rosebud Sioux Tribe, Rosebud Indian Reservation, Rosebud, South Dakota 57570.

II	$47,454
III	488,929
VI	
Summer	
Total	536,383

99-7-165-30-101: Mr. Frank A. Lawrence, Executive Director, United Sioux Tribes Development Corporation, P.O. Box 1193, Pierre, South Dakota 57501.

II	
III	$457,218
VI	
Summer	
Total	457,218

99-7-039-30-99: Mr. Wayne Ducheneaux, Tribal Chairman, Cheyenne River Sioux Tribe, Manpower Program, P.O. Box 768, Eagle Butte, South Dakota 57625.

II	$10,048
III	276,356
VI	
Summer	
Total	286,404

99-7-073-30-103: Mr. Michael B. Jandreau, Chairman, Lower Brule Sioux Tribe, Lower Brule, South Dakota 57548.

II	$723
III	42,574
VI	
Summer	
Total	43,297

99-7-045-30-106: Mr. Jerry Flute, Tribal Chairman, Sessiton-Wahpeton Sioux Tribe, R.R. No. 2, Box 144, Sessiton, South Dakota 57262.

II	$15,004
III	149,551
VI	
Summer	
Total	164,555

TENNESSEE

99-7-360-30-76: Mr. Ron Cononger, Executive Director, United Southeastern Tribes, Inc., 1101 Kermit Drive, Nashville, Tennessee 37217.

II	
III	$200,574
VI	
Summer	
Total	200,574

TEXAS

99-6-693-30-160: Mr. Ward A. Phelan, Director, Indian Employment Training Service, Inc., P.O. Box 206, Livingston, Texas 77351.

II	$4,404
III	533,952
VI	
Summer	
Total	538,356

99-7-078-30-111: Mr. Leroy Mason, Chairperson, Dallas Inter-Tribal Center, 336½ W. Jefferson, Dallas, Texas 75208.

II	
III	$368,959
VI	
Summer	
Total	368,959

UTAH

99-7-049-30-109: Mr. Lester M. Chapoose, Chairman, Uintah and Ouray Tribal Business Committee, P.O. Box 129, Fort Duchesne, Utah 84026.

II	$6,710
III	109,238
VI	
Summer	
Total	115,948

99-7-163-30-110: Mr. Raymond Carroll, Chairman of the Board, Utah Native American Consortium, Inc., 120 West 1300 South, Salt Lake City, Utah 84115.

II	$69
III	199,229
VI	
Summer	
Total	199,298

VERMONT

VIRGINIA

99-6-745-30-162: Mr. Maurice B. Rowe, Chairman, Governors Manpower Services Council, State Capitol, Richmond, Virginia 23219.

II	$1,307
III	211,649
VI	
Summer	
Total	212,956

WASHINGTON

99-7-347-30-24: Mr. Dowayne Goodon, Executive Director, Native American Center, West 1704—10th Avenue, Spokane, Washington 99204.

II	
III	$109,834
VI	
Summer	
Total	109,834

99-7-071-30-22: Mr. Leo J LaClair, Executive Director, Small Tribes Organization of Western Washington, P.O. Box 578, Sumner, Washington 98390.

II	$30,214
III	717,264
VI	
Summer	
Total	747,478

99-7-068-30-20: Mr. Joseph B. DeLaCruz, CHE-HO-QUI-SHO Indian Consortium, Quinault Indian Tribe, P.O. Box 1228, Taholah, Washington 98587.

II	$6,677
III	118,801
VI	
Summer	
Total	125,478

99-7-184-30-23: Mr. Mel White, Chairman, Eastern Washington Indian Consortium, Box 223, Wellpinit, Washington 99040.

II	$49,278
III	682,895
VI	
Summer	
Total	732,173

99-7-511-30-25: Mr. Gregory W. Frazier, Executive Director, Seattle Indian Center, Inc., 619 Second Avenue, Seattle, Washington 98104.

II	
III	$414,306
VI	
Summer	
Total	414,306

99-7-069-30-21: Ms. Linda E. Day, Executive Director, Northwest Intertribal Council, 2731 10th Avenue, Everett, Washington 98201.

II	$40,434
III	147,763
VI	
Summer	
Total	188,197

WISCONSIN

99-7-013-30-146: Ms. Ada Deer, Chairperson, Menominee Restoration Committee, P.O. Box 397, Keshena, Wisconsin 54135.

II	$22,234
III	271,625
IV	
Summer	
Total	293,959

99-7-016-30-147: Mr. Peter Christensen, Executive Director, Great Lakes Inter-Tribal Council, Inc., Manpower Consortium, Box 5, Lac du Flambeau, Wisconsin 54538.

II	$26,670
III	212,004
IV	
Summer	
Total	238,674

99-7-497-30-148: Mr. Eugene W. Taylor, Chairman, St. Croix Tribal Council, Star Route, Webster, Wisconsin 54893.

II	$2,374
III	67,344
IV	
Summer	
Total	69,718

99-7-227-30-149: Ms. Petronelle Martin, Executive Director, Milwaukee Area American Indian Manpower Council, Inc., 3701 W. Lisbon Avenue, Milwaukee, Wisconsin 53208

II	
III	$190,653
VI	
Summer	
Total	190,653

99-7-019-30-150: Mr. Mitchell Whiterabbit, Tribal Chairman, Wisconsin Winnebago Committee, CETA office, VW—Stevens Point, Nelson Hall, 3rd Floor, Stevens Point, Wisconsin 54481.

II	$5,575
III	88,789
IV	
Summer	
Total	94,364

WISCONSIN

99-7-500-30-151: Mr. Leonard E. Miller, Jr., Tribal Chairman, Stockbridge-Munsee Community, Route 1, Bowler, Wisconsin 54416.

II	$2,409
III	31,423
VI	
Summer	
Total	33,832

99-7-018-30-152: Mr. Odric Baker, Chairman, Lac Courte Oreilles Governing Board Route 2, Stone Lake, Wisconsin 54876.

II	$11,769
III	97,994
VI	
Summer	
Total	109,763

997-015-30-153: Mr. Purcell Powless, Tribal Chairman, Oneida Tribe of Indians of Wisconsin, Inc., Oneida, Wisconsin 54155.

II	$5,403
III	191,751
VI	
Summer	
Total	197,154

99-7-199-30-154: Mrs. Betty Jack President of the Board, American Indian Child Placement and Development Program, Inc., 525 University Avenue, Madison, Wisconsin 53703.

II	
III	$115,669
VI	
Summer	
Total	115,669

WYOMING

99-7-050-30-108: Mr. Robert N. Harris, Shoshone Council Chairman, Mr. Arnold Headley, Arapahoe Council Chairman, Shoshone and Arapahoe Tribes, Box 217, Fort Washakie, Wyoming 82514.

II	$24,226
III	343,358
VI	
Summer	
Total	367,584

Signed at Washington, D.C., this 12th day of July, 1976.

ROBERT J. MCCONNON,
Director,
Office of National Programs.

[FR Doc.76-23556 Filed 8-12-76;8:45 am]

Office of Employee Benefits Security

[Application No. D-333]

EMPLOYEE BENEFIT PLANS

Pendency of Exemption Relating to a Transaction Involving the Given International Employees' Stock Bonus Plan

Notice is hereby given of the pendency before the Department of Labor (the De-

partment) and the Internal Revenue Service (the Service) of a proposed exemption from the restrictions of section 406(a) and section 406 (b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of section 4975(c)(1)(A) through (E) of the Code. The pending exemption was requested in an application filed by Given International (Given) and the trustee of the Given International Employees' Stock Bonus Plan (Plan) to exempt the sale of certain plan assets to the Crocker National Bank (Crocker). The application was filed pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75–26, 1975–1 C.B. 722.

Summary of facts and representations. The application contains facts and representations with regard to the pending exemption, which are summarized below. Interested persons are referred to the application on file with the Department and the Service for a complete statement of the facts and representations.

1. The plan is a stock bonus plan which was established on August 28, 1967. Contributions to the plan have consisted of Given's $100 par value, six percent cumulative preferred stock. The Plan currently holds 2,747 shares of such stock, which constitutes all the outstanding shares of Given preferred stock. The preferred stockholders have, at the present time, the only voting rights of Given stockholders because Given's articles of incorporation provide that if Given should miss four consecutive dividend payments, which has occurred, all the voting rights of the common stock are shifted to the preferred stock. The trustee of the Plan, Mr. Howard Given, currently has the authority to exercise the voting rights of the preferred stock held by the Plan.

2. In 1974, Given suffered certain financial reverses and became unable to pay its unsecured obligations as they became due. In May 1975, Given was indebted to Crocker for approximately $23,000,000, and virtually all of Given's assets were pledged to Crocker as collateral for the debt. In addition, Given was indebted to its general unsecured creditors for approximately $3,250,000.

3. By September 1975, Given was unable to remain in business without the financial support of Crocker; and Crocker was unwilling to continue its financial support unless a Creditors' Composition Agreement (Creditors' Agreement) dated September 30, 1975, was accepted by Given's unsecured creditors. Crocker agreed not to foreclose on its collateral if 95 percent of the unsecured creditors agreed to release their claims in exchange for certain amounts set forth in the Creditors' Agreement. That agreement was conditioned upon, among other things, the dissolution of the Plan and the cancellation or other elimination of the preferred stock held by the Plan.

4. It was necessary that the Plan be terminated and the interests of the preferred stockholders be eliminated because the preferred stock was an impediment to any viable refinancing plan that Crocker might wish to effect. Crocker did not believe that it could permit the disbursement of the preferred stock to the Plan participants as that action would create a potentially antagonistic body to deal with in the course of its attempt to continue Given in business. Further, the threat of the preferred stockholders seeking to exercise their accrued dividend rights with respect to future profits would undermine the likelihood of any sale of Given to a third party. Crocker also wanted to terminate the Plan and eliminate the preferred stock because as trustee of the Plan and a substantial secured creditor of Given, it could not fulfill its duties as trustee and at the same time fully protect its interests as a secured creditor.

5. By letter dated January 8, 1976, Crocker resigned as trustee of the Plan. Several corporate trustees were solicited to replace Crocker as trustee but all declined. Since Given was unable to find a corporate trustee, it decided to appoint its President and Chairman of the Board, Howard Given, as successor trustee.

6. At the time of his appointment as trustee, Howard Given and his family owned all the common stock of Given. However, pursuant to the terms of the Creditors' Agreement, the common stockholders of Given were to convey to Crocker an option to acquire, without further consideration, 100 percent of the common stock of Given. In addition, Howard Given and his wife were to convey to Crocker certain property and partnership interests owned by them. In exchange for these conveyances, Crocker was to release Howard Given and his wife as guarantors of Given's secured indebtedness to Crocker. On February 12, 1976, the common stockholders and Crocker agreed to the conveyance of the above property interests and the release of Mr. and Mrs. Given as guarantors of Given's secured indebtedness. However, Crocker and Howard Given agreed that Crocker will have recourse against Howard Given for up to $235,000 for losses resulting from Howard Given's failure to take such action as is necessary to cause the preferred stock to no longer be outstanding or to transfer such stock to Crocker.

7. Eighty-three percent of the unsecured creditors, in dollar amounts of Given have agreed voluntarily to accept, in satisfaction of their unsecured claims against the Company, the terms of the Creditors' Agreement. In order to eliminate those unsecured claims held by non-consenting creditors, Given filed a Chapter XI proceeding under the Bankruptcy Act in the Federal District Court for the Central District of California. After a hearing, the court, in an Order dated March 26, 1976, approved, with one minor modification, the Company's Plan of Arrangement, which incorporates the terms of the Creditors' Agreement. That plan, among other things, divides the unsecured creditors of Given into five classes. Creditors in Classes 1 through 4 are to be paid in full except that Class 4 creditors shall in no event receive more than $500 for each proven claim. Creditors electing Class 4 treatment had aggregate claims totaling $97,400 as of April 27, 1976. The Class 5 creditors, whose aggregate claims as of that date totalled $3.8 million, are to receive the greater of (a) a pro rata share of a $600,000 fund which Crocker is to make available to Given, or (b) fifteen percent (15%) of the amount of their respective claims. Crocker is in no event obligated to fund the Plan of Arrangement with an amount in excess of $600,00. If there are insufficient funds to pay the Class 5 creditors 15% of their respective claims, Given has the right to apply to the District Court to vacate the above order; and upon the vacation of the order, the $600,000 deposited by Crocker shall be returned to Crocker.

8. Howard Given, as trustee of the Plan, proposes to sell, and Crocker proposes to buy, the Given preferred stock held by the Plan. The price to be paid for the preferred stock will be equal to a percentage amount of the $100 par value which shall be the same percentage amount which the Class 5 unsecured creditors ultimately will receive for their proven claims against Given. As a result, under the terms of the sale the preferred stockholders will receive at least $15 for each share of $100 par value stock that they hold. These terms are the same as the terms of the Class 5 creditors arrangement, which were negotiated by parties with adverse interests dealing with one another at arm's length. The price to be paid for the preferred stock represents a better price than any other trustee could have negotiated, because it would treat the preferred stockholders the same as the Class 5 unsecured creditors, although in bankruptcy proceedings the claims of such creditors would take priority over the claims of preferred stockholders.

Notification of the pending exemption will be sent by certified mail to the present employees participating in the Plan, terminated vested employees who have not received their distributions, the one disability retiree presently receiving an annuity, Crocker, and Howard Given (collectively, the interested parties) within eight days of publication in the FEDERAL REGISTER of the notice of the pendency of the exemption. The notification will describe the exemption request and will inform interested parties of their right to submit written comments to the respective agencies or request a hearing within the time provided in the notice. The notification will include a copy of the notice as published in the FEDERAL REGISTER. Copies of the notification will be forwarded to the Department and the Service at the time they are sent to the interested parties.

General information. The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with subsection (a)(1)(B) of the Act, nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The pending exemption does not extend to transactions prohibited under section 406(b)(3) of the Act, and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department and the Service must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of such participants and beneficiaries; and

(4) The pending exemption, if granted, will be supplemental to, and not in derogation of, any other provision of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is the subject of an exemption is not dispositive of whether the transaction would have been a prohibited transaction in the absence of such exemption or, though it would have been a prohibited transaction, is exempt by operation of a statutory or other exemption or a transitional rule.

All interested persons are invited to submit written comments on the pending exemption. In order to receive consideration, such comments must be received by the Department on or before September 10, 1976. In addition, any interested person may submit a written request that a hearing be held relating to the pending exemption. Such written request must be received by the Department on or before September 10, 1976, and should state the reasons for the request and the nature of the person's interest in the pending exemption. All written comments and requests for a hearing (preferably six copies) should be addressed to the Office of Employee Benefits Security, Room N-4716, U.S. Department of Labor, Washington, D.C. 20216, Attention: Application No. D-333.

The application for exemption, requests for a hearing and comments will be available for public inspection at the Public Document Room, Office of Employee Benefits Security, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216, and at the Internal Revenue Service National Office Reading Room, 1111 Constitution Avenue NW., Washington, D.C. 20224.

Pending Exemption. Based upon the application, hereinabove described, the Department and the Service have under consideration the granting of the requested exemption, under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722, so that the restrictions of sections 406(a) and 406 (b)(1) and (b)(2) of the Act and taxes imposed under section 4975 (a) and (b) of the Code, by reason of sections 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale by the Plan of the preferred stock of Given to Crocker, pursuant to the terms, conditions and representations set forth in the application.

The pending exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 5th day of August 1976.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

[FR Doc.76-23466 Filed 8-9-76, 10:50 am]

Occupational Safety and Health Administration

ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH

Meeting

Notice is hereby given that the Advisory Committee on Construction Safety and Health, established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Thursday, August 26 and Friday, August 27, 1976, starting at 9:00 a.m. in Columbia A Ballroom, Hyatt Regency Hotel, 400 New Jersey Avenue, NW., Washington, D.C. The meeting is open to the public.

The purpose of this meeting is to consider and make recommendations to the Assistant Secretary on the proposed permanent standard for diving operations. Materials provided to members of the committee will be available for inspection and copying at the Committee Management Office, at the address below.

Pursuant to notice published in the FEDERAL REGISTER on July 23, 1976 (41 FR 30414), the Committee met on August 9 and 10, 1976, to consider the proposed permanent standard for diving operations. At that meeting, the Committee requested certain additional materials from the Occupational Safety and Health Administration staff and a brief additional time period to consider the materials submitted to it and to make its recommendations to the Assistant Secretary. The purpose of this meeting is to provide such additional time for the Committee to make its recommendations.

In view of the requirement of section 6(c)(3) of the Occupational Safety and Health Act of 1970 (84 Stat. 1596, 29 U.S.C. 655) that the Emergency Temporary Standard on Diving Operations, published in the FEDERAL REGISTER at 41 FR 24272, be replaced by a permanent standard no later than six months after publication of the emergency standard, and in view of the timely actual notice given to members of the Committee and to those members of the public present at the earlier meeting, it is determined that an emergency exists which makes it necessary and appropriate to shorten by one day the 15 day notice requirement.

Written data, views, or arguments may be submitted, preferably with 20 copies, to the Committee Management Office. Any such submissions received prior to the meeting will be provided to the members of the committee and will be included in the record of the meeting. Since public presentations were made at the earlier meeting, it is not anticipated that there will be further opportunity for such oral presentations. However, if time permits, oral presentations may be scheduled at the discretion of the committee chairman.

Communications may be mailed to:

J. Goodell, Committee Management Office, Department of Labor, Occupational Safety and Health Administration, Third Street and Constitution Avenue, NW., Room N-3635, Washington, D.C. 20210

Signed at Washington, D.C., this 11th day of August 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-23766 Filed 8-11-76;11:01 am]

ADVISORY COMMITTEE ON LONGSHORING SAFETY AND HEALTH

Establishment of Committee

I. *Establishment of Advisory Committee.*—A. *Establishment.* The Secretary of Labor, after consultation with the Director, Office of Management and Budget, having determined that it is in the public interest in connection with the performance of duties imposed on the Secretary by the Occupational Safety and Health Act of 1970, hereby establishes the Advisory Committee on Longshoring Safety and Health, in accordance with the Federal Advisory Committee Act (5 U.S.C. App. I, Supp. II, 1972).

B. *The Committee's objectives and the scope of its activity.* To provide advice to the Secretary of Labor and the Assistant Secretary of Labor for Occupational Safety and Health on the various

mechanisms for reducing accidents and illnesses in the longshoring industry.

C. *The period of time necessary for the Committee to carry out its purposes.* Beginning as soon as practical after June 1976, and continuing for two years, subject to renewal.

D. *The official to whom the committee reports.* The Assistant Secretary for Occupational Safety and Health.

E. *The agency responsible for providing the necessary support for the Committee.* The U.S. Department of Labor Occupational Safety and Health Administration.

F. *A description of duties for which the Committee is responsible.* 1. To conduct meetings, research, conferences and studies to determine the causes of longshore accidents and illnesses;

2. To give advice on possible ways of improving data collection on the frequency, incidence, severity and causes of accidents and illnesses as well as general longshore statistics;

3. To determine the influence of factors such as disease and work practices on safety and health in the longshoring industry;

4. To provide advice on enforcement strategies, standards development, training and education and voluntary cooperative efforts which will reduce accidents and illnesses in the longshoring industry;

5. To recommend technological improvement and procedures in the handling of cargo to reduce accidents and illnesses.

G. *The estimated annual operating costs in dollars and man-years for the Committee.* $83,000 and 1.5 man-years of staff support.

H. *The estimated number and frequency of Committee meetings.* The committee will meet 6 to 8 times each year.

I. *Membership.* The Committee shall consist of approximately 5 to 7 members, representing labor, industry and the public. A public member shall serve as Chairperson.

J. *The Committee's termination date.* Two years after the establishment of the committee, subject to renewal.

Signed at Washington, D.C., this 9th day of August 1976.

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

[FR Doc.76-23726 Filed 8-12-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given that the Subgroup on Compliance, National Advisory Committee on Occupational Safety and Health (NACOSH), will meet on September 1, 1976 in Room N-4437 A-D, Department of Labor, 3rd Street and Constitution Avenue, NW, Washington, D.C. 20210.

A meeting previously scheduled on August 10, 1976 was canceled due to the threat of severe weather conditions on the eastern seaboard.

The National Advisory Committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 to advise the Secretary of Labor and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act.

The Meeting will begin at 1 p.m. and will last until approximately 4 p.m. The public is invited to attend.

The Subgroup will complete its recommendations on the definition of repeated violations. The recomendations will address OSHA policy in this area with respect to geographical area and the time within which a prior citation should be considered the basis for a repeated citation. OSHA's present policy is twofold: (1) For employers having fixed establishments, repeated citations are limited to the cited establishment; and (2) for employers having no fixed establishment, repeated citations are based on prior citations occurring anywhere within the same State (however, the geographical scope for maritime is limited to a designated "port area").

For additional information on the Subgroup's agenda, please contact:

Nancy L. Hucke, Committee Management Office, Room N-3635, U.S. Department of Labor, Third Street and Constitution Avenue, NW., Washington, D.C. 20210, (202) 523-8024

Any written data or views concerning this agenda item or suggestions for future agenda items which are received by the Committee Management Office before the meeting, preferably within 20 copies, will be presented to the Subgroup and included in the official record of the meeting.

Anyone wishing to request an oral presentation should notify the Committee Management Office before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Subgroup Chairman, depending on the extent to which time permits.

Official records of the meeting will be available for public inspection at the above address.

Signed at Washington, D.C., this 10th day of August 1976.

J. GOODELL,
Executive Secretary.

[FR Doc.76-23727 Filed 8-12-76;8:45 am]

Office of the Secretary

[Secretary's Order 18-76]

AUDIT POLICIES AND RESPONSIBILITIES

Delegation of Authority and Assignment of Responsibilities

1. *Purpose.* To delegate authority and assign responsibility for conducting the audit program of the Department of Labor (DOL).

2. *Authority and directives affected.* a. This Order is issued pursuant to:

(1) The Act of March 4, 1913 (37 Stat. 736; 29 U.S.C. 551; and 5 U.S.C. 301 and 302 (b) (1)).

(2) The Budget and Accounting Procedures Act of 1950, 31 U.S.C. 66a.

(3) Standards for audit of governmental organizations program, activities, and functions, isued by the Comptroller General of the United States, June 1972.

(4) General Services Administration (GSA), Federal Management Circular, FMC 73-2, dated September 27, 1973.

(5) The Federal Procurment Regulations (41 CFR 1-3).

b. Secretary's Orders 24-66 and 36-72 are canceled.

3. *Scope.* This Order applies to the auditing of all program activities for which the DOL has responsibility regardless of the source of funds or whether the activities involved are performed by the Department, by State agencies or their agents, or through contractual, grant, or other arrangements.

4. *Background.* The Secretary of Labor and officials at all levels of the Department have statutory and inherent responsibility for assuring that all resources entrusted to them for DOL programs, regardless of source, are being used: (a) To achieve the purposes for which programs are authorized and funds are made available, (b) economically and efficiently, and (c) in compliance with applicable laws and regulations. Departmental policies and responsibilities are being restated to satisfy such needs and to conform to the auditing concepts and requirements contained in the Comptroller General's "Standards for Audit of Governmental Organizations, Program, Activities, and Functions," (1972) and GSA FMC 73-2 dated September 27, 1973.

5. *Policy.* It is the policy of the DOL to assure that all audit activities within the DOL will be centralized at the departmental level under the Assistant Secretary for Administration and Management. This policy of centralization of audit functions has as its major objective the provision for:

a. Uniformity of audit policies within the Department.

b. One DOL point of contact for (1) the General Accounting Office (GAO), (2) other agencies of the Federal, State, and local governments when cross audits are performed, and (3) private firms or other organizations.

c. Elimination of any duplication of audits when different organizations have dealings with the same grantees, sponsors, or suppliers of service and materials.

d. One organization responsible to the Secretary of Labor for the financial and contract audit functions of the Department and for independent auditing and reporting to the Secretary of Labor.

6. *Responsibilities*—a. *The Assistant Secretary for Administration and Management* is delegated specific authority and assigned responsibility for establishing and maintaining within the Office of the Assistant Secretary for Administra-

tion and Management (OASAM) an appropriate organization to provide for: (1) The development and maintenance of an effective independent audit program, and (2) The actual conduct on a centralized basis of the required audit functions as an objective service to the Office of the Secretary and the DOL Agencies concerned.

b. *The Director of Audit and Investigation (DA&I), OASAM,* is responsible for providing management with assessments of whether programs are accomplishing their intended objectives with due regard to costs and results; assurances that waste does not occur through mismanagement; and assurances as to fiscal integrity and compliance with statutory intent in the spending of public funds by:

(1) Conducting the Department's audit program in accordance with the "Standards of Audit of Governmental Organizations, Programs, Activities, and Functions" issued by the Comptroller General of the United States.

(2) Establishing such policies, standards, and procedures as are necessary to give effect to the requirements of this Order and laws and regulations governing the Department's audit program.

(3) Maintaining liaison with the GAO, the OMB, other Federal agencies, and State and local governments on audit matters.

(4) Meeting periodically with Agency Heads or Deputy Agency Heads to review audit plans in order to ensure DA&I audit activity in the agency is of greatest possible value to agency management as well as to the Office of the Secretary.

(5) Advising appropriate officials of audit results and issuing audit reports on a timely basis.

c. DOL Agency Heads are responsible for:

(1) Assuring that all Agency employees cooperate fully with auditors in the course of their audit activities.

(2) Promptly reviewing and evaluating audit reports received and making timely responses to the DA&I regarding actions taken or to be taken on audit report findings and recommendations.

Signed at Washington, D.C., this 30th day of July 1976.

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

[FR Doc.76-23734 Filed 8-12-76;8:45 am]

PRIVACY ACT

Systems of Records

Notice is hereby given that the Department of Labor in accordance with 5 U.S.C. 552a(e)(4) and (11), section 3 of the Privacy Act of 1974 (Pub. L. 93-579) ("Act"), proposes to revise notices of systems of records, the notice of which were published on September 8, 1975, (40 FR 41739).

Interested persons are invited to submit written data, views and arguments to Seth Zinman, Associate Solicitor, Division of Legislative and Legal Counsel, Office of the Solicitor, Room N2428, New Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210, on or before twenty days from the date of this notice. Written material received from the public will be available for public inspection at the above address during normal business hours.

This notice was prepared to inform the public of a new routine use for the Federal workers' compensation record systems described in this notice. The routine use would authorize the disclosure of workers' compensation case file records to labor unions and other voluntary employee associations of which the claimant is a member which exercise an interest in claims of members as part of their service to the member. Other changes from the notice as previously published are intended to give greater detail or update matters which have changed.

Dated: August 10, 1976.

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

DOL/ESA-8

System name: Office of Workers' Compensation Programs, Black Lung Benefit Claim File.

System location: U.S. Department of Labor, Employment Standards Administration, Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation, Washington, D.C. 20210.

Categories of individuals covered by the system: Individuals filing claims for black lung (pneumoconiosis) benefits under the provisions of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, including miners, and their surviving widows, orphans, dependent parents and siblings.

Categories of records in the system: Personal, medical, financial.

Authority for maintenance of the system: 30 U.S.C. 901 et seq. 20 CFR 715.1 et seq., 20 CFR 720.1 et seq. 20 CFR 725.1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure to mine operators who have been determined to be potentially liable for the claim and any party providing the mine operator with workers' compensation insurance coverage; State worker's compensation agencies and the Social Security Administration for the purpose of determining offsets as specified under the Act; doctors and medical service providers for the purpose of obtaining medical evaluations, physical rehabilitation or other services, and labor unions and other voluntary employee associations of which the claimant is a member which exercise an interest in claims of members as part of their service to the members.

Storage: Case file documents, both original and copies in manual files.

Retrievability: Coal miner's name and Social Security Number and claimants name when different from miner's must be provided.

Safeguards: Files located in restricted area of a Federal building under guard by security officers.

Retention and disposal: Being determined at this time.

System manager(s) and address: Associate Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room C3520, Washington, D.C. 20210.

Notification procedure: As above.

Record access procedures: As above.

Contesting record procedures: As above.

Record source categories: Claim forms, medical reports, correspondence, investigative reports, employment reports, Federal and State agency records, any other record of document pertaining to a claimant or his dependent as it related to his age, education, work history, marital history or medical condition.

DOL/ESA-9

System name: Office of Workers' Compensation Programs, Black Lung Benefit Payments File.

System location: GAO Building, 5th and G Streets NW., Washington, D.C. 20210; System is accessed from Terminal (Remote 7) located in NDOL, Room C3525, 3rd and Constitution Avenue NW., Washington, D.C. 20210.

Categories of individuals covered by the system: Claimants receiving benefits.

Categories of records in the system: Personal, financial.

Authority for maintenance of the system: 30 U.S.C. 901 et seq., 20 CFR 175.1 et seq., 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Same as above but without the listing of disclosure to doctors and medical service providers.

Storage: Magnetic tapes.

Retrievability: Social Security Number.

Safeguards: Files located in restricted area of Federal Building under guard by security officers.

Retention and disposal: Being determined at this time.

System manager(s) and address: Associate Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, Room C3520, 200 Constitution Avenue NW., Washington, D.C. 20210

Notification procedure: As above

Record access procedures: As above

Contesting record procedures: As above

Record source categories: Black Lung Benefit Claim Files

DOL/ESA-10

System name: Office of Workers' Compensation Programs, Black Lung Claimant Information File

System location: GAO building, 5th and G Streets NW., Washington, D.C. 20210; system is accessed from terminal (Remote 7) located in NDOL, Room C3525, 3rd and Constitution Avenue NW., Washington, D.C. 20210

Categories of individuals covered by the system: Black lung claimants.

Categories of records in the system: Personal (Name, date of birth, SSN, type claimant, miner's date of death); demographic (state/county, city, Congressional district, zip code), mine employment history, medical disability, initial determination conference results, hearing results.

Authority for maintenance of the system: 30 U.S.C. 901 et seq., 20 CFR 715.5 et seq., 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Same as above but without the listing of disclosure to doctors and medical service providers.

Storage: 9 Track magnetic tape and punched cards.

Retrievability: Social Security Number.

Safeguards: Located in restricted area of Federal building under guard by security officers.

Retention and disposal: Being determined at this time.

System manager(s) and address: Associate Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room C3520, Washington, D.C. 20210.

Notification procedure: As above.

Record access procedures: As above.

Contesting record procedures: As above.

Record source categories: District Office reports, claim forms, claim files tracking cards.

DOL/ESA–11

System name: Office of Workers' Compensation Programs, Black Lung Medical Treatment Records Files.

System location: U.S. Department of Labor, Employment Standards Administration, Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation, 200 Constitution Avenue NW., Washington, D.C. 20210.

Categories of records in the system: Medical and financial.

Authority for maintenance of the system: 30 U.S.C., 901 et seq., 20 CFR 715.1 et seq., 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Same as above but without the listing of disclosure to doctors and medical service providers.

Storage: Manual File to be transferred to magnetic tape.

Retrievability: Name and Social Security Number.

Safeguards: Located in restricted area of Federal building under guard by security officers.

Retention and disposal: Being determined at this time.

System manager(s) and address: Associate Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room C3520, Washington, D.C. 20210.

Notification procedure: As above.

Record access procedures: As above.

Contesting record procedure: As above.

Record source categories: Medical reports and bills from physician of beneficiary choosing providing medical treatment.

DOL/ESA–12

System name: Office of Workers' Compensation Programs, Black Lung Beneficiaries Profile File.

System location: U.S. Department of Labor, Employment Standards Administration, Office of Workers' Compensation, Division of Coal Mine Worker's Compensation, Washington, D.C. 20210.

Categories of individuals covered by the system: Division of Coal Mine Workers' Compensation beneficiaries

Categories of records in the system: Medical, personal

Authority for maintenance of the system: 30 U.S.C. 901 et seq., 20 CFR 715.1 et seq. 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Same as above but without the listing of disclosure to doctors and medical service providers.

Storage: Manual files.

Retrievability: Name and Social Security Number.

Safeguards: Files located in restricted area of a Federal building under guard by security officers.

Retention and disposal: Being determined at this time.

System manager(s) and address: Associate Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room C3520, Washington, D.C. 20210

Notification procedure: As above

Record access procedures: As above

Contesting record procedures: As above

Record source categories: Individual, correspondence, employment records, payroll records, medical reports.

DOL/ESA–13

System name: Office of Workers' Compensation Programs, Black Lung Service Payments File.

System location: GAO building, 5th and G Streets NW., Washington, D.C. 20210; System is accessed from terminal (Remote 7) located in NDOL, Room C3525, 3rd and Constitution Avenue NW., Washington, D.C. 20210.

Categories of individuals covered by the system: Claimants, physicians and medical facilities providing services.

Categories of records in the system: Medical, personal, financial

Authority for maintenance of the system: 30 U.S.C., 901 et seq., 20 CFR 715.1 et seq., 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Same as above but without the listing of disclosures to doctors and medical service providers.

Storage: Magnetic tapes

Retrievability: Provider number, claimant's SSN.

Safeguards: Files located in restricted area of Federal building under guard by security officers.

Retention and disposal: Being determined at this time.

System manager(s) and address: Associate Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room C3520, Washington, D.C. 20210

Notification procedure: As above

Record access procedures: As above.

Contesting record procedures: As above.

Record source categories: Billings, claim files, medical reports

DOL/ESA–14

System name: Office of Workers' Compensation Programs, Black Lung X-ray Interpretations File.

System location: U.S. Department of Labor, Employment Standards Administration, Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation, 200 Constitution Avenue NW., Washington, D.C. 20210.

Categories of individuals covered by the system: Division of Coal Mine Workers' Compensation claimants.

Categories of records in the system: Medical, personal.

Authority for maintenance of the system: 30 U.S.C. 901 et seq., 20 CFR 715.1 et seq., 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Same as above but without the listing of disclosure to doctors and medical service providers.

Storage: Manual files.

Retrievability: Name and Social Security Number.

Safeguards: Files located in restricted area of a Federal building under guard by security officers.

Retention and disposal: Being determined at this time.

System manager(s) and address: Associate Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room C3520, Washington, D.C. 20210.

Notification procedure: Same as above.
Record access procedures: Same as above.
Record source categories: Individual's medical records.

DOL/ESA–15

System name: Office of Workers' Compensation Programs, Federal Employees' Compensation Act File.

System location: U.S. Department of Labor, Employment Standards Administration, Office of Workers' Compensation Programs, Division of Federal Employees' Compensation, 200 Constitution Avenue NW., Room S–3229, Washington, D.C. 20210; and District Offices.

Categories of individuals covered by the system: FECA benefits recipients are Federal employees injured or killed while in the performance of duty or suffering from occupational diseases. In case of death, beneficiary records are maintained. In addition to Federal employees the FECA covers volunteers in the Civil Air Patrol, Peace Corps Volunteers, Job Corps Enrollees, Volunteers in Service to America, members of the National Teachers Corps, certain student employees, employees of the Alaska Railroad, members of the Reserve Officers Training Corps, certain law enforcement officers not employed by the United States. Prior to January 1, 1957, the FECA also covered reservists in the Armed Forces of the United States. Also covered are various classes of persons who provide or have provided services to the Government of the United States.

Categories of records in the system: Record includes reports of injury by employee and employing establishment, authorization for medical treatment, medical records, medical and transportation files, compensation payment records, formal order for or against payment of compensation and vital statistics such as birth, death and marriage certificates.

Authority for maintenance of the system: 5 U.S.C. 8101 et seq., 20 CFR 1.1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure to any third-party named in a claim or representative acting on his/her behalf until the claim is adjudicated and all appeals resolved; Federal agencies which employed the claimant at the time of occurrence or recurrence of the injury or occupational illness; Federal, State or private rehabilitation agencies to whom the claimant has been referred for evaluation of the extent and nature of the disability and/or rehabilitation; physicians making an examinaiton for the United States under 5 U.S.C. 8123(a); medical insurance plans or health and welfare plans which the claimant is covered by in instances when there is evidence of payment by the plan for treatment of a medical condition which is compensable or where there has been payment by OWCP for treatment of a medical condition which is not compensable; and labor unions and other voluntary employee associations of which the claimant is a member which exercise an interest in claims of members as part of their service to the members.

Storage: File cabinets, security files are kept in combination locker file cabinet. In 1976–77, FECA case files will be entered into an automated management information system to be stored on magnetic disks.

Retrievability: Files are retrieved after identification by coded file number which is cross referenced to employee by name, employing establishment, date and nature of injury. Files located in District Offices are identified by master index file, which is maintained in the National Office.

Safeguards: Files are maintained under constant supervision of OWCP personnel during normal working hours—only authorized personnel may handle or disclose any information contained therein. Magnetic disks will be maintained under the constant supervision of Department of Labor personnel and will be locked up at night. Only personnel having security clearance may handle or process security files. After normal working hours, security files are kept in locked cabinets. All files are maintained in guarded Federal buildings.

Retention and disposal: Regular files are retained, retired to Federal Record Centers, and disposed of in accordance with GSA schedule. Security files are disposed of by the submitting agency.

System manager(s) and address: Associate Director, FECA, Room S–3229, NDOL, 200 Constitution Avenue NW., Washington, D.C. 20210.

Notification procedure: As above.
Record access procedures: As above.
Contesting record processing: As above.
Record source categories: Injured employees, beneficiaries, employing Federal agencies, other Federal Agencies, physicians, hospitals, clinics, educational institutions, attorneys, congressman, OWCP field investigations, state government.

DOL/ESA–17

System name: Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act File

System location: Files are located in District Offices.

Categories of individuals covered by the system: The system maintains records of injury, occupational disease and death of employees working in private industry who are covered by the provisions of the Longshoremen's and Harbor Worker's Compensation Act, as extended.

Categories of records in the system: Records include: reports of injury by employees and employers; authorization for medical care; medical reports, medical and transportation bills; formal orders for or against payment of compensation; vital statistics such as birth, marriage, death certificates; enrollment and attendance records at educational institutions.

Authority for maintenance of the system: 33 U.S.C. 901 et seq. (20 CFR 701 et seq.), 36 DCC 501 et seq., 42 USC 1951 et seq., 43 USC 1331 et seq., 5 USC 8171 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure to the employer at the time of the injury or the onset of the occupational illness and to any party providing the employer with workers' compensation insurance coverage; doctors and medical service providers for the purpose of obtaining medical evaluations, physical rehabilitation of other services; and labor unions and other voluntary employee associations of which the claimant is a member which exercise an interest in claims of members as part of their service to the members.

Storage: The information is maintained as written records and documents in letter size manual files stored in 4 and 5 drawer file cabinets, located in the several District Offices.

Retrievability: Identification is based on coded file numbers, cross-referenced to employee name, date of injury and employer name.

Safeguards: Files are physically maintained under constant supervision of OWCP personnel during working hours. Rooms in which files are maintained are locked during non-business hours.

Retention and disposal: Files are retained in District Offices for a period of five years following closing, after which they are retired to the Federal Records Centers and eventually disposed of in accordance with the GSA records disposal schedule. No lost time reports of injury are destroyed five years after the fiscal year in which they are received.

System manager(s) and address: Associate Director, OWCP, Division of Longshore and Harbor Workers' Compensation, U.S. Department of Labor, 200 Constitution Avenue NW., Room C4315, Washington, D.C. 20210.

Notification procedure: As above.

Record access procedures: Any individual seeking information about a case in which he/she is a party of interest may write or telephone the OWCP District Office and arrangement will be made to provide review of the file, consonant with restriction defined as a routine use.

Contesting record procedures: As above.

Record source categories: The system obtains information from injured employees, their qualified dependents, employers, physicians, medical facilities, educational institutions, attorneys, Members of Congress, state and Federal vocational rehabilitation agencies.

[FR Doc.76–23767 Filed 8–12–76;8:45 am]

[Secretary's Order 17–76]

SECRETARY'S COMMITTEE ON VETERANS' AFFAIRS

Restructuring of Committee and Redefining Its Functions

1. *Purpose.* This Order restructures the Secretary's Committee on Veterans' Affairs and redefines its functions.

2. *Directives affected.* Secretary's Order 5–75 is canceled.

3. *Background.* The Secretary of Labor has the responsibility under the Vietnam Era Veterans' Readjustment Assistance Act of 1974, and the emergency Jobs and Unemployment Assistance Act of 1974, to formulate and monitor the implementation of departmental policies and programs affecting the unemployment, job training, employment or reemployment, and job placement of veterans. The Secretary's Committee was established by Secretary's Order 5–75 to ensure coordination and focus for the various veterans' programs operated throughout the Department.

4. *The Secretary's Committee on Veterans' Affairs.* There is established within the Department of Labor (DOL) a Secretary's Committee on Veterans' Affairs.

a. *Organization.* The Secretary's Committee on Veterans' Affairs shall be chaired by the Under Secretary or in his/her absence by the Vice Chairperson who shall be the Director of the Veteran's Employment Service (VES).

b. *Membership.* (1) In addition to the Chairperson and the Vice Chairperson, the Committee shall be composed of the Assistant Secretaries for Administration and Management; Employment Standards; Employment and Training; Labor-Management Relaeions; Policy, Evaluation, and Research; and the Solicitor of Labor.

(2) The Chairperson shall designate a DOL employee to serve as Executive Secretariat to the Committee.

c. *Meeting Schedule.* The Secretary's Committee on Veterans' Affairs shall meet during the months of January, April, July, and October, with the first meeting held on July 19, 1976. The Chairperson may convene such additional meetings as Committee business may require. Appropriate notice shall be published in the FEDERAL REGISTER well in advance of each meeting date and the meeting shall be open to the public.

d. *Staff Support.* The principal staff support for the Secretary's Committee on Veterans' Affairs shall be provided by the Office of the Director of VES. Other DOL Agencies shall provide appropriate assistance with respect to their functions. The Secretary's Committee may also obtain information and specialized services needed to perform its assigned functions from outside sources.

5. *Assignment of Functions.* The Secretary's Committee on Veterans' Affairs is assigned the following functions:

a. Serve as principal advisory and coordinating group to the Secretary of Labor on matters affecting veterans.

b. Consult with and provide guidance to the appropriate DOL Agencies and the Program and Budget Review Committee (PBRC) on the formulation, implementation or redirection of departmental policies and programs as they affect veterans, especially in the areas of unemployment, job training, employment or reemployment, and job placement.

c. Review the operational effectiveness of departmental plans and programs affecting veterans.

d. Facilitate executive-level communications on veterans' affairs within the Department and with other governmental agencies, veterans' organizations, labor, management, and the Congress.

e. Review and suggest research essential to the implementation of effective departmental programs on behalf of veterans.

f. Coordinate the preparation of any reports concerning veterans' affairs to the Congress which involve the activities of more than one DOL Agency.

Signed at Washington, D.C., this 30th day of July 1976.

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

[FR Doc.76-23733 Filed 8-12-76;8:45 am]

[TA-W-1,005]

APPAREL SPORTSWEAR, INC.

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On July 30, 1976, the Department of Labor received a petition dated July 26, 1976, which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") by the International Ladies Garment Workers Union on behalf of the workers and former workers of Apparel Sportswear, Inc., New York, New York (TA-W-1,005). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies' dresses, pants, jackets, skirts and blouses produced by Apparel Sportswear, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivisions of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of July 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-23739 Filed 8-12-76;8:45 am]

[TA-W-1,006]

BETHLEHEM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 30, 1976, the Department of Labor received a petition dated July 21, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Lackawanna plant, Woodlawn, New York, a subsidiary of Bethlehem Steel Corp., Bethlehem, Pa. (TA-W-1,006). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with structural steel & steel rails produced by Bethlehem Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment As-

sistance, at the address shown below, not later than August 23, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of July 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-23740 Filed 8-12-76;8:45 am]

[TA-W-1,008]

BROWN SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 30, 1976, the Department of Labor received a petition dated June 20, 1976, which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Brown Shoe Co., Steelville, Missouri, a division of Brown Group, Inc., St. Louis, Missouri (TA-W-1,008). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with component parts for shoes produced by Brown Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of July 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-23742 Filed 8-12-76;8:45 am]

[TA-W-1,009]

GENERAL SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 30, 1976, the Department of Labor received a petition dated July 27, 1976, which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Frankfort, Kentucky plant of General Shoe Company, a division of Genesco, Inc., Nashville, Tenn. (TA-W-1,009). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with leather and synthetic shoes for men and women produced by General Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of July 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-23743 Filed 8-12-76;8:45 am]

[TA-W-1,004]

INTERNATIONAL SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 30, 1976, the Department of Labor received a petition dated July 27, 1976, which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Hopkinsville, Kentucky plant of International Shoe Co., St. Louis, Missouri, a division of Interco, Inc., St. Louis, Missouri (TA-W-1,004).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's shoes produced by International Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of July 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-23738 Filed 8-12-76;8:45 am]

[TA-W-1,003]

J. H. BONCK COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 29, 1976, the Department of Labor received a petition dated July 22, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of J. H. Bonck Company, Inc., New Orleans, Louisiana (TA-W-1,003).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's uniform shirts, dress shirts, sport shirts; boys' uniform shirts; and girls' uniform blouses produced by J. H. Bonck Co., Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 29th day of July 1976.

MARVIN M. FOOKS.
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-23737 Filed 8-12-76;8:45 am]

[TA-W-1,002]

McKENNA INDUSTRIES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 29, 1976, the Department of Labor received a petition dated June 30, 1976, which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of McKenna Industries, Inc., Chicago, Illinois (TA-W-1,002).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the sale and installation of auto stereo radios, auto speakers and home electronics entertainment equipment provided by McKenna Industries, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 29th day of July 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-23736 Filed 8-12-76;8:45 am]

[TA-W-1,007]

QUAKER KNITTING MILLS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 30, 1976, the Department of Labor received a petition dated July 26, 1976, which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Quaker Knitting Mills, Inc., Berlin, New Jersey, a division of Puritan Sportsware, Altoona, Pa. (TA-W-1,007).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's sweaters produced by Quaker Knitting Mills, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of July 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-23741 Filed 8-12-76;8:45 am]

[TA-W-1,001]

ROCKWELL INTERNATIONAL

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 29, 1976, the Department of Labor received a petition dated July 21, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of the Chicago, Illinois Admiral Group of Rockwell International, Pittsburgh, Pa. (TA-W-1,001).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with monochrome and color television sets produced by Rockwell International or an appropriate subdision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 29th day of July 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-23735 Filed 8-12-76;8:45 am]

ROUND STAINLESS STEEL WIRE

Investigation Regarding Certification of Eligibility for Adjustment Assistance

On June 14, 1976, the International Trade Commission determined that increased imports of round stainless steel wire are not a substantial cause of serious injury to the domestic industry for purposes of the import relief provisions of the Trade Act of 1974 (41 FR 24779).

Section 224 of the Trade Act directs the Secretary of Labor to initiate an industry study whenever the ITC begins an investigation under the import relief provisions of the Act. The purpose of the study is to determine the number of workers in the domestic industry petitioning for relief who have been or are likely to be certified as eligible for adjustment assistance and the extent to which existing programs can facilitate the adjustment of such workers to import competition. The Secretary is required to make a report of this study to the President and also make the report public (with the exception of information which the Secretary determines to be confidential).

The Department of Labor has concluded its report on round stainless steel wire. The report found as follows:

1. Since April 3, 1975, the effective date of the adjustment assistance program, the Department of Labor has received 10 petitions for certification of eligibility for adjustment assistance involving to a limited degree workers producing stainless steel wire products. To date, the Department has certified nine of these petitions and has not denied any. An investigation is currently in process in the remaining case. Of the estimated potential caseload of about 8,300 workers at plants in this narrow segment of the industry whose workers have been certified, only a small proportion, perhaps about one-fifth, is likely to consist of production workers primarily involved in wire operations. As of April 30, 1976, 5,056 workers at the plants involved in the certifications had applied for adjustment assistance and $3,490,317 had been paid to 2,470 of them. It is not known precisely how many of these workers were primarily engaged in wire operations. Once certified, a large proportion of the displaced workers is likely to draw maximum trade allowances.

2. By the end of March 1976 a total of approximately 1,000 production workers primarily involved in stainless steel wire operations were still on layoff status. About 85 percent of these were at plants whose workers had petitioned the Department. The Department of Labor estimates that about another 600 wire production workers may apply for adjustment assistance at plants which have been certified. Over the next twelve months, five groups, or a total of about 150 workers from smaller and more specialized firms producing stainless steel wire, may apply for certification of eligibility for adjustment assistance. No firms are likely to lay off large numbers of workers in the next year if the current economic upturn continues, and most of the approximately 1,000 workers who are currently on layoff status are likely to be recalled. However, as many as 200 workers may have to seek employment elsewhere since their previous employers are no longer producing stainless steel wire.

3. The unemployed workers are located mainly in Pennsylvania, New York, Maryland, and Indiana. Local unemployment rates in the impacted areas were either at or above the national average and generally exceeded 8 percent in March 1976. Since many of these workers possess special skills, their immediate reemployment prospects are dependent on the fortunes of the specialty steel industry. Even if present industry trends continue, a substantial number of separated workers could remain unemployed over the next few months. Consequently, a number of workers may enroll in training programs and/or consider relocating.

4. The Comprehensive Employment and Training Act (CETA) programs in the impacted areas have sufficient funds to meet the needs of unemployed workers in the near future. However, many training programs have already exceeded expected enrollment levels. The Employment and Training Administration through the State Employment Service has the authority to purchase additional training when CETA funds are not available.

Copies of the Department report containing nonconfidential information developed in the course of the 6-month investigation may be purchased by contacting the Office of Trade Adjustment Assistance, U.S. Department of Labor, 3d Street and Constitution Avenue, NW., Washington, D.C. 20210 (phone 202-523-7665).

Signed at Washington, D.C., this 5th day of August 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary International Affairs.

[FR Doc.76-23744 Filed 8-12-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 117]

ASSIGNMENT OF HEARINGS

AUGUST 10, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 130349, Marvin Stewart, Dba Stewart's Travel Agency, now assigned September 22, 1976, at Frankfort, Ky. will be held in the 4th Floor Conference Room, Bureau of Vehicle Regulation, Department of Transportation, State Office Building.

MC 67485 (Sub-No. 18), Texas Tex-Pack Express, Inc., now assigned September 20, 1976, at Austin, Tex. will be held in Room 557, Federal Building, 300 East 8th Street.

MC-C-8833, Oliver Trucking Company, Inc. V. Eck Miller Transportation Corporation, now assigned September 28, 1976, at Frankfort, Ky. will be held in the 4th Floor Conference Room, Bureau of Vehicle Regulation, Department of Transportation, State Office Building.

MC-C-8975, P.A.K. Transport, Inc. Investigation and Revocation of Certificate, now assigned September 8, 1976, at Boston, Mass., will be held on the Fifth Floor, 150 Causeway.

MC 94742 (Sub-No. 37), Michaud Bus Lines, Inc., now assigned September 13, 1976, at Boston, Mass. will be held on the Fifth Floor, 150 Causeway.

MC 124774 (Sub-No. 94), Midwest Refrigeration Express, Inc., now assigned September 9, 1976, at Boston, Mass., will be held on the Fifth Floor, 150 Causeway.

MC 110563 (Sub-No. 166), Coldway Food Express, Inc., now being assigned September 9, 1976, at Boston, Mass. (2 days) on the Fifth Floor, 150 Causeway.

MC-F 12677, Ward Trucking Corp.—Purchase—Keystone-Lawrence Transfer and Storage Company now assigned September 13, 1976 at New York, New York and will be held in Room 2839, Federal Building, 26 Federal Plaza.

AB 19 (Sub 3), Baltimore and Ohio Railroad Company Abandonment Landenberg Branch, New Castle County, Delaware now assigned September 8, 1976 at Wilmington, Delaware and will be held in the Courtroom, U.S. District Court, 844 King Street.

MC 141344 (Sub 2), Allen Transport Corp. now assigned September 13, 1976, also September 14, 15 and 17 and will be held in Room 1035, Federal Building, 400 8th Street and September 16 in Room 1030, Federal Building; 400 8th Street.

MC 19227 (Sub-No. 223), Leonard Bros. Trucking Co., Inc., now assigned September 27, 1976 at Dallas, Texas; will be held in Tax Court Room 330, U.S. Post Office & Courthouse Building, Bryan & Ervay Streets.

MC 123490 (Sub-No. 16), Chip Carriers, Inc., now assigned September 28, 1976 at Dallas, Texas; will be held in Tax Court Room 330, U.S. Post Office & Courthouse Building, Bryan & Ervay Streets.

MC 73165 (Sub-No. 387), Eagle Motor Lines, Inc., now assigned September 30, 1976 at Dallas, Texas; will be held in Tax Court Room 330, U.S. Post Office & Courthouse Building, Bryan & Ervay Streets.

MC 100449 (Sub-No. 62), Mallinger Truck Line, Inc., now assigned October 4, 1976 at Dallas, Texas; will be held in Room 5A15-17 Federal Building, 1100 Commerce Street.

MC 121281 (Sub-No. 12), Big Mac Trucking Co., now assigned October 6, 1976 at Dallas, Texas; will be held in Room 5A15-17 Federal Building, 1100 Commerce Street.

MC 109821 (Sub 42), H. W. Taynton Co., Inc. now assigned September 27, 1976 at New York, New York and will be held in Room 2805, Federal Building, 26 Federal Plaza, September 28, 1976, Room 2705, Federal Building, 26 Federal Plaza, September 29th and 30th in Room 2839, Federal Building, 26 Federal Plaza and October 1, 1976 in Room 2805, Federal Building, 26 Federal Plaza.

MC 141081, Trailer Car Corp. now assigned September 15, 1976 in New York, New York and will be held in Courtroom A, Room 238, Court of Claims, 26 Federal Plaza.

MC 120477 (Sub 2), International Transport, Inc. now assigned September 20, 1976 in New York, New York and will be held in Room 2805, Federal Building, 26 Federal Plaza, September 21, 22 and 23 in Room 305A, Federal Building, 26 Federal Plaza and September 24, 1976 in Room 2805, Federal Building, 26 Federal Plaza.

MC 141243 (Sub 1), Jaymar Trucking Corp. now assigned September 13, 1976 in New York, New York and will be held in Court Room A, Room 238, Court of Claims, 26 Federal Plaza.

MC 140055, Mays Landing Transportation Co., Inc., now assigned September 9, 1976, at Philadelphia, Pa. will be held in the Tax Court Room 7405, 7th Floor, U.S. Courthouse, 601 Market Street.

MC 30561 (Sub-No. 3), Joseph Ruffin, DBA Ruffin's Motor Freight, now assigned September 8, 1976, at Philadelphia, Pa. will be held in the Tax Court Room 7405, 7th Floor, U.S. Courthouse, 601 Market Street.

MC 105457 (Sub-No. 85), Thurston Motor Lines, Inc., now being assigned September 16, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 118468 Sub-45, Umthun Trucking Co., now being assigned Sept. 20, 1976 (1 day), at New Orleans, La., in a hearing room to be later designated.

AB 3 Sub-8, Missouri Pacific Railroad Company Abandonment Between Olivier and Sorrell, In Iberia And St. Mary Parishes, Louisiana, now being assigned September 22, 1976 (3 days), at Jeanerette, La., in a hearing room to be later designated. F.D. 26764, Gulf Mobile and Ohio Railroad Company Abandonment between Dwight, Livingston County, and Washington, Tazewell County, Illinois, now assigned September 9, 1976, at Metamora, Ill. will be held at Village Hall, 102 North Davenport.

MC 141511, Robert W. Rettig, Dba Protein Express, now assigned September 13, 1976, at Chicago, Ill. will be held in Room 209, 536 South Clark Street.

MC 123048 (Sub-No. 333), Diamond Transportation System, Inc., now assigned September 14, 1976, at Chicago, Ill. will be held in Room 209, 536 South Clark Street.

MC-F-12737, Jenkins Truck Line, Inc.—Control and Merger—Denny Motor Freight, Inc., and MC 61592 (Sub-No. 383), Jenkins Truck Line, Inc., now assigned September 15, 1976, at Chicago, Ill. will be held in Room 209, 536 South Clark Street.

MC-F 12668, Hyman Freightways, Inc.—Control—Raymond Motor Transportation, Inc. and FD 28126, Hyman Freightways, Inc. now assigned September 20, 1976 (at St. Paul, Minnesota) and will be held in Room 584, Federal Building and U.S. Courthouse, 316 North Roberts Street.

MC 121745 (Sub 2), J. T. Spain and C. D. Spain, dba Spain's Transfer now assigned September 13, 1976 at Bismarck, North Dakota and will be held in the Blue Room, State Capitol Building.

MC 124211 (Sub 275), Hilt Truck Line, Inc. now assigned September 22, 1976 at St. Paul, Minnesota and will be held in Room 584, Federal Building & U.S. Courthouse, 316 North Roberts Street.

MC 141620, Van Bus Delivery Company, dba United Van Bus Delivery now assigned September 13, 1976, at St. Paul, Minnesota and will be held in Room 584, Federal Building & U.S. Courthouse, 316 North Roberts Street.

MC 114457 (Sub 259), Dart Transit Company now assigned September 14, 1976 at St. Paul, Minnesota and will be held in Room 584, Federal Building and U.S. Courthouse, 316 North Roberts Street.

MC 117068 (Sub 62), Midwest Specialized Transportation, Inc. now assigned September 15, 1976 at St. Paul, Minnesota and will be held in Room 584, Federal Building and U.S. Courthouse, 316 North Roberts Street.

MC 118468 (Sub 46), Umthun Trucking Co. now assigned September 16, 1976 at St. Paul, Minnesota and will be held in Room 584, Federal Building and U.S. Courthouse, 316 North Roberts Street.

MC 114457 (Sub 251), Dart Transit Company now assigned September 22, 1976 at St. Paul, Minnesota and will be held in Room 584, Federal Building and U.S. Courthouse, 316 North Roberts Street.

MC 59856 (Sub 65), Salt Creek Freightways now assigned September 27, 1976 at Great Falls, Montana and will be held in the Courtroom, U.S. Post Office Building, 215 First Avenue.

MC 105881 (Sub-No. 51), M. R. & R. Trucking Company, continued to August 31, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 28573 (Sub 35), Burlington Northern, Inc. now assigned September 27, 1976 at Great Falls, Montana and will be held in the Courtroom, U.S. Post Office Building, 215 First Avenue.

No. 36325, Radioactive Materials, Special Train Service, Nationwide, continued to October 5, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8735, Ligon Specialized Hauler, Inc., et al.—Investigation of Operations and Practices, and Revocation of Certificates; MC-F-12631, Ligon Specialized Hauler, Inc.—Investigation of Control —Dixie Truck Line, Inc., et al. and MC 119777 (Sub-No. 245), Ligon Specialized Hauler, Inc., Extension—ITT, now being assigned continued pre-hearing conference, on September 9, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 133689 Sub 70, Overland Express, Inc., now being assigned November 3, 1976 (2 days), at Madison, Wis., in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23712 Filed 8-12-76;8:45 am]

[No. MC-C-9084]

DAILY EXPRESS, INC.

Petition for Declaratory Order

AUGUST 10, 1976.

At the request of William A. Chesnutt, representative for Daily Express, Inc., the time for filing representations in the above-entitled proceeding has been extended from August 16, 1976, to September 20, 1976, no further extensions.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23716 Filed 8-12-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 10, 1976.

An application, as summarized below, has been filed requesting relief from the

requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before August 30, 1976. FSA No. 43210—*Liquid Fertilizers from Michaud, Idaho.* Filed by Western Trunk Line Committee, Agent, (No. A–2728), for interested rail carriers. Rates on liquid fertilizers, in tank-car loads, as described in the application, from Michaud, Idaho, to points in western trunk-line territory. Grounds for relief—Market competition.

Tariff—Supplement 171 to Western Trunk Line Committee, Agent, tariff 120–L, I.C.C. No. A–4868. Rates are published to become effective on September 10, 1976.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–23717 Filed 8–12–76;8:45 am]

[Notice No. 102]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 10, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 21623 (Sub-No. 84TA), filed July 29, 1976. Applicant: W. J. DILLNER TRANSFER COMPANY, 2748 West Liberty Ave., Pittsburgh, Pa. 15216. Applicant's representative: William J. Dillner, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulp board*, in rolls, between West Elizabeth, Pa., and one (1) mile thereof, and the plantsite of International Paper Company, located at Waltz Mills, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Paper Company, Waltz Mills, Pa. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 42487 (Sub-No. 853TA), filed July 29, 1976. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, P.O. Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); serving the Nuclear Generating plantsite and facilities of the Tennessee Valley Authority, at or near Hartsville, Tenn., as an off-route point in connection with carrier's presently authorized regular route operations; (1) between Nashville, Tenn., and Fayetteville, Tenn., serving all intermediate points south of Shelbyville, Tenn., without restriction, and serving Fayetteville, Tenn., and points in its commercial zone, as defined by the Commission, restricted to traffic originating at, destined to, or interchanged at points other than Nashville, Tenn., and points in its commercial zone, as defined by the Commission: From Nashville over U.S. Highway 41 to Murfreesboro, Tenn. (also from Nashville over Tennessee Highway 1 to Murfreesboro), and thence over U.S. Highway 231 via Shelbyville, Tenn., to Fayetteville, and return over the same routes; and (2) Between Nashville, Tenn., and Lexington, Ky., serving no intermediate points: From Nashville, over U.S. Highway 31W to Elizabethtown, Ky., and thence over U.S. Highway 62 to Lexington, and return over the same route. Restriction: The authority granted in the last route above is restricted against handling of traffic originating at or destined to points in North Carolina and South Carolina, that part of Tennessee on and east of U.S. Highway 127, and that part of Georgia on and north of Interstate Highway 20, and restricted against the handling of traffic originating at, destined to, or interchanged at Louisville, Ky. Restriction: Service at points in Davidson County, Tenn., is restricted against the transportation of traffic originating at, destined to, or interlined at Louisville, Ky., and points in the Louisville, Ky., Commercial Zone as defined by the Commission. Applicant intends to tack its existing authority with MC 42487 and subs thereto, applicant also intends to interline, for 180 days. Supporting shipper: Tennessee Valley Authority, Traffic Branch, Division of Purchasing, 620 Commerce Union Bank Bldg., Chattanooga, Tenn. 37401. Send protests to: Claud W. Reeves, District Supervisor, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 95876 (Sub-No. 189TA), filed August 2, 1976. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. North, P.O. Box 1377, St. Cloud, Minn. 56301. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, plastic and iron fittings and connections, valves, hydrants, and gaskets, and commodities* used in the installation of plastic pipe and plastic conduit (except commodities as described in Mercer, Extension Oilfield Commodities, 74 M.C.C. 459), from Columbia, Mo., to Fargo, N. Dak.; Alexandria, Minn., and points in Hennepin County, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Clow Corporation, 1211 W. 22nd St., Suite 1002, Oak Brook, Ill. 60521. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 98952 (Sub-No. 38TA), filed August 2, 1976. Applicant: GENERAL TRANSFER, 2880 North Woodford St., P.O. Box 2203, Decatur, Ill. 62526. Applicant's representative: Paul Steinhour, 918 E. Capitol Ave., Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), from Chicago, Ill., to points in Indiana and Paducah, Owensboro, Henderson, and Louisville, Ky., restricted to the storage facilities of Dry Storage Corporation, located at or near Chicago, Ill., for 180 days. Supporting shipper: Robert G. Eckerly, Manager, Distribution Services, Dry Storage Corporation, 2005 W. 43rd St., Chicago, Ill. 60609. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 107544 (Sub-No. 126TA), filed August 2, 1976. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. 24354. Applicant's representative: Daryl J. Henry (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural latex*, in bulk, in tank vehicles, from Charleston,

S.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Guthrie Industries, Inc., One Woodbridge Center, Woodbridge, N.J. 07095. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 109708 (Sub-No. 66TA), filed July 29, 1976, Applicant: INDIAN RIVER TRANSPORT CO., doing business as INDIAN RIVER TRANSPORT, INC., P.O. Box 966, 908 North NW. Park St., Okeechobee, Fla. 33472. Applicant's representative: James E. Wharton, Suite 811, Metcalf Bldg., 100 S. Orange Ave., Orlando, Fla. 32801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices, drink bases, and fruit juice concentrate*, in bulk, in tank vehicles, from points in Florida, to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Minnesota, North Dakota, South Dakota, Nebraska, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Coca-Cola Company, Foods Div., P.O. Box 247, Auburndale, Fla. 33880. H. P. Hood, Inc., P.O. Box 979, Dunedin, Fla. 33528. Lykes Pasco Packing Co., P.O. Box 97, Dade City, Fla. 33525. Alcoma Packing Company, Inc., P.O. Box 231, Lake Wales, Fla. 33802. Red Orange Concentrates, Inc., P.O. Box 950, Lakeland, Fla. 33802. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 NW. 53rd Terrace, Miami, Fla. 33166.

No. MC 113855 (Sub-No. 353TA) (Correction), filed July 14, 1976, published in the FEDERAL REGISTER issue of July 26, 1976, and republished as corrected this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast stone*, from the plantsite of Stucco Stone Products, Inc., in Napa County, Calif., to points in Montana, Wyoming, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Kansas, Missouri, New Mexico, Oklahoma, Texas, Wisconsin, Illinois, Indiana, Michigan, Ohio, Kentucky, Pennsylvania, West Virginia, Virginia, Maryland, Delaware, New Jersey, and New York, for 180 days. Supporting shipper: Stucco Stone Products, Inc., P.O. Box 237, Napa, Calif. 94558. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401. The purpose of this republication is to add the State of Virginia as a destination point in this proceeding.

No. MC 113908 (Sub-No. 379TA), filed August 3, 1976. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale St., P.O. Box 3180, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, vinegar stock, vinegar stock concentrate, apple juice, cider, and cider stock*, in bulk, from Belding, Mich., to points in Virginia, for 180 days. Supporting shipper: Indian Summer, Inc., P.O. Box 152, Belding, Mich. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 116763 (Sub-No. 349TA), filed August 3, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrapping paper, printing paper, and pulpboard*, from the plantsite, warehouse, and storage facilities of Union Camp Corporation, located at or near Franklin, Va., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin, for 180 days. Supporting shipper: William F. Worrell, Supervisor, Traffic Analysis, Union Camp Corporation, 1600 Valley Road, Wayne, N.J. 07470. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 118263 (Sub-No. 62TA), filed August 2, 1976. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, Ind. 47130. Applicant's representative: William P. Whitney, Jr., 703-706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corporation, at Champaign, Ill., to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Delaware, Virginia, Maryland, and the District of Columbia, restricted to the transportation of traffic originating at the named origin points and destined to the named destination points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kraftco Corp., 500 Peshtigo Ct., Chicago, Ill. 60690. Send protests to: William S. Ennis, District Supervisor, Interstate Commerce Commission, Federal Bldg. & U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 119399 (Sub-No. 63TA), filed July 30, 1976. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Blvd., P.O. Box 1375, Joplin, Mo. 64801. Applicant's representative: David L. Sitton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Minerals, mineral mixtures, feed and fertilizer materials and compounds, and ingredients thereof*, from Galena, Kans., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, for 180 days. Supporting shipper: Chemical & Fibers Division, Eagle-Picher Industries, Inc., P.O. Box 1328, Joplin, Mo. 64801. Send protests to: John V. Barry, District Supervisor, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 123407 (Sub-No. 321TA), filed July 28, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feldspar and foundry materials and supplies* (except commodities in bulk), from the facilities of Waterton Sand and Clay, Inc., at Englewood, Colo., to the facilities of Waterton Sand and Clay, Inc., at Lindon, Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Waterton Sand & Clay, Inc., 2810 South Raritan St., Englewood, Colo. 80110. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 123887 (Sub-No. 8TA), filed July 30, 1976. Applicant: L. J. NAVY TRUCKING CO., 2300 Eighth Ave., Huntington, W. Va. 25703. Applicant's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from the plantsite of the Falls City Brewing Company, Louisville, Ky., to points in Allen, Ashland, Ashtabula, Athens, Auglaize, Belmont, Carroll, Champaign, Clark, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Delaware, Erie, Fairfield, Franklin, Fulton, Gallia, Geauga, Guernsey, Hancock, Hardin, Harrison, Henry, Hocking, Holmes,

Huron, Jackson, Jefferson, Knox, Lake, Lawrence, Licking, Logan, Lorain, Lucas, Madison, Mohoning, Marion, Medina, Meigs, Mercer, Miami, Monroe, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Putnam, Richland, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Trumbull, Tuscarawas, Union, Van Wert, Vinton, Washington, Wayne, Williams, Wood, and Wyandot Counties, Ohio, and return of empty containers to Falls City Brewing Company, Louisville, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Ascot Distributors, Inc., 2141 Broadway Ave., Cleveland, Ohio 44115. Falls City Brewing Company, 3050 West Broadway, P.O. Box 1091, Louisville, Ky. 40201. Ohio Wine Imports, 1265½ Crescent, Youngstown, Ohio 44502. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 126243 (Sub-No. 16TA), filed August 2, 1976. Applicant: ROBERTS TRUCKING CO., INC., U.S. Highway 271 South, P.O. Drawer G, Poteau, Okla. 74953. Applicant's representative: Prentiss Shelley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite and storage facilities of Midland Glass Co., Inc., located at or near Henryetta, Okla., to points in Arkansas, Louisiana, Mississippi, Missouri, New Mexico, Tennessee, and Texas, for 180 days. Supporting shipper: Midland Glass Co., Inc., P.O. Box 557, Cliffwood, N.J. 07721. Send protests to: William H. Land, Jr., 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 126965 (Sub-No. 6TA), filed August 3, 1976. Applicant: CLIFFORD B. FINKLE, JR., 800 Bloomfield Ave., Clifton, N.J. 07012. Applicant's representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated boxes*, from the plantsite of Westvaco Corporation, at Hoboken, N.J., to Philadelphia, Ft. Washington, West Point, Cornwells Hts., and North Wales, Pa.; *and materials and supplies* used in the manufacturing, processing and distribution of corrugated boxes and returned shipments of corrugated boxes, from abovelisted destinations to plantsite of Westvaco, Hoboken, N.J., under a continuing contract with Westvaco Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Westvaco Corporation, 299 Park Ave., New York, N.Y. 10017. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 126030 (Sub-No. 108TA), filed August 3, 1976. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corporation, at Champaign, Ill., to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Delaware, Virginia, Maryland, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kraftco Corp., D.C. Besser, Manager Transportation Services, 500 Peshtigo Ct., Chicago, Ill. 60690. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 129063 (Sub-No. 9TA), filed August 2, 1976. Applicant: JIMMY T. WOOD, P.O. Box 294, Rt. 6, Ripley, Tenn. 38063. Applicant's representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump vehicles, between points in Shelby County and Davidson County, Tenn.; and Crittenden County, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hugh Young, President, Arkansas Lightweight Aggregate Corp., P.O. Box 1567, West Memphis, Ark. 72301. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 2006, 100 N. Main St., Memphis, Tenn. 38103.

No. MC 133542 (Sub-No. 10TA), filed August 3, 1976. Applicant: FLOYD WILD, INC., P.O. Box 91, Route 2, Marshall, Minn. 56258. Applicant's representative: Samuel Rubenstein, 301 N. 5th St., Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets and vanity sets*, in shipper owned or leased trailers, from Cottonwood, Minn., to Regina, Saskatchewan, Canada, via Pembina or Portal, N. Dak., under a continuing contract with Midcontinent Millwork, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Midcontinent Millwork, Inc., 372 St. Peter St., St. Paul, Minn. 55102. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 133566 (Sub-No. 55TA), filed August 3, 1976. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, 1224 Seventeenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Kraftco Corp., at or near Champaign, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to traffic originating at the named origins and destined to points in the named states, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kraftco Corp., 500 Peshtigo Ct., Chicago, Ill. 60690. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 134806 (Sub-No. 40TA), filed August 2, 1976. Applicant: B–D–R TRANSPORT, INC., P.O. Box 813, Brattleboro, Vt. 05301. Applicant's representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, D.C. 20014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brass temperature and pressure relief valves and metal fittings*, from the plant site of Tempstat Division, Robertshaw Controls Company, Hinsdale, N.H., to the warehouse sites of Robertshaw Controls Company, Chicago, Ill., and the facilities of Uni-Line Division, Robertshaw Controls Company, Corona, Calif., and Grayson Controls Division, Robertshaw Controls Company, Long Beach, Calif., under a continuing contract with Tempstat Division of Robertshaw Controls Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Tempstat Division of Robertshaw Controls Company, Monument Drive, Hinsdale, N.H. 03451. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 134875 (Sub-No. 8TA), filed August 2, 1976. Applicant: JOHN W. SMOOT, P.O. Box 124, Mount Jackson, Va. 22840. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, commodities requiring special equipment and commodities injurious or contaminating to other lading), between the plantsites, warehouses and shipping and receiving facilities of Aileen, Inc., at Woodstock and Edinburg, Va., on the one hand, and, on the other, Baltimore, Md. and Washington, D.C., and their respective commercial zones, restricted to traffic having a prior or subsequent movement by air

or water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Aileen, Inc., P.O. Box 8, Woodstock, Va. 22664. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th & Constitution Ave. NW., Room 1413, Washington, D.C. 20423.

No. MC 138003 (Sub-No. 11TA) (correction), filed July 19, 1976, published in the FEDERAL REGISTER issue of August 3, 1976, and republished as corrected this issue. Applicant: ROBERT F. KAZIMOUR, 1200 Norwood Drive SE., P.O. Box 2011, Cedar Rapids, Iowa 52403. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances and air conditioners*, (1) from Louisville, Ky., to points in California, Nevada, Utah, Washington, Oregon and Idaho; (2) from Louisville, Ky., to Clearfield, Utah; and (3) from Clearfield, Utah, to points in California, Nevada, Utah, Washington, Oregon, and Idaho. Restriction: Restricted to transportation performed under a continuing contract for General Electric Company. The service to be performed in (2) and (3) above is restricted to the transportation of traffic moving to or from regional warehouse facilities at Clearwater, Utah, for 180 days. Supporting shipper: The General Electric Company, Building 10, Appliance Park, Louisville, Ky. 40225. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309. The purpose of this republication is to correct the restriction in this processing.

No. MC 138469 (Sub-No. 27TA), filed August 3, 1976. Applicant: DONCO CARRIERS, INC., 641 N. Meridian, P.O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household furniture, mattresses, bed springs, bed frames, pillows, sheets, pillow cases, and bed spreads*, from the facilities of or utilized by Oklahoma Furniture Manufacturing Company, located at or near Guthrie, Okla., to points in New Jersey, Maryland, the District of Columbia, points in Ohio on and north of U.S. Highway 36, points in Michigan on and south of U.S. Highway 10, and points in Pennsylvania on and east of Interstate Highway 83 and on and south of Interstate Highway 78, and Albany and New York, N.Y., and their respective Commercial Zones, and Long Island, N.Y., for 180 days. Supporting shipper: Oklahoma Furniture Manufacturing Company, P.O. Box 700, Guthrie, Okla. 73044. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 142232 (Sub-No. 1TA), filed August 2, 1976. Applicant: BARRETT TEXTILE TRANSPORT INC., P.O. Box 6, 501 Phifer Road, Kings Mountain, N.C. 28086. Applicant's representative: Peter T. Barrett, 2757 Loch Lane, Charlotte, N.C. 28211. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fiber yarn*, from the plantsite of Fiber Industries, Inc., South Greenville, S.C., to points in North Carolina bound on the North and South by the State lines, on the west by Highways I-40 and I-26, and on the East by Highway U.S. 13 and U.S. 17, under a continuing contract with Fiber Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fiber Industries, Inc., P.O. Box 10038, Charlotte, N.C. 28237. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Charlotte, N.C. 28205.

No. MC 142288 (Sub-No. 1TA), filed August 2, 1976. Applicant: HAMILTON TRUCKING CO. OF OKLAHOMA, INC., 12612 E. Admiral Place, Tulsa, Okla. 74116. Applicant's representative: C. L. Phillips, Room 248, 1411 N. Classen, Oklahoma City, Okla. 73106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cullet (broken glass)*, in hydraulic dump trailers, from the plantsite of Fourco Glass Co., Harding Division, Ft. Smith, Ark., to Ford Motor Glass Co., Tulsa, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ford Motor Glass Company, 5555 S. 129th St., East Ave., Tulsa, Okla. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 142323TA, filed August 2, 1976. Applicant: ROBERT R. PETERSON & PATRICIA PETERSON doing business as, PETERSON TRUCKING COMPANY, Box 31, Moline, Kans. 67353. Applicant's representative: Paul V. Dugan, 2707 West Douglas, Wichita, Kans. 67213. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Custom fabricated forms* used in concrete construction *and materials* used in the fabrication of same, between the plantsite of Form Works, Inc., near Altoona, Kans., and points in the United States, under a continuing contract with Form Works, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Form Works, Inc., Box 218, Altoona, Kans. 66710. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 142324TA, filed August 2, 1976. Applicant: JAMES HEDGE, doing business as J. R. ENTERPRISES, 8691 Bel Aire Circle, Westminster, Calif. Applicant's representative: David P. Christianson, 606 South Olive, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paints, paint accessories and commodities, materials and supplies* sold in paint stores, from the manufacturing facilities of Standard Brands Paint Company, Inc., in Los Angeles County, Calif., to Standard Brands Paint Company, Inc., stores located in the state of Arizona, under a continuing contract with Standard Brands Paint Co., Inc., for 180 days. Supporting shipper: Standard Brands Paint Co., Inc., 4300 West 190th St., Torrance, Calif. 90509. Send protests to: Mary A. Francy, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23708 Filed 8-12-76;8:45 am]

[Notice No. 6]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 13, 1976.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76682. By application filed August 3, 1976, ALLEN'S TRANSFER & STORAGE, 20 Willow Street, Augusta, Maine., 04330, seeks temporary authority to lease the operating rights of Internal Revenue Service (successor in interest of Barrows Transfer & Storage Company, Inc.), under section 210a(b). The transfer to Allen's Transfer & Storage, of the operating rights of Barrows Transfer & Storage Company, Inc., Internal Revenue Service, Successor in Interest, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23713 Filed 8-12-76;8:45 am]

[Notice No. 7]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 13, 1976.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76686. By application filed July 22, 1976, JOHN R. RAWLS, an Individual, dba, JOHN R. RAWLS TRUCKING COMPANY, Route 1, Box 305, Capron, VA., 23829, seeks temporary authority to lease the operating rights of Elsie H. Archer, Administrator of the Estate of Earl G. Archer and Emmett M. Powell, Jr. dba Archer and Powell (partnership),

602 Belt Road, Lawrenceville, VA., 23868, under section 210a(b). The transfer to John R. Rawls, dba John R. Rawls Trucking Company, of the operating rights of ELSIE H. ARCHER, Administrator of the Estate of Earl G. Archer and Emmett M. Powel, Jr., dba Archer and Powell, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23714 Filed 8-12-76;8:45 am]

[Notice No. 8]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 13, 1976.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76687. By application filed July 30, 1976, CLINTON SHRUM, an individual, dba, AMBASSADOR COACHES, 212 "A" Street NW., Miami, OK., seeks temporary authority to lease the operating rights of MISSOURI KANSAS AND OKLAHOMA COACH LINES, INC., dba M.K. & O. Lines, 321 South Cincinnati, Tulsa, OK., 74103, under section 210a(b). The transfer to CLINTON SHRUM, Dba AMBASSADOR COACHES, of the operating rights of MISSOURI, KANSAS AND OKLAHOMA COACH LINES, INC., Dba M.K. & O. LINES, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23715 Filed 8-12-76;8:45 am]

[Notice No. 9]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

AUGUST 13, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 30, 1976. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76397. By order of August 5, 1976, the Motor Carrier Board approved the transfer to JBH & Associates, Inc., Elwood, Nebraska, of the operating rights in Certificates Nos. MC-59059, MC-59059 Sub-No. 5 and Sub-No. 6, issued July 1, 1968, November 9, 1971, and January 11, 1974, to Arrow Freight Lines, Inc., Grand Island, Nebraska, authorizing the transportation of general commodities, with exceptions, between specified points in Nebraska over described regular routes, and serving the facilities of Western Electric Company, Inc., at or near Underwood, Iowa, in connection with its regular route operations from and to Omaha, Nebr. Richard A. Peterson, P.O. Box 81849, Lincoln, Nebraska 68501, Attorney for Transferor and Robert Munro, 104 W. 16th St., Kearney, Nebraska 68847, Attorney for Transferee.

No. MC-FC-76439. By order of August 5, 1976, the Motor Carrier Board approved the transfer to Bernice Acheson and Fred Acheson, a Partnership, Doing Business as Acheson Trucking, Hillsdale, Wyoming, of the operating rights set forth in Certificate No. MC 104159 (Sub-No. 2), issued by the Commission, April 16, 1947, to Charles Acheson, Hillsdale, Wyoming, authorizing the transportation of (1) livestock, between points and places in Colorado, Nebraska, and Wyoming within 125 miles of Cheyenne, Wyo., including Cheyenne, and (2) coal, livestock feeds, farm machinery, farm equipment and parts thereof, and building materials, except lime, cement, plaster, and containers therefor moving from plants manufacturing such commodities, from points and places in Colorado and Nebraska within 125 miles of Cheyenne, to Cheyenne and points and places in Wyoming within 50 miles of Cheyenne.

Fred Acheson, Box 7, Hillsdale, Wyoming 82060, Representative of Applicants.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23719 Filed 8-12-76;8:45 am]

[Ex Parte No. 329]

PRELIMINARY STANDARDS, CLASSIFICATION, AND DESIGNATION OF RAIL LINES

Public Hearing

AUGUST 9, 1976.

Pursuant to Section 503(c) of the Railroad Revitalization and Regulatory Reform Act of 1976, Notice is hereby given that the Rail Services Planning Office will conduct hearings on the preliminary report of the Department of Transportation classifying and designating rail lines in the United States.

It is therefore ordered that: 1. The hearing sites are established together with the local contact coordinator who will receive requested appearance times at the respective hearings. The dates below indicate when the hearings commence.

MONDAY, SEPTEMBER 13, 1976

Fort Worth, Texas—5 B 14 Hearing Room, 819 Taylor Street, Fort Worth, Texas.
Contact: June Cole, c/o ICC Office, 9A27 Fritz Garland, Lanham Federal Building, 819 Taylor Street, Fort Worth, Texas 76102. Phone 817/334-2837.

Chicago, Illinois—Hearing Room 204A (September 13), Hearing Room 1743 (September 14-17), 219 South Dearborn, Chicago, Illinois.
Contact: Patricia Roscoe, c/o ICC Office, Everett McKinley Dirksen Building, 219 South Dearborn, Room 1386, Chicago, Illinois, 60604. Phone: 312/353-6124.

Boston, Massachusetts—K. V. Minihan Lecture Hall, C. F. Hurley Building, Government Center, Boston, Massachusetts.
Contact: Elaine Spencer, c/o ICC Office, 150 Causeway Street, Room 501, Boston, Massachusetts 02114. Phone: 617/223-2372.

Washington, D.C.—Hearing Room, ICC Building, 12th and Constitution Avenue NW., Washington, D.C. 20423.
Contact: Laurie Silverman, Rail Services Planning Office, 1900 L Street NW., Washington, D.C. 20036. Phone: 202/254-3900.

St. Louis, Missouri—Moot Court Room, St. Louis University, 211 North Grand Street, St. Louis, Missouri.
Contact: Joyce Ebenreck, c/o ICC Office, 210 North 12th Street, Room 1465, St. Louis, Missouri 63101. Phone: 314/425-4103.

San Francisco, California—ICC Hearing Room, 5th Floor, 211 Main Street, San Francisco, California 94105.
Contact: Maggie Meyer, c/o ICC Office, 211 Main Street, Suite 500, San Francisco, California 94105. Phone: 415/556-5515.

Memphis, Tennessee—Room 978, Federal Office Building, 167 North Main Street, Memphis, Tennessee 38103.
Contact: Ruth Pollard, c/o ICC Office, 100 North Main Street, Suite 2006, Memphis, Tennessee 38103. Phone: 901/521-3437.

Denver, Colorado—Room 158, 721 19th Street, U.S. Customs House, Denver, Colorado.
Contact: Gyda Boyd, c/o ICC Office, 721 19th Street, 492 U.S. Customs House, Denver, Colorado 80202. Phone: 303/837-3162.

Atlanta, Georgia—Court Room 226, U.S. Court House, 56 Forsythe Street NW., Atlanta, Georgia 30303.
Contact: Joyce Stephens, c/o ICC Office, 1252 West Peachtree Street NW., Room 300, Atlanta, Georgia 30309. Phone: 404/526-5371, 5307.

THURSDAY, SEPTEMBER 16, 1976

Kansas City, Missouri—Room 302, Federal Building, 911 Walnut Street, Kansas City, Missouri.
Contact: Helen Miller, c/o ICC Office, 600 Federal Building, 911 Walnut Street, Kansas City, Missouri 64106. Phone: 816/374-5561.

Seattle, Washington—U.S. Customs Court, Room 1057, Federal Office Building, 909 1st Avenue, Seattle, Washington 98174.
Contact: Lorrie Thompson, c/o ICC Office, 858 Federal Building, 915 Second Avenue, Seattle, Washington 98174. Phone: 206/442-5421.

New Orleans, Louisiana—5th Circuit Court of Appeals, 600 Kent Street, New Orleans, Louisiana.
Contact: Linda Copeland, c/o ICC Office, T-9038 Federal Building and U.S. Post Office, 701 Loyola Avenue, New Orleans, Louisiana 70113. Phone: 504/589-6101.

Jacksonville, Florida—Room 100, Florida Public Service Commission, Voyager Building, 2255 Phyllis Street, Jacksonville, Florida 32204.

Contact: Mrs. Jean King, c/o ICC Office, 288 Federal Building, 400 West Bay Street, Building Box No. 35008, Jacksonville, Florida 32202. Phone: 904/791-2551.

MONDAY, SEPTEMBER 20, 1976

Des Moines, Iowa—Room 113, Federal Building, 210 Walnut St., Des Moines, Iowa.
Contact: Krista Bowersox, c/o ICC Office, 518 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309. Phone: 515/284-4416.
Pittsburgh, Pennsylvania—Room 1112, Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania.
Contact: Henrietta Vlasic, c/o ICC Office, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222. Phone: 412/644-2929 or 2924.
Salt Lake City, Utah—Public Library Auditorium 3rd Floor, 209 East 500 South, Salt Lake City, Utah.
Contact: Patricia Allgier, c/o ICC Office, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138. Phone: 801/524-5680.
Detroit, Michigan—Conference Room C, 7th Floor City County Building, No. 2 Woodward Avenue, Detroit, Michigan 48226.
Contact: Erma Gray, c/o ICC Office, 1110 David Broderick Tower Building, 10 Witherell Street, Detroit, Michigan 48226. Phone: 313/226-4966.
Minneapolis, Minnesota—Courtroom No. 2, Federal Building, 316 North Robert Street, St. Paul, Minnesota 55101.
Contact: Marion Cheney, c/o ICC Office, 414 Federal Building & U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minnesota 55401. Phone: 612/725-2326.

THURSDAY, SEPTEMBER 23, 1976

Buffalo, New York—State University at Buffalo, School of Law, North Campus, Buffalo, New York 14260.
Contact: Anne Siler, c/o ICC Office, 910 Federal Building, 111 West Huron Street, Buffalo, New York 14202. Phone: 716/842-2008.
Columbus, Ohio—30 East Broad Street, State Office Tower, Room 2930, Columbus, Ohio.
Contact: Mary White, c/o ICC Office, 220 Federal Building & U.S. Courthouse, 85 Macaroni Boulevard, Columbus, Ohio 43215. Phone: 614/469-5620.

The hearing sites listed were chosen because they are generally located in areas where the report will generate the greatest impact. If a potential witness believes that a hearing should be held in an additional location, he should write to: Alan M. Fitzwater, Director, Rail Services Planning Office, 1900 L Street, N.W., Washington, D.C. 20036. The request must be received by August 23, 1976, and must include (1) an estimate of the number of potential witnesses, (2) a general description of their interest, in the proceeding, and (3) the reason why submitting written testimony is not adequate. The Director of RSPO will decide by September 7, 1976, whether any additional sites will be chosen. The decision will be based upon the information contained in the request and the adequacy of office resources. Persons requesting new sites will be promptly informed of Director Fitzwater's decision.

2. Attorneys have been retained by the Office to provide free legal assistance to communities, users of rail service and other interested parties in the preparation of their testimony on the Department of Transportation Report. The assistance of these attorneys may be obtained pursuant to the hearing rules set forth below.

Interested parties may participate either by appearing in person at one of the hearings or by submitting written comments directly to the Office.

3. The following uniform rules, procedures, and practices for the hearings are established:

(a) Oral testimony will be limited to 10 minutes. Those appearing are encouraged to testify from prepared statements.

(b) Persons who wish to testify at the hearings should call or write the local contact coordinator who is identified in Item 1 of this Notice.

(c) Prospective witnesses will be asked to provide: their name, address, telephone number and business association, if any; the general areas of the report to which their testimony will pertain; and the date and time when they wish to appear. This information will be relayed to an attorney from the Office of Public Counsel. If prospective witnesses need the assistance of an attorney, they should so inform the contact coordinator.

(d) The attorney assigned to the hearing city will schedule all witnesses and either the attorney or the local coordinator will notify prospective witnesses of confirmed hearing appearance times. The attorney will attempt to accommodate prospective witnesses who appear at the hearing without a prescheduled appearance time.

(e) In order to facilitate the creation of a comprehensive and well-organized record, the attorneys will attempt to schedule prospective witnesses according to the general area of interest which their testimony will address.

(f) All written material for the record should be submitted on 8½ x 11" paper in 10 copies at the hearing or sent directly to the Rail Services Planning Office, 1900 L Street, N.W., Washington, D.C. 20036. Statements sent to the Office should arrive no later than October 1, 1976. Since the Office has a very short time for review of the testimony, statements received after October 1, 1976, will be made a part of the record, but may not be reviewed by the Office.

(g) Witnesses with common interests are urged to make joint submissions.

(h) The proceedings are legislative, not judicial in nature. It is designed to elicit public views on the Department's preliminary report. Witnesses will not be required to testify under oath, nor will there be any cross examination or rebuttal testimony. Only questions from the presiding officer and the representative of the Office of Public Counsel will be permitted.

(i) In order to insure that the public is fully informed of the contents of the Report and its possible impacts upon communities and rail users, the usual Interstate Commerce Commission limitations on radio and television coverage during the hearing will be relaxed. The presiding officer will permit live news coverage in the hearing room provided that the conduct of the media representatives and the presence of radio and television equipment do not disturb the orderly conduct of the proceedings. Where courtroom facilities are used, however, the rules of the court regarding media participation will apply. The customary rules of the Commission prohibiting smoking and talking during the hearing will apply.

(j) Hearings will commence on the days specified in Item 1 of this Notice.

(k) Hearings will convene promptly at 9:30 a.m. and adjourn at 5:30 p.m. An evening session will be scheduled on the first day if appearance times are requested. The evening session will commence at 7:30 p.m. and adjourn at 10 p.m. Additional evening sessions may be scheduled at the discretion of the attorney and the hearing officer.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23709 Filed 8-12-76;8:45 am]

[AB 9 (Sub-No. 2); Finance Docket No. 27719; Service Date Aug. 10, 1976]

ST. LOUIS-SAN FRANCISCO RAILWAY CO.

Abandonment of Service

JULY 30, 1976.

St. Louis-San Francisco Railway Company—Trackage Rights—over Atchison, Topeka and Santa Fe Railway Company line between Augusta, Butler County, and Winfield, Cowley County, Kansas.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment by the St. Louis-San Francisco Railway Company of its 34 mile line between Beaumont and Winfield in Butler and Cowley Counties, and the proposed trackage rights over the Atchison, Topeka and Santa Fe Railway Company line between Augusta, Butler County, and Winfield, Cowley County, Kansas, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the two related actions are considered insignificant because the local traffic generated by the line can be diverted to motor carriers without creating significant alternations in highway congestion, ambient noise levels, air quality, or fuel consumption. No definitive land use plans are dependent on the continuation of the subject line. Furthermore, resultant ecological effects of the abandonment would be minor. If trackage rights over the Santa Fe are approved, a decrease in fuel consumption and noise levels should occur. The magnitude of this decrease will be dependent on the amount of bridge traffic which moves over this line.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Com-

mission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before September 9, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to the discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23710 Filed 8-12-76;8:45 am]

[Sec. 5a Application No. 64 (Amendment No. 8); Service Date Aug. 10, 1976]

STEEL CARRIERS' TARIFF ASSOCIATION, INC.

Agreement

AUGUST 5, 1976.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed July 23, 1976, by: Warren A. Rawson (Attorney-in-Fact): Steel Carriers' Tariff Association, 6410 Kenilworth Avenue, East Riverdale, MD 20840; and Thomas M. Auchincloss, Jr. (Attorney for Applicants): Rea, Cross & Knebel, 700 World Center Building, 918 16th St. NW., Washington, D.C. 20006.

The amendments involve: Substantive organizational and procedural changes so as to (1) comply with Ex Parte No. 297; (2) broaden the commodity scope of iron and steel articles and products thereof by the addition of brick and related articles; (3) expand the territorial scope by 15 states and portions of 2 states; (4) revise the carrier membership application form as well as the provisions governing such membership, including cancelation and voluntary withdrawal; (5) permit the board of trustees to fix the time for the annual membership meeting, in lieu of the specific month of April; (6) establish a nominating committee for board of trustee elections; (7) provide for removal of trustees for failure to attend board or tariff committee meetings; (8) allow carrier alternate representation on tariff committee; (9) increase to 15 days (from 7 days) for giving notice of receipt of emergency and of independent action proposals; and (10) make other incidental changes made necessary by the foregoing or for clarification.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before September 13, 1976. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application, without further or formal hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23711 Filed 8-12-76;8:45 am]

[Notice No. 136]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Roadway Express, Inc., MC-2202 Sub-427	MC-2202 Sub-437	June 29, 1976
Schneider Transport, Inc., MC-51146 Sub-359	MC-51146 Sub-380	July 10, 1976
Eliex Transportation, Inc., MC-52460 Sub-175	MC-52460 Sub-160	June 8, 1976
Graves Truck Line, Inc., MC-53965 Sub-110	MC-53965 Sub-106	Do.
C. H. Hooker Trucking Co., MC-87379 Sub-12	MC-87379 S-13	July 10, 1976
Rogers Transfer, Inc., MC-108884 Sub-28	MC-108884 S-31	June 19, 1976
Midwest Coast Transport, Inc., MC-111812 Sub-516	MC-111812 Sub-514	June 3, 1976
Indiana Refrigerator Lines, Inc. MC-113651 Sub-186	MC-113651 Sub-182	Do.
Apple Lines, Inc., MC-114632 Sub-83	MC-114632 Sub-82	Do.
Wynee Transport Service, Inc., MC-114725 Sub-71	MC-114725 Sub-72	July 13, 1976
D.b.a. Roadrunner Trucking Inc., MC-115524 Sub-28	MC-115524 Sub-30	Do.
Hirschback Motor Lines, Inc., MC-117686 Sub-156	MC-117686 Sub-153	June 3, 1976
M. Bruenger & Co., Inc., MC-118142 Sub-91	MC-118142 Sub-87	Do.
Tempco Transportation, Inc., MC-119669 Sub-51	MC-119669 Sub-52	Do.
Hilt Truck Line, Inc., MC-124211 Sub-266	MC-124211 Sub-256	Do.
Road Runner Trucking, Inc., MC-125996 Sub-51	MC-125996 Sub-50	Do.
Pattons, Inc., MC-129516 Sub-37	MC-129516 Sub-36	July 13, 1976
M.S.B.P., Inc., MC-129897 Sub-4	MC-129897 Sub-3	June 29, 1976
Robert V. Markt, MC-133534 Sub-11	MC-133534 Sub-10	June 3, 1976
D.b.a. Piggy Back Cartage Co., MC-133695 Sub-3	MC-133695 Sub-2	June 28, 1976
Celeryvale Transport, Inc., MC-134105 Sub-13	MC-134105 Sub-12	June 3, 1976
Brown Refrigerated Express, Inc., MC-134142 Sub-7	MC-134142 Sub-6	July 15, 1976
Loma Cartage, Inc., MC-135235 Sub-2	MC-135235 Sub-3	July 1, 1976
Wallkill Air Freight Corp., MC-136006	MC 136006 Sub-1	Apr. 28, 1976
Wright Trucking, Inc., MC-136247 Sub-9	MC-136247 Sub-10	July 8, 1976
Robco Transportation, Inc., MC-136786 Sub-78	MC-136786 Sub-69	June 3, 1976
Heavy Hauling, Inc., MC-138076 Sub-3	MC-138076 Sub-4	July 5, 1976
D.b.a. Wisconsin Provisions Express, MC-138512 Sub-11	MC-138512 Sub-13	June 29, 1976
D.b.a. Delight Transportation Co., MC-139697 Sub-2	MC-139697	June 26, 1976
Garrett RV Transport, Inc., MC-139801 Sub-1	MC-139801 Sub-2	July 8, 1976
K & I Distributors, Inc., MC-139837 Sub-3	MC-139837 Sub-2	Apr. 9, 1976
	MC-139837 Sub-4	Mar. 5, 1976
Four Star Transportation, Inc., MC-139850 Sub-3	MC-139850 Sub-2	June 3, 1976
D.b.a. Glen Barney & Sons, MC-139882	MC-139882 Sub-1	July 3, 1976
D.b.a. Art Robinson & Sons, MC-139885	MC-139885 Sub-1	Do.
Walter E. Wiggins, MC-140439 Sub-1	MC-140439 Sub-2	June 14, 1976
Donald W. Cole, MC-140660 Sub-1	MC-140660 Sub-2	July 13, 1976
Bluff City Transportation, Inc., MC-141186 Sub-1	MC-141187 Sub-2	Mar. 31, 1976
Edward Stapelton and Alfred Glessman, MC-141329 Sub-1	MC-141329 Sub-2	June 14, 1976

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23718 Filed 8-12-76;8:45 am]