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federal register

TUESDAY, APRIL 13, 1976

highlights

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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

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

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

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

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

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Title 3—The President

PROCLAMATION 4428

Pan American Day and Pan American Week, 1976

By the President of the United States of America

A Proclamation

Eighty-six years ago the International Union of the American Republics, the predecessor of today's Organization of American States, was founded. During the long history of this distinguished international body—the oldest of the world's regional organizations—it has made important contributions to the preservation of peace and the promotion of social and economic welfare in our hemisphere. The purposes of the OAS remain the same, but conditions in the world are changing and new adaptations are required. Last year the nations of the hemisphere agreed on an updating and strengthening of the Inter-American Treaty of Reciprocal Assistance. The United States strongly supports the common effort presently underway to modernize and revitalize the Organization of American States, the key organ of the Inter-American System. We hope this important effort will be crowned by success and that it will continue to serve as an example of international cooperation.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim Wednesday, April 14, 1976, as Pan American Day, and the week beginning April 11 and ending April 17 as Pan American Week, and I call upon the Governors of the fifty States, the Governor of the Commonwealth of Puerto Rico, and appropriate officials of all other areas under the flag of the United States to issue similar proclamations.

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

Gerald R. Ford

[FR Doc.76-10752 Filed 4-9-76;2:54 pm]

rules and regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to show that one position of Executive Assistant to the Deputy Secretary is reestablished under Schedule C.

Effective April 13, 1976, § 213.3305 (a) (40) is amended as set out below:

§ 213.3305 Department of the Treasury.

(a) *Office of the Secretary.* • • •

(40) One Executive Assistant to the Deputy Secretary.

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

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

[FR Doc.76-10536 Filed 4-12-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316(h) is amended to reflect the following reorganization: the headnote is changed from Office of the Assistant Secretary for Health and Scientific Affairs to the Office of the Assistant Secretary for Health; and the title of the position of Administrator, Health Services and Mental Health Administration to Administrator, Health Services Administration.

Effective April 13, 1976, the heading of § 213.3316(h) and paragraph (h)(6) are amended as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

• • • • •

(h) *Office of the Assistant Secretary for Health.* • • •

(6) Administrator, Health Services Administration.

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

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

[FR Doc.76-10538 Filed 4-12-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Secretary to the Secretary of Labor and one position of Confidential Assistant to the Administrator for Pension and Welfare are excepted under Schedule C.

Effective April 13, 1976, § 213.3315(a) (27) is amended and § 213.3315(a)(45) is added as set out below:

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* • • •

(27) Two Secretaries to the Secretary.

• • • • •

(45) One Confidential Assistant to the Administrator for Pension and Welfare Benefits.

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

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

[FR Doc.76-10537 Filed 4-12-76;8:45 am]

Title 7—Agriculture

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

[Amendment 5]

PART 731—CLOSING DATES FOR TRANSFER, AND FOR RELEASE AND REAPPORTIONMENT

CHANGES IN DATES

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) and the Rice Production Act of 1975 (Pub. L. 94–214, 90 Stat. 181). The purposes of this amendment are to make the transfer dates applicable for rice and to change the closing dates for transfer and for release and reapportionment of cotton, peanuts and rice.

Since farmers need to know the dates for effecting transfer, release, and reapportionment of 1976 marketing quotas and farm acreage allotments as soon as possible, it is hereby determined that compliance with the notice, procedure, and effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest, and this document shall become effective upon publication in the Federal Register.

The regulations for establishing closing dates for transfer and for release and reapportionment under 7 CFR Part 731 (37 FR 28124, 39 FR 7416, 39 FR 15759, 40 FR 14602 and 40 FR 22533) are amended as follows:

1. Section 731.1 is revised to read as follows:

§ 731.1 Applicability.

The provisions of this part apply: (i) For cotton, peanuts, rice and tobacco (except burley and flue-cured) to the final date on which producers may request a transfer by lease, sale, or owner; (ii) for cotton, peanuts, rice, and tobacco, to the final date on which producers may release or request reapportioned acreage allotments or farm marketing quotas and the final date by which County Agricultural Stabilization and Conservation Committees must reapportion released acreage allotments or farm marketing quotas. The transfer and release and reapportionment regulations and the criteria for establishing the closing dates may be found in this chapter as follows: (i) cotton, part 722; (ii) peanuts, part 729; (iii) rice, part 730; (iv) fire-cured, dark air-cured, Virginia sun-cured, cigar-binder (types 51 and 52) cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco, part 724; (v) flue-cured tobacco, part 725; and (vi) burley tobacco, part 726.

2. Section 731.2 is amended by changing the closing dates for Alabama, Arkansas, Georgia, Louisiana, North Carolina and Tennessee to read as follows:

§ 731.2 Closing dates.

State	Closing date for transfer by lease, sale or owner (except burley and flue-cured tobacco); release and reapportionment requests	Final date for reapportionment
(1)	(2)	(3)
Alabama:		
(Peanuts)	Feb. 28	1 mo. following applicable closing dates for transfer, release, and requesting reapportionment.
(Cotton)	Mar. 15	Do.
• •	• •	•
Arkansas:		
(Cotton and peanuts).	Apr. 1	Do.
(Rice)	May 1	Do.
• •	• •	•
Georgia	Mar. 15	Do.
• •	• •	•
Louisiana	Mar. 31	Do.
• •	• •	•
North Carolina (zone 1)[1].	Mar. 10	Do.
North Carolina (zone 2).[1]	Apr. 1	Do.
North Carolina: (cotton and rice).[2]	Apr. 11	Do.
• •	• •	•
Tennessee:		
(Cotton, peanuts, and rice).	Apr. 1	Do.
(Tobacco)	June 25	Do.
• •	• •	•

[1] For peanuts and tobacco. For listing of counties see 37 FR 28124.

[2] For cotton and rice in both zones 1 and 2.

(Secs. 313, 316, 318, 319, 344, 344a, 347, 352, 353, 358, 358a, 375, 378, 52 Stat. 47, as

amended, 75 Stat. 469, as amended, 81 Stat. 120, as amended, 85 Stat. 23, 52 Stat. 57, as amended, 79 Stat. 1197, as amended, 52 Stat. 39, as amended, 52 Stat. 60, as amended, 52 Stat. 61, as amended, 55 Stat. 88, as amended, 81 Stat. 856, as amended, 52 Stat. 66, as amended, 72 Stat. 995, as amended; 7 U.S.C. 1313, 1314b, 1314d, 1314e, 1344, 1344b, 1347, 1352, 1353, 1358, 1358a, 1375, 1378)

Effective date: April 13, 1976.

Signed at Washington, D.C. on April 5, 1976.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.76-10541 Filed 4-12-76;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 124]

PART 1124—MILK IN THE OREGON-WASHINGTON MARKETING AREA

Order Suspending Certain Provisions

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Oregon-Washington marketing area.

It is hereby found and determined that for the months of April through July 1976 the following provisions of the order do not tend to effectuate the declared policy of the Act and are therefore suspended:

1. In § 1124.11(a), "and from whom at least three deliveries are received at a pool plant during the month", and

2. In § 1124.11(b), "an f from whom at least three deliveries are received during the month at his pool plant(s)".

STATEMENT OF CONSIDERATION

This action suspends for April through July 1976, the requirement that three deliveries of a producer's milk be received at a pool plant during the month to qualify his milk for diversion to a nonpool plant.

The order now requires that at least three deliveries of milk of a producer must have been received at a pool plant during the month for a producer to qualify his milk for diversion.

The suspension was requested by the Farmers Cooperative Creamery, Portland Independent Milk Producers Association, and Corvallis Milk Producers Association who, collectively, represent a substantial number of producers supplying the market. The basis for their request is that current marketing conditions require the associations to handle an increasing quantity of reserve milk during the coming months of relatively heavy milk production. Without the suspension, the cooperative associations would be forced to make uneconomic shipments of producer milk to qualify it for pooling during the coming period of heavy milk production.

The suspension is based upon a public hearing held for this order on March 10–11, 1976, at Beaverton, Oregon. At the hearing, the principal producer organizations (including the three petitioners for suspension action), representing a majority of the producers on the market, together with a proprietary handler, proposed and supported relaxing the requirement that at least three deliveries of a producer's milk must be received at a pool plant to qualify such milk for diversion to a nonpool plant. Under their proposal, no limit would be placed on the number of days of delivery that a producer's milk may be diverted to nonpool plants during the months of December through August. During the months of September through November a producer would be required to make at least one delivery to a pool plant during each of such months to be qualified for diversion to a nonpool plant. There was no opposition testimony to this proposal.

The record evidence indicates that certain cooperative handlers in the market have found it difficult at times to qualify all their members for producer status under the order because of the three delivery diversion requirement. Witnesses pointed out that unnecessary hauling costs are incurred in connection with meeting the three delivery requirement, particularly during the months of heavy milk production when a greater quantity of market reserves must be moved to nonpool plants for manufacturing.

In view of the considerations set forth herein, it is deemed appropriate to suspend the three deliveries requirement for the months of April through July 1976. These four months generally represent a period in which milk production is seasonally heaviest in relation to demand in the market. The four-months fall within the 9-month period of the year that no qualifying deliveries would be required for milk diversions, under the proposal supported at the hearing.

This interim suspension action will permit greater flexibility in the movement of market reserves direct from farm to manufacturing plants pending any amendatory procedures based upon the March 1976 hearing.

With the flush production period beginning generally in April, any delay in the relaxation of the diversion qualification requirement beyond this time could result in loss of producer status for some producers, long associated with the fluid market. This suspension is the only means available to the Department for reasonably ensuring that the diversion provisions, now under review on the basis of record evidence, may not be a contributing factor to market disorder during the April-July period this year.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current market conditions and to maintain orderly marketing conditions in the marketing area since, under the circumstances described herein, the most efficient method of handling the market's reserve milk supply is by diversion direct from producer's farms to milk manufacturing plants. This suspension will permit (during the months of April through July, 1976) the milk of a producer to be so diverted without such producer having to make the three qualifying deliveries to a pool plant. The suspension will permit greater flexibility in the movement of market reserves to manufacturing plants pending the outcome of a public hearing held March 10–11, 1976, at which a proposal to reduce the number of pool plant deliveries required to qualify for diversion was reviewed for this order.

(b) The suspension does not require of persons affected substantial or extensive preparation prior to the effective date. Therefore, good cause exists for making this order effective with respect to producer milk deliveries during April, May, June, and July 1976.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of April through July 1976.

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

Effective date: April 13, 1976.

Signed at Washington, D.C., on: April 8, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-10628 Filed 4-12-76;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

PART 1406—REWARDS

Rescission of Part

The Executive Vice President of the Commodity Credit Corporation has determined that the regulations contained in this part are obsolete. The program on which the regulations are based is no longer in effect. He has also found that notice and public procedure for the rescission of this part are unnecessary and are not in the public interest. Accordingly, 7 CFR, Part 1406 is hereby rescinded.

Effective date: April 13, 1976.

Signed at Washington, D.C., on April 5, 1976.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.76-10545 Filed 4-12-76;8:45 am]

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1434—HONEY

Subpart—Standards for Approval of Warehouses for Extracted Honey

The only substantive change under this revision is the elimination of the restrictive requirement for performance bonds or other security covering the obligations of warehousemen storing and

handling extracted honey under Commodity Credit Corporation programs. Accordingly, it is determined that compliance with the notice of proposed rulemaking procedures is unnecessary and contrary to the public interest.

The regulations appearing in this subpart which were published on July 22, 1970 (35 FR 11691), and amended on March 13, 1974 (39 FR 9656), are revised to read as follows:

Sec.
1434.50 General statement and administration.
1434.51 Basic standards.
1434.52 Bonding requirements for net worth.
1434.53 Examination of warehouses.
1434.54 Exceptions.
1434.55 Approval of warehouse; requests for reconsideration.
1434.56 Exemption from requirements.

AUTHORITY: Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b).

§ 1434.50 General statement and administration.

(a) This subpart prescribes the requirements which must be met by a warehouseman in the United States or Puerto Rico who desires the initial or continuing approval by Commodity Credit Corporation (hereinafter referred to as the "CCC") of his warehouse(s) for the storage and handling, under CCC contracts, of extracted honey (hereinafter referred to as "honey"), either in bulk or in containers meeting specifications contained in the applicable honey price support regulations, which is owned by CCC or held by CCC as security for price support loans. This subpart also prescribes the procedures to be followed by a warehouseman in obtaining such approval.

(b) Copies of the storage contract and other forms required to obtain approval under this subpart may be obtained from the Prairie Village Agricultural Stabilization and Conservation Service Commodity Office, U.S. Department of Agriculture, Post Office Box 8377, Shawnee Mission, Kansas 66208 (hereinafter referred to as "the Prairie Village Office").

(c) A warehouse must be approved by the Prairie Village Office and a storage contract must be entered into by CCC and the warehouseman before such warehouse will be used by CCC. The approval of a warehouse or the entering into of a storage contract does not constitute a commitment that the warehouse will be used by CCC, and no official or employee of the U.S. Department of Agriculture is authorized to make any such commitment.

(d) A warehouseman, in aplying for aproval under this subpart, shall submit to CCC at the Prairie Village Office:

(1) A completed Form CCC–55, "Application for Approval of Warehouse for Honey Storage Contract".

(2) A current financial statement on Form TW–51, "Financial Statement", supported by such supplemental schedules as may be requested. Such statement shall show the financial condition of the warehouseman as of a date not earlier than ninety (90) days prior to the date of the warehouseman's application or such other date as may be established by CCC. Subsequent financial statements shall be furnished annually and at such other times as may be required by CCC. If the warehouseman employs the services of a public accountant, the financial statement must be certified or otherwise authenticated by the public accountant to the extent consistent with the accountant's verification of facts contained in the statement. Such certification or authentication may be separate from the financial statement. Only one financial statement is required for a chain of warehouses owned or operated by a single business entity.

(3) Evidence that he is licensed by the appropriate licensing authority as required under § 1434.51(b)(2) and such other documents or information as CCC may require.

§ 1434.51 Basic standards.

Unless otherwise provided in this subpart, each warehouseman and each of the warehouses owned or operated by him which is to be approved, or has been approved, under this subpart for the storage and handling of honey under CCC programs shall meet the following standards:

(a) Neither the warehouseman nor any of his officials or supervisory employees is suspended or debarred under CCC's regulations governing suspension and debarment, Part 1407 of this chapter, for any of the causes set forth in § 1407.5 thereof.

(b) The warehouseman shall:

(1) Be an individual, partnership, corporation, association, or other legal entity engaged in the business of storing or handling honey for hire. The warehouseman, if a corporation, shall be authorized by its charter to engage in such business.

(2) Have a current and valid license for the kind of storage operation for which he seeks approval if such a license is required by State or local laws or regulations.

(3) (i) Have a net worth, if the honey is to be stored in drums or containers, equal at least to $10,000.

(ii) Have a net worth, if the honey is to be stored in bulk, equal at least to the product obtained by multiplying the maximum storage capacity of the warehouse (the total quantity of honey which the warehouse can accommodate when stored in the customary manner) times ten (10) cents per gallon, but in no case shall the net worth be less than $10,000 nor need it exceed $100,000. If the required minimum net worth exceeds $10,000, the warehouseman may satisfy any deficiency in net worth between the $10,000 and such required minimum net worth by furnishing such bonds (or acceptable substitute security) meeting the requirements of § 1434.52.

(4) Have available sufficient funds to meet ordinary operating expenses.

(5) Have satisfactorily corrected, upon request by CCC, any deficiencies in the performance of any storage contract with CCC.

(6) Maintain complete inventory and operating records.

(c) (1) The warehouseman, his officials, or his supervisory employees in charge of the warehouse operation shall have the necessary experience, organization, technical qualifications, and skills in the warehousing business as related to honey to enable them to provide proper storage and handling services, and

(2) The warehouseman, his officials, and each of his supervisory employees in charge of the warehouse operations shall have a satisfactory record of integrity, judgment, and performance.

(d) The warehouse shall:

(1) Be of sound construction, in good state of repair, and adequately equipped to handle, store, and preserve the honey.

(2) Be under the control at all times of the contracting warehouseman.

(3) Not be subject to greater than normal risk of fire, flood, or other hazards.

(4) Have available at the warehouse adequate and operable firefighting equipment for the type of warehouse and commodity involved.

(5) Have a work force and equipment available to complete the loadout within forty-five (45) working days of the total quantity of honey stored for CCC.

(6) Be located on a railroad or waterway or have a suitable method of delivering the honey into railroad cars at a rail delivery point.

§ 1434.52 Bonding requirements for net worth.

A bond furnished by a warehouseman under this subpart must meet the following requirements:

(a) Such bond shall be executed by a surety company which: (1) Has been approved by the U.S. Treasury Department, and (2) maintains an officer or representative authorized to accept service of legal process in the State where the warehouse is located.

(b) A bond furnished by a warehouseman shall be on Form CCC–33, "Warehouseman's Bond—Storage Agreement", except that a bond furnished under State law (statutory bond) or under operational rules of nongovernmental supervisory agencies may be accepted in an equivalent amount as a substitute for a bond running directly to CCC if: (1) CCC determines that it provides adequate protection to CCC, (2) it has been executed by a surety specified in paragraph (a) of this section or has a blanket rider and endorsement executed by such a surety with the liability of the surety under such rider or endorsement being the same as that of the surety under the original bond, and (3) is noncancellable for not less than ninety (90) days or includes a rider providing for not less than ninety (90) days' notice to CCC before cancellation. Excess coverage on a substitute bond for one warehouse will not be accepted or applied by CCC against insufficient bond coverage on other warehouses operated by a warehouseman.

(c) Cash and negotiable securities offered by a warehouseman may be accepted by CCC in lieu of the equivalent amount of required bond coverage. Any

such cash or negotiable securities accepted by CCC will be returned to the warehouseman when the period for which coverage was required has ended and there appears to CCC to be no liability under the storage agreement.

(d) A legal liability insurance policy may be accepted by CCC in lieu of the required amount of bond coverage provided such policy contains a clause or rider making the policy payable to CCC, CCC determines that it affords protection equivalent to a bond, and the Office of the General Counsel, U.S. Department of Agriculture, approves it for legal sufficiency.

§ 1434.53 Examination of warehouses.

Except as otherwise provided in this subpart, a warehouse will be examined by a person designated by CCC before it is approved by CCC for the storage or handling of honey and periodically thereafter to determine its compliance with CCC's standards and requirements.

§ 1434.54 Exceptions.

Notwithstanding any other provision of this subpart:

(a) The financial, bond, and original and periodic warehouse examination provisions of this subpart are not applicable to any warehouseman approved or applying for approval for the storage and handling of honey in containers if his warehouse is licensed under the U.S. Warehouse Act for such storage and handling of honey, but a special examination shall be made of such warehouse whenever such action is determined necessary.

(b) A Certificate of Competency issued by the Small Business Administration with respect to a warehouseman will be accepted by CCC as establishing conformance by the warehouseman with the standards prescribed in § 1434.51(b) (1), (3), and (4), (c)(1) and (d), and the warehouseman will not be required to furnish bond coverage for a deficiency in net worth.

(c) A warehouseman who has a net worth of at least $10,000 but who fails, or whose warehouse fails, to meet one or more of the other standards of this subpart may be approved if:

(1) CCC determines that the warehouse services are needed and the warehouse storage and handling conditions provide satisfactory protection for the honey, and

(2) The warehouseman furnishes such additional bond coverage (or cash or acceptable negotiable securities or legal liability insurance policy) as CCC determines necessary to protect adequately its interests.

§ 1434.55 Approval of warehouses; requests for reconsideration.

(a) CCC will approve a warehouse if it determines that warehouse meets the standards set out in this subpart. CCC will forward a notice of approval to the warehouseman. Approval under this subpart does not relieve the warehouseman of responsibility of performing his obligations under any contract with CCC or any other agency of the United States. An approval will remain in effect until the storage contract expires or is otherwise terminated unless CCC sooner withdraws its approval.

(b) Except as otherwise provided in this subpart:

(1) CCC will not approve the warehouse if CCC determines that it does not meet the standards set out in this subpart.

(2) CCC may withdraw its approval of a warehouse if CCC determines that such warehouse ceases to meet such standards or if the warehouseman fails to perform his obligations under the storage contract.

(3) CCC will forward a notice of disapproval or withdrawal of approval to the warehouseman. The notice will state the cause(s) for such action. Unless the warehouseman or any of his officials or supervisory employees is suspended or debarred as provided in § 1434.51(a), CCC will approve, or reinstate the approval of, the warehouse upon the warehouseman establishing that he has remedied the cause(s) for CCC's action. If there appears to be a justifiable basis for suspension or debarment of the warehouseman or any of his officials or supervisory employees, CCC may defer action on an application for approval or reinstatement of approval or may withdraw approval pending a decision with respect to suspension or debarment proceedings.

(c) (1) If disapproval or withdrawal of approval by CCC is due to failure to meet the standards set forth in § 1434.51, other than the standard in paragraph (a) thereof, the warehouseman may, at any time after receiving notice of such action, request reconsideration of the action and present to the Director of the Prairie Village Office, orally or in writing, information in support of his request. The Director, upon consideration of such information, shall notify the warehouseman in writing of his determination. The warehouseman may, if the Director's determination is adverse to the warehouseman, obtain a review of the determination and an informal hearing in connection therewith by filing an appeal with the Deputy Administrator, Commodity Operations, ASCS. The time for filing appeals, form of request for appeal, nature of the informal hearing, determination, and reopening of the hearing shall be as prescribed by §§ 780.6, 780.7, 780.8, 780.9 and 780.10, respectively, of the ASCS regulations governing appeals, Part 780 of this title. In connection with such regulations, the warehouseman shall be considered to be a "participant".

(2) If disapproval or withdrawal of approval by CCC is due to failure to meet the standard set forth in § 1434.51(a), the warehouseman's rights of appeal and hearing shall be as provided in regulations governing suspension and debarment by CCC, Part 1407 of this chapter. After expiration of his suspension or debarment, a warehouseman may, at any time, apply for approval under this subpart.

§ 1434.56 Exemption from requirements.

If warehousing services in any area cannot be secured under the provisions of this subpart, no reasonable and economical alternative is available for securing such services for honey under CCC programs, the President or Executive Vice President, CCC, may exempt, in writing, applicants in such area from one or more of the standards of this subpart and may establish such other requirements as are considered necessary to satisfactorily safeguard the interests of CCC.

Effective Date: This revision shall be effective on April 13, 1976.

Warehousemen approved under prior regulations are not required to submit new applications for approval under this revision but are subject to the provisions of this subpart for continued approval to handle and store the commodities involved.

Signed at Washington, D.C., on April 5, 1976.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.76-10546 Filed 4-12-76;8:45 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

FACILITIES FOR INSPECTION AND POULTRY PRODUCTS INSPECTION REGULATIONS

Overtime or Holiday Inspection Service, Schedule of Operations, and Billing

• *Purpose:* The purpose of this document is to delete the sections of the meat and poultry inspection regulations dealing with schedules of operations and to amend the sections relating to overtime. •

Statement of Considerations: On October 3, 1975, there was published in the FEDERAL REGISTER (40 FR 45798–45801) amendments to Part 307 of the Federal meat inspection regulation (9 CFR 307), and Part 381 of the poultry products inspection regulation (9 CFR 381), concerning overtime or holiday inspection service, schedules of operation and billings. These regulations were later modified by a publication in the FEDERAL REGISTER on October 31, 1975 (40 FR 50719).

The purpose of the October 3 document was to provide uniform requirements and procedures in establishments operating under Federal inspection relative to schedules of operation, overtime and holiday inspection services, and uniform billing procedures. Schedules of operation and some aspects of overtime and holiday inspection service had been negotiated between the National Joint Council of Food Inspection Locals, American Federation of Government Employees, and the Animal and Plant Health Inspection Service (APHIS).

Subsequent to negotiation, the agreement was referred to the Director of Personnel, United States Department of Agriculture, for approval pursuant to Section 15, Executive Order 11491. The Director of Personnel on January 12, 1976, disapproved Article XXIV, Section B, entitled "Standard Tours of Duty" on the ground that the provision, as it was intended to be implemented by the parties, violated 5 U.S.C. 5542(a).

Therefore, the portions of Parts 307 and 381 which were promulgated to implement Article XXIV, Section B, are amended as follows:

§ 307.4 [Amended]

1. Paragraph (d) of § 307.4 is amended by deleting subparagraphs (2) and (3) and by renumbering subparagraphs (4) and (5) as (2) and (3) respectively.

2. Section 307.5 is amended to read as follows:

§ 307.5 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an exporter shall pay the Animal and Plant Health Inspection Service $12.40 per hour per Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday as specified in paragraph (b) of this section, or for more than 8 hours on any day, or more than 40 hours in any Administrative workweek Sunday through Saturday.

* * * * *

§ 381.37 [Amended]

3. Paragraph (d) of section 381.37 is amended by deleting subparagraphs (2) and (3) and by renumbering subparagraphs (4) and (5) as (2) and (3) respectively.

4. Section 381.38 is amended to read as follows:

§ 381.38 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an exporter shall pay the Animal and Plant Health Inspection Service $12.40 per hour per Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday.

* * * * *

Since a situation exists that requires an immediate adoption of these amendments, it does not appear that further public participation in this proceeding would make additional information available to the Department which would warrant alteration of these amendments. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendments are impracticable and unnecessary.

The foregoing amendments shall become effective April 13, 1976.

Done at Washington, D.C., on: April 8, 1976.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.76-10729 Filed 4-12-76;8:45 am]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 7—INTERPRETIVE RULINGS

Other Real Estate Owned

On February 27, 1976, the Comptroller of the Currency published in the FEDERAL REGISTER, 41 FR 8490 (1976), a proposed revision of 12 CFR 7.3025.

The revision would have required that "other real estate owned" be recorded at the lower of (a) cost, or (b) fair market value as substantiated by an independent appraisal obtained at the time of acquisition; (2) that the appraisal be reviewed annually and the book value be reduced to appraisal values; (3) that the book value of the assets should not be written up beyond cost as a result of an increase in the fair market value in subsequent years.

All comments received in response to the proposed revision have been carefully considered.

A. As a result of a complete review of the proposed revision and of comments received, errors have been corrected, some langauge has been clarified, and the following changes have been made to the proposed revision.

1. Paragraph (b) was added to indicate when former bank premises and real estate acquired for future expansion may become "other real estate owned."

2. Clarification was requested of the terms "as soon as" and "investment" in connection with the duty of the bank to dispose of other real estate as soon as a price sufficient to reimburse the bank for its investment and costs of acquisition can be arranged. It was also suggested that the five year period for disposition was not long enough. The term "as soon as" has now been eliminated from what is now paragraph (c) so that the only time requirement is that of the law which provides that no bank shall hold such real estate for a longer period than five years. This provision of the law cannot be changed by an interpretive ruling. It is the Comptroller's opinion that the law contemplates that real property acquired by a bank in the course of the business of banking but no longer needed for that purpose should not be retained for speculative purposes but should be disposed of, not necessarily in a depressed market but promptly in accordance with prudent banking judgment. This judgment may include the desirability of recovering accrued interest and other charges not included in book value.

3. A sentence was added to paragraph (c) to indicate the beginning of the five year period within which a bank must dispose of other real estate owned.

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

Some comments inquired whether the revised section superseded methods of disposition of "other real estate owned" authorized by § 7.3020 of this part. Section 7.3020 remains in effect.

2. It was suggested that paragraph (f) require a qualified rather than an independent appraiser. Although the Comptroller recognizes that some banks have fully qualified appraisers on their staff, it is his opinion that the independence of a bank employee could be difficult to determine. Therefore, the requirement for an independent appraiser is retained.

The revised ruling 12 CFR 7.3025 becomes effective as of January 1, 1976 as was stated in the proposed revision (41 FR 8490-(1976)). Amortization of other real estate is not required after that date. Amounts charged off after that date may be reinstated. Amounts charged off before that date may not be reinstated.

Part 7 of 12 CFR is amended by revising § 7.3025 to read as follows:

§ 3025 Other real estate owned.

(a) "Other real estate owned" is real estate acquired by a national bank:

(1) through purchases at sales under judgments, decrees or mortgages where the property was security for debts previously contracted.

(2) Through conveyance in satisfaction of debts previously contracted; or

(3) Through purchase to secure debts previously contracted.

(b) Former banking premises and property originally acquired for future expansion, for which banking use is no longer contemplated, will be considered "other real estate owned." A former banking house will be considered "other real estate owned" from the date of relocation to new banking quarters. When real estate is acquired for future expansion, utilization should be accomplished within a reasonable period, which normally will be considered not to exceed three years. After real estate acquired for future expansion has been held for one year, a board resolution with definitive plans for utilization must be available for inspection.

(c) The bank is under an affirmative duty to dispose of "other real estate owned" at a price sufficient to reimburse the bank for its investment and costs of acquisition. However, no national banking association shall hold "other real estate owned" for a longer period than five years. This five year period begins on the date legal title to the property is transferred to the bank except in instances described in paragraph (b) of this section. Supervisory remedies, including 12 U.S.C. 1818(b), will be utilized to ensure compliance.

(d) "Other real estate owned" should be initially recorded at the lower of cost or fair market value.

(1) Cost includes: The unpaid loan balance (excluding accrued and uncollected interest); major replacements or

renovations required to make the property salable; assessments; taxes accrued up to the time of acquisition; court costs, legal fees, title and recording fees due in connection with the acquisition; and similar costs incurred in acquiring the property.

(2) Fair market value must be substantiated by a current appraisal prepared by an independent qualified appraiser at the time of acquisition.

(e) The bank must obtain annually a new appraisal or a certification in letter form from an independent appraiser substantiating that the property has not declined in value. In the event that book value exceeds the fair market value, the difference must be charged off; however if a subsequent increase in fair market value occurs the book value shall not be written up beyond the original cost as described in (d)(1) of this section nor beyond the book value on December 31, 1975, whichever is less.

(f) Current documentation must be maintained reflecting the bank's continuing and diligent efforts to dispose of each parcel of "other real estate owned."

(g) If "other real estate owned" is an unfinished construction or development project, further prudent advances to complete the project may be included in investment cost. However, such additional advances will not be permissible unless the bank maintains on file evidence that the advances will result in a more salable property.

(h) After "other real estate owned" has been on the bank's books for four years and six months, the property must be publicly advertised for sale. Disposition of the property must occur through public or private sale within five years from the date of acquisition.

JAMES E. SMITH,
Comptroller of the Currency.

APRIL 8, 1976.

[FR Doc.76-10587 Filed 4-12-76;8:45 am]

CHAPTER IV—EXPORT-IMPORT BANK

PART 406—BOOK-ENTRY PROCEDURES

Book-Entry Eximbank Securities

On January 6, 1976, there was published in the FEDERAL REGISTER (41 FR 1086) a notice of proposed rulemaking to amend 12 CFR by establishing a new part 406 providing for proposed book-entry procedures applicable to securities heretofore and hereafter issued by or on behalf of the Export-Import Bank of the United States ("Eximbank"). The proposed addition authorizes Federal Reserve Banks to issue book-entry Eximbank securities by means of entries on their records, to effect conversions between book-entry Eximbank securities and definitive Eximbank securities and to otherwise service and maintain book-entry Eximbank securities. The proposed addition also provides rules for the transfer or pledge of book-entry Eximbank securities. Interested persons were given until February 15, 1976 to submit comments on the proposed rules.

No written comments have been received. In order to correct typographical or clerical errors, the following changes are made:

1. The reference in § 406.1(h) is changed from "the" to "a".

2. The first sentence of § 406.4(b) is changed to read as follows: "A transfer or pledge of transferable Eximbank securities, or any interest therein, which is maintained by a Reserve Bank (in its individual capacity or as a fiscal agent of the United States) in a book-entry account under this part, including securities in book-entry form under § 406.3(a)(3), is effected, and a pledge is perfected, by any means that would be effective under applicable law to effect a transfer or to effect and perfect a pledge of the Eximbank securities, or any interest therein, if the securities were maintained by the Reserve Bank in bearer definitive form."

3. § 406.8 is corrected by changing "in the Eximbank's symbol account with the Treasurer of the United States" to read "to the account of the United States Treasury under Eximbank's account symbol number".

Accordingly, with these changes, the proposed addition is hereby adopted as set forth below.

Effective Date. This part becomes effective on April 15, 1976.

WALTER C. SAUER,
First Vice President and Vice Chairman.

PART 406—BOOK-ENTRY PROCEDURES

Sec.
406.1 Definition of terms.
406.2 Authority of Reserve Banks.
406.3 Scope and effect of book-entry procedure.
406.4 Transfer or pledge.
406.5 Withdrawal of Eximbank Securities.
406.6 Delivery of Eximbank Securities.
406.7 Registered Debentures and Participation Certificates.
406.8 Servicing book-entry Eximbank securities; payment of interest, payment at maturity or upon call.

AUTHORITY: Sec. 2(a)(1), Pub. L 79-173, 59 Stat. 526, as amended, (12 U.S.C. 635(a)(1)).

§ 406.1 Definition of terms.

In this part, unless the context otherwise requires or indicates:

(a) "Eximbank" means the Export-Import Bank of the United States.

(b) "Reserve Bank" means the Federal Reserve Bank of New York (and any other Federal Reserve Bank which agrees to issue Eximbank securities in book-entry form) as fiscal agent of the United States acting on behalf of Eximbank and when indicated acting in its individual capacity.

(c) "Eximbank security" means any obligation of Eximbank issued by Eximbank under the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635 et seq.) in the form of a definitive Eximbank security or a book-entry Eximbank security.

(d) "Definitive Eximbank Security" means an Eximbank security in engraved or printed form.

(e) "Book-entry Eximbank Security" means an Eximbank security in the form of an entry made as prescribed in these regulations on the records of a Reserve Bank.

(f) "Pledge" includes a pledge of, or any other security interest in, Eximbank securities as collateral for loans or advances or to secure deposits of public monies or the performance of an obligation.

(g) "Date of call" is the date fixed in the authorizing resolution of the Board of Directors of Eximbank on which the obligor will make payment of the security before maturity in accordance with its terms.

(h) "Member bank" means any national bank, State bank, or bank or trust company which is a member of a Reserve Bank.

§ 406.2 Authority of Reserve Banks.

Each Reserve Bank is hereby authorized, in accordance with the provisions of this part, to (a) issue book-entry eximbank securities by means of entries on its records which shall include the name of the depositor, the amount, the loan title (or series) and maturity date; (b) effect conversions between book-entry eximbank securities and definitive eximbank securities; (c) otherwise service and maintain book-entry Eximbank securities; and (d) issue a confirmation of transaction in the form of written advice (serially numbered or otherwise) which specifies the amount and description of any securities, that is, loan title (or series) and maturity dates, sold or transferred, and the date of the transaction.

§ 406.3 Scope and effect of book-entry procedure.

(a) A Reserve Bank as fiscal agent of the United States acting on behalf of Eximbank may apply the book-entry procedure provided for in this part to any Eximbank securities which have been or are hereafter deposited for any purpose in accounts with it in its individual capacity under terms and conditions which indicate that the Reserve Bank will continue to maintain such deposit accounts in its individual capacity, notwithstanding application of the book-entry procedure to such securities. This paragraph is applicable, but not limited, to securities deposited:

(1) As collateral pledged to a Reserve Bank (in its individual capacity) for advances by it;

(2) By a member bank for its sole account;

(3) By a member bank held for the account of its customers;

(4) In connection with deposits in a member bank of funds of States, municipalities, or other political subdivisions; or

(5) In connection with the performance of an obligation or duty under Federal, State, municipal, or local law, or judgments or decrees of courts.

The application of the book-entry procedure under this paragraph shall not derogate from or adversely affect the relationships that would otherwise exist between a Reserve Bank in its individual capacity and its depositors concerning any deposits under this paragraph. Whenever the book-entry procedure is applied to such Eximbank securities, the Reserve Bank is authorized to take all action necessary in respect of the book-entry procedure to enable such Reserve Bank in its individual capacity to perform its obligations as depositary with respect to such Eximbank securities.

(b) A Reserve Bank as fiscal agent of the United States acting on behalf of Eximbank shall apply the book-entry procedure to Eximbank securities deposited as collateral pledged to the United States under Treasury Department Circulars Nos. 92 and 176, both as revised and amended, and may apply the book-entry procedure, with the approval of the Secretary of the Treasury, to any other Eximbank securities deposited with a Reserve Bank as fiscal agent of the United States.

(c) Any person having an interest in Eximbank securities which are deposited with a Reserve Bank (in either its individual capacity or as fiscal agent of the United States) for any purpose shall be deemed to have consented to their conversion to book-entry Eximbank securities pursuant to the provisions of this part, and in the manner and under the procedures prescribed by the Reserve Bank.

(d) No deposits shall be accepted under this section on or after the date of maturity or call of the securities.

§ 406.4 Transfer or pledge.

(a) A transfer or pledge of book-entry Eximbank securities to a Reserve Bank (in its individual capacity or as fiscal agent of the United States), or to the United States, or to any transferee or pledgee eligible to maintain an appropriate book-entry account in its name with a Reserve Bank under this part, is effected and perfected, notwithstanding any provisions of law to the contrary, by a Reserve Bank making an appropriate entry in its records of the securities transferred or pledged. The making of such an entry in the records of a Reserve Bank shall (1) have the effect of a delivery in bearer form of definitive Eximbank securities; (2) have the effect of a taking of delivery by the transferee or pledgee; (3) constitute the transferee or pledgee a holder; and (4) if a pledge, effect a perfected security interest therein in favor of the pledgee. A transfer or pledge of book-entry Eximbank securities effected under this paragraph shall have priority over any transfer, pledge, or other interest, theretofore or thereafter effected or perfected under paragraph (b) of this section or in any other manner.

(b) A transfer or pledge of transferable Eximbank securities, or any interest therein, which is maintained by a Reserve Bank (in its individual capacity or as a fiscal agent of the United States) in a book-entry account under this part, including securities in book-entry form under § 406.3(a)(3), is effected, and a pledge is perfected, by means that would be effective under applicable law to effect a transfer or to effect and perfect a pledge of the Eximbank securities, or any interest therein, if the securities were maintained by the Reserve Bank in bearer definitive form. For purposes of transfer or pledge hereunder, book-entry Eximbank securities maintained by a Reserve Bank shall, notwithstanding any provision of law to the contrary, be deemed to be maintained in bearer definitive form. A Reserve Bank maintaining book-entry Eximbank securities either in its individual capacity or as fiscal agent of the United States is not a bailee for purposes of notification of pledges of those securities under this paragraph, or a third person in possession for purposes of acknowledgment of transfers thereof under this paragraph. Where transferable Eximbank securities are recorded on the books of a depositary (a bank, banking institution, financial firm, or similar party, which regularly accepts in the course of its business Eximbank securities as a custodial service for customers, and maintains accounts in the names of such customers reflecting ownership of or interest in such securities) for account of the pledgor or transferor thereof and such securities are on deposit with a Reserve Bank in a book-entry account hereunder, such depositary shall, for purposes of perfecting a pledge of such securities or effecting delivery of such securities to a purchaser under applicable provisions of law, be the bailee to which notification of the pledge of the securities may be given or the third person in possession from which acknowledgment of the holding of the securities for the purchaser may be obtained. A Reserve Bank will not accept notice or advice of a transfer or pledge effected or perfected under this paragraph, and any such notice or advice shall have no effect. A Reserve Bank may continue to deal with its depositor in accordance with the provisions of this part, notwithstanding any transfer or pledge effected or perfected under this paragraph.

(c) No filing or recording with a public recording office or officer shall be necessary or effective with respect to any transfer or pledge of book-entry Eximbank securities or any interest therein.

(d) A reserve Bank shall, upon receipt of appropriate instructions, convert book-entry Eximbank securities into definitive Eximbank securities and deliver them in accordance with such instructions; no such conversion shall affect existing interests in such Eximbank securities.

(e) A transfer of book-entry Eximbank securities within a Reserve Bank shall be made in accordance with procedures established by the Bank not inconsistent with this part. The transfer of book-entry Eximbank securities by a Reserve Bank may be made through a telegraphic transfer procedure.

(f) All requests for transfer or withdrawal must be made prior to the maturity or date of call of the securities.

§ 406.5 Withdrawal of Eximbank securities.

(a) A depositor of book-entry Eximbank securities may withdraw them from a Reserve Bank by requesting delivery of like definitive Eximbank securities to itself or on its order to a transferee.

(b) Eximbank securities which are actually to be delivered upon withdrawal may be issued either in registered or in bearer form unless otherwise specified in the authorizing resolution of the Board of Directors of Eximbank.

§ 406.6 Delivery of Eximbank securities.

A Reserve Bank which has received Eximbank securities and effected pledges, made entries regarding them, or transferred or delivered them according to the instructions of its depositor is not liable for conversion or for participation in breach of fiduciary duty even though the depositor had no right to dispose of or take other action in respect of the securities. A Reserve Bank shall be fully discharged of its obligations under this part by the delivery of Eximbank securities in definitive form to its depositor or upon the order of such depositor. Customers of a member bank or other depository (other a Reserve Bank) may obtain Eximbank securities in definitive form only by causing the depositor of the Reserve. Bank to order the withdrawal thereof from the Reserve Bank.

§ 406.7 Registered bonds and notes.

No formal assignment shall be required for the conversion to book-entry Eximbank securities of registered Eximbank securities held by a Reserve Bank (in either its individual capacity or as fiscal agent of the United States) on the effective date of this part for any purpose specified in § 406.3(a). Registered Eximbank securities deposited thereafter with a Reserve Bank for any purpose specified in § 406.3 shall be assigned for conversion to book-entry Eximbank securities. The assignment, which shall be executed in accordance with the provisions of Subpart F of 31 CFR Part 306, so far as applicable, shall be to "Federal Reserve bank of _____ as fiscal agent of the United States acting on behalf of the Export-Import Bank of the United States for conversion to book-entry Eximbank securities."

§ 406.8 Servicing book-entry Eximbank securities; payment of interest, payment at maturity or upon call.

Interest becoming due on book-entry Eximbank securities shall be charged to the account of the United States Treasury under Eximbank's account symbol number on the interest due date and remitted or credited in accordance with the depositor's instructions. Such securities shall be redeemed and charged to the same account on the date of maturity, call or advance refunding, and the redemption proceeds, principal, and interest, shall be disposed of in accordance with the depositor's instructions.

[FR Doc.76-10591 Filed 4-12-76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Revision 6, Amendment 5]

PART 120—BUSINESS LOAN POLICY

Participating Lender Advertisement of Relationship With SBA

On February 12, 1976, notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 6288) concerning a change to be made in the Small Business Administration business loan policy.

The Amendment will provide for, and and appropriately restrict, the advertising by participating lenders of their relationship with SBA. It will clarify SBA's policy with respect to the use of the Agency's name or symbol in such advertising and provide for necessary safeguards against fraud or deception. Interested persons were given 30 days in which to submit written comments regarding the proposed amendment.

No comments were received; therefore, the proposed amendment is hereby adopted.

In CFR Part 120, the following new subparagraph (4) is added to paragraph (a) of § 120.5:

§ 120.5 Operations of eligible participants.

(a) • • •

(4) *Advertisement of relationship with SBA.* A lender may make reference in its advertising to its participation with SBA by the use of phrases such as "a participant with SBA in loans to small business" or "solely engaged in participation with SBA in loans to small business"; *Provided, however,* That no such advertising shall state or imply that such lender, or any of its borrowers, will enjoy preferential treatment from SBA; or be false or misleading in any other respect; and *Provided, further,* That such advertising shall not make use of SBA's seal or any facsimile thereof.

Effective Date: May 15, 1976.

(Catalog of Federal Domestic Assistance Programs No. 59.012, Small Business Loans)

Dated: April 5, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

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Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7411]

SUBCHAPTER A—INCOME TAX

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Expenses To Enable Individuals To Be Gainfully Employed

NOTE: This document previously appeared in the issue for March 19, 1976, at 41 FR 11491. Inadvertently several errors appeared and the document is being republished to read as set forth below.

To Officers and Employees of the Internal Revenue Service and Others Concerned: By a notice of proposed rule making appearing in the FEDERAL REGISTER for May 12, 1975 (40 FR 20633), amendments were proposed to conform the Income Tax Regulations (26 CFR Part 1) to the amendment of section 214 of the Internal Revenue Code of 1954 by section 210 of the Revenue Act of 1971 (Pub. L. 92-178, 85 Stat. 518), relating to expenses for household and dependent care services necessary for gainful employment. After consideration of all such relevant matter as was presented by interested persons regarding the proposed rules, the amendments of the regulations as proposed are adopted by this document, subject to the changes indicated below. These changes are required by section 206 of the Tax Reduction Act of 1975 (Pub. L. 94-12, 89 Stat. 32), which increased the amount of the adjusted gross income limitation under section 214(d) from $18,000 to $35,000 for taxable years beginning after March 29, 1975.

In view of the foregoing considerations, the amendments of the regulations as proposed are hereby adopted, subject to the following changes:

PARAGRAPH 1. Section 1.214A, as set forth in paragraph 3 of the notice of proposed rule making, is changed by striking out "$18,000" each place it appears in section 214(d) and inserting in lieu thereof "$35,000". In addition, the historical note to section 214 is amended to read as set forth below.

PAR. 2. Section 1.214A-1, as set forth in paragraph 3 of the notice of proposed rule making, is changed by revising paragraph (a)(1) to read as set forth below.

PAR. 3. Section 1.214A-2, as set forth in paragraph 3 of the notice of proposed rule making, is changed by revising paragraph (c)(1) to read as set forth below.

PAR. 4. Section 1.214A-3, as set forth in paragraph 3 of the notice of proposed rule making, is changed by revising paragraph (d) to read as set forth below.

(Secs. 7805 (68A Stat. 917; 26 USC 7805) and 214(f) (85 Stat. 519; 26 USC 214(f)) of the Internal Revenue Code of 1954.)

DONALD C. ALEXANDER,
Commissioner.

Approved: March 9, 1976.
CHARLES M. WALKER,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 214 of the Internal Revenue Code of 1954 to the changes made by section 210 of the Revenue Act of 1971 (Pub. L. 92-178, 85 Stat. 518), such regulations are hereby amended as set forth below:

1. Section 1.214 is amended by revising the heading of such section and the historical note to read as follows:

§ 1.214 Statutory provisions; expenses for care of certain dependents for taxable years beginning before January 1, 1972.

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(Sec. 214 as amended by sec. 1, Act of April 2, 1963 (Pub. L. 88-4, 77 Stat. 4); sec. 212, Rev. Act 1964 (78 Stat. 49); as in effect before amendment by sec. 210, Rev. Act 1971 (85 Stat. 518))

2. Section 1.214-1 is amended by revising so much thereof as precedes paragraph (b) thereof to read as follows:

§ 1.214-1 Expenses for the care of certain dependents for taxable years beginning before January 1, 1972.

(a) *General rule.* (1) This section applies only for expenses incurred in taxable years beginning before January 1, 1972. For expenses incurring in taxable years beginning after December 31, 1971, see §§ 1.214A through 1.214A-5.

(2) Section 214 allows, subject to certain limitations, a deduction from gross income of expenses paid for the care of certain dependents where the care is for the purpose of enabling the taxpayer to be gainfully employed. Such expenses are referred to in this section as "child care" expenses. The deduction is allowed only for expenses incurred while the taxpayer is gainfully employed or in active search of gainful employment. The employment which is the cause of the incurring of the expenses may, however, consist of service either within or without the home of the taxpayer. Self-employment constitutes employment for purposes of section 214.

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3. The following new sections are inserted immediately after § 1.214-1:

§ 1.214A Statutory provisions; expenses for household and dependent care services necessary for gainful employment for taxable years beginning after December 31, 1971.

Sec. 214. *Expenses for household and dependent care services necessary for gainful employment*—(a) *Allowance of deduction.* In the case of an individual who maintains a household which includes as a member one or more qualifying individuals (as defined in subsection (b)(1)), there shall be allowed as a deduction the employment-related expenses (as defined in subsection (b)(2)) paid by him during the taxable year.

(b) *Definitions, etc.* For purposes of this section—

(1) *Qualifying individual.* The term "qualifying individual" means—

(A) A dependent of the taxpayer who is under the age of 15 and with respect to whom the taxpayer is entitled to a deduction under section 151(e).

(B) A dependent of the taxpayer who is physically or mentally incapable of caring for himself, or

(C) The spouse of the taxpayer, if he is physically or mentally incapable of caring for himself.

(2) *Employment-related expenses.* The term "employment-related expenses" means amounts paid for the following expenses, but only if such expenses are incurred to enable the taxpayer to be gainfully employed:

(A) Expenses for household services, and

(B) Expenses for the care of a qualifying individual.

(3) *Maintaining a household.* An individual shall be treated as maintaining a household for any period only if over half of the cost of maintaining the household during such period is furnished by such individual (or if such individual is married during such period, is furnished by such individual and his spouse).

(c) *Limitations on amounts deductible*—(1) *In general.* A deduction shall be allowed

under subsection (a) for employment-related expenses incurred during any month only to the extent such expenses do not exceed $400.

(2) *Expenses must be for services in the household*—(A) *In general.* Except as provided in subparagraph (B), a deduction shall be allowed under subsection (a) for employment-related expenses only if they are incurred for services in the taxpayer's household.

(B) *Exception.* Employment-related expenses described in subsection (b)(2)(B) which are incurred for services outside the taxpayer's household shall be taken into account only if incurred for the care of a qualifying individual described in subsection (b)(1)(A) and only to the extent such expenses incurred during any month do not exceed—

(i) $200, in the case of one such individual,

(ii) $300, in the case of two such individuals, and

(iii) $400, in the case of three or more such individuals.

(d) *Income limitation.* If the adjusted gross income of the taxpayer exceeds $35,000 for the taxable year during which the expenses are incurred, the amount of the employment-related expenses incurred during any month of such year which may be taken into account under this section shall (after the application of subsections (e)(5) and (c)) be further reduced by that portion of one-half of the excess of the adjusted gross income over $35,000 which is properly allocable to such month. For purposes of the preceding sentence, if the taxpayer is married during any period of the taxable year, there shall be taken into account the combined adjusted gross income of the taxpayer and his spouse for such period.

(e) *Special rules.* For purposes of this section—

(1) *Married couples must file joint return.* If the taxpayer is married at the close of the taxable year, the deduction provided by subsection (a) shall be allowed only if the taxpayer and his spouse file a single return jointly for the taxable year.

(2) *Gainful employment requirement.* If the taxpayer is married for any period during the taxable year, there shall be taken into account employment-related expenses incurred during any month of such period only if—

(A) Both spouses are gainfully employed on a substantially full-time basis, or

(B) The spouse is a qualifying individual described in subsection (b)(1)(C).

(3) *Certain married individuals living apart.* An individual who for the taxable year would be treated as not married under section 143(b) if paragraph (1) of such section referred to any dependent, shall be treated as not married for such taxable year.

(4) *Payments to related individuals.* No deduction shall be allowed under subsection (a) for any amount paid by the taxpayer to an individual bearing a relationship to the taxpayer described in paragraphs (1) through (8) of section 152(a) (relating to definition of dependent) or to a dependent described in paragraph (9) of such section.

(5) *Reduction for certain payments.* In the case of employment-related expenses incurred during any taxable year solely with respect to a qualifying individual (other than an individual who is also described in subsection (b)(1)(A)), the amount of such expenses which may be taken into account for purposes of this section shall (before the application of subsection (c)) be reduced—

(A) If such individual is described in subsection (b)(1)(B), by the amount by which the sum of—

(i) Such individual's adjusted gross income for such taxable year, and

(ii) The disability payments received by such individual during such year, exceeds $750, or

(B) In the case of a qualifying individual described in subsection (b)(1)(C), by the amount of disability payments received by such individual during the taxable year.

For purposes of this paragraph, the term "disability payment" means a payment (other than a gift) which is made on account of the physical or mental condition of an individual and which is not included in gross income.

(f) *Regulations.* The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.

[Sec. 214 as amended by sec. 1, Act of April 2, 1963 (Pub. L. 88-4, 77 Stat. 4); sec. 212, Rev. Act 1964 (78 Stat. 49); Sec. 210, Rev. Act 1971 (85 Stat. 518); sec. 206, Tax Reduction Act 1975 (89 Stat. 32)]

§ 1.214A-1 Certain expenses to enable individuals to be gainfully employed for taxable years beginning after December 31, 1971.

(a) *In general.* (1) For expenses incurred in taxable years beginning after December 31, 1971, section 214 allows, subject to the requirements of this section and §§ 1.214A-2 through 1.214A-5, a deduction for employment-related expenses (as defined in paragraph (c) of this section) which are paid during the taxable year by an individual who maintains a household (within the meaning of paragraph (d) of this section) which includes as a member one or more qualifying individuals (as defined in paragraph (b) of this section). The deduction for expenses allowed under section 214 may be taken only as an itemized deduction and may not be taken into account in determining adjusted gross income under section 62. No deduction shall be allowed under section 214 in respect of any expenses incurred during a taxable year beginning after March 29, 1975, for which the taxpayer's adjusted gross income is $44,600 or more (or incurred during a taxable year beginning after December 31, 1971, and before March 30, 1975, for which the taxpayer's adjusted gross income is $27,600 or more). Expenses which are taken into account in determining the deduction under section 214—

(i) Must first be reduced by that amount by which a disabled dependent's (age 15 or over) adjusted gross income and nontaxable disability payments for the taxable year exceed $750 or by the total amount of a disabled spouse's nontaxable disability payments (see section 214(e)(5) and § 1.214A-3),

(ii) Are then disallowed to the extent that, for any calendar month, they exceed $400, determined after taking into account the $200 (or more) per calendar-month limitation on the amount of expenses incurred outside the household for the care of a dependent (or dependents) under the age of 15 (see section 214(c)(1) and (2) and § 1.214A-2 (a) and (b)), and

(iii) Finally, when the taxpayer's adjusted gross income for the taxable year exceeds the sum of $35,000 (or $18,000 in the case of a taxable year beginning after December 31, 1971, and before March 30, 1975), must be further reduced, on a monthly basis, by one-half of the amount by which the adjusted gross income for the calendar year exceeds such sum (see section 214(d) and § 1.214A-2(c)).

(2) The deduction for employment-related expenses is allowable only for such expenses as are actually paid during the taxable year regardless of when the event which occasions the expenses occurs and of the taxpayer's method of accounting. If such expenses are incurred but not paid during the taxable year, no deduction may be taken for such year. Thus, if such an expense is incurred in the last month of a taxable year but not paid until the following taxable year, a deduction for such expense shall not be allowed for the earlier taxable year. However, if the requirements for deductibility, other than payment, are satisfied in the last month of the taxable year, and the item is paid in the following taxable year, a deduction is allowed under section 214 for such following taxable year.

(3) The requirements of section 214, this section, and §§ 1.214A-2 through 1.214A-5 are to be applied to such expenses as of the time they are incurred regardless of when they are paid.

(4) For special rules relating to the deduction of employment-related expenses which may also qualify as medical expenses deductible under section 213, see § 1.214A-5(b).

(5) For substantiation of the deduction, see paragraph (e) of this section.

(b) *Qualifying individual*—(1) *In general.* A person is considered to be a qualifying individual if he is either (i) the taxpayer's dependent who is under the age of 15 and is an individual for whom the taxpayer is entitled to a deduction for a personal exemption under section 151(e); (ii) the taxpayer's dependent (not described in subdivision (i)) who is physically or mentally incapable of caring for himself; or (iii) the taxpayer's spouse who is physically or mentally incapable of caring for himself. The term "dependent", as used in this subparagraph, includes any individual who is a dependent within the meaning of section 152. For the rules for determining which parent may claim a child as a dependent where the parents are divorced, legally separated, or separated under a written separation agreement, see section 152(e) and the regulations thereunder.

(2) *Qualification on a daily basis.* The status of a person as a qualifying individual will be determined on a daily basis. Thus, if a dependent or spouse of a taxpayer ceases to be a qualifying individual on September 16, the dependent or spouse will be treated as a qualifying individual through September 15 only.

(3) *Physical or mental incapacity.* An individual will be considered to be physically or mentally incapable of caring for himself if as a result of a physical or mental defect he is incapable of caring for his hygienical or nutritional needs, or requires full time attention of another

person for his own safety or the safety of others. The fact that an individual, by reason of a physical or mental defect, is unable to engage in any substantial gainful activity, or is unable to perform the normal household functions of a homemaker or to care for minor children, will not of itself establish that the individual is physically or mentally incapable of caring for himself. An individual who is physically handicapped or is mentally defective, and for such reason requires constant attention of another person, is considered to be physically or mentally incapable of caring for himself.

(c) *Employment-related expenses*—(1) *Gainful employment*—(i) *In general.* Expenses are considered to be employment-related expenses only if they are incurred to enable the taxpayer to be gainfully employed and are paid for household services or for the care of one or more qualifying individuals. The expenses must be incurred while the taxpayer is gainfully employed or is in active search of gainfull employment. The employment may consist of service either within or without the home of the taxpayer and may include self-employment. Unpaid volunteer work or work for a nominal salary does not constitute qualifying employment. An expense will not be considered to be employment-related merely because it is incurred while the taxpayer is gainfully employed. Whether the purpose of the expense is to enable the taxpayer to be gainfully employed depends upon the facts and circumstances of the particular case. Thus, the fact that the cost of providing care for a qualifying individual is greater than the amounts anticipated to be received from the employment of the taxpayer may indicate that the purpose of the expenditure is other than to permit the taxpayer to be gainfully employed. Any tax required to be paid by the taxpayer under section 3111 (relating to the Federal Insurance Contributions Act) in respect of any wages which otherwise constitute employment-related expenses shall be considered to be an employment-related expense.

(ii) *Determination of period of employment on a daily basis.* An allocation of expenses is required on a daily basis when such expenses cover any period during part of which the taxpayer is gainfully employed or is in active search of gainful employment and during the other part of which there is no employment or active search for gainful employment. Thus, for example, if a taxpayer incurs during each month of the taxable year $60 of expenses which would be employment-related if he were gainfully employed all year, and the taxpayer is gainfully employed, or in active search of gainful employment, for only 2 months and 10 days during such year, the amount of employment-related expenses is limited to $140. If a taxpayer is married, both he and his spouse must be gainfully employed on a substantially full-time basis (see § 1.214A–4(b)). However, certain married individuals living apart are treated as not married for this purpose (see § 1.214A–4(c)).

(2) *Household services.* Expenses will be considered to be paid for household services if they are paid for the performance in and about the taxpayer's home of ordinary and usual services necessary to the maintenance of the household. However, expenses will not be considered as paid for household services unless the expenses are attributable in part to the care of the qualifying individual. Thus, amounts paid for the services of a domestic maid or cook will be considered to be expenses paid for household services if a part of those services is provided to the qualifying individual. Amounts paid for the services of an individual who is employed as a chauffeur, bartender, or gardener, however, will not be considered to be expenses paid for household services.

(3) *Care of qualifying individual*—(i) *In general.* The primary purpose of expenses for the care of a qualifying individual must be to assure that individual's well-being and protection. Not all benefits bestowed upon such an individual will be considered as provided for his care. Accordingly, amounts paid to provide food, clothing, or education are not expenses paid for the care of a qualifying individual. However, where the manner of providing care is such that the expense which is incurred includes expense for other benefits which are inseparably a part of the care, the full amount of the expense will be considered to be incurred for care. Thus, for example, the full amount paid to a nursery school in which a qualifying child is enrolled will be considered to be for the care of the child, even though the school also furnishes lunch, recreational activities, and other benefits. Educational expenses incurred for a child in the first or higher grade level are not expenses incurred for the care of one or more qualifying individuals. Expenses incurred for transportation of a qualifying individual described in paragraph (b)(1)(i) of this section between the taxpayer's household and a place outside the taxpayer's household where services for the care of such qualifying individual are provided will not be considered to be incurred for the care of such qualifying individual.

(ii) *Manner of providing care.* The manner of providing the care need not be the least expensive alternative available to the taxpayer. For example, the taxpayer's mother may reside at the taxpayer's home and be available to provide adequate care at no cost for the taxpayer's wife who is physically or mentally incapable of caring for herself. Nevertheless, the expenses incurred in providing a nurse for the wife may be an expense for the care of the wife. See, however, paragraph (c)(1)(i) of this section with respect to the requirement that the expense must be for the purpose of permitting the taxpayer to be gainfully employed.

(4) *Allocation of expenses.* Where a portion of an expense is for household services or for the care of a qualifying individual and a portion of such expense is for other unrelated purposes, a reasonable allocation must be made and only the portion of the expense paid which is attributable to such household services or care will be considered to be an employment-related expense. No such allocation is required to be made, however, if the portion of expense for the unrelated purpose is minimal or insignificant. Such an allocation must be made, for example, if a servant performs household duties, cares for the children of the taxpayer, and also performs social services for the taxpayer (for which a deduction is not allowable) and clerical services in the office of the taxpayer outside the home (for which a deduction may be allowable under section 162). Since a household service expense may be considered employment-related in its entirety even though it is only in part attributable to the care of a qualifying individual, no allocation is required between the part of the household service expense which is attributable to that care of a qualifying individual and that part which is not so attributable.

(5) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

Example (1). The taxpayer lives with her mother who is physically incapable of caring for herself. In order to be gainfully employed the taxpayer hires a practical nurse whose sole duty consists of providing for the care of the mother in the home while the taxpayer is at work. All amounts spent for the services of the nurse are employment-related expenses.

Example (2). The taxpayer has a dependent child 10 years of age who has been attending public school. The taxpayer who has been working part time is offered a postion involving full-time employment which she can accept only if the child is placed in a boarding school. The taxpayer accepts the position, and the child is sent to a boarding school. The expenses paid to the school must be allocated between that part of the expenses which represents care for the child and that part which represents tuition for education. The part of the expense representing care of the child is considered to be incurred for the purpose of permitting the taxpayer to be gainfully employed.

Example (3). The taxpayer, in order to be gainfully employed, employs a housekeeper who cares for the taxpayer's two children, aged 9 and 15 years, respectively, performs regular household services of cleaning and cooking, and chauffeurs the taxpayer to and from his place of employment. The chauffeuring service ever requires more than 30 minutes out of the total period of employment each day. No allocation is required for purposes of determinating the portion of the expense attributable to the chauffeuring (not a household service expense) since it is de minimis. Further, no allocation is required for the purpose of determining the portion of the expense attributable to the care of the 15 year old child (not a qualifying individual) since the household expense is in part attributable to the care of the 9 year old child, who is a qualifying individual. Accordingly, the entire expense of employing the housekeeper is an employment-related expense.

(d) *Maintenance of a household*—(1) *In general.* An individual is considered to have maintained a household for his taxable year (or lesser period) only if he (and his spouse if he is married) have

furnished over one-half of the cost incurred for such taxable year (or lesser period) in maintaining the household. The household must actually constitute for the taxable year the principal place of abode of the taxpayer and the qualifying individual or individuals describes in paragraph (b) of this section. It is not sufficient that the taxpayer maintain the household without being its occupant. A physical change in the location of the home will not, however, prevent the home from constituting the principal place of abode of the taxpayer and a qualifying individual. The fact that an individual is born or dies during the taxable year will not prevent a home from constituting his principal place of abode for such year. An individual will not be considered to have terminated a household as his principal place of abode merely by reason of temporary absences therefrom by reason if illness, education, business, vacation, military service, or a custody agreement.

(2) *Two or more families.* Solely for purposes of section 214 and this section, if two or more families occupy living quarters in common, each of such families will be treated as constituting a separate household, and the taxpayer who provides more than one-half of the costs of maintaining such a separate household will be treated as maintaining such household. Thus, for example, if two unrelated women each with children occupy living quarters in common and each woman pays more than one-half of her proportionate share of household costs incurred by both families, each woman will be treated as maintaining her separate household.

(3) *Costs of maintaining a household.* The cost of maintaining a household shall be the expenses incurred for the mutual benefit of the occupants thereof by reason of its operation as the principal place of abode of such occupants. The expenses of maintaining a household include property taxes, mortgage interest, rent, utility charges, upkeep and repairs, property insurance, and food consumed on the premises. Such expenses do not include the cost of clothing, education, medical treatment, vacations, life insurance, or transportation or payments on mortgage principal or for the purchase, permanent improvement, betterment, or replacement of property. However, the cost of maintaining a household shall not include any amount which represents the value of services performed in the household by the taxpayer or by a qualifying individual described in paragraph (b) of this section. Expenses incurred in respect of which money or other property is received as compensation or reimbursement may not be included as a cost of maintaining a household.

(4) *Monthly proration of annual costs.* In determining the cost incurred for a period of less than a taxable year in maintaining a household, the cost incurred during the entire taxable year must be prorated on the basis of the number of calendar months within such lesser period. For this purpose a period of less than a calendar month will be treated as a calendar month. Thus, for example, if the cost of maintaining a household for a taxable year is $6,600, and the period in respect of which a determination is being made under section 214 is from June 20 to December 31, the taxpayer must furnish more than $1,925 ([$6,600×7/12]×50%) in maintaining the household from June 1 to December 31.

(e) *Substantiation.* A taxpayer claiming a deduction under paragraph (a) of this section for employment-related expenses must substantiate by adequate records or other sufficient evidence any deductions taken under this section. For example, if requested, the taxpayer must furnish information as to the nature and period of the physical or mental incapacitation of any dependent or spouse in respect of whom a deduction is claimed, including necessary information from the attending physician as to the nature of the physical or mental incapacity.

§ 1.214A–2 Limitations on deductible amounts.

(a) *Overall monthly limitation of $400.* The deduction under section 214(a) and § 1.214A–1(a) for employment-related expenses is not allowed in respect of any such expenses in excess of $400 incurred during any one calendar month. For purposes of the limitation of $400, a period of less than a calendar month will be treated as a calendar month. Any amount by which employment-related expenses incurred during any calendar month exceed $400 may not be carried to another calendar month and used in determining the employment-related expenses incurred in such other calendar month. Thus, for example, if a taxpayer incurs employment-related expenses of $500 during each of the first 6 months of the taxable year and only $200 of such expenses during each of the last 6 months, the amount of his deduction for the payment during such taxable year of such expenses shall be limited by this paragraph to $3,600, consisting of $2,400 ($400×6) incurred during the first 6 months of the taxable year and $1,200 ($200×6) incurred during the last 6 months of the taxable year. The limitation provided by this paragraph must be applied after making the reduction in the amount of employment-related expenses provided by paragraph (a) of § 1.214A–3 (relating to disability payments) and after the application of the limitation upon the amount deductible provided by paragraph (b) of this section.

(b) *Restriction to expenses incurred for services in the household*—(1) *In general.* Except as otherwise provided in paragraph (b)(2) of this section, deduction shall be allowed under § 1.214A–1(a) only for employment-related expenses incurred for services performed in the household of the taxpayer. Thus, for example, if a taxpayer places his invalid father in a nursing home, he is not entitled to deduct his employment-related expenses incurred for his father's care provided by the nursing home. If, however, the taxpayer's father remains in the home used as the household, the taxpayer is allowed to deduct his employment-related expenses attributable to the employment in the household of a nurse to care for his father.

(2) *Exception for certain expenses incurred outside the household.* A deduction shall be allowed under § 1.214A–1(a) for employment-related expenses incurred for services performed outside the household of the taxpayer only if such expenses are incurred for the care of one or more dependents of the taxpayer who are under the age of 15 and who are persons for whom the taxpayer is entitled to a deduction for a personal exemption under section 151(e). The amount of such expenses incurred during a calendar month for services performed outside the household of the taxpayer which may be deducted is limited to—

(i) $200, in the case of one such dependent,

(ii) $300, in the case of two such dependents, or

(iii) $400, in the case of three or more such dependents.

For purposes of the limitation under this subparagraph, a period of less than a calendar month will be treated as a calendar month. Any amount which is taken into account after the application of such limitation is also subject to the monthly limitation of $400 provided by paragraph (a) of this section.

(3) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

Example (1). If during a calendar month a taxpayer incurs employment-related expenses of $150 for services performed within his household and $300 for services performed outside the household for the care of his child, age 5, the taxpayer is entitled to deduct only $350 of such expenses. In such case the $300 for services performed outside the household is limited to $200 by subparagraph (2) of this paragraph.

Example (2). If the facts are the same as in example (1) except that during the month the taxpayer incurs employment-related expenses of $250 for services performed within his household, the taxpayer is entitled to deduct only $400 of the total expenses incurred. In such case the total expenses incurred during the month which may be taken into account ($450) are limited to $400 by paragraph (a) of this section.

(c) *Taxpayer's income limitation*—(1) *In general.* This paragraph applies only if the adjusted gross income of the taxpayer for the taxable year exceeds the amount of $35,000, in the case of a taxable year beginning after March 29, 1975 (or the amount of $18,000 in the case of a taxable year beginning after December 31, 1971, and before March 30, 1975). In such a case, in determining the deduction allowable under § 1.214A–1(a) for employment-related expenses, the amount of such expenses incurred during any calendar month of the taxable year must be reduced by an amount equal to the excess of the adjusted gross income of the taxpayer for the taxable year over the applicable income limitation ($35,000 or $18,000, as the case may be) divided by twice the number of calendar months

in the taxable year. For purposes of applying the taxpayer's income limitation a period of less than a calendar month will be treated as a calendar month. The limitation provided by this paragraph must be applied after making the reduction in the amount of employment-related expenses provided by paragraph (a) of § 1.214A–3 and after the application of the limitations upon the amount deductible provided by paragraph (a) of § 1.214A–3 and after the application of the limitations upon the amount deductible provided by paragraphs (a) and (b) of this section. The application of this subparagraph may be illustrated by the following examples:

Example (1). A, a single individual who uses the calendar year as the taxable year, incurs during May, 1976, and pays within that year employment-related expenses of $600. He has adjusted gross income of $41,000 for 1976. Under such circumstances the amount of employment-related expenses for the month of May which may be taken into account under paragraph (a) of § 1.214A–1 is $150, determined as follows:

Employment-related expenses incurred during May ($600, but not to exceed $400 under par. (a) of this sec.)		$400
Less: Reduction under this subparagraph:		
Adjusted gross income for taxable year	41,000	
Less: Taxpayer's income limitation applicable to 1976	35,000	
Excess adjusted gross income over income limitation	6,000	
Excess divided by twice the number of calendar months in taxable year ($6,000 ÷ [2×12])		250
Employment-related expenses to be taken into account		150

Example (2). Assume the same facts as in example (1) except that A incurs employment-related expenses of only $200 during May, 1976. Under such circumstances no amount of employment-related expenses may be taken into account for the month of May under paragraph (a) of § 1.214A–1 because the expenses of $200 for such month are fully offset by the reduction of $250 required under this subparagraph.

Example (3). B, a single individual who uses the calendar year as the taxable year, incurs and pays during June, 1975, employment-related expenses of $500. On August 31, 1975, B dies. His adjusted gross income for the taxable year ending August 31 is $22,800. Under such circumstances the amount of employment-related expenses for the month of June which may be taken into account under paragraph (a) of § 1.214A–1 is $100, determined as follows:

Employment-related expenses incurred during June ($500, but not to exceed $400 under par. (a) of this sec.)		$400
Less: Reduction under this subparagraph: Adjusted gross income for taxable year	22,800	
Less: Taxpayer's income limitation applicable to taxable year beginning before March 30, 1975	18,000	
Excess adjusted gross income over income limitation	4,800	
Excess divided by twice the number of calendar months in taxable year ($4,800 ÷ [2×8])		300
Employment-related expenses to be taken into account		100

(2) *Marital status.* For purposes of paragraph (c)(1) of this section, the adjusted gross income of the taxpayer for his taxable year shall include the adjusted gross income of his spouse for such year if he is married for the entire taxable year. If the taxpayer is married during only a part of his taxable year, his adjusted gross income for the taxable year shall include the adjusted gross income of his spouse for only such period within the taxable year during which he is married. Thus, if the taxpayer and his wife use the calendar year as the taxable year and the taxpayer's wife dies on May 15 and he does not remarry before the close of his taxable year, the adjusted gross income of the wife for the period from January 1 to May 15 must be included in applying the income limitation for the taxable year under section 214(d) and paragraph (c)(1) of this section. If, however, in such case the taxpayer were to remarry on October 15 of his taxable year and file a single return jointly with the second wife, the adjusted gross income of the first wife for the period from January 1 to May 15 and the adjusted gross income of the second wife for the period from October 15 to December 31 must be included in applying the income limitation for the taxable year under paragraph (c)(1) of this section.

§ 1.214A–3 Reduction of expenses for certain disability payments and adjusted gross income.

(a) *Amount of reduction.* This section applies only if the taxpayer incurs employment-related expenses during a taxable year solely attributable to a qualifying individual who is either a dependent (other than a dependent described in § 1.214A–1(b)(1)(i)) of the taxpayer or a spouse of the taxpayer and who is physically or mentally incapable of caring for himself. The amount of such expenses, which may be taken into account under section 214 shall be reduced—

(1) In the case of such expenses attributable to a dependent who is physically or mentally incapable of caring for himself, by the excess, if any, over $750 of the sum of (i) such dependent's adjusted gross income for such taxable year and (ii) the disability payments (as defined in paragraph (b) of this section) he receives during such year, and

(2) In the case of such expenses attributable to a spouse who is physically or mentally incapable of caring for himself, by the disability payments (as defined in paragraph (b) of this section) such spouse receives during such taxable year.

The reduction so required must be made on the basis of a calendar month. Thus, the employment-related expenses attributable to a spouse which are incurred during any calendar month of the taxable year must be reduced by an amount equal to the disability payments received by the spouse during such taxable year divided by the number of calendar months therein during which such employment-related expenses are incurred. Further, the employment-related expenses attributable to a dependent which are incurred during any calendar month of the taxable year must be reduced by an amount equal to the excess described in paragraph (a)(1) of this section divided by the number of calendar months therein during which such employment-related expenses are incurred. For purposes of this reduction, a period of less than a calendar month will be treated as a calendar month. The reduction is not required to be made in respect of any employment-related expenses solely attributable to a dependent under the age of 15 for whom the taxpayer is entitled to a deduction for a personal exemption under section 151(e). The reduction required by this paragraph must be made before applying the limitations under section 214 (c) and (d) and § 1.214A–2 for the taxable year. The application of this paragraph may be illustrated by the following examples:

Example (1). A, a taxpayer who uses the calendar year as the taxable year, incurs $250 of employment-related expenses during each month of 1972 for services within his household. B, his wife, is physically incapable of caring for herself. During 1972, B receives total disability payments of $1,200, consisting of a lump-sum disability payment of $300 received in June and disability payments of $75 received each month. Under such circumstances, A may take into account $150 of his employment-related expenses for each month of 1972, determined as follows:

Employment-related expenses attributable to B incurred during each month		$250
Less: Disability payments received by B in 1972 divided by number of calendar months in 1972 during which employment-related expenses attributable to B are incurred ($1,200 ÷ 12)		100
Employment-related expenses to be taken into account		150

Example (2). B, a single individual who uses the calendar year as the taxable year, incurs $200 of employment-related expenses during each month of 1972 for services within his household. C, his son aged 15, is physically incapable of caring for himself. During 1972, C receives total disability payments of $1,200, consisting of a lump-sum disability payment of $300 received in June and disability payments of $75 received each month. For 1972, C has adjusted gross income of $1,050. Under such circumstances, B may take into account $75 of his employment-related expenses for each month of 1972, determined as follows:

Employment-related expenses attributable to C incurred during each month		$200
Less: Reduction under this paragraph:		
C's adjusted gross income for 1972	1,050	
Disability payments received by C in 1972	1,200	
Total	2,250	
Less: Income limitation	750	

Excess under subparagraph (1) of this paragraph	1,500
Excess divided by number of calendar months in 1972 during which employment-related expenses attributable to C are incurred ($1,500÷12)	125
Employment-related expenses to be taken into account	75

Example (3). H, a taxpayer who uses the calendar year as the taxable year, incurs employment-related expenses attributable to W, his wife, during five months of 1972, including $350 for the month of July, for services within his household. W, who is physically incapable of caring for herself, receives during 1972 total disability payments of $625. Under such circumstances, H may take into account $225 of his employment-related expenses for July, determined as follows:

Employment-related expenses attributable to W incurred during July	$350
Less: Disability payments received by W in 1972 divided by number of calendar months in 1972 during which employment-related expenses attributable to W are incurred ($625÷5)	125
Employment-related expenses to be taken into account	225

Example (4). S, a single individual who uses the calendar year as the taxable year, incurs and pays during 1972 $450 of employment-related expenses attributable to P, his father, for each of the six months during which his father is incapacitated. During 1972, P receives adjusted gross income of $1,266, a gift of $300, and a disability payment of $55 for each month of disability. During 1972 S receives adjusted gross income of less than $18,000. Under such circumstances, S may deduct $1,854 for 1972 under section 214, determined as follows:

Employment-related expenses attributable to P incurred during each month of his incapacity	$450
Less: Reduction under this paragraph: P's adjusted gross income for 1972	1,266
Disability payments received by P in 1972	330
Total	1,596
Less: Income limitation	750
Excess under subparagraph (1) of this paragraph	846
Excess divided by number of calendar months in 1972 during which employment-related expenses attributable to P are incurred ($846+6)	141
Employment-related expenses to be taken into account for each month of P's incapacity	309
Deduction for 1972 ($309×6)	1,854

(b) *Disability payment defined.* For purposes of paragraph (a) of this section, the term "disability payment" means any payment not includable in gross income which is made on account of the physical or mental incapacity of an individual. A disability payment may include social security payments, State or local payments, private disability insurance payments, or payments from a private person on account of a civil wrong, if attributable to the mental or physical disability of the individual. Gifts are not considered to be disability payments for purposes of this paragraph.

(c) *Expenses not solely attributable.* An employment-related expense which is not solely attributable to a qualifying individual to whom paragraph (a) (1) or (2) of this section applies shall not be reduced under this section. Thus, for example, if household expenses are incurred with respect to a qualifying individual to whom paragraph (a) (1) or (2) of this section applies and also with respect to a qualifying dependent under the age of 15, such expenses shall not be considered to be solely attributable to a qualifying individual to whom paragraph (a) (1) or (2) of this section applies, and such expenses shall not be reduced under this section. The application of this paragraph may be illustrated by the following examples:

Example (1). A taxpayer has a child, aged 6, and his spouse is physically incapable of caring for herself. During the taxable year he incurs employment-related expenses of $500 solely attributable to the care of the child, of $1,000 solely attributable to the care of his spouse, and of $1,500 for household services attributable to both the child and spouse. Of the taxpayer's total employment-related expenses of $3,000, only the $1,000 solely attributable to his spouse must be reduced as provided in paragraph (a) of this section.

Example (2). A taxpayer has a dependent, aged 15, and a spouse both of whom are physically incapable of caring for themselves. During the taxable year he incurs employment-related expenses of $500 solely attributable to the care of the dependent, of $1,000 solely attributable to the care of his spouse, and of $1,500 for household services equally attributable to both the dependent and spouse. The $1,500 of household expenses must be allocated one-half to the dependent and one-half to the spouse. Accordingly, employment-related expenses of $1,250 are attributable to the dependent, and employment-related expenses of $1,750 are attributable to the spouse. The expenses attributable to each must be reduced as provided in paragraph (a) of this section.

(d) *Ordering of reductions and limitations.* For purposes of determining the amount of employment-related expenses which may be taken into account under section 214, the employment-related expenses incurred by the taxpayer during any calendar month of the taxable year are first to be reduced by the amount of reduction determined under section 214 (e)(5) and paragraph (a) (1) or (2) of this section in respect of disability payments and adjusted gross income, then by the outside-of-household limitation prescribed by section 214(c)(2)(B) and § 1.214A-2(b)(2), then by the overall monthly limitation of $400 prescribed by section 214(c)(1) and § 1.214A-2(a), and finally by the taxpayer's income limitation ($35,000 or $18,000, as the case may be) prescribed by section 214(d) and § 1.214A-2(c), in that order. The application of this subparagraph may be illustrated by the following examples:

Example (1). The taxpayer's wife is physically incapable of caring for herself. He incurs employment-related expenses of $1,000 during the calendar month for services within the household. Disability payments of the wife applicable to such month under paragraph (a)(2) of this section amount to $350. The taxpayer's excess adjusted gross income (over the taxpayer's income limitation) applicable to such month under § 1.214A-2(c)(1) amounts to $300. Under such circumstances, the amount of employment-related expenses for such month which may be taken into account for purposes of section 214 is $100, determined as follows:

Employment-related expenses	$1,000
Less: Reduction under paragraph (a)(2) of this section	350
Balance	650
Application of limitation under § 1.214A-2(a) (employment-related expenses of $650, but not to exceed $400)	400
Less: Reduction under § 1.214A-2(c)(1)	300
Employment-related expenses to be taken into account	100

Example (2). The taxpayer's child, aged 15, is physically incapable of caring for himself the taxpayer incurs employment-related expenses of $487 during June for services within the household. The excess of the adjusted gross income and disability payments of the dependent child for the taxable year (over the $750 limitation) applicable to June under paragraph (a)(1) of this section amounts to $112. The taxpayer's excess adjusted gross income (over the taxpayer's income limitation) applicable to June under § 1.214A-2(c)(1) amounts to $125. Under such circumstances, the amount of employment-related expenses for June which may be taken into account for purposes of section 214 is $250, determined as follows:

Employment-related expenses	$487
Less: Reduction under paragraph (a)(1) of this section	112
Balance	375
Less: reduction under § 1.214A-2(c)(1)	125
Employment-related expenses to be taken into account	250

§ 1.214A-4 Special rules applicable to married individuals.

(a) *Joint return requirement.* This section applies only if the taxpayer is married at the close of a taxable year in which employment-related expenses are paid. In such a case the deduction provided by section 214(a) and § 1.214A-1(a) for such expenses shall be allowed only if for such taxable year the taxpayer files a single return jointly with his spouse. If either spouse dies during the taxable year and a joint return may be made for such year under section 6013(a)(2) for the survivor and the deceased spouse, the deduction shall be allowed for such year only if a joint return is made. If, however, the surviving spouse remarries before the end of his taxable year in which his first spouse dies, a deduction is allowed under section 214(a) on the separate return which is made for the decedent spouse. For purposes of this section, certain married individuals living apart are treated as not married, as provided in paragraph (c) of this section.

(b) *Gainful employment requirement*—(1) *In general.* The employment-related expenses incurred during any month of any period within the taxable

year of a taxpayer who is married for such period shall be taken into account under section 214(a) and § 1.214A–1 (a) only if both the taxpayer and his spouse are gainfully employed on a substantially full-time basis or are in active search of gainful employment on a substantially full-time basis, or if his spouse is physically or mentally incapable of caring for herself. For such purposes, an individual is considered to be gainfully employed on a substantially full-time basis if he is employed for three-quarters or more of the normal or customary work week (or the equivalent on the average during a month).

(2) *Determination of qualifying periods on a daily basis.* For purposes of this paragraph, the determination as to whether an individual is gainfully employed on a substantially full-time basis shall be made on a daily basis in accordance with the provisions of paragraph (c)(1)(ii) of § 1.214A–1, and the determination as to whether a spouse is physically or mentally incapable of caring for himself shall be made on a daily basis in accordance with paragraph (b)(2) of such section. Thus, for example, if a taxpayer is gainfully employed throughout the taxable year on a substantially full-time basis but his spouse ceases on August 17 of such year to be employed on a substantially full-time basis and on November 16 of the same year becomes physically or mentally incapable of caring for herself, an allocation must be made to determine the period ending on August 17 during which both spouses are gainfully employed on a substantially full-time basis, and the incapacitated spouse is to be treated as a qualifying individual described in section 214(b)(1)(C) only for the period commencing with November 16. Employment-related expenses incurred from August 18 through November 15 may not be taken into account since only one spouse is gainfully employed on a substantially full-time basis during such period and the other spouse is not physically or mentally incapable of caring for herself during such period.

(c) *Certain married individuals living apart.* For purposes of section 214 an individual who for his taxable year would be treated as not married under section 143(a)(2), or would be treated as not married under section 143(b) if paragraph (1) of such section referred to any dependent of the taxpayer (and not simply to a son, stepson, daughter, or stepdaughter of such individual), shall be treated as not married for such taxable year. Thus, an individual who is married within the meaning of section 143(a) will be treated as not married for his entire taxable year for purposes of section 214, if—

(1) He files a separate return for such year,

(2) He maintains as his home a household which constitutes for more than one-half of such year the principal place of abode of one or more of his dependents with respect to whom he is entitled to a deduction under section 151 for such year,

(3) He furnishes over one-half of the cost of maintaining such household for such year, and

(4) His spouse is not a member of such household for any part of such year.

Thus, for example, an individual who is married during the taxable year and is living apart from his spouse, but is not legally separated under a decree of divorce or separate maintenance, may, if he is treated as not married by reason of this paragraph, determine the limitation upon the amount of his employment-related expenses without taking into account the adjusted gross income of his spouse under § 1.214A–2(c)(2), without complying with the requirement under paragraph (a) of this section for filing a joint return with his spouse, and without complying with the requirement under paragraph (b) of this section that his spouse be gainfully employed. The principles of § 1.143–1(b) shall apply in making determinations under this paragraph.

§ 1.214A–5 Other special rules relating to employment-related expenses.

(a) *Payments to related individuals.* No deduction will be allowed under section 214(a) and § 1.214A–1(a) for the amount of any employment-related expenses paid by the taxpayer to an individual who bears to the taxpayer any relationship described in section 152(a)(1) through (8). These relationships are those of a son or daughter or descendant thereof; a stepson or stepdaughter; a brother, sister, stepbrother, or stepsister; a father or mother or an ancestor of either; a stepfather or stepmother; a nephew or niece; an uncle or aunt; or a son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law. In addition, no deduction will be allowed under section 214(a) for the amount of any employment-related expenses paid by the taxpayer to an individual who qualifies as a dependent of the taxpayer for the taxable year within the meaning of section 152(a)(9), which relates to an individual (other than the taxpayer's spouse) whose principal place of abode for the taxable year is the home of the taxpayer and who is a member of the taxpayer's household.

(b) *Expenses qualifying as medical expenses.* An expense which may constitute an amount otherwise deductible under section 213, relating to medical, etc., expenses, may also constitute an expense for which a deduction is allowable under section 214(a) and § 1.214A–1(a). In such a case, that part of the amount for which a deduction is allowed under section 214(a) will not be considered as an expense allowable as a deduction under section 213. On the other hand, where an amount is treated as a medical expense under section 213 for purposes of determining the amount deductible under that section, it may not be treated as an employment-related expense for purposes of section 214. The application of this paragraph may be illustrated by the following examples:

Example (1). A taxpayer pays $520 of employment-related expenses in the taxable year for the care of his child during one month of such year when the child is physically incapable of caring for himself. These expenses are incurred for services performed in the taxpayer's household and are of a nature which qualify as medical expenses under section 213. The taxpayer's adjusted gross income for the taxable year is $5,000. Of the total expenses, the taxpayer may take $400 into account under section 214; the balance of the expenses, or $120, may be treated as medical expenses to which section 213 applies. However, this amount does not exceed 3 percent of the taxpayer's adjusted gross income for the taxable year and is thus not allowable as a deduction under section 213.

Example (2). Assume the same facts as in example (1). In such case it is not proper for the taxpayer first to determine under section 213 his deductible medical expenses of $370 ($520 − [$5,000×3%]) and then claim the $150 balance as employment-related expenses for purposes of section 214. This result is reached because the $150 balance has been treated as a medical expense in determining the amount deductible under section 213.

Example (3). A taxpayer incurs and pays $1,000 of employment-related expenses each month during the taxable year for the care of his child. These expenses are incurred for services performed in the taxpayer's household, and they also qualify as medical expenses under section 213. The taxpayer's adjusted gross income for the taxable year is $18,000. No reduction in the amount of the expenses is required under § 1.214A–3, and the taxpayer takes $4,800 ($400×12) of such expenses into account under section 214. The balance, or $7,200, he treats as medical expenses for purposes of section 213. The allowable deduction under section 213 for such expenses is limited to the excess of such balance of $7,200 over $540 (3 percent of the taxpayer's adjusted gross income of $18,000), or $6,660.

[FR Doc.76–7535 Filed 3–18–76;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

PART 174—OCEAN TRANSPORTATION SERVICE

Changes of Organizational Titles and Addresses

Pursuant to the authority vested in the Secretary of Defense by the provisions of 5 U.S.C. 301 and 10 U.S.C. 125 and 133, Part 174 of 32 CFR is amended as follows to reflect nonsubstantive changes of organizational nomenclature and addresses:

1. In § 174.3(b), seventh line, the address of the Commander, Military Sealift Command, Atlantic (MSCLANT) is changed from "New York, New York" to "Bayonne, New Jersey."

2. In § 174.3(f), 22nd and 23rd lines, the title of the "Deputy Executive Director for Transportation" is changed to "Deputy Executive Director."

3. In § 174.3(f), 38th through 50th lines, the titles, addresses, and telephone numbers of the Commander and staff, Military Sealift Command, Atlantic, are changed to read as follows:

Commander, Military Sealift Command, Atlantic, Military Ocean Terminal, Bldg. 42, Bayonne, NJ 07002. Commander—(201 area code) 858–7504; Civilian Personnel Officer—858–6683; Assistant Chief of Staff (Operations & Readiness)—858–7516; Engineering Officer—858–7431; Supply Officer—858–7424;

Comptroller—858–7572; Counsel—858–7510; Public Affairs—858–7611.

4. In § 174.4(d), sixth and seventh lines, and § 174.4(e), fourth and fifth lines, the title of the "Military Traffic Management and Terminal Service" is changed to "Military Traffic Management Command."

It is determined that public rulemaking procedures are not required in connection with the foregoing amendments.

Dated: April 5, 1976.

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

[FR Doc.76–10557 Filed 4–12–76;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Pension, Compensation, and Dependency and Indemnity Compensation; Annual Income

On page 5304 of the FEDERAL REGISTER of February 5, 1976, there was published a notice of proposed regulatory development to amend Part 3, Title 38, Code of Federal Regulations, relating to income of claimants. The specific dollar amounts of income limitations have been deleted from §§ 3.251 and 3.252 inasmuch as statutory provisions prescribing the rates payable and the maximum annual income limitations permitting payments are incorporated in Title 38, United States Code and incorporated in published rate schedules for Veterans Administration purposes.

Interested persons were given 30 days in which to submit comments, suggestions or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These VA Regulations are effective January 1, 1976.

Approved: April 7, 1976.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

1. In § 3.251, paragraph (a) is revised to read as follows:

§ 3.251 Income of parents; dependency and indemnity compensation.

(a) *Annual income limitations and rates.* (1) Dependency and indemnity compensation is not payable to a parent or parents whose annual income exceeds the limitations set forth in 38 U.S.C. 415 (b), (c) or (d).

(2) Where there is only one parent, and the parent has remarried and is living with his or her spouse, dependency and indemnity compensation will be paid under either the formula in 38 U.S.C. 415 (b)(1) or the formula in 38 U.S.C. 415 (d), whichever will provide the greater monthly rate of dependency and indemnity compensation. The total combined annual income of the parent and spouse will be counted. (38 U.S.C. 415)

(3) Where the claim is based on service in the Commonwealth Army of the Philippines, or as a guerrilla or as a Philippine Scout under section 14, Public Law 190, 79th Congress, the income limitation will be computed at a rate in Philippine pesos equivalent of $0.50 for each dollar. See § 3.100(b). (38 U.S.C. 107)

(4) If the remarriage of a parent has been terminated, or the parent is separated from his or her spouse, the rate of dependency and indemnity compensation for the parent will be that which would be payable if there were one parent alone or two parents not living together, whichever is applicable.

(5) Where there are two parents living and only one parent has filed claim, the rate of dependency and indemnity compensation will be that which would be payable if both parents had filed claim.

* * * * *

2. § 3.252, paragraphs (a) and (b) are revised to read as follows:

§ 3.252 Annual income; pension; Mexican border period and later war periods.

(a) *Annual income limitations; protected pension.* Where the right to pension under laws in effect on June 30, 1960, is protected under § 3.956, pension is not payable to a veteran, widow or widower or child whose annual income exceeds the income limitations prescribed by Section 4 of Pub. L. 90–275 (82 Stat. 64), as amended.

(b) *Annual income and net worth limitations; Pub. L. 86–211.* Pension is not payable to a veteran, widow or widower or child whose annual income exceeds the limitations set forth in 38 U.S.C. 521, 541 or 542; or to a veteran, widow or widower or child if it is reasonable that some part of the claimant's estate be consumed for his or her maintenance. Where a veteran and spouse are living together, the separate income of the spouse will be considered as the veteran's income as provided in § 3.262(b). (38 U.S.C. 543)

[FR Doc.76–10590 Filed 4–12–76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14–1—GENERAL

Advance Procurement Planning

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Part 14–1 of Chapter 14 of Title 41 of the Code of Federal Regulations is hereby amended as stated herein.

It is the general policy of the Department of the Interior to allow time for interested parties to participate in the rulemaking process. However, the amendments herein prescribe policy and procedures for advance procurement planning within the Department and are entirely administrative in nature. Therefore, the public rulemaking process is waived in this instance and the amendments are effective immediately.

Dated: April 6, 1976.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

1. The Table of Contents of Part 14–1 is amended by adding a new Subpart 14–1.50 and new §§ 14–1.5000 through 14–1.5005 as follows:

Subpart 14–1.50—Advance Procurement Planning

Sec.
14–1.5000 Scope of subpart.
14–1.5001 General.
14–1.5002 Policy.
14–1.5003 Applicability.
14–1.5004 Preparation.
14–1.5005 Review.

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

2. Part 14–1 is amended by adding a new Subpart 14–1.50 as follows:

Subpart 14–1.50—Advance Procurement Planning

§ 14–1.5000 Scope of subpart.

This subpart prescribes Departmental policy and procedures to be used by procuring activities relative to advance procurement planning.

§ 14–1.5001 General.

Advance procurement planning is the means by which the efforts of all personnel responsible for procurement by contract are coordinated as early as practicable in order to timely schedule procurement activities for a coming fiscal year. An advance procurement plan serves as the principal planning document for monitoring and updating, as necessary, procurement activities during a fiscal year.

§ 14–1.5002 Policy.

It is the policy of the Department of the Interior that technical, program, budget, and procurement officials in each procuring activity shall cooperatively prepare advance procurement plans for anticipated procurement requirements for each fiscal year in order to:

(a) properly schedule initiation of procurement actions to meet program needs;

(b) plan a uniform distribution of procurement workload throughout an entire fiscal year;

(c) determine the adequacy of current program and procurement manpower resources in meeting anticipated procurement requirements; and

(d) establish a system for monitoring procurement activities and a means of updating the scheduling of procurement actions as changes in requirements occur.

§ 14–1.5003 Applicability.

The policies and procedures set forth in this Subpart 14–1.50 shall apply to all procuring activities within the Depart-

ment of the Interior. The head of each procuring activity shall develop and publish an appropriate directive to properly implement the requirements of this Subpart 14–1.50 within his respective activity, and shall make sure that such directive is made available to, and fully incumbent upon, each segment of his organization having responsibility for development and implementation of the procurement planning required by this Subpart 14–1.50. The head of each procuring activity shall also take positive action to assure that complete cooperation among the segments of his organization responsible for the development and implementation of procurement planning is exercised at all times in such a manner as to produce maximum results.

§ 14–1.5004 Preparation.

Advance procurement plans should be prepared in accordance with the guidelines contained in this § 14–1.5004, as applicable.

(a) At the earliest practicable date prior to the beginning of each fiscal year, project and program officials should analyze their procurement requirements for the coming fiscal year and prepare, after coordination with responsible procurement and other staff officials, an advance procurement plan.

(b) The plan should include a schedule for initiation of procurement actions including the date of initiation, a description of the supplies or services to be procured, the contemplated method of procurement (formally advertised or negotiated), the estimated amount of the action, and any factors which may require special consideration during the procurement process.

(c) The plan should be monitored and updated through coordination between responsible program and procurement officials as changes in requirements occur during the period covered by the plan.

(d) For individual or classes of complex procurements listed on an advance procurement plan, the procurement official should prepare a detailed procurement plan outlining significant milestones to be accomplished during the procurement cycle after receipt of the request for procurement action(s). The plan should include information necessary to predict potential problem areas and delays in advance, measure performance in comparison to planned activities, and provide for early resolution of difficulties.

§ 14–1.5005 Review.

The degree of compliance with the policy and procedures contained in this Subpart 14–1.50, and the effectiveness of the policy and procedures, will be evaluated during the course of routine audits by the departmental audit staff.

[FR Doc.76–10563 Filed 4–12–76;8:45 am]

PART 114–38—MOTOR EQUIPMENT MANAGEMENT

Subpart 114–38.51—Motor Vehicle Assignment Standards

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and 40 U.S.C. 486(c), a new Subpart 114–38.51 is added to Part 114–38, Chapter 114, Title 41 of the Code of Federal Regulations, as set forth below.

This amendment relates only to matters of internal Department practice. It is, therefore, determined that the public rule making procedure is unnecessary and this amendment shall become effective on the date of publication in the FEDERAL REGISTER.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

APRIL 6, 1976.

Sec.

Subpart 114–38.51—Motor Vehicle Assignment Standards

§ 114–38.5100 Scope of subpart.

This regulation establishes standards and procedures governing the assignment and use of motor vehicles acquired by any means for official purposes.

§ 114–38.5101 Purpose.

The purpose of this regulation is to provide criteria and guidelines for use in monitoring the assignment and use of motor vehicles to ensure that the number of vehicles operated is kept to the minimum necessary to provide economical and efficient transportation service for authorized programs.

§ 114–38.5102 Responsibility.

The head of each Bureau and Office is responsible for establishing a motor vehicle management program which will include, as a minimum:

(a) A system for the allocation of motor vehicles based upon the requirements of authorized program activities;

(b) The establishment and maintenance of such records as may be necessary to provide management with sufficient data on an annual basis to determine that all vehicles meet or exceed prescribed utilization objectives.

(c) An annual analysis of the above data by management and appropriate program personnel at the regional, state, or area level to determine if:

(1) Additional vehicles are required;

(2) Fewer vehicles are required, and if so, what disposal action is needed (reassignment, return to motor pool, declaration as excess, etc.);

(3) There may be possible benefits to the program from reassignment or rotation of motor vehicles;

(4) There are concentrations of vehicles where a pooling concept can be used to the most practical extent;

(5) All or part of the requirements can more economically be provided through the use of intermittent rentals or privately-owned vehicles.

§ 114–38.5103 Determination of requirements.

In determining the requirements for motor vehicles, consideration shall be given to the following:

(a) The types of vehicles having the minimum capacity/performance needed to meet the operational requirements of a particular program;

(b) The number of each type of vehicle needed to accomplish the program objective;

(c) The extent of intended use, i.e., the cargo or number of passengers to be transported, the frequency and types of trips, etc. Dual purpose vehicles capable of hauling both personnel and light cargo shall be used whenever appropriate to avoid the need for two vehicles when one can serve both purposes;

(d) The reassignment of existing vehicles to meet the requirement;

(e) The feasibility of obtaining the required motor vehicle support from the Interagency Motor Pool System;

(f) Lease or rental from commercial sources, especially in those instances where the requirement is for a period of three months or less; and

(g) The feasibility and economy of using a privately-owned vehicle.

§ 114–38.5104 Limitations.

(a) A motor vehicle will not be assigned for the exclusive use of one individual unless such assignment is required by the nature of the individual's responsibilities or by the frequency, urgency, and extent of the daily requirements for motor vehicle services.

(b) Truck-type vehicles will not be acquired for passenger use merely to avoid the limitations on passenger-carrying vehicles.

(c) Light trucks (capacity of 1-ton or less) shall not be acquired for addition to a fleet unless there is a known requirement for a period of at least eighteen months. For heavier trucks, the known requirement must exist for a period of at least 24 months.

(d) Motor vehicles will be acquired from excess sources only when the costs of such acquisitions (reimbursement, transportation, and repairs/rehabilitation needed to ensure safe operation) do not exceed the one-time repair cost formula set forth below.

(e) Except in those instances where replacement is administratively determined to be impractical, a motor vehicle should be replaced in lieu of being re-

paired when the cost of repairs is expected to exceed the economic value of the vehicle. The following table is established as a guide to be used in determining this one-time repair limit on the basis of age:

Age of vehicle (in years):	*One-time repair limit in percentage of replacement cost*
1	50
2	45
3	40
4	35
5	30
6	25
7	18
8	11
9	5

§ 114–38.5105 Allocation and utilization criteria.

The following guidelines are established to fulfill the need for standards for use in evaluating the need for motor vehicles to ensure compliance with the policy that motor vehicle inventories should be maintained at a minimum level.

(a) Due to variations in program requirements, a vehicle quota or table of allowance is not always applicable. However, vehicle managers should always consider the ratio of sedans, station wagons, and light trucks to the number of employees. Whenever this exceeds the ratio of one per three employees at any location, the manager should review the circumstances and determine any corrective actions that should be taken.

(b) Annual mileage is a utilization indicator and, while not always appropriate, it is easily measured and understood. The acquisition, allocation, or retention of any general purpose vehicle will be subject to management review at the regional, state, or area level when the annual mileage is less than the following minimums:

Type of vehicle:	*Minimum annual mileage*
Sedan and station wagon	6,000
Bus	2,000
Truck, 1-ton and less, 4 by 2	4,000
Truck, 1-ton and less, 4 by 4	3,000
Truck, 1½ to 2½ tons	3,000
Truck, all other	2,000

[FR Doc.76-10564 Filed 4-12-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-291]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Exemption From Medium Frequency Radiotelephone Requirements

By the Commission: Commissioners Lee and Quello absent.

In the Matter of: Amendment of Part 83 of the rules to grant a general exemption from the medium frequency radiotelephone requirements of Title III, Part III of the Communications Act to certain vessels navigated in waters contiguous to Hawaii and the Virgin Islands. An editorial amendment is also included herein.

1. By this Order, the Commission is amending Part 83 of the rules to grant a general exemption from the medium frequency radiotelephone requirements of Title III, Part III of the Communications Act to U.S. vessels subject thereto which are less than 100 gross tons, when they are navigated in waters off the Coast of Hawaii or the Virgin Islands, provided that they are equipped with VHF installations meeting the requirements of subpart T of Part 83 of the Commission's rules, and remain within effective communications range of U.S. Coast Guard or public coast stations operating in the band 156–162 MHz.

2. Presently § 83.514 of the Commission's rules provides for exemptions on an individual basis for vessels meeting requirements similar to those set forth herein. The number of exemptions requested by those individuals operating vessels in waters off the coast of Hawaii and the Virgin Islands has been increasing. In almost all cases the specified requirements are met and the exemptions are issued.

3. It is felt that the existing VHF radiotelephone coverage in Hawaii and the Virgin Islands makes the requirement of medium frequency equipment unnecessary for the purposes of Part III of Title III of the Act for vessels operating within the parameters set out in the Appendix, and therefore, pursuant to Section 383 of the Communications Act, a general exemption is warranted. It is not intended, however, that this exemption affect in any way the Commission's rules pertaining to the determination of station coverage area.

4. It further appears that the public convenience will be served by making it unnecessary for operators of vessels within the established criteria to file individual exemption applications.

5. In addition, in order to provide for a more logical format and reduce the use of legalese, subpart Y of Part 83 is deleted and reserved and the exemption orders previously located therein are editorially amended and redesignated under the subpart to which the specific exemption pertains.

6. In that the amendments adopted herein are editorial in nature or advise the public prospectively of the manner in which the Commission proposes to exercise its discretionary power as to exemptions, the prior notice, procedure and effective date provisions of 5 U.S.C. § 553 are not applicable.

7. *It is ordered,* that pursuant to the authority contained in sections 4(i) and 383 of the Communications Act of 1934, as amended, Part 83 of the Commission's rules is amended effective April 14, 1976, as set forth in the attached Appendix.

Adopted: March 30, 1976.

Released: April 8, 1976.

(Sec. 4, 48 Stat., as amended, 1066; sec. 383, 70 Stat., 1047; 47 U.S.C. 154, 383)

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

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In Subpart R, a new § 83.480 is added to read as follows:

§ 83.480 General exemptions.

All U.S. passenger vessels of less than 100 gross tons, not subject to the radio provisions of the Safety Convention, are exempt from the radiotelegraph provisions of Title III, Part II, of the Communications Act, provided that the vessels are navigated not more than 100 nautical miles from the nearest land and are equipped with a radiotelephone installation fully complying with the provisions of Part III of Title III of the Communications Act and the Commission's rules and regulations made pursuant thereto, including the requirements with respect to certificates, operators and listening watches. This exemption may be terminated at any time without hearing if, in the Commission's discretion, the need for such action arises.

2. A new § 83.532 is added to read as follows:

§ 83.532 General exemptions.

(a) Subject U.S. vessels which are less than 50 gross tons and are navigated not more than 1,000 feet from the nearest land at mean low tide are exempt from the provisions of Title III, Part III of the Communcations Act.

(b) Subject U.S. vessels which are less than 100 gross tons and are equipped with VHF installations meeting the requirements of this Subpart are exempt from the medium frequency radiotelephone requirements of Title III, Part III of the Communications Act and the Commission's rules and regulations made pursuant thereto, when navigated in waters contiguous to Hawaii or the Virgin Islands, provided that the vessels remain within effective communications range of U.S. Coast Guard or public coast stations operating in the band 156–162 MHz.

(c) These exemptions may be terminated at any time without hearing, if in the Commission's discretion, the need for such action arises.

Subpart Y [Deleted] and [Reserved]

3. Subpart Y is deleted and reserved.

[FR Doc.76-10593 Filed 4-12-76;8:45 am]

[FCC 76-289]

PART 95—CITIZENS RADIO SERVICE

Emission Modes and License Requirements

By the Commission: Commissioners Lee and Quello absent.

In the matter of: Deletion of Section 95.97(a) of the Commission's Rules concerning permissible emission modes and operator license requirements in the Citizens Radio Service.

1. By this Order the Commission intends to clarify both the types of emissions available to stations operated in the Citizens Radio Service and license requirements in the Citizens Radio Service.

2. Presently, § 95.11 of the Commission's Rules provides that stations operated in the Citizens Radio Service must do so under station authorizations issued by the Commission. Section 95.47 of the Rules authorizes Class C Citizens Service licensees to use amplitude tone modulation or on-off unmodulated carrier only, while transmitters of Class D licensees are authorized to use amplitude voice modulation, either single or double sideband. Class A licensees are normally restricted to the transmission of radiotelephony, although other emission modes may be authorized by the Commission upon a special showing of need.

3. Section 95.97(a) of the Rules currently states, however, that no operator license is required to operate a station in the Citizens Radio Service, "except that stations manually transmitting Morse code shall be operated by the holders of a third or higher class radiotelegraph operator license."

4. When read in isolation, we believe it is possible mistakenly to interpret § 95.97(a) as permitting both operation of a transmitter in the Citizens Radio Service without a license of any sort, although a station license is required by § 95.11 of the Rules, and transmission of telegraphy in the Citizens Radio Service, a practice not normally authorized by § 95.47 of the rules.

5. In order to clarify the existing Rules that a valid station authorization is required for operation of a transmitter in the Citizens Radio Service and that telegraphy is not normally an authorized emission mode, we are hereby deleting § 95.97(a) of the rules in its entirety.

6. Authority for this amendment appears in sections 4(i) and 303 of the Communications Act of 1934, as amended. We consider this to be a minor amendment of the Commission's Rules because it merely clarifies existing rule requirements by deleting superfluous and misleading material, and we therefore find that both the prior notice and public procedure provisions of the Administrative Procedure Act, 5 U.S.C. 553 are unnecessary.

7. Accordingly, in view of the foregoing, *It is ordered*, That § 95.97 of the Commission's rules is amended as set forth in the attached Appendix effective April 14, 1976.

Adopted: March 30, 1976.
Released: April 8, 1976.

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

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

Part 95 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

In § 95.97 paragraph (a) is deleted and designated [Reserved].

[FR Doc.76-10594 Filed 4-12-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[S.O. 1102, Amdt. 8]

PART 1033—CAR SERVICE

Delaware and Hudson Railway Co. and Penn Central Transportation Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 7th day of April, 1976.

Upon further consideration of Service Order No. 1102 (37 F.R. 13697, 28634; 38 F.R. 17843, 33086, 33302; 39 F.R. 18655, 41853; 40 F.R. 24005 and 55860), and good cause appearing therefor:

It is ordered, That:

§ 1033.1102 Service Order 1102.

Delaware and Hudson Railway Company and Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees, authorized to assume joint supervisory control over railroad operations of Albany Port District Commission, Albany, New York be, and it is hereby, amended by changing the name Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees, wherever it appears in this order, to Consolidated Rail Corporation (ConRail).

Effective date. This amendment shall become effective at 12:01 a.m., April 8, 1976.

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

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

By the Commission, Railroad Service Board, Members Lewis R. Teeple, Thomas J. Byrne, and William J. Love.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-10632 Filed 4-12-76;8:45 am]

[Rev. S.O. No. 1210, Amdt. 3]

PART 1033—CAR SERVICE

Providence and Worcester Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 7th day of April, 1976.

Upon further consideration of Service Order No. 1210, (40 F.R. 7452, 19478 and 41 F.R. 4929), and good cause appearing therefor:

It is ordered, That:

§ 1033.1210 Service Order 1210.

Providence and Worcester Company authorized to operate over tracks of Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, trustees; Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur trustees, authorized to operate over tracks of Providence and Worcester Company be, and it is hereby, amended by changing the name Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees, wherever it appears in this order, to Consolidated Rail Corporation (ConRail).

Effective date. This amendment shall become effective at 12:01 a.m., April 8, 1976.

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

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

By the Commission, Railroad Service Board, Members Lewis R. Teeple, Thomas J. Byrne, and William J. Love.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-10634 Filed 4-12-76;8:45 am]

[S.O. No. 1231, Amdt. 1]

PART 1033—CAR SERVICE

Penn Central Transportation Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 7th day of April, 1976.

Upon further consideration of Service Order No. 1231, (41 F.R. 8480), and good cause appearing therefore:

It is ordered, That:

§ 1033.1231 Service Order 1231.

Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, trustees, authorized to operate over tracks of Louisville and Nashville Railroad Company be, and it is hereby, amended by changing the name Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees, wherever it appears in this order, to Consolidated Rail Corporation (ConRail).

Effective date. This order shall become effective at 12:01 a.m., April 8, 1976.

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

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

By the Commission, Railroad Service Board, members Lewis R. Teeple, Thomas J. Byrne, and William J. Love.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-10633 Filed 4-12-76;8:45 am]

[S.O. 1239]

PART 1033—CAR SERVICE

Burlington Northern Inc.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 5th day of April, 1976.

It appearing, That portions of the lines of the former Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees, (PC) in the vicinity of Ladd, Illinois, have been abandoned; that other portions of these lines have been transferred to carriers other than Consolidated Rail Corporation (ConRail); that other portions have been transferred to ConRail; that, as a consequence of these abandonments and transfers of rail lines a rearrangement of operations in this area by the Burlington Northern Inc. (BN) and the Chicago and North Western Transportation Company (CNW) is necessary in order to continue the interchange of traffic between these lines and ConRail, the successor to the PC; that such rearrangements of operations require the use by the BN of certain tracks of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) and by the CNW of certain tracks of the MILW and of the BN; that the MILW has consented to such use of its tracks by the BN and the CNW; that the BN has consented to such use of its tracks by the CNW; that operations by the BN over the aforementioned tracks of the MILW and by the CNW over the tracks of the MILW and BN are necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1239 Service Order 1239.

(a) Burlington Northern Inc. authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company; Chicago and North Western Transportation Company authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company and over tracks of Burlington Northern Inc. The Burlington Northern Inc. (BN) and the Chicago and North Western Transportation Company (CNW) be, and they are hereby authorized to operate over tracks of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) between LX Tower at Ladd Junction, Illinois, MILW milepost 82.0 and Seatonville Junction, Illinois, MILW milepost 84.2, a distance of approximately 2.2 miles, and;

(b) The CNW be, and it is hereby authorized to operate over tracks of the BN between Seatonville Junction, Illinois, MILW milepost 84.2 and a connection with the Consolidated Rail Corporation (ConRail) at Howe, Illinois, former Penn Central milepost 188.27, a distance of approximately 3.51 miles.

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

(d) *Rates applicable.* Inasmuch as this operation by the BN over tracks of the MILW and by the CNW over tracks of the MILW and of the BN is deemed to be due to carriers' disability, the rates applicable to traffic moved by the BN and CNW over these tracks of the MILW and BN shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(e) *Effective date.* This order shall become effective at 12:01 a.m., April 7, 1976.

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

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

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

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

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-10631 Filed 4-12-76;8:45 am]

[No. 36135]

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

Publication of Exceptions Ratings Higher Than Classification Ratings

Notice of the institution of this rulemaking was published in the April 30, 1975, issue of the FEDERAL REGISTER (40 F.R. 18797). In that notice we announced our intention to consider the amendment of part 1307 of the Code of Federal Regulations for the purpose of establishing therein a regulation which would alert the Commission to the publication by motor carriers of exceptions rating higher than the classification basis. The regulation requires that tender to the Commission of a tariff provision (with certain exceptions) which would result in a higher charge than would result from application of the classification class or rating and rules to the class rates be accompanied by a statement of justification.

These changes are issued under authority of sections 216, and 217 of the Interstate Commerce Act (49 U.S.C. 1 et seq.) and sections 553 and 559 of the Administrative Procedure Act (5 U.S.C. 553 and 559).

ORDER

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 10th day of March 1976.

Upon consideration of the record in the above-captioned proceeding including the Notice of Proposed Rulemaking and Order, served April 28, 1975, and the comments received from various motor carrier rate bureau respondents and interested shippers, and government agencies; and

It appearing, That the revision of the rules respecting publication of exceptions ratings higher than the classification rating, will discourage the publication of presumptively unlawful tariffs, will reduce shipper expenses of litigating damage claims and monitoring tariffs, and will also facilitate the Commission's task of monitoring tariffs;

Wherefore, and good cause appearing therefor:

It is ordered, That Subpart A of Part 1307 of Chapter X of Title 49 of the Code of Federal Regulations be. and it is hereby, amended by adding a new § 1307.-28(a)(4) to read as follows:

§ 1307.28 Statement of rates.

(a) *Explicit statement; maximum reasonableness.* * * *

(4) It is a principle of longstanding that classification classes or ratings and rules, together with the class rates governed thereby, generally provide the highest rates and charges which an article should bear. It follows that any tariff provision (e.g. exceptions rating, commodity rate, charge, rule, et cetera) the application of which in any case would result in a higher charge than otherwise would result from application of the classification class or rating and rules to the class rates would require

special justification. Therefore, accompanying the tender to the Commission of a tariff, supplement, or looseleaf page which names such a tariff provision, there shall be a clear statement by the publishing motor common carrier or agent of the justification relied upon to warrant the higher charges. Any such publication not accompanied by a statement of justification shall be subject to rejection. This subparagraph does not apply (1) in connection with minimum charges for small shipments (provided they are based on weights not over 500 pounds), (2) with respect to publication of rates and provisions for a special service which under the tariff the shipper has the option of using by requesting it in writing (e.g. expedited service, exclusive use of vehicle, et cetera), and (3) where no class rates are maintained by the carrier for whose account the class or rating, commodity rate or rule is published. Nor does this rule serve to prohibit publications of class rate arbitraries under authority of paragraph (b) of this section. (See §§ 1307.28(f)(5) and 1307.32 for provisions governing the alternation of commodity rates with class rates, and see § 1307.37(d)(3), prohibiting alternation of exceptions with the classification.)

* * * * *

It is further ordered, That this order shall become effective 35 days from the date of service of this order.

It is further ordered, That notice of this order be given to the general public by mailing a copy to each party to the proceedings in No. 36135, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., 20423, for public inspection, and by delivering a copy to the Director, Office of the Federal Register, for publication therein as notice to all interested persons.

And it is further ordered, That this proceeding be, and it is hereby, discontinued.

This 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.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-10638 Filed 4-12-76;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Chincoteague National Wildlife Refuge, Virginia

The regulations on public access, use and recreation, 50 CFR Part 28.28 on the Chincoteague National Wildlife Refuge published in the Federal Register, Volume 40, Number 241, page 58148—Monday, December 15, 1975 are revised as follows and are effective during the period April 15, 1976 through December 31, 1976.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Entry into the refuge is permitted between the hours of 4:00 a.m. to 10:00 p.m. daily for the purposes of sightseeing, nature study, wildlife observation, photography, hiking, beachcombing, sunbathing, and fishing, including clamming and crabbing, as posted. Swimming and surfing are permitted along the entire refuge beach. Lifeguards are not provided. Entry into the refuge by boat is permitted at the designated public use area at Tom's Cove Hook and Assateague Point.

Operation of registered motor vehicles and bicycles is permitted on designated access roads, trails, and parking areas. Riding of horses and other saddle animals is permitted only along the shoulder of the access road to the Coast Guard crossover and thence along the beach southward from that point. Pets must remain in vehicles at all times.

Off-road travel by oversand vehicles is permitted only on designated routes within the public use areas at Tom's Cove Hook on the beach seaward of the primary dune line. An annual permit issued by the refuge manager at a fee of $5.00 is required for oversand vehicle use. Such permits are not transferable, shall be displayed as directed by the refuge manager, and shall be valid from April 15, 1976 to April 14, 1977.

All oversand vehicles must conform to applicable State laws having to do with licensing, registering, inspecting and insuring of such vehicles.

All oversand vehicles must carry at all times on the beach: shovel, jack, tow rope or chain, board or similar support for the jack and low pressure tire gauge.

No permit will be issued for a vehicle which does not meet the following standards:

On 4-wheel-drive vehicles:	
Maximum vehicle length	26 ft.
Maximum vehicle width	8 ft.
Minimum ground clearance	7 in.
Gross vehicle weight	10,000 lbs.
Maximum number of axles	2.
Maximum number of wheels per axle	2.

On two-wheel drive vehicles in addition to the six items listed above:

Minimum width of tire contact on the sand	8 in. each wheel.
Tires with regular mud/snow tread	Not acceptable.

The refuge manager may issue a single trip permit for a vehicle of greater weight or length when such use is not inconsistent with the purposes of the regulations.

Twelve oversand vehicles are permitted per mile of beach. The refuge manager may temporarily close or limit access to the beach when this level is reached. Over-sand vehicle permits issued by the National Park Service for operation on the Assateague National Seashore will also be honored for operation on the designated over-sand vehicle routes within the public use areas at Tom's Cove Hook.

Fishermen who hold special overnight beach-fishing permits issued jointly by the Superintendent, Assateague Island National Seashore, and the Refuge Manager, Chincoteague National Wildlife Refuge, may remain on the refuge between the hours of 10:00 p.m. and 4:00 a.m. on the dates for which such permit is issued.

Organized youth-group and backpack camping is permitted by advance reservation only in National Park Service operated campsites located on the refuge. Permits may be obtained from the Superintendent, Assateague Island National Seashore.

Picnicking is permitted at Tom's Cove Hook in areas designated by the National Park Service.

The possession of any drugs or substances, or immediate precursors, identified in Schedules I, II, III, IV, or V of Part B of the Controlled Substances Act, 21 U.S.C. 812, or any drugs or substances added to these schedules pursuant to the terms of the Act, is prohibited on the refuge unless such drugs or substances were obtained in accordance with law. Presence in the refuge when under the influence of a controlled substance to a degree that may endanger oneself or another person or property, or may interfere with another person's enjoyment of the refuge is prohibited.

The refuge, comprising approximately 9,840 acres, is delineated on a map available from the Refuge Manager, Chincoteague National Wildlife Refuge, P.O. Box 62, Chincoteague, Virginia 23336, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

DAVID F. RILEY,
Acting Regional Director,
U.S. Fish and Wildlife Service.

APRIL 6, 1976.

[FR Doc.76-10518 Filed 4-12-76;8:45 am]

PART 33—SPORT FISHING

J. Clark Salyer National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on April 13, 1976.

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

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Sport fishing on the J. Clark Salyer National Wildlife Refuge, North Dakota, is permitted during spring, summer and fall only on the areas designated by signs as open to fishing. These open areas, comprising 1,000 acres or 9 per cent of the total water area of the refuge, are delineated on a map and described in a leaflet available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) All waters within the boundaries of the J. Clark Salyer National Wildlife Refuge, designated as open to fishing by the Refuge Manager, shall be open to the taking of all fish from May 1, 1976 through September 30, 1976, from dawn to 10 p.m. only. The open areas shall then be closed to all boat fishing but remain open to bank and ice fishing from October 1, 1976, through March 27, 1977, from dawn to 10 p.m. only. In addition, all refuge waters shall be open to ice fishing from dawn to 10 p.m. only. All Refuge waters shall then be closed to all fishing from March 28, 1977, through May 6, 1977.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 27, 1977.

JON M. MALCOLM,
Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, North Dakota 58789.

APRIL 4, 1976.

[FR Doc.76-10561 Filed 4-12-76;8:45 am]

proposed rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1250]

EGG RESEARCH AND PROMOTION

Proposed Rulemaking

The Egg Research and Promotion Order (40 FR 59190), established pursuant to the Egg Research and Consumer Information Act (Public Law 93-428; 88 Stat. 1171), provides that the Egg Board shall have the power to make rules and regulations, subject to the approval of the Secretary of Agriculture, to effectuate the terms and provisions of the Order, including the designation of handlers responsible for collecting assessments not to exceed 5 cents per 30-dozen case or the equivalent of eggs handled.

STATEMENT OF CONSIDERATION

The Egg Board has formulated and submitted to the Secretary of Agriculture for approval the following regulations which propose: (1) the policy and objective of the Board, (2) the payment of U.S. Department of Agriculture administrative costs, (3) the designation of handlers for paying and reporting, (4) a method for obtaining producer refunds, (5) producer and handler records and reports, and (6) related matters.

The regulations begin by defining terms used in the Act and Order and include terms newly used in this subpart. Newly defined terms include "handle," "cooperating agency," "shell egg packer," and "egg breaker." These definitions clarify terms used in the rules and regulations.

The overall policy and objectives of the Board are stated in § 1250.506. In this section, the Board is directed to show no undue preference to any one of the various industry segments.

The enabling legislation for the Egg Board expressly provided that USDA costs incurred in the administration of the Order will be paid from producer assessments. Section 1250.509 directs the Board to pay these costs as determined by the Secretary.

The major portion of these proposed regulations concerns the payment, the collection, and the remittance by egg producers and handlers of the assessment to the Egg Board. In these regulations, § 1250.514 establishes the rate of assessment at 5 cents per case of commercial eggs and provides for an assessment at a lower rate when set by the Board and approved by the Secretary. The section designates egg producers with 3,000 or less birds and hatching egg producers exempt from payment of assessment. The succeeding section establishes the reporting periods to be used and requires producers to pay collecting handlers the egg assessment.

The Collecting handlers and collection section, § 1250.516, details the responsibility of the various handlers of eggs for collecting and remitting the assessment to the Egg Board. This section establishes the first processor, either egg grader or breaker, as the collecting handler responsible for remitting the assessments with two exceptions. The first exception is the producer who processes a portion of his eggs. The producer is the collecting handler only for those eggs processed. Secondly, the egg handler who buys nest run eggs from producers and sells nest run eggs will be the collecting handler. These handlers will remit payment to the Board and provide a statement to the next handler stating that the assessment has been paid.

In § 1250.517, Remittance to Egg Board, the collecting handler is responsible for remitting the assessment to the Egg Board whether or not the producer pays the assessment. The Board may allow collecting handlers to remit assessments through a cooperating State agency under contract to collect assessments.

To validate producer payment of the assessment, all collecting handlers shall provide receipts when the assessment is paid by the producers. Section 1250.518 also provides that collecting handlers will signify on a receipt the payment of the assessment when transferring eggs to other handlers.

The Act and the Order contain specific requirements that refund provisions be provided for those egg producers not desiring to participate in the program. Section 1250.523 describes the method egg producers should follow when seeking a refund. All applications for refunds must be submitted to the Egg Board within 90 days after the end of the calendar month in which the assessments were paid; payment will be made by the Egg Board within 60 days of the receipt of the request.

To insure compliance with the Order, all collecting handlers are required to register with the Egg Board. Upon registration, collecting handlers will receive an identification number to be used with required reports and official communications. Registration of collecting handlers is covered in § 1250.528. Collecting handlers are required to submit monthly or 4-week accounting period reports with all assessments detailing how many cases of eggs were handled, those eggs on which assessments were paid, and those eggs exempt from assessment.

To protect handlers from obligations to remit assessments on non-assessable eggs, all exempt egg producers are required to file with their egg handlers a certificate reporting their name and the type of exemption under which eggs are produced.

All egg handlers and producers will maintain records for at least 2 years beyond the fiscal period of their applicability. These records are required to be available for inspection by employees of the Department of Agriculture or the Egg Board to insure compliance with the provisions of the Order.

These proposed regulations provide for the use of patents accruing from plans or projects undertaken by the Board. Section 1250.542 states that patents are the property of the U.S. Government as represented by the Board. All funds generated from the use of the patents are subject to the same fiscal, budget, and audit control as other funds of the Egg Board.

The final section of these regulations requires the Board to submit to the Secretary all fiscal matters, programs or projects, rules and regulations, reports, or other substantive action for approval.

All persons who desire to submit written data, views, or comments in connection with this proposal shall file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, no later than May 13, 1976.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed rules and regulations are as follows:

PART 1250—EGG RESEARCH AND PROMOTION

Subpart—Rules and Regulations

AUTHORITY: Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.).

DEFINITIONS

§ 1250.500 Terms defined.

Unless otherwise defined in this subpart, definitions of terms used in this subpart shall be those definitions of terms defined in the Egg Research and Consumer Information Act, hereinafter called the Act, and the Egg Research and Promotion Order, hereinafter called the Order.

(a) Act. "Act" means the Egg Research and Consumer Information Act as it may be amended (Pub. L. 93-428).

(b) Secretary. "Secretary" means the Secretary of Agriculture or any other officer or employee of the Department of Agriculture to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(c) Egg Board or Board. "Egg Board" or "Board" or other designatory term adopted by such Board, with the approval of the Secretary, means the administrative body established pursuant to § 1250.326.

(d) Fiscal period. "Fiscal period" means the calendar year unless the Egg Board, with the approval of the Secretary, selects some other budgetary period.

(e) Egg producer or producer. "Egg producer" or "producer" means any person who either:

(1) Is an egg farmer who acquires and owns laying hens, chicks, and/or started pullets for the purpose of and is engaged in the production of commercial eggs; or

(2) Is a person who supplied or supplies laying hens, chicks, and/or started pullets to an egg farmer for the purpose of producing commercial eggs pursuant to an oral or written contractual agreement for the production of commercial eggs. Such person is deemed to be the owner of such laying hens unless it is established in writing, to the satisfaction of the Secretary or the Egg Board, that actual ownership of the laying hens is in some other party to the contract. In the event the party to an oral contract who supplied or supplies the laying hens cannot be readily identified by the Secretary or the Egg Board, the person who has immediate possession and control over the laying hens at the egg production facility shall be deemed to be the owner of such hens unless written notice is provided to the Secretary or the Egg Board, signed by the parties to said oral contract, clearly stating that the eggs are being produced under a contractual agreement and identifying the party (or parties) under said contract who is the owner of the hens.

(f) Commercial eggs or eggs. "Commercial eggs" or "eggs" means eggs from domesticated chickens which are sold for human consumption either in shell egg form or for further processing into egg products.

(g) Person. "Person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity.

(h) Handle. "Handle" means to grade, carton, process, transport, purchase, or in any way place eggs or cause eggs to be placed in the current of commerce. Such term shall not include the washing, the packing in cases, or the delivery by the producer of his own nest run eggs.

(i) Handler. "Handler" means any person who receives or otherwise acquires eggs from an egg producer, and processes, prepares for marketing, or markets such eggs, including eggs of his own production.

(j) Egg products. "Egg products" means products produced, in whole or in part, from eggs.

(k) Cooperating agency. "Cooperating agency" means any person with which the Egg Board has entered into an agreement pursuant to § 1250.517(c).

(l) Case. "Case" means the standard shipping package containing 30-dozen eggs or the equivalent thereof.

(m) Plans and projects. "Plans" and "projects" mean those research, consumer and producer education, advertising, marketing, product development, and promotion plans, studies, or projects pursuant to § 1250.341.

(n) Representative of a producer. "Representative of a producer" means the owner, officer, or an employee of a producer who has been duly authorized to act in the place and stead of the producer.

(o) Hens or laying hen. "Hen" or "laying hen" means a domesticated female chicken 20 weeks of age or over, raised primarily for the production of commercial eggs.

(p) Hatching eggs. "Hatching eggs" means eggs intended for use by hatcheries for the production of baby chicks.

(q) United States. "United States" means the 48 contiguous States of the United States of America and the District of Columbia.

(r) Promotion. "Promotion" means any action, including paid advertising, to advance the image or desirability of eggs, egg products, spent fowl, or products of spent fowl.

(s) Research. "Research" means any type of research to advance the image, desirability, marketability, production, or quality of eggs, egg products, spent fowl, or products of spent fowl, or the evaluation of such research.

(t) Consumer education. "Consumer education" means any action to advance the image or desirability of eggs, egg products, spent fowl, or products of spent fowl.

(u) Marketing. "Marketing" means the sale or other disposition of commercial eggs, egg products, spent fowl, or products of spent fowl, in any channel of commerce.

(v) Commerce. "Commerce" means interstate, foreign, or intrastate commerce.

(w) Spent fowl. "Spent fowl" means hens which have been in production of commercial eggs and have been removed from such production for slaughter.

(x) Products of spent fowl. "Products of spent fowl" means commercial products produced from spent fowl.

(y) Started pullet. "Started pullet" means a hen less than 20 weeks of age.

(z) Shell egg packer. "Shell egg packer" means any person grading eggs into their various qualities.

(aa) Egg breaker. "Egg breaker" means any person engaged in the breaking of shell eggs or otherwise involved in preparing shell eggs for use as egg products.

GENERAL

§ 1250.505 Communications.

Communications in connection with the Order shall be addressed to the Egg Board at its business address.

§ 1250.506 Policy and objective.

(a) It shall be the policy of the Egg Board to carry out an effective and continuous coordinated program of research, consumer and producer education, advertising, and promotion designed to strengthen the egg industry's position in the marketplace, and maintain and expand domestic and foreign markets and uses for eggs, egg products, spent fowl, and products of spent fowl of the United States.

(b) It shall be the objective of the Egg Board to carry out programs and projects which will provide maximum benefit to the egg industry and no undue preference shall be given to any of the various industry segments.

§ 1250.507 Contracts.

The Egg Board, with the approval of the Secretary, may enter into contracts with persons for the development and submission to it of plans or projects authorized by the Order and for carrying out of such plans or projects. Contractors shall agree to comply with the provisions of the Order, this subpart, and applicable provisions of the U.S. Code relative to contracting with the U.S. Department of Agriculture. Subcontractors who enter into contracts or agreements with a primary contractor and who receive or otherwise utilize funds allocated by the Egg Board shall be subject to the provisions of this subpart.

§ 1250.508 Procedure.

The organization of the Egg Board and the procedure for conducting meetings of the Board shall be in accordance with the By-Laws of the Board.

§ 1250.509 USDA costs.

Pursuant to § 1250.347 of the Order, the Board shall pay those administrative

costs incurred by the U.S. Department of Agriculture for the conduct of its duties under the Order as determined periodically by the Secretary. Payment shall be due promptly after the billing for such costs.

ASSESSMENTS, COLLECTIONS, AND REMITTANCES

§ 1250.514 Levy of assessments.

An assessment of 5 cents per case of commercial eggs, or such lesser amount as set by the Board and approved by the Secretary, hereinafter called the assessment, is hereby levied on each case of commercial eggs handled for the account of each producer on and after August 1, 1976; except that the following shall be exempt from the provisions of this section: (a) any egg producer whose aggregate number of laying hens at any time during the 3-consecutive-month period immediately prior to the month in which assessments are due and payable has not exceeded 3,000 laying hens, and (b) any producer owning a flock of breeding hens whose production of eggs is primarily utilized for the hatching of baby chicks. Each case of commercial eggs shall be subject to assessment only once.

§ 1250.515 Reporting period and payment.

(a) For the purpose of the payment of assessments, either a calendar month or a 4-week accounting period shall be considered the reporting period; however, other accounting periods may be used when approved by the Board on an individual basis. Each collecting handler shall register his reporting period with the Board. All changes in reporting periods shall be requested in writing and subject to approval by the Board.

(b) Each producer shall pay the required assessment on his commercial eggs pursuant to § 1250.514 to the collecting handler designated in § 1250.516 on or before the date of final settlement between the producer and the collecting handler for the eggs received by the collecting handler during each reporting period.

§ 1250.516 Collecting handlers and collection.

(a) Handlers responsible for collecting the assessments shall be any of the following:

(1) The first person to whom eggs are sold, consigned, or delivered by producers and who grades, cartons, or breaks such eggs. Such shell egg breaker or egg packer must collect and remit to the Board the assessments on all eggs handled except eggs for which there is a certification of execption or eggs for which there is a statements indicating that an assessment has already been paid;

(2) A person who buys or receives nest run eggs from a producer and who does not grade, carton, or break such eggs. Such person shall collect the assessment from the producer and remit to the Egg Board;

(3) Except as otherwise provided in paragraph (4) of this section, a producer who grades, cartons, or breaks eggs of his own production. Such producer shall be responsible for remitting the assessment to the Board on that portion of his eggs which he grades, cartons, or breaks. For the remaining nest run eggs, the handler specified in (1) or (2) is the collecting handler; or

(4) Upon approval of the Board, any person who handles eggs for a producer under a written contract that includes express provisions that said handler will remit the assessment on such eggs to the Board shall be the collecting handler notwithstanding the fact that the producer may have graded, cartoned, or otherwise processed the eggs.

Following are some examples to aid in identification of collecting handlers: (a) producer sells, assigns, consigns, or otherwise delivers nest run eggs of his own production to a shell egg packer or breaker for preparation for market—the shell egg packer or breaker is the collecting handler and is responsible for remitting to the Egg Board; (b) producer grades, cartons, breaks, or otherwise prepares for marketing a portion of the eggs of his own production and delivers the remaining portion of his nest run eggs to a shell egg packer or breaker—the producer is the collecting handler for that portion of the eggs he grades himself and the shell egg packer or breaker receiving the other portion of his nest run eggs is the collecting handler for that portion of the eggs he receives; (c) producer sells all or a portion of his eggs in nest run form to a handler who is not a shell egg packer or breaker—the handler is responsible for collecting the assessment and remitting it to the Egg Board; (d) a shell egg packer or breaker who buys or receives nest run eggs from a handler who is not a shell egg packer or breaker—the handler is the collecting handler and shall remit such assessment to the Board; (e) a shell egg packer or egg breaker buys nest run or graded eggs including undergrade eggs from another shell egg packer or egg breaker—the first shell egg packer or breaker is the collecting handler and shall remit such assessments to the Board.

(b) In the event of a producer's death, bankruptcy, receivership, or incapacity to act, the representative of the producer or his estate, or the person acting on behalf of creditors, shall be considered the producer of the eggs for the purpose of this section and § 1250.514, § 1250.515, § 1250.518, and § 1250.523.

(c) The collecting handler may collect the assessment directly from the producer or deduct the assessment from the proceeds due or paid to the producer on whose eggs the assessment is made.

§ 1250.517 Remittance to Egg Board.

(a) The collecting handler responsible for remittance of assessments to the Board is not relieved of this obligation as a result of his failure to collect payment of the assessment from the egg producer(s).

(b) Each collecting handler required to remit the assessments on the eggs handled during each reporting period, specified in § 1250.515(a), shall remit the assessments directly to the Egg Board by check, draft, or money order payable to the Egg Board on or before the 15th day after the end of said reporting period together with a report pursuant to § 1250.529. The assessment for each reporting period shall be calculated on the basis of the gross volume of eggs subject to assessment received by the collecting handler during each reporting period.

(c) Remittance through cooperating agency.

(1) In any State or specified geographic area the Egg Board, with the approval of the Secretary, may designate by agreement a cooperating agency to collect the assessments in its behalf. Every collecting handler within such a State or geographic area shall remit the assessments for each reporting period, specified in § 1250.515(a), to the designated cooperating agency by check, draft, or money order payable to said cooperating agency on or before the 15th day after the end of said reporting period together with a report pursuant to § 1250.529.

(2) On or before the 20th day after the end of each reporting period, each designated cooperating agency shall remit to the Egg Board the total amount of all assessments received from collecting handlers for said reporting period together with all collecting handler reports. In addition, each designated cooperating agency shall submit to the Egg Board such information as is required by the designation agreement with the Egg Board.

§ 1250.518 Receipts for payment of assessments.

(a) Each collecting handler shall give each producer whose eggs are subject to assessment a receipt for the commercial eggs handled by said collecting handler showing payment of the assessment. This receipt may be on a separate receipt form or included as part of the invoice or settlement sheet for the eggs, but in either event shall contain the following information:

(1) Name, address, and identification number of the collecting handler;

(2) Name and address of the producer who paid the assessment;

(3) Number of cases of eggs on which assessment was paid and the total amount of the assessment; and

(4) Date on which assessment was paid by producer.

(b) All eggs sold, consigned, or delivered from a collecting handler to another handler, excluding cartoned eggs and loose graded eggs sold to bakeries, restaurants, and institutions, shall be accompanied with the collecting handler's written statement that the assessment on the lot of eggs covered by the invoice has been paid or that lot of eggs or portion thereof is exempt from assessment under provisions of § 1250.514.

REFUNDS

§ 1250.523 Procedure for obtaining refunds.

Each egg producer against whose eggs an assessment was levied and collected

may obtain a refund of the assessment amount for any calendar month in the following manner:

(a) Every refund request must be made by submitting to the Egg Board a completed Egg Board refund application form. The refund application form shall be obtained by written request to the Egg Board and shall require the following information:

(1) Producer's name and address;

(2) Collecting handler's name, address, and identification number;

(3) Number of cases of eggs on which refund is requested and the total amount of refund requested;

(4) Dates or inclusive dates on which assessments were paid;

(5) The producer's signature or witnessed mark; and

(6) The receipt given to the producer by the collecting handler pursuant to § 1250.518, or a copy thereof, or such other evidence of payment as is satisfactory to the Egg Board.

Separate refund applications must be filed for assessments paid in different calendar months, but a single refund request may be made for all assessments paid within a single calendar month.

(b) Every refund application must be submitted to the Egg Board within 90 days after the end of the calendar month during which the assessment obligation was paid.

(c) Within 60 days following the date of receipt by the Egg Board of each properly executed refund application, and proof of payment of the assessment, the Egg Board shall remit the refund.

REGISTRATION, CERTIFICATION, AND REPORTS

§ 1250.528 Registration of collecting handlers.

All collecting handlers shall, prior to August 1, 1976, register with the Egg Board by filing a registration statement. Registered collecting handlers will receive an identification number which must appear on all required reports and official communications with the Egg Board. New businesses subject to this subpart beginning after August 1, 1976, shall register with the Egg Board within 30 days following the beginning of operations. The statement of registration shall include:

(a) Name and complete address of the collecting handler;

(b) Name of individual(s) responsible for filing reports with the Egg Board; and

(c) Type of reporting period desired.

§ 1250.529 Reports.

(a) Collecting handler reports.

(1) Each collecting handler shall make reports on forms made available or approved by the Egg Board. Each collecting handler shall prepare a separate report form each reporting period. Each report shall be mailed to the Egg Board within 15 days after the close of the reporting period and shall contain the following information:

(i) Date of report;

(ii) Reporting period covered by the report;

(iii) Name and address of collecting handler and identification number;

(iv) Total number of cases of eggs handled, total number of cases of eggs subject to collection of assessment, total number of cases of eggs exempt under § 1250.514 from collection of assessment, total number of cases of imported eggs handled, and total number of cases of eggs received from another handler and on which an assessment was already collected;

(v) The names and addresses of producers subject to assessment supplying eggs to the handlers and number of cases of eggs received from each producer;

(vi) Total amount of assessment due for eggs handled during the reporting period and remitted with the report; and

(vii) Such other information as may be required by the Board.

(2) Collecting handler reports shall be filed each reporting period following registration until such time as the Egg Board is notified in writing that the collecting handler has ceased to do business. During reporting periods in which the collecting handler does not handle any eggs, his report form shall state "No Eggs Handled."

(b) The Egg Board may require all persons subject to section 7(c) of the Act to make reports as needed for the enforcement and administration of the Order and as approved by the Secretary.

§ 1250.530 Certification of exempt producers.

Egg producers not subject to the provisions of § 1250.514 shall file with all handlers to whom they sell eggs a statement certifying their exemption from the provisions of § 1250.514. Certification shall be made on forms approved by the Egg Board and provided by handlers. The certification form shall be filed with each handler within 10 days after the first sale of eggs to such handler after August 1, 1976, and annually thereafter on or before January 1 as long as the producer continues to do business with the handler. A copy of the certificate of exemption shall be forwarded to the Egg Board by the handler within 30 days of receipt by him. The certificate shall list the following:

(a) The name and address of the producer;

(b) Basis for producer exemption; and

(c) The signature of the producer.

If the exempt producer becomes subject to assessment pursuant to § 1250.514, he shall notify all handlers with whom he has filed a certificate of exemption.

RECORDS

§ 1250.535 Retention of records.

(a) Each person required to make reports pursuant to this subpart shall maintain and retain for at least 2 years beyond the fiscal period of their applicability:

(1) One copy of each report submitted to the Egg Board;

(2) Records of all exempt producers including certification of exemption as necessary to verify the address of each exempt producer; and

(3) Such other records as are necessary to verify reports submitted to the Egg Board.

(b) Egg producers subject to § 1250.514 shall maintain and retain for at least 2 years beyond the fiscal period of their applicability:

(1) Receipts, or copies thereof, for payment of assessments; and

(2) Such records as are necessary to verify monthly levels of egg production.

§ 1250.536 Availability of records.

Each handler and egg producer subject to this subpart and all persons subject to section 7(c) of the Act shall make available for inspection and copying by authorized employees of the Egg Board and/or the Secretary during regular business hours, such information as is appropriate and necessary to verify compliance with this subpart.

§ 1250.537 Confidentiality.

All information obtained by officers and employees of the Department of Agriculture, the Egg Board, or any person under contract by the Egg Board or otherwise acting on behalf of the Egg Board from the books, records, and reports of persons subject to this subpart, and all information with respect to refunds of assessments made to individual producers, shall be kept confidential in the manner and to the extent provided in § 1250.353 of the Order.

PATENTS

§ 1250.542 Patents.

Patents accruing from work pursuant to any plan or project undertaken by any person on behalf of the Egg Board, financed by assessment funds or other revenues of the Egg Board, shall become property of the U.S. Government as represented by the Egg Board; and such patents shall be licensed in accordance with the Presidential Statement of Government Patent Policy, 36 FR 16887, August 26, 1971, subject to approval by the Secretary of Agriculture. Upon termination of the Order, the Egg Board shall transfer custody of all such patents to the Secretary of Agriculture pursuant to the procedure provided for in § 1250.358 who shall utilize them in a manner that he determines to be in the best interest of egg producers. Funds generated from the use of patents by the Egg Board will be considered income subject to the same fiscal, budget, and audit control as the other funds of the Egg Board. Ownership of inventions made by employees of the Board shall be determined in accordance with Executive Order 10096.

PERSONAL LIABILITY

§ 1250.547 Personal liability.

No member, alternate member, employee, or agent of the Board in the performance of his duties with the Board

shall be held personally responsible either individually or jointly with others, in anyway whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, by such member, alternate member, employee, or agent, except for acts of dishonesty or willful misconduct.

RIGHT OF THE SECRETARY

§ 1250.552 Right of the Secretary.

All fiscal matters, programs or projects, rules or regulations, reports, or other substantive action proposed and prepared by the Board shall be submitted to the Secretary for his approval.

Copies of these proposed rules and regulations are available from the Director, Poultry Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

Signed at Washington, D.C., on April 8, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-10629 Filed 4-12-76;8:45 am]

Animal and Plant Health Inspection Service

[7 CFR Part 301]

CITRUS BLACKFLY

Notice of Public Hearing and Proposed Rulemaking

• Purpose: To give notice of public hearing to consider a proposal to extend the Federal Citrus Blackfly Quarantine to the State of Florida. •

Under the administrative procedure provisions of 5 U.S.C. 553, sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), notice is hereby given of a public hearing and proposed rulemaking proceeding to determine whether to amend the citrus blackfly quarantine and regulations (7 CFR 301.86, 301.86-1 et seq.) by adding Florida as a State quarantined because of the citrus blackfly, and by designating a portion of Broward County as a regulated area.

Statement of Considerations. The Animal and Plant Health Inspection Service has information that dangerous infestations of the citrus blackfly, *Aleurocanthus woglumi* Ashby, an insect, not widely prevalent or distributed within and throughout the United States, have been found in portions of Broward County, Florida. The citrus blackfly inflicts serious damage on citrus trees causing nonproductivity. An infestation was discovered in Fort Lauderdale, Florida, on February 5, 1976. Subsequently, infestations were discovered in areas surrounding Fort Lauderdale. It was determined necessary to establish Federal emergency plant pest regulations (7 CFR 331.2), effective March 3, 1976 (41 FR 8943), imposing restrictions on the interstate movement of certain products and articles in an effort to prevent the spread of the infestation from the regulated area into noninfested areas.

Citrus blackfly had previously been found in the United States in Florida and Texas. It was eradicated from Florida in 1937 and from Texas in 1956. Infestations were again discovered in Texas in early 1971. Emergency regulations were promulgated April 21, 1971, for Texas in an effort to prevent the possibility of artificially spreading the citrus blackfly with hosts and other material. On March 13, 1974, after public hearing, the Deputy Administrator established a Federal Citrus Blackfly Quarantine (7 CFR 301.86) to quarantine the State of Texas.

If it is decided to quarantine the State of Florida, the citrus blackfly quarantine would regulate the interstate movement from Florida of:

(1) Leaves, attached or unattached, of citrus, mango, persimmon, Japanese persimmon, pear, quince, coffee, myrtle, cherimoya, black sapote, and sweet-sop.

(2) Any other products, articles, or means of conveyance, of any character whatsoever, when it is determined by an inspector that they present a hazard of spread of the citrus blackfly, and the person in possession thereof has been so notified.

If it is decided that a Federal quarantine and regulations should be established, it is further proposed that restrictions would apply to regulated articles from regulated areas in accord with the provisions of the citrus blackfly quarantine and regulations (7 CFR 301.86, 301.86-1, et seq.). Regulated areas would be restricted to portions of the State in which infestations have been found or in which there is reason to believe that citrus blackfly is present or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Less than the entire State would be designated as a regulated area only if the State is undertaking sufficient quarantine action to prevent the intrastate spread of the citrus blackfly and if the regulation of less than the entire State would otherwise be sufficient to prevent the interstate spread of the pest. It appears that the State of Florida has undertaken such quarantine action, and the only portion of the State that it would be neecessary to designate as a regulated area would be that area now specified in the emergency regulations (7 CFR 331.2). The only restriction which would apply to the interstate movement of regulated articles from nonregulated portions of the quarantined State would relate to proof of origin of the regulated articles and to safeguarding the articles from infestation if they traverse a regulated area.

In the event it is determined in the best interest of the public to extend the citrus blackfly quarantine to the State of Florida, the emergency regulations would be terminated.

The public hearing to consider the above proposal will be held before a representative of the Animal and Plant Health Inspection Service on May 18, 1976, at 10 a.m. in the auditorium of the Broward County Agriculture Building, 3245 70th Avenue, SW., Davie, Florida 33314. Any interested person may appear and be heard either in person or by attorney.

Any person wishing to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Regulatory Support Staff, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Hyattsville, Maryland 20782, by May 14, 1976.

All written submissions made pursuant to this notice will be made available for public inspection in Room 633, Federal Building, Hyattsville, Maryland 20782, during regular hours of business, unless the person makes the submission to the Regulatory Support Staff, Plant Protection and Quarantine Programs, 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 the 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)).

After consideration of all information presented at the hearing or otherwise available to the Department, a determination will be made as to whether the quarantine will be extended to the State of Florida.

Done at Washington, D.C., this 8th day of April 1976.

JAMES O. LEE, Jr.,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.76-10644 Filed 4-12-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration)

[24 CFR, Part 271]

[Docket No. R-76-382]

LOAN ASSISTANCE FOR PLANNING LOW AND MODERATE INCOME HOUSING

"Seed Money" Loans

Notice is hereby given that the Department of Housing and Urban Development proposes to amend Part 271 of Title

24 concerning the "seed money" loan requirements. The proposed amendments are intended to make the Section 106(b) "seed money" loan program more effective for use in conjunction with the Section 202 elderly program and to make the use and repayment requirements more specific.

The major substantive changes are, first, "seed money" applications may be processed and approved by the appropriate HUD field offices. Second, only the proposed mortgagor will qualify as a borrower; however, applications may be accepted from the principals of a mortgagor entity to be formed. This will provide more assurance of repayment and better control over the use of loan proceeds. Third, the borrower will be required to spend or obligate its 20 percent of "seed money" contribution before any HUD "seed money" loan proceeds can be advanced. No portion of the borrower's contribution may be furnished by anyone seeking or who will obtain a financial gain from the development or operation of the proposed project. Fourth, new procedures are set forth for the disbursement of HUD "seed money" loan proceeds as well as for the creation and maintenance of a trust account by the borrower. Fifth, the maximum permissible expenditures of "seed money" loan proceeds for certain development costs have been specified in amounts which reflect the reasonably necessary expenses of the developer prior to the time the construction mortgage loan can be made. The purpose of this amendment is to eliminate premature payment for materials and services that are not necessary until the construction loan is made. Sixth, new maturity provisions and the conditions under which the "seed money" loan shall be cancelled have been included for the purpose of definitely establishing which "seed money" debts should be cancelled and facilitating the collection of debts due the Secretary. The most significant provision with respect to certain conditions precedent to cancellation is that, in the event all "seed money" expenditures cannot be recovered from the development loan or the sale of assets of the proposed project, the loss must be absorbed by the borrower up to the extent of his contribution before any cancellation of the loan will be considered. These provisions will be of assistance in preserving the "seed money" revolving fund and thereby making more funds available for other borrowers.

Interested persons are invited to submit data, views, and suggestions with respect to these proposed amendments. All relevant material received on or before May 14, 1976, will be considered before a final rule is adopted. Comments should refer to the above docket number and should be filed with the Rules Docket Clerk, Office of General Counsel, Room 10245, 451 Seventh Street, S.W., Washington, D.C. 20410. Copies of the comments submitted will be available during business hours at the above address for examination by interested persons.

The Department has determined that an Environmental Impact Statement is not required with respect to the proposed rule. The Finding of Inapplicability is available for inspection at the above address. The proposed amendments are as follows:

1. Section 271.5 is amended to add three new subsections, (k), (l) and (m).

§ 271.5 Definitions.

* * * * *

(k) "Loan Contract and Trust Agreement" means a legally binding agreement in a form approved by the Secretary governing the use of "seed money" which must be executed by the applicant before loan proceeds can be disbursed.

(l) "Seed money" means the estimated total funds, including both the borrower's cash share and the Federal loan proceeds, determined by the Secretary to be necessary to cover the expense of planning and obtaining financing for an eligible project, which expense must be incurred prior to the first disbursement of the construction loan for the project.

(m) "Cancellation" means the discharge of a "seed money" loan obligation by the Secretary provided the borrower meets all the conditions for cancellation as established by HUD.

2. Section 271.7 is revised to read as follows:

§ 271.7 Scope of assistance.

The Secretary may make loans from the Fund to encourage and facilitate the construction or rehabilitation of housing for low and moderate income families and individuals under federally assisted programs as determined by the Secretary. The conditions of eligibility for applicants and applications for such loans and the terms and conditions under which the proceeds of such loans may be used are specified in this subpart.

3. Section 271.13 is revised to read as follows:

§ 271.13 Filing, processing and approving applications.

(a) The application shall be filed, on a form prescribed by the Secretary, with the HUD area or insuring office having jurisdiction over the area in which the applicant proposes to construct or rehabilitate a housing project for low or moderate income families or individuals to be financed with assistance from Federal programs as determined by the Secretary.

(b) The application shall be reviewed and may be approved by the appropriate Area or Insuring Office Director, acting by and for the Secretary, provided there is a determination that the financial assistance applied for will carry out the purposes of this part, that the applicant is eligible for such assistance, and that the availability of funding for the loan has been verified by the Central Office.

4. Section 271.15 and the index heading therefor are revised to read as follows:

§ 271.15 Eligible borrowers.

To be eligible for a loan, a borrower must:

(a) Be an incorporated private nonprofit organization whose articles of incorporation are acceptable to the Secretary; however, principals of a private nonprofit corporation to be formed may submit the initial application. The borrower must be the proposed mortgagor of a project to be financed under a program determined by the Secretary to be eligible for Section 106(b) assistance.

(b) Have either available cash or evidence of prior eligible expenditures, or both cash and eligible expenditures, in the amount of 20 percent of the estimated allowable "seed money" expense. Loans or donations to the borrower of any portion of these funds by any individual, corporation, partnership or other party or entity seeking a profit or monetary gain from the project are prohibited. This includes but is not limited to attorneys, architects, consultants, mortgagees, builders, developers, management agents, engineers, surveyors, subcontractors, material suppliers, sellers of land, real estate brokers, and banks whose officers have any identity of interest with the applicant/mortgagor. However, the sale of land for a price approved by HUD by a sponsor to the proposed mortgagor shall be permitted.

5. Section 271.17 and the index heading therefor are revised to read as follows:

§ 271.17 Use of "seed money".

(a) The borrower shall agree under the Loan Contract and Trust Agreement to use "seed money" loan proceeds only for those reasonable and actual expenses which must be incurred prior to the initial disbursement of the construction loan for planning the rehabilitation or construction of the proposed project and in obtaining the financing for the proposed project. Loan proceeds may be expended only for those items specified on the approved "seed money" loan application.

(b) Before "seed money" loan proceeds can be disbursed, the borrower's contribution for "seed money" expense must be fully spent or obligated for allowable items of expense. Evidence of such expenditures or obligations shall be in the form of bills, processing fees due for the next stage of processing or outstanding obligations under contracts or options. Obligations must be due and payable within three months of the date of the application for disbursement of loan proceeds from HUD.

(c) The Area or Insuring Office Director may approve requests for disbursements and amounts which vary from the individual line items shown on the approved Section 106(b) loan application, provided the change in amounts disbursed will not result in an increase in the total loan amount. Approval shall be in writing and shall constitute an amendment to the approved loan application and Loan Contract and Trust Agreement.

(d) Revised loan applications must be filed for increases in the total loan amount. In such cases, an additional borrower's share of 20 percent of the estimated increase in "seed money" needs must be spent or obligated as set forth in 271.17(b) before additional Federal funds can be disbursed.

(e) Expenditures for the purchase of or for contracting to purchase land shall not be considered an eligible "seed money" expense unless the expenditure has the written approval of the Field Office Director. If the borrower owns or acquires any legal or equitable interest in the proposed project site, the "seed money" loan must be secured by a recorded mortgage describing the land comprising the proposed project site. The Area or Insuring Office Director holding the aforesaid mortgage for the Secretary has authority to release the same and shall release the mortgage lien in order to permit the initial disbursement of the construction loan under the following circumstances:

(1) If the Director determines that the "seed money" loan can be repaid from the proceeds of the construction loan.

(2) If the "seed money" loan is repaid from other sources.

(3) If that portion of the "seed money" loan which was disbursed for the payment of the land, if any, is repaid and the Director recommends cancellation of any remaining "seed money" loan.

(f) Loan proceeds shall not be co-mingled with any other funds, including the applicant's 20 percent share, and must be placed in a separate account in a bank, the deposits of which are insured by the Federal Deposit Insurance Corporation, and any interest earned thereon must be returned to HUD immediately after it is paid to the borrower.

6. Section 271.20 is revised to read as follows:

§ 271.20 Maximum amount of loan.

(a) The loan shall not exceed 80 percent of the total and necessary costs which HUD estimated will be incurred in planning the project, for the legal and organizational expense of the borrower and obtaining financing or funding under an eligible federally assisted program.

(b) In no event shall there be more than one "seed money" loan for a proposed housing project and such "seed money" loan shall not exceed $50,000.

7. A new § 271.22 and index heading therefor are added to read as follows:

§ 271.22 Maximum line item expenditures.

(a) The maximum amount of "seed money" expense that will be approved by the Secretary shall be determined by the Area or Insuring Office Director on the basis of estimated project costs which normally occur prior to the disbursement of the construction loan. The following percentages of estimated costs for specific items are the maximum approvable "seed money" expenses for those items:

Item:	Percent
Preliminary site engineering (boundary and topographic surveys and soil tests)	100
Architectural design fee	25
Permanent loan commitment fee (included in FNMA/GNMA fee)	100
Site options	100
Organization expenses (reasonable travel, telephone, postage, and similar expenses of the proposed mortgagor)	[1] 75
Legal fees	15
Supplemental management fees	25
Consultant fees	25
FHA application and commitment fees	100

[1] Not to exceed $750.

(b) The total maximum approved "seed money" expense may be increased by up to 10 percent by the Area or Insuring Office Director as a contingency for actual overruns in specified items of approved "seed money" cost.

(c) Additional items of approvable "seed money" expense, such as other financing fees, may be added to the total on a case-by-case basis; however, requests and approval of additional items must be fully documented.

8. Section 271.25 and the index heading therefor are revised to read as follows:

§ 271.25 Cancellation of repayment.

The Secretary may cancel the repayment of all or any portion of the "seed money" loan provided:

(a) The borrower has not violated any of the provisions of the Loan Contract and Trust Agreement and has used "seed money" funds in compliance therewith.

(b) Either monies sufficient to repay the loan cannot be recovered from the loan for the project or the project proposed by the borrower has proved to be infeasible as determined by the Secretary.

(c) The amount of the debt which will be cancelled or waived will be based upon the amount of approved "seed money" expense that was not recovered and repaid from the proceeds of the construction or permanent loan or from the sale of the borrower's assets as provided in (d) hereunder or from any other source. In the event of partial recovery of approved "seed money" expenditures, the amount recovered must be applied first to the repayment of any outstanding "seed money' loan obligation.

(d) That in cases where the "seed money" loan is secured by a lien on the site or where a site or other assets were purchased in part or totally with seed money, and such site or assets are not used by the borrower for a project eligible for Section 106(b) assistance, such site or assets must be sold at fair market value and the net proceeds (sales price less indebtdness and sales expense) used to repay the "seed money" loan to the extent possible.

(e) Borrowers shall be required to certify that the "seed money" loan proceeds have not been used for costs other than costs for proposed projects approved for Section 106(b) assistance.

9. Section 271.27 is revised to read as follows:

§ 271.27 Maturity of loans—contract provisions.

The contract for a loan shall provide for repayment by the borrower within 24 months following the first disbursement of funds pursuant to the Loan Contract and Trust Agreement or at such earlier time as the borrower recovers his expense from the proceeds of the construction financing, or at such other time as may be fixed by contract with the Secretary. In the event the borrower fails to comply with the provisions of the Loan Contract and Trust Agreement, the entire outstanding loan obligation shall immediately become due and payable. In the event the borrower is unable to develop a project pursuant to the terms of the Loan Contract and Trust Agreement or any amendments thereto, the time for repayment may be extended under such terms and conditions as may be prescribed by the Secretary.

10. Section 271.30 is revised to read as follows:

§ 271.30 Interest on loans.

No interest shall be charged to a borrower for loans made under this subpart provided the borrower complies with the provisions of this subpart and the Loan Contract and Trust Agreement.

§§ 271.50, 271.55, 271.60, 271.65, 271.70, 271.75 [Amended]

11. In Sections 271.50, 271.55, 271.60, 271.65, 271.70 and 271.75 the twelve references to "Commissioner" throughout the text of Subpart C are changed to "Secretary."

(Section 7(d), Department of HUD Act; 42 U.S.C. 3535(d))

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.

Issued at Washington, D.C. April 7, 1976.

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

[FR Doc.76-10611 Filed 4-12-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 522-3]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS, MAINE

Proposed Indirect Source Regulations

On June 18, 1973 (38 FR 15834) the Administrator of the Environmental Protection Agency (EPA) promulgated Indirect Source Regulations as an amendment to 40 CFR Part 51. This amendment expanded the scope of review prior to construction or modification of buildings, facilities, and installations so as to require consideration of the air quality impact not only of pollutants emitted directly from stationary sources but also of pollution arising from mobile source activity associated with such buildings, facilities, and installations. The latter procedure constitutes an indirect source review.

To satisfy these new requirements, the State of Maine, after public hearings held on February 25, 26, 27, 28, 1974 and

on March 1, 1974 revised the "Maine Department of Environmental Protection Implementation Plan for Air Quality Control," to provide for State review of impact on air quality of indirect sources. This implementation plan revision was submitted to EPA for approval on April 19, 1974.

Copies of the Maine plan revision are available for public inspection during normal business hours at the EPA Regional Office, 2113, John F. Kennedy Federal Building, Boston, Massachusetts 02203; Maine Department of Environmental Protection, State House, Augusta, Maine 04330; and the Freedom of Information Center, EPA, 401 M Street S.W., Washington, DC 20460.

The Regional Administrator hereby issues this notice setting forth the Maine revision as proposed rulemaking and advises the public that interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate to the Regional Administrator, EPA, Region I, JFK Federal Building, Room 2113, Boston, Massachusetts 02203. Relevant comments received on or before May 13, 1976 will be considered and acknowledged. Comments received will be available during normal working hours at the Region I office.

The Administrator's decision to approve or disapprove the plan is based on whether it meets the requirements of Section 110(a)(2)(A)–(H) of the Clean Air Act and EPA regulations in 40 CFR Part 51. All relevant material presented will be evaluated and the agency will incorporate in the rules adopted a concise general statement of their basis and purpose. Authority: Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c–5(a).

Dated: April 5, 1976.

JOHN A. S. MCGLENNON,
Regional Administrator.

[FR Doc.76–10641 Filed 4–12–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR—Parts 73 and 76]

[FCC 76–309; Docket No. 20764]

POLITICAL EDITORIALS

Notification of Opposing Candidates

By the Commission: Commissioner Hooks absent.

In the Matter of Amendment of the Commission's rules to require stations to notify opposing candidates of gifts of time for use within 72 hours prior to the day of an election.

1. The Commission, on its own motion, gives Notice of Proposed Rule Making in the above-entitled matter.

2. Under the Commission's rules [1] if a legally qualified candidate for election is opposed in a station or cable system editorial or is not endorsed in such an editorial that endorses another candidate for that office, the first candidate is entitled to a reasonable opportunity to respond to the editorial in question. There is a special provision of the rules which applies if the editorial is presented within 72 hours prior to the day of an election. It requires the licensee or cable system to promptly inform the candidates opposed or not endorsed so that they may be in a position to exercise their right to a reasonable opportunity to respond. In Dolph-Pettey Broadcasting Co., 30 F.C.C. 2d 675 (1971), we observed that a parallel notification procedure did not exist in cases where free time is provided to one or more but not all candidates for use within 72 hours before an election. Although the Commission recognized that a licensee ordinarily had no obligation to inform one candidate that time had been given to a competing candidate, it expressed the view that a failure to provide such notification when this occurs so close to election day could effectively nullify the statutory right to equal opportunities.[2] As indicateed in that case, we believe that a timely notice provision should be proposed to cover this situation, one that would proceed on the same basis as is utilized for station editorials. Moreover, we believe that the proposal should include cable system originations on the same basis. In this connection we see no basis for according different treatment based on whether the time was to be used on the candidates behalf rather than used by the candidate. We believe that it would be artificial to make a distinction in this regard. Rather, we believe that the two situations should be given parallel treatment under "equal opportunities" or Nicholas Zapple, 23 F.C.C. 2d 707 (1970), whichever applies.

3. Accordingly, the Commission, pursuant to authority contained in Sections 4(i), 303(r), and 315(g), of the Communications Act of 1934, as amended, proposes to amend its rules as indicated in the attached Appendix.

4. Pursuant to applicable procedures set forth in Sections 1.415 and 1.46 of the Commission's rules, interested persons may file comments on or before May 1, 1976, and reply comments on or before May 27, 1976. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

5. In accordance with the provisions of Section 1.419 of the Rules, an original and 11 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. All filings made in this proceeding will be made available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

Adopted: April 1, 1976.

Released April 8, 1976.

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

1. It is proposed (1) that §§ 73.123; 73.300; 73.598 and 73.679 be identically amended by deleting paragraph (c) and making the title of each section read "Personal Attacks," and (2) that the text of paragraph (c) of §§ 73.123, 73.300, 73.598 and 73.679) be added to new §§ 73.127, 73.302, 73.591 and 73.653 as paragraph (a) and the following be added to each Section as Paragraph (b).

§ 73.____ Political editorials; Notification to candidates for public office.

* * * * *

(b) Where a licensee provides free time to one or more legally qualified candidates for public office for use by or on behalf of the candidate(s) within 72 hours prior to the day of an election, it shall notify all other legally qualified candidates for that office of this fact sufficiently far in advance to permit them to exercise their rights under Section 315 of the Communications Act in a timely fashion.

§ 76.209 [Amended]

2. It is proposed (1) that § 76.209 be amended by deleting paragraph (d) and by making the title read "Fairness Doctrine; Personal Attacks," and (2) that the text of paragraph (d) of § 76.209 be added to a new § 76.210 as paragraph (a) and the following be added as paragraph (b).

§ 76.210 Political editorials: Notification to candidates for public office.

* * * * *

(b) Where a cable television system provides free time to one or more legally qualified candidates for public office for use by or on behalf of the candidate(s) within 72 hours prior to the day of an election, it shall notify all other legally qualified candidates for that office of this fact sufficient far in advance to permit them to exercise their rights under Section 315 of the Communications Act in a timely fashion.

[FR Doc.76–10525 Filed 4–12–76;8:45 am]

WATER RESOURCES COUNCIL

[18 CFR Part 701]

COUNCIL ORGANIZATION

Notice of Proposed Rulemaking

The Water Resources Council is considering rulemaking with respect to Part 701 of the Council rules and regulations. This proposed rulemaking is occasioned by the recent passage into law of, "An Act to Amend the Water Resources Planning Act (79 Stat. 244) as amended," (Pub. L. 94–112, 89 Stat. 575 (42 U.S.C. 1962—1962d–5)).

[1] Provisions relating to the various broadcast services are found in Sections 73.123, 73.300, 73.598 and 73.679 of the Rules. For Cable Television the provision is Section 76.209(d).

[2] Licensees and cable television systems are required to keep in a file for public inspection a record of all requests for time by or on behalf of candidates and the disposition of these requests as well as the charges, if any, if the request is granted.

I. *Membership.* Section 1(a) of Pub. L. 94–112 amended section 101 of Pub. L. 89–80 by revising the membership of the Council, i.e. to add the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency, and to delete the Secretary of Health, Education, and Welfare.

This statutory change in membership of the Council induces certain changes in the Council rules and regulations. These changes may be separated into two categories: (a) self-explanatory editorial changes to reflect the revised membership (c.f. proposed §§ 701.5(b) and 701.52(a)); and (b) substantive changes to reflect new requirements regarding (1) decisionmaking by Members (c.f. proposed § 701.53) and (2) quorum requirements for transaction of business by Members (c.f. proposed § 701.53(b)) and by Representatives (c.f. proposed §701.54 (e)).

Background on Substantive changes. (1). Decisionmaking by Members: Prior to enactment of Pub. L. 94–112, the Council membership consisted of the Secretaries of the Interior; Agriculture; Army; Health, Education, and Welfare; and Transportation (added as a Council Member pursuant to the Transportation Act of 1966 (section 7a of Pub. L. 89–670)) and the Chairman of the Federal Power Commission. The recent membership change raises the total voting membership of the Council from six to eight agencies.

As set forth in the Council rules and regulations, Council decisionmaking is separated into two levels of authority: decisions by Members (c.f. § 701.53) and decisions by Representatives of the Members (c.f. § 701.54). Section 701.53 provides that decisions by Members are determined by majority vote of Members present. The proposed change in this section would add the words "and voting" after the words "Members present". This change is an enunciation of the parlimentary procedure that an absention precludes the abstaining party from inclusion in the number of votes necessary to constitute a majority on a particular issue. For example, if all eight Members would be present at a meeting, any abstention on a given issue would reduce the number of Members required to constitute a majority vote, e.g., one abstention would reduce the number needed for a majority from five to four, and so forth. This procedure would facilitate Council decisionmaking, particulary in those cases where a Member (or Members) may be a disinterested party to the matter at issue. Unchanged by this proposal, however, is the requirement that where an issue affects the authority or responsibility of a Member, within the meaning of section 3(b) of the Water Resources Planning Act (Sec. 3(b) of Pub. L. 89–80, 79 Stat. 244 (42 U.S.C. 1962–1(b)), a decision can be reached only with the Member's concurrence (c.f. § 701.53). This proposal does not involve decisions by Representatives as they are made by unanimous agreement of the Representatives and the Director (c.f. § 701.54).

(2) Quorum requirements: A minimum of four Members (c.f. § 701.53(b)) and four Representatives (c.f. § 701.54 (e)) is currently required by Council rules and regulations in order to constitute a quorum for the transaction of business at the respective levels of decisionmaking. Prior to the revision in Council membership, this quorum requirement (of four) represented two-thirds of the Council membership. The proposed changes in §§ 701.53(b) and 701.54(e) would raise the requirement numerically by two and have the effect of increasing the amount of representation required to three-fourths of the Council membership.

II. *Experts and Consultants.* Section 1(b) of Pub. L. 94–112 amended section 105(a)(5) of Pub. L. 89–80 by authorizing an increase in the rate of compensation for experts and consultants. Because of this statutory change, the current § 701.78(a)(5) language regarding rate of compensation is anachronistic; the proposed revision in § 701.78(a)(5) would reflect the extant authority.

III. *Misc.* Section 701.2 is proposed to be amended by inclusion of the full legal citation of basic authority of the Water Resources Council.

In summary, the main purpose of these proposed amendments to Part 701 is to reflect the changes in Council organization induced by passage of Pub. L. 94–112, particularly with regard to the voting procedure of the Members and the quorum requirements for action at both Council of Members and Council of Representatives meetings. In addition, ancillary editorial changes are proposed, as well as the inclusion of the full legal citation illustrating the authority of the Council and the language to reflect the change in the Council's authority regarding the rate of compensation for experts and consultants.

This proposed rulemaking is done under the authority of section 402 of the Water Resources Planning Act (42 U.S.C. 1962d–1).

Interested persons are invited to submit written comments, suggestions, or arguments regarding this proposed rulemaking to the Director, Water Resources Council, 2120 L Street, N.W., Washington, D.C. 20037, on or before May 13, 1976.

In consideration of the foregoing, it is proposed to amend Part 701, Council Organization, of Chapter VI of Title 18 of the Code of Federal Regulations as follows:

1. By revising § 701.2 to read as follows:

§ 701.2 Creation and basic authority.

The Water Resources Council was established by the Water Resources Planning Act of 1965 (Pub. L. 89–80, 79 Stat. 244, as amended (42 U.S.C. 1962—1962d–5)). The rules and regulations of this part are promulgated by authority of section 402 of the Act (42 U.S.C. 1962d–1).

2. By revising paragraph (b) of § 701.5 to read as follows:

§ 701.5 Organization pattern.

* * * * *

(b) The Water Resources Council consists of the following Members: The Secretary of the Interior; the Secretary of Agriculture; the Secretary of the Army; the Secretary of Commerce; the Secretary of Housing and Urban Development; the Secretary of Transportation; the Administrator of the Environmental Protection Agency; and the Chairman of the Federal Power Commission.

3. By revising paragraph (a) of § 701.52 to read as follows:

§ 701.52 Definitions.

(a) As used in this part the term "Member" means the Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and the Chairman of the Federal Power Commission, or Alternates appointed in accordance with § 701.53(a) when the Alternate is acting for one of the above-named.

* * * * *

4. By revising the first sentence of the first paragraph of § 701.53 and paragraph (b) of § 701.53 to read as follows:

§ 701.53 Council decisions by Members.

Council decisions by Members with respect to the purpose stated in § 701.3 and the functions listed in § 701.4 are determined by majority vote of Members present and voting; except that decisions affecting the authority or responsibility of a Member, within the meaning of section 3(b) of the Act (42 U.S.C. 1962–1(b)), can be made only with his concurrence. * * *

* * * * *

(b) A quorum for the transaction of business consists of six or more Members.

(5) By revising paragraph (e) of § 701.54 to read as follows:

§ 701.54 Council decisions by Representatives.

* * * * *

(e) A quorum for the transaction of business consists of six or more Representatives of different Members and the Director or in his absence the Acting Director.

6. By revising paragraph (a)(5) of § 701.78 to read as follows:

§ 701.78 Director—delegation of authorities.

* * * * *

(a) * * *

(5) Procure services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 3109), at rates not in excess of the daily equivalent of the rate prescribed for grade GS–18 under section 5332 of Title 5 of the United States Code in the case of individual experts or consultants.

Dated April 7, 1976.

WARREN D. FAIRCHILD,
Director,
U.S. Water Resources Council.

[FR Doc.76–10610 Filed 4–12–76;8:45 am]

notices

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

DEPARTMENT OF THE TREASURY

[T.D. 76-107]

Customs Service

FOREIGN CURRENCIES

Certification of Rates

MARCH 31, 1976.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 76-30 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

France franc:	
Mar. 22, 1976	$0.2123
Mar. 23, 1976	.2121
Ireland pound:	
Mar. 22, 1976	1.9217
Mar. 26, 1976	1.9200
Italy lira:	
Mar. 22, 1976	.001185
Mar. 23, 1976	.001193
Mar. 24, 1976	.001190
Mar. 25, 1976	.001190
Mar. 26, 1976	.001175
Portugal escudo:	
Mar. 22, 1976	.0345
Mar. 23, 1976	.0342
Mar. 24, 1976	.0341
Mar. 25, 1976	.0342
Mar. 26, 1976	.0342
Spain peseta:	
Mar. 22, 1976	.014910
Mar. 23, 1976	.014899
Mar. 24, 1976	.014899
Mar. 25, 1976	.014905
Mar. 26, 1976	.014905
United Kingdom pound:	
Mar. 22, 1976	1.9217
Mar. 26, 1976	1.9200

JAMES D. COLEMAN,
Acting Director,
Duty Assessment Division.

[FR Doc.76-10589 Filed 4-12-76;8:45 am]

[T.D. 76-105]

FOREIGN CURRENCIES

Certification of Rates

MARCH 22, 1976.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 76-30 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

France franc:	
Mar. 18, 1976	$0.2123
Mar. 19, 1976	.2120
Ireland pound:	
Mar. 15, 1976	1.9220
Mar. 16, 1976	1.9127
Mar. 17, 1976	1.9210
Mar. 19, 1976	1.9210
Italy lira:	
Mar. 15, 1976	.001206
Mar. 16, 1976	.001180
Mar. 17, 1976	.001133
Mar. 18, 1976	.001146
Mar. 19, 1976	.001167
Portugal escudo:	
March 18, 1976	.0345
March 19, 1976	.0345
Spain peseta:	
March 15, 1976	.014930
March 16, 1976	.014920
March 17, 1976	.015145
March 18, 1976	.014920
March 19, 1976	.014905
United Kingdom pound:	
March 15, 1976	1.9220
March 16, 1976	1.9127
March 17, 1976	1.9210
March 19, 1976	1.9210

JAMES D. COLEMAN,
Acting Director,
Duty Assessment Division.

[FR Doc.76-10588 Filed 4-12-76;8:45 am]

Fiscal Service

[Dept. Cir. 570, 1975 Rev., Supp. No. 17]

WESTERN NATIONAL ASSURANCE COMPANY

Surety Companies Acceptable on Federal Bonds; Change of Name

Cascade Insurance Company, a Washington corporation, has formally changed its name to Western National Assurance Company effective December 11, 1975. Documents evidencing the change of name are on file in the Treasury.

A new Certificate of Authority as an acceptable surety on Federal bonds, dated December 11, 1975, has been issued by the Secretary of the Treasury to Western National Assurance Company, Minneapolis, Minnesota, under Sections 6 to 13 of Title 6 of the United States Code, to replace the certificate issued July 1, 1975 (40 FR 29248, July 10, 1975) to the company under its former name, Cascade Insurance Company. The underwriting limitation of $238,000 previously established for the company remains unchanged.

The change in name of Cascade Insurance Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to a Certificate of Authority issued by the Secretary of the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: April 6, 1976.

DAVID MOSSO,
Fiscal Assistance Secretary.

[FR Doc.76-10554 Filed 4-12-76;8:45 am]

DEPARTMENT OF DEFENSE

Defense Privacy Board

HEALTH CARE RECORDS AND GUIDELINES FOR THE RELEASE OF INFORMATION TO THE NEWS MEDIA

Application of the Privacy Act

1. *Purpose.* General notice is hereby given that the following Department of Defense proposed guidelines shall govern the application of the Privacy Act (Public Law 93-579, December 31, 1974) in responding to news media or other requests for information under the Freedom of Information Act (5 U.S.C. 552) about individuals who are treated or hospitalized in Department of Defense medical facilities or in a nonfederal facility to which the Department of Defense reimburses for the costs of the care rendered.

2. *Scope.* The provisions of the guideline apply to all Department of Defense Components. This guideline is of concern to all Commanders, Public Affairs Officers, Information Officers and Legal Counsels.

3. *Background.* It is the policy of the Department of Defense, consistent with the Freedom of Information Act (5 U.S.C. 552) to make available to the public the maximum amount of information concerning its operations and activities. Nevertheless, Section 552b(6) of the Freedom of Information Act clearly states that information in personnel and medical files and similar files are exempt from the Freedom of Information Act if disclosure to a member of the public would result in a clearly unwarranted invasion of personal privacy. This general notice of proposed guidelines attempts to strike

a balance between the rights of a member of the public under the Freedom of Information Act for information in U.S. Government agency records and the rights afforded an individual to avoid an unwarranted invasion of personal privacy by the release of information from medical records. These guidelines apply to information from systems of records concerning persons treated or hospitalized in a Department of Defense medical facility or in a nonfederal facility which the Department of Defense reimburses for the costs of the care rendered. The provisions of the Privacy Act are applicable only to that information in systems of records which are not available to the public under the Freedom of Information Act.

4. *Proposed Policy Guidelines.* In structuring medical reports for release to the media or members of the public after notification of the next-of-kin, if appropriate, the following information may be provided under the Freedom of Information Act without the patient's consent:

a. *Biographical data:* (1) Name of patient and rank; (2) Date of admission or disposition; (3) Age; (4) Sex; (5) Component, base, station, or organization.

b. *To be released if requested:* (1) Marital status (i.e., married or unmarried); (2) Occupation/job title; (3) The present medical assessment of the individual's condition in the following terms if the medical doctor has volunteered the information and it is known: individual's condition is presently stable, good, fair, serious, or critical.

5. *Informed Consent.* More detailed medical and other information about individuals may be given in response to inquiries from third parties providing the individual gives his informed consent, and release of such information would not jeopardize the patient's condition. To test the presumption that individuals normally will consent to the release of the information described in 5.a.(1.) below, a patient who is conscious and competent must be given an opportunity to object to the release of any aspect of the description of condition set forth below. If he objects, the presumption is rebutted, and the objectionable information under 5.a.(1.) below, shall not be released. If the patient is not conscious or not mentally competent, such information may not be disclosed until his condition improves so as to afford him the same opportunity to object to its release.

a. *Description of condition*

(1) The condition may be described as a disease or injury. In either case, generally the following information may be given:

(a) Description of the type of injury or disease, e.g., burn, fracture, gunshot wound, pneumonia, pain in the chest; whether the individual is conscious, semiconscious, or unconscious.

(b) The general factual circumstances surrounding the injury avoiding any statement which may invite speculation, conclusion, or hinder an investigation, i.e., patient suffered a fracture in an automobile accident, but not—he was the victim of a hit and run driver, or he suffered a fall but not that he tripped over equipment that was improperly stored.

(c) The general site of the injury, e.g., burns of the left leg, but avoiding any specific location or description which may prove embarrassing to the individual or reflect bad taste.

(d) General extent of the injury, e.g., the injuries are described by the staff as being of moderate severity.

(2) Under no circumstances should a prognosis be given.

(3) If there is any sensitive information as it relates to the admission of the patient, e.g., sexual assault, criminal actions, drug or alcohol abuse, psychiatric/social conditions, or venereal disease, no information other than that listed above in 4. a. and b. may be given. A statement to the following effect may be made: "Further details with regard to (individual's) admission to the hospital are not releaseable at this time."

Interested persons are invited to participate in the formulation of the above proposed guidelines by submitting written data, views, comments, and arguments to the Executive Secretary, Defense Privacy Board, Room 7A-057, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20314. All material received on or before May 14, 1976, will be considered.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

APRIL 7, 1976.

[FR Doc.76-10583 Filed 4-12-76;8:45 am]

Department of the Army

U.S. ARMY COASTAL ENGINEERING RESEARCH BOARD

Meeting

Pursuant to Section 10(a) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given of a meeting of the U.S. Army Coastal Engineering Research Board on 3 through 5 May 1976.

The meeting will be held at the Coastal Engineering Research Center, Kingman Building, 1st Floor Hearing Room, Fort Belvoir, Virginia, from 0800 hours to 1715 hours on 3 May, from 0800 hours to 1645 hours on 4 May, and from 0800 hours to 1615 hours on 5 May 1976.

The 3-day session will be devoted to presentations on the research needs of the South Atlantic, North Atlantic, New England, Lower Mississippi Valley, Southwestern, South Pacific, North Pacific, Pacific Ocean, and North Central Divisions of the Corps of Engineers and presentations by the staff of the Coastal Engineering Research Center on the FY 76 and FY 77 research program.

Participation by the public is scheduled at 1445 hours on 5 May 1976.

The meeting will be open to the public subject to the following:

1. Since seating capacity of the Kingman Building, 1st Floor Hearing Room, limits public participation to not more than 50 people, advance notice of intent to attend, although not required, is requested in order to assure adequate arrangements for those wishing to attend.

2. Oral participation by public attendees is encouraged during those times scheduled on the agenda; written statements may be submitted prior to the meeting or up to 30 days after the meeting.

Inquiries and notice of intent to attend the meeting may be addressed to Colonel James L. Trayers, Executive Secretary, Coastal Engineering Research Board, Kingman Building, Fort Belvoir, VA. 22060, Telephone (202) 325-7000.

Dated: April 5, 1976.

By authority of the Secretary of the Army.

R. W. HAMPTON,
Colonel, U.S. Army, Director of Administrative Management TAGCEN.

[FR Doc.76-10556 Filed 4-12-76;8:45 am]

ARMY SCIENTIFIC ADVISORY PANEL

Notice of Meeting

Under the provisions of exemption contained in Section 552(b)(1), Title 5 U.S.C., this meeting is partially closed to the public (0830-1200 and 1300- 1435 hours) due to the Secret and Confidential security classifications of the material to be discussed during the two respective periods.

Name of Committee: Army Scientific Advisory Panel.
Date: 18 May 1976.
Place: Marine Corps Base, Camp Lejeune, NC 28542.
Time: 0830-1520 hours, 18 May 1976.
Agenda: Tuesday, 18 May 76.

0830-0835	Remarks, Panel Chairman—Mr. O'Neill
0835-0840	Welcome—MG Poggemeyer
0840-0910	USMC RDTE Program—Policy & Overview—BG Kelley
0910-0940	Discussion (Secret)
0940-1000	Break
1000-1030	USMC RDTE Program—Major Systems
1030-1100	Discussion (Secret)
1100-1130	USMC RDTE Program—Major Systems, Cont'd
1130-1200	Discussion (Secret)
1200-1300	Lunch—Officer's Club

BUSINESS MEETING

1300-1305	Remarks—Panel Chairman—Mr. O'Neill
1305-1435	Feedback on Previous Reports/Recommendations—Dr. Lasser (10 Minutes Each):

Improving DRAGON Hit Probability (Confidential)
Seismic Sensor Feasibility (Confidential)
Physical Security, Phases I & II (Confidential)
Environmental Quality Control (Unclassified)
Energy R&D (Unclassified)
Fire Support (Unclassified)
LORAN Manpack Feasibility (Unclassified)
IR Efforts for Fire & Forget Feasibility (Unclassified)

Improved Light Antitank/Assault Weapon (ILAW) (Unclassified)
1435–1445 Oral Group by Chairman of the Ad Hoc Group on Smoke/Aerosol Systems (Unclassified)—Dr. Beaudet
1445–1505 Discussion
1455–1505 Oral Report by Chairman of the Ad Hoc Group on Biological & Toxin Samples (Unclassified)—Dr. Ley
1505–1515 Discussion
1515–1520 Administrative Remarks & Adjournment—Mr. O'Neill

Any additional information concerning the meeting may be obtained from Dr. Marvin E. Lasser, Chief Scientist, Department of the Army, Executive Director, Army Scientific Advisory Panel, Washington, DC (202) 695–1447.

Dated: April 5, 1976.

By Authority of the Secretary of the Army.

R. W. HAMPTON,
Colonel, U.S. Army, Director of Administrative Management TAGCEN.

[FR Doc.76–10606 Filed 4–12–76;8:45 am]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

ALIEN DOCUMENTATION, IDENTIFICATION AND TELECOMMUNICATION SYSTEM TEST

Field Environment Test

Notice is hereby given that the Immigration and Naturalization Service will conduct a field environment test of its Alien Documentation, Identification and Telecommunication (ADIT) System beginning in May 1976. The test will be staged principally in the El Paso, Texas area and will last six to eight months.

During the test period, experimental, machine-readable prototype alien identification cards (Form I–X51) will be issued by the Service to a select, controlled group of 2,000 to 10,000 resident alien commuters and will replace their existing alien registration cards (Form I–151). The experimental cards will have the same legal effect and entitlements for their lawful holders as the present alien registration cards. More particularly, the possession and presentation of these test cards by their lawful holders will be in compliance with 8 CFR 211.1 (b) and 264.1(b).

The test cards (Form I–X51) will be valid until such time as the Service subsequently publishes notice in the FEDERAL REGISTER specifying their expiration date. At that time, the Service will retrieve the experimental cards and issue the test participants the new version of Form I–151.

Dated: April 8, 1976.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.76–10598 Filed 4–12–76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 27837]

NEW MEXICO

Application

APRIL 6, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), The Permian Corporation has applied for a storage tank site right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 S., R. 37 E.,
Sec. 4, NW¼NW¼.

The storage tank site, to be used in connection with crude oil operations, will occupy .93 of an acre of national resource land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.76–10558 Filed 4–12–76;8:45 am]

[NM 27850 and 27874]

NEW MEXICO

Applications

APRIL 6, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for three 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 26 E.,
Sec. 3, lots 1, 2 and 3.
T. 20 S., R. 27 E.,
Sec. 34, SE¼NW¼, E½SW¼ and SW¼SW¼.

These pipelines will convey natural gas across 1.335 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico, 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.76–10559 Filed 4–12–76;8:45 am]

[U–32117]

UTAH

Designation of Little Sahara Recreation Lands

Pursuant to the authority in 43 CFR, Subpart 2070, I hereby designate the following public lands as the Little Sahara Recreation Lands:

SALT LAKE MERIDIAN

T. 12 S., R. 4 W.,
Sec. 19, lots 3, 4, E½SW¼, SE¼;
Sec. 20, W½SW¼, SE¼SW¼;
Sec. 28, S½SW¼;
Sec. 29, W½NE¼, SE¼NE¼, W½, SE¼;
Secs. 30 thru 33;
Sec. 34, SW¼NW¼, SW¼, S½SE¼.
T. 13 S., R. 4.W.,
Secs. 3 thru 10;
Sec. 15, N½, SW¼, N½SE¼, SW¼SE¼;
Secs. 16 thru 21;
Sec. 22, NW¼, W½SW¼;
Sec. 28, lots 1 thru 4;
Sec. 29, lots 1 thru 4, SW¼NE¼, S½, NW¼, SW¼, W½SE¼;
Secs. 30 and 31;
Sec. 32, W½E½, W½.
T. 14 S., R. 4 W.,
Sec. 5, lots 1 thru 4, S½N½, SW¼, W½SE¼;
Secs. 6 and 7;
Sec. 8, W½;
Sec. 17, W½NW¼;
Sec. 18.
T. 12 S., R. 5 W.,
sec. 24, S½;
secs. 25 thru 29;
sec. 30, SE¼NE¼, SE¼SW¼; SE¼;
secs. 31 thru 36.
T. 13 S., R. 5 W.,
secs. 1 thru 36.
T. 14 S., R. 5 W.,
secs. 1 thru 5;
sec. 6, lots 1 thru 9, S½NE¼, SE½NW½, E½SW¼, SE¼;
sec. 7, E½;
secs. 8 thru 15;
sec. 16, N½;
sec. 17, N½;
sec. 18, NE¼NE¼;
secs. 22 thru 24.

The areas described above aggregate 62,829 acres in Juab County, of which approximately 55,905 acres are public lands.

This area is designated as Class II—General Outdoor Recreation Lands under the Bureau of Outdoor Recreation system of classification.

ARNOLD E. PETTY,
Acting Associate Director.

[FR Doc.76–10560 Filed 4–12–76;8:45 am]

BOISE DISTRICT ADVISORY BOARD

Meeting

Correction

In FR Doc. 76–10254, appearing on page 15039 of the issue for Friday, March 9, 1976, line 20 now reading "5. Inspection of Mounatin Home Plan", should read "4. Inspection of Bennett Mountain Home Plan".

Fish and Wildlife Service

[INT DES 75–57]

OPERATION OF THE NATIONAL WILDLIFE REFUGE SYSTEM

Extension of Review Period

In the matter of Interior Draft Environmental Statement 75–57.

The FEDERAL REGISTER of Monday, February 9, 1976, Volume 41, No. 27, carried notice of extension of review period for subject draft environmental statement until March 27, 1976.

Due to the number of public expressions and requests for an additional extension the deadline for receipt of comments is hereby extended to May 13, 1976.

April 9, 1976.

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

[FR Doc.76–10517 Filed 4–12–76;8:45 am]

MARINE MAMMAL PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit has been received under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407).

Applicant: University of Minnesota, Department of Ecology & Behavioral Biology, 310 Biological Sciences Center, St. Paul, Minnesota 55108, Donald B. Siniff.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate by X) — ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.

Research on population dynamics, reproductive cycle and behavior of Enhydra lutris

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)

Donald B. Siniff
Department of Ecology & Behavioral Biology
310 Biological Sciences Center
University of Minnesota
St. Paul, Minnesota 55108 (612-373-4909)

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☒ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT 6'0"	WEIGHT 155
DATE OF BIRTH 7/7/35	COLOR HAIR Brown	COLOR EYES Brown
PHONE NUMBER WHERE EMPLOYED 612-373-4909	SOCIAL SECURITY NUMBER 287-30-9700	
OCCUPATION Professor		

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:

EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED

Prince William Sound, Alaska
Aleuhan Islands, Alaska
California

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)

PRT 9-19-C

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)

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 3/15/76

11. DURATION NEEDED 1 year

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

50 CFR 13.12, Sections 1-10

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) X Donald B. Siniff — DATE 3/15/76

3-200 — GPO 895-042

Application for Sea Otter (*Enhydra lutris*) Research Permit as required by Marine Mammal Protection Act of 1972. Amendment and/or Renewal of Permit No. PRT 9–19–3 which was effective March 19, 1975.

Information required by 50 C.F.R. 13.12.

1a. Donald B. Siniff, 310 BioScience Center, University of Minnesota, St. Paul, Minnesota 55108. Phone Number, 612–373–4909.

1b. John R. Tester, 310 BioScience Center, University of Minnesota, St. Paul, Minnesota 55108. Phone Number, 612–373–5646.

2a. Date of Birth: July 7, 1935. Height: 6'0". Weight: 155. Color hair: brown. Color eyes: brown. Sex: male. Affiliation: Professor, Department of Ecology & Behavioral Biology, University of Minnesota.

2b. Date of Birth: November 18, 1929. Height: 5'11". Weight: 175. Color hair: brown. Color eyes: blue. Sex: male. Affiliation: Professor and Head, Department of Ecology & Behavioral Biology, University of Minnesota.

3. The persons named in Section I are co-principal investigators of a project titled "Application of radiotelemetry technology to selected problems in vertebrate censusing and population study" (see Attachment I). The co-principal investigators will be represented in the field by a number of other specialists and it is implicit that these representatives are to be included within the framework of this permit application. For example, one or more engineers from the Bioelectronics Laboratory, University of Minnesota will work on transmitter attachment and technology. Dr. Lee Eberhardt, Battelle Northwest, will serve as a consultant and will aid in the development of census techniques and data reduction. Graduate students E. McGehee and K. Kadlac will be employed to carry out most of the field work. There will be other participants that cannot be specified at this time, but will be named in the end-of-season report.

4. Location of Activity: Prince William Sound, Alaska; Amchitka Island, Alaska; and the California Coast from about Santa Cruz to the Santa Maria River.

5. Information required by 50 C.F.R. 18.31 for Marine Mammal Research Permit:

1. Purpose: To test a variety of telemetry packages on captive and free ranging sea otters. The purpose of these tests will be to perfect a method of attachment that will not hamper the natural movement of the tagged animals, and will not destroy the thermal insulating or buoyancy qualities of the pelage. Initial tests have been carried out on captive animals. Additional tests on captive animals will be performed and field tests on free ranging animals will be required to further evaluate the performance of the telemetry package. Free ranging animals will be tracked and information on activities and movements in the habitat will be gathered. Work will be carried out with the cooperation of Mr. Ancel Johnson, U.S. Fish and Wildlife Service, Anchorage, Alaska, and the California Department of Fish and Game.

Dates of Taking: March 15, 1976 through March 14, 1977.

Location and Manner of Taking: Further tests are planned on captive sea otters held by U.S. Fish and Wildlife Service in Prince William Sound, Alaska. Tests may also be conducted at Sea World or some similar facility if it seems desirable to make close range observations of the animals in large holding tanks. Field tests will be initiated at Prince William Sound and extended to the California range if preliminary results are promising. Free ranging sea otters will be captured with diver held traps according to the technique described by Wild and Ames (Wild, P. W. and J. A. Ames. 1974. A report on the sea otter, *Enhydra lutris L.*, in California. Calif. Dept. Fish. and Game, Mar. Res. Tech. Rept., (20):1–93) or modified salmon dip nets such as those used by Mr. Johnson

in Alaska. Captive animals will be handled according to the procedures followed by the cooperative agency.

2. Stocks, numbers and products to be taken, weights, ages, sizes, sex and condition: *Enhydra lutris* occurs in Alaska and off the coast of California. Some taxonomists believe the otters in these two areas belong to different subspecies, *E. l. lutris* in Alaska and *E. l. nereis* in California. These subspecies may be further subdivided into discrete breeding populations but the size and geographic distribution of these populations is poorly understood. The California population is estimated to be 1600–1800 individuals and the Alaska population approximately 100,000–125,000 (U.S. Fish and Wildlife Service. 1975. Administration and Status Report of the Marine Mammal Protection Act of 1972: June 22, 1974 to June 21, 1975. 122 pp.).

Permission is requested to instrument no more than 55 animals; with no more than 20 being instrumented in California and 35 in Alaska. Each individual captured will be weighed, sexed, marked and individually fitted with a radio package. In the early phases of the project, only fully grown adults will be fitted with transmitter packages. In later stages, however, we hope to develop a method of attachment that will not interfere with growth so that transmitter attachment will be extended to include immature animals.A subsample of sea otters will be marked with human hair dye or flipper tags to promote visual identification but will not be fitted with a telemetry package. However, the total number of otters marked and/or instrumented will not exceed 20 in California or 35 in Alaska. These sea otters will provide a control group to evaluate the effect of transmitter attachment on variables such as swimming ability, entrapment in sea weed, copulatory behavior, etc. Position telemetry will be used to monitor daily movement and activity patterns. Long term goals are to identify home range, seasonal movement, habitat selection and use, dispersal patterns, and other factors relating use and habitat.

Permission is requested to obtain blood samples from captive otters and from free ranging otters which are taken for instrumentation. Ten ml samples should be sufficient to give some preliminary data on protein polymorphisms, reproductive hormones and nutritional parameters. It is hoped that data can be obtained from captive animals which will provide a baseline for samples obtained in the wild. All blood samples will be analyzed by U.S. Seal of the U.S. Veterans Administration Hospital and the University of Minnesota. This work will be coordinated with A. Johnson, Fish and Wildlife Service, who is also collecting blood from otters. When Mr. Johnson or his staff are present in the field, they will collect the samples.

No mortalities are expected as a result of telemetry or blood work but to cover contingencies, authorization is requested to possess carcasses of any sea otters killed accidentiy (not to exceed 5 per year) or found dead of natural causes. As many as 10 additional mortalities may occur as a result of oil pollution work (see below). There is some trauma associated with handling and transmitter attachment. Therefore, we request permission to use tranquilizer drugs in such situations if necessary. Diazepan (Valium, Roche Laboratories) administered I.M. is the drug of choice. Doses of about 0 7 mgm/kgm will probably be adequate.

In addition to the telemetry and blood work, we request permission to use 10 otters captured from the Prince William Sound area to begin tests on the effect of oil pollution on sea otter populations. At this time many scientists believe that oil spills could completely exterminate local populations and might cause a considerable reduction in larger populations of otter. Yet little data exist on the reactions and effects which actually occur. Thus, we are proposing some preliminary tests to begin gathering such information. Data on two main aspects of oil pollution will be obtained. These are (1) the ability or inability of otters to avoid contamination at varying degrees of surface coverage, and (2) their ability to cope physiologically with varying degrees of exposure. This project will be conducted in cooperation with A. Johnson, Fish and Wildlife Service. G. Kooyman has been contacted for advice on physiological aspects of the project. The work will be carried out in a holding tank on the shore of Prince William Sound.

Preliminary work will involve exposure of penned otters to different amounts of crude oil. Records will be kept of the otters' behavioral reactions to varying degrees of coverage. If fouling of the insulating pelage occurs, thermoregulatory perturbation is likely to result. Telemetry devices for the transmission of body temperature may be used to obtain surface temperature data. After behavorial reactions to floating oil are recorded, we will experiment with purposeful fouling of certain areas of the pelage. G. Kooyman and A. Johnson will be consulted before the final design of these experiments is decided. If deaths occur, autopsies to evaluate possible disruption of the gastro-intestinal tract as a result of grooming activity will be performed.

3. Mode of transportation and holding: It may be necessary to hold otters for a short time in small cages (2 hours or less) to observe initial reaction to transmitter attachment. Cages with screened floors will be used to prevent pelage soiling by urine or excrement. It will not be necessary to feed the animals during these short term observations. For long term observations, the otters will be transported in the same small cages to nearby permanent holding facilities operated by U.S. Fish and Wildlife Service in Prince William Sound.

4. Description of research project: See attached proposal (Attachment 1).

6. Documentation for importation from foreign country: Not applicable.

7. 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 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.

8. Desired effective date of permit: March 15, 1976 to March 14, 1977.

9. Date of Application: February 11, 1976.

10. Signature of applicant:

DONALD B. SINIFF.
JOHN R. TESTER.

SUBPROJECT FOUR

APPLICATION OF RADIO TELEMETRY TO SELECTED PROBLEMS IN VERTEBRATE CENSUSING AND POPULATION STUDY

A supplementary proposal outlining Subproject Four titled: "Application of radio telemetry to selected problems in vertebrate censusing and population study" was funded for the period March 15, 1975, to October 15, 1975. The following is a discussion of work intended to be carried out under this subproject for the period October 16, 1975, to October 15, 1976. The original proposal set forth general plans for research on sea otter (*Enhydra lutra*) populations at Amchitka Island and along the California and Alaska coasts. A major emphasis was to use telemetry to obtain information on census problems and to initiate studies on selected problems on the population dynamics of this species. The original proposal noted that this species has been demonstrated to be sensitive to environmental disturbances and suggested that it was important that long-term studies be initiated to (1) develop techniques of population monitoring and (2) to start data collection in order to evaluate possible influence of environmental changes.

We visualize the research program as one requiring a long-term commitment. This is because weaknesses in existing techniques for census and population study constitute one of the more critical issues in field ecology. We thus regard the long-term objective of the subproject as one of utilizing the extensive experience, technology, and equipment developed over the years at the University of Minnesota under AEC/ERDA support to resolve basic problems in animal census and population study methods. Such methods are of particular importance in light of the broadened responsibility given ERDA in the energy research area.

This long-term research will be done in close cooperation with research supported at the Pacific Northwest Laboratory under contract E(45–1)–1830, project title, "Analysis of Natural Systems", for which Dr. L. L. Eberhardt is responsible. An important part of the PNL program has been devoted to developing the improved quantitative ecological methods requiring by ERDA, including census technology.

Our immediate goals in the current research are concerned with the use of radiotelemetry to develop satisfactory methods for censusing and measuring other important population parameters of the sea otter, and to application of such methods to otter populations at Amchitka Island, Alaska. The particular frame of reference to this population is the suggestion (Kirkwood 1974) that sea otter numbers in the 10 mile coastal stretch adjacent to the Cannikan shot site are at levels about half those before the nuclear test. We are thus arranging to develop methods for "instrumenting" sea otters and will participate in the resurvey visit to Amchitka in mid-August, 1975. At this writing (early July, 1975) our field team is prepared to go to Alaska in the next few weeks, as soon as we are notified by Fish and Wildlife Service biologists in Alaska that otters have been trapped (in Prince William Sound) and are available for our use.

Any research on marine mammals now requires a permit from the Marine Mammal Commission (under terms of the Marine Mammal Protection Act of 1972). Our present permit requires that initial testing of the telemetry "package" be done in Alaska. Once such testing has been accomplished, we plan to initiate studies on the California coastal population of sea otters. We believe such studies to be of particular importance to ERDA in two specific ways. One is the prospect of further coastal siting of nuclear plants in California, and the second is potential hazard to these limited otter populations of oil spills along the coast. Sea otters are particularly vulnerable to oil pollution by way of the loss both of insulation and flotation once exposed to oil (the California populations seldom, if ever, come ashore).

A rather substantial controversy now exists about the California otter population, in the sense that a sizable segment of the public consider this population to be "endangered", while others (including the California Department of Fish and Game) regard the existing otter population as a source of considerable damage to abalone, clam, and crab resources. Consequently we believe a research

program aimed at improved understanding of the population will be of considerable importance in light of both ERDA responsibilities and rational resource management. We also believe the species will eventually be of considerable biomedical interest in view of its rather unique status. In an evolutionary sense, otters are a "new animal" to the marine habitat, and have not developed the extensive insulation (blubber) common to other marine mammals. Much of the necessary compensation for heat loss in its full-time marine existence comes from a remarkably high metabolic rate (food intakes from 25–35 percent of body weight per day). Since otters are of a substantial size (roughly 55 pound average weight for adults), the species deviates from the usual relationship between body size and metabolic rate, and thus should offer especially useful insights in metabolic studies.

In California we anticipate emphasizing research in two major areas: (1) the study of reproductive physiology and other behavioral studies connected with reproduction, such as pup rearing and behavior at time of family break-up or dispersal; and (2) factors influencing census results and the development of methodology to improve current techniques.

The population work centered on reproductive behavior and physiology will be initiated during August, 1975, and will continue throughout the year. In the field we hope to investigate mother-young relationships and sex and age patterns in the California population. During August, 1975, field work will start to document patterns in the population from observations and from data which had been collected over the years by California Fish and Game biologists as well as others concerned with otter populations. Our permit obtained from Department of Interior requires that transmitter attachment problems must be worked out in Prince William Sound prior to attachment of transmitters to California animals. We hope that during July, 1975, this problem will be solved in Prince William Sound and we may do some telemetry work in California in August or September, 1975. However, the decision on this work must await solution of attachment problems. Once these have been resolved, we will attempt to study movement patterns of adult females and juvenile animals. To understand the reproductive biology of this species it is important that an understanding of the social structure be obtained and relationship of adult and juvenile animals be documented. This will be the major thrust of our initial efforts in California. We have contacted California Fish and Game Department representatives and they will assist in capture of otter and instrumentation should this become a feasible activity in the late summer of 1975. If difficulties are encountered in the transmitter attachment procedure, we will delay any active field work in this area until the spring or summer of 1976.

In our discussions with Sea World representatives (San Diego) we found them to be willing to participate in the studies, and they offered holding facilities for captive animals. Also, we have contacted the Omaha Zoo where the staff has also indicated willingness to maintain captive populations for research purposes. It may be desirable to use both facilities, as specimens from the California population could be maintained at Sea World, while specimens from the Alaska population could be based in Omaha. The primary purpose of the captive otter studies would be to investigate reproductive biology and, to some extent, nutritional problems. Blood samples would be collected at regular intervals (weekly and/or monthly) and quantitatively assayed for measurements of clinical blood values and hormone level determinations. The ultimate goal of these studies will be to determine base line value so that we can obtain a blood sample from a free-ranging animal which will be used to determine its reproductive and nutritional state. We will also investigate the possibility of using vaginal smears and testicular biopsys as further documentation of reproductive condition.

For the captive animals we hope to eventually initiate telemetary procedures to monitor certain physiological parameters such as heart rate and body temperature. These techniques may become necessary when further information is obtained on physiological reactions to stressful conditions.

The census work will be initiated during August, 1975, when Dr. L. L. Eberhardt (on leave from Battelle Northwest) will be present at the California Fish and Game facility in Monterey, California. As outlined in our original proposal for this subproject, we hope to use telemetered animals to gain information on probability of sighting. If the attachment problem is solved as indicated above, this work can be initiated in August, 1975. If delays in telemetry develop, then work will continue in cooperation with California Fish and Game biologists to investigate further their current techniques, and to determine how the probability of sighting may influence current censuses. During August, 1975, data will be collected on frequency and duration of dives and consideration will be given to theoretical developments using such data to correct census observations.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 13, 1976 will be considered.

Dated: April 7, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-10549 Filed 4-12-76;8:45 am]

Geological Survey

RAFT RIVER (FORMERLY FRAZIER), IDAHO

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21 (a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as additions to the Raft River (formerly Frazier) Known Geothermal Resources Area, effective May 1, 1975:

(12) IDAHO

RAFT RIVER KNOWN GEOTHERMAL RESOURCES AREA, BOISE MERIDIAN, IDAHO

T. 13 S., R. 26 E.,
Sec. 35.
T. 14 S., R. 26 E.,
Secs. 12 and 13;
Secs. 24 and 25;
Secs. 28 through 30;
Secs. 33 through 36.
T. 15 S., R. 26 E.,
Secs. 1 through 3;
Sec. 4, N½;
Secs. 10 through 12;
Secs. 21, SE¼;
Sec. 28;
Sec. 29, S½;
Secs. 32 and 33.
T. 16 S., R. 26 E.,
Secs. 4 and 5.
T. 14 S., R. 27 E.,
Secs. 18, 19, 30, and 31
T. 15 S., R. 27 E.,
Secs. 6, 7, 18, 19, 30 and 31.

The area described aggregates 22,529 acres, more or less.

WILLARD C. GERE,
Conservation Manager, Western Region.

Dated: February 24, 1976.

[FR Doc.76-10562 Filed 4-12-76;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 2, 1976. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by April 23, 1976.

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

ALABAMA

Greene County

Eutaw, *Kirkwood*, 111 Kirkwood Dr.

ARKANSAS

Garland County

Hot Springs, *Passmore House*, 846 Park Ave.

CALIFORNIA

Riverside County

Rubidoux, *Jensen, Cornelius, House*, 4350 Riverview Dr.

San Francisco County

San Francisco, *Whittier Mansion*, 2090 Jackson St.

Solano County

Benicia, *Fischer, Joseph, House*, 135 G St.

CONNECTICUT

Fairfield County

Danbury, *Ives House*, 7 Mountainville Ave.

Hartford County

Suffield, *King, Alexander, House*, 232 S. Main St.

DELAWARE

New Castle County

New Castle, *Amstel House*, Delaware and 4th St.

Sussex County

Bethany Beach vicinity, *Indian River Life Saving Service Station*, DE 14 N of Bethany Beach.

Lewes, *Hall, Col. David*, House, 107 Kings Highway.

FLORIDA

Duval County

Jacksonville, *Jacksonville Terminal Complex*, 1000 W. Bay St.

Gadsden County

Chattahoochee vicinity, *Martin, Malachi House*, E of Chattahoochee off U.S. 90.

Leon County

Tallahassee, *Walker, David S., Library*, 209 E. Park Ave.

Sarasota County

Venice vicinity, *Warm Mineral Springs*, about 12 mi. SE of Venice on U.S. 41.

IDAHO

Power County

American Falls, *American Falls East Shore Power Plants*, ID 39.

ILLINOIS

DuPage County

Elmhurst, *Hauptgebaude*, 190 Prospect St.

Knox County

Galesburg, *Central Congregational Church*, Central Square.

Peoria County

Peoria, *Grand Army of the Republic Memorial Hall*, 416 Hamilton Blvd.

INDIANA

Allen County

Fort Wayne, *Allen County Courthouse*, 715 S. Calhoun St.

Dearborn County

Aurora vicinity, *Laughery Creek Bridge*, S of Aurora off IN 56 (also in Ohio County).

Delaware County

Muncie, *Muncie Public Library*, 301 E. Jackson St.

Fayette County

Connersville, *Roots, P. H. and F. M., Company Factory*, Eastern Ave. at 1st St.

Lawrence County

Bedford, *Norton, C. S., House*, 1415 15th St.

Ohio County

Laughery Creek Bridge. Reference—see Dearborn County.

KENTUCKY

Fayette County

Lexington, *Christ Church Episcopal*, Church and Market Sts.

Lexington, *Elsmere Park Historic District*, bounded by 6th and 7th Sts., and Spence and Elsmere Alley.

Lexington vicinity, *Lewis Manor*, Viley Rd., NW of Lexington.

Lexington vicinity, *Moore-Redd-Frazer House*, Georgetown Pike, N of Lexington.

Kenton County

Erlanger, *Timberlake-Stevenson House*, 108 Stevenson Rd.

LOUISIANA

Avoyelles Parish

Mansura, *Dee Fosse, Dr. Jules Charles, House*, L'Eglise St.

Ouachita Parish

Monroe, *Garrett, Isaiah, Law Office*, 520 S. Grand St.

Sabine Parish

Many vicinity, *Stoker House*, LA 6, NE of Many.

St. John the Baptist Parish

LaPlace vicinity, *Bayou Jasmine Archeological Site (16SJB2)*, N of LaPlace.

MASSACHUSETTS

Essex County

Gloucester vicinity, *Beauport*, Eastern Point Blvd.

Hampden County

East Longmeadow, *Burt, Elijah, House*, 201 Chestnut St.

Springfield, *McKnight District*, roughly bounded by State St. and the RR. tracks, the Armory, and Harvard St., includes both sides of Campus Pl.

Springfield, *Maple-Union Corners*, 77, 83, 76–78, 80–84 Maple St.

Middlesex County

Lexington, *Sanderson House and Munroe Tavern*, 1314 and 1332 Massachusetts Ave.

Worcester County

Charlton, *Spurr, John, House*, Main St.

MICHIGAN

Alger County

Munising, *Lobb House*, 203 W. Onota St.

MISSISSIPPI

Lee County

Tupelo vicinity, *Mutt-Thomason Site*, N of Tupelo.

Monroe County

Aberdeen, *U.S. Courthouse and Post Office*, 201 W. Commerce St.

Newton County

Enterprise vicinity, *Lavelle Site*, NW of Enterprise.

MISSOURI

Jackson County

Kansas City, *Mineral Hall (Roland E. Bruner House)*, 4340 Oak St.

Kansas City, *Waldo Water Tower*, Tower Park, 75th and Holmes Rd.

Kansas City, *West Ninth Street/Baltimore Avenue Historic District*, roughly bounded by Main, 8th, 9th, and Central Sts.

St. Louis (independent city)

Cupples, Samuel, House, 3673 W. Pine Blvd.

MONTANA

Custer County

Miles City vicinity, *Fort Keogh*, about 2.5 mi. SW of Miles City.

NEW HAMPSHIRE

Cheshire County

Keene, *Dinsmoor-Hale House*, Main and Winchester Sts.

Keene, *Elliot House*, 305 Main St.

Keene, *Fiske, Catherine, Seminary for Young Ladies*, 251 Main St.

NEW JERSEY

Mercer County

Trenton vicinity, *Abbott-DeCou House*, 58 Soloff Dr.

Middlesex County

New Brunswick, *Bishop, James, House*, College Ave.

Perth Amboy, *St. Peter's Episcopal Church*, Rector and Gordon Sts.

Monmouth County

Highlands vicinity, *Fort Hancock Life Saving Station*, N of Highlands on Sandy Hook.

Red Bank vicinity, *Union Schoolhouse*, W of Red Bank on Middletown Rd.

Ocean County

Barnegat Light, *Barnegat Light Public School*, 501 Central Ave.

NEW MEXICO

Santa Fe County

Santa Fe vicinity, *El Rancho de las Golondrinas*, 12 mi. SW of Santa Fe on NM 22.

NEW YORK

Dutchess County

Beacon, *Tioronda Bridge*, South Ave. over Fishkill Creek.

Onondaga County

Camillus vicinity, *Nine Mile Creek Aqueduct*, Thompson Rd., NE of Camillus.

OREGON

Marion County

Mt. Angel, *St. Mary's Catholic Church*, off OR 214.

Multnomah County

Portland, *Portland Yamhill Historic District*, bounded by Taylor, Morrison, 2nd St. (includes both sides), and the Willamette River.

Portland, *Visitor's Information Center*, 1020 SW Front Ave.

Yamhill County

Dayton, *Smith, Andrew, House*, 306 5th St.

PENNSYLVANIA

Chester County

Coatesville, *Lukens Main Office Building*, 50 S. 1st. Ave.

McKean County

Bradford, *Bradford Old City Hall*, Kennedy and Boylston Sts.

Monroe County

Swiftwater, *Swiftwater Inn*, U.S. 611.

Philadelphia County

Philadelphia, *Marine Barracks*, Building 100, Naval Base, Broad St.

TENNESSEE

Bradley County

Charleston, *Henegar House*, Market St.

Cleveland vicinity, *Conrad, Hair, Cabin*, Blythewood Rd., W of Cleveland.

UTAH

Salt Lake County

Salt Lake City, *Bertolini Block*, 143½–147 W. 200 South.

VIRGINIA

Loudoun County

Leesburg vicinity, *Rokeby*, about 2.5 mi SW of Leesburg off VA 650.

WASHINGTON

Chelan County

Berne vicinity, *Stevens Pass Historic District*, W of Berne, U.S. 2 (also in King County).

King County

Stevens Pass Historic District. Reference—see Chelan County.

Spokane County

Spokane, *Browne's Addition Historic District*, roughly bounded by Sunset Blvd., Maple, Latah Creek, and the Spokane River.

Spokane, *Riverside Avenue Historic District*, roughly bounded by Main, Monroe, Sprague, Maple, and RR. tracks.

Spokane vicinity, *Fort George Wright Historic District*, Randolph Rd. W of Spokane.

[FR Doc.76-10258 Filed 4-12-76;8:45 am]

GATEWAY NATIONAL RECREATION AREA, NEW YORK

Availability of Planning Document

Notice is hereby given of the availability for public review and comment a document reflecting further steps in the process of developing a general management plan for Gateway National Recreation Area.

Copies of the document are available upon request from the Public Involvement Office, Gateway National Recreation Area, Floyd Bennett Field, Brooklyn, New York 11234. The telephone number is 212–252–8104.

Written comments are invited for a period of 30 days, and should be addressed to the Superintendent in care of the above address.

Dated: April 1, 1976.

DENIS P. GALVIN,
Acting Regional Director,
North Atlantic Region.

[FR Doc.76-10703 Filed 4-12-76;8:45 am]

Office of the Secretary

OIL SHALE LEASE; DETAILED DEVELOPMENT PLAN

Public Hearing

Pursuant to section 10(a) of the U.S. Department of the Interior Oil Shale Lease, the Department announces the availability of the "Detailed Development Plan" for Oil Shale Tract C–a, Serial No. Colorado 20046. Detailed Development Plans required by section 10(a) of the lease are to include:

1. A schedule of the planning, exploratory, development, production, processing and reclamation operations and all other activities to be conducted under the lease;

2. A detailed description pursuant to 30 CFR Part 231 and 43 CFR Part 23 of the procedures to be followed to assure that the development plan, and lease operations thereunder, will meet and conform to the environmental criteria and controls incorporated in the lease; and

3. A requirement that the lessee use all due diligence in the orderly development of the lease deposits, and, in particular, to attain, at as early a time as is consistent with compliance with all the provisions of the lease, production at a rate at least equal to the rate on which minimum royalty is computed.

Prior to commencing any operations under a Detailed Development Plan on the leased lands, the lessees must obtain the approval of the Area Oil Shale Supervisor. Once the Detailed Development Plan is approved, the lessees shall proceed to develop the leased deposits in accordance with that plan.

Notice is hereby given that public hearings will be held for the purpose of receiving comments relating to the Tract C–A Detailed Development Plan on the following dates and at the following locations:

JUNE 8, 1976

Library, McLaughlin Building, Colorado Northwestern Community College, Rangely, Colorado 81648.

JUNE 10, 1976

U.S. Post Office, Room 269, Auditorium, 1823 Stout Street, Denver, Colorado 80225.

Hearings at both locations will begin in the afternoon at 1 p.m. and continue until all present are heard, or 5 p.m., whichever comes first. In the evening, hearings at both locations will begin at 7 p.m. and continue until all present are heard or 10 p.m., whichever comes first.

Interested individuals, representatives of organizations and public officials wishing to appear at the hearings should contact the Office of the Area Oil Shale Supervisor, U.S. Geological Survey, 131 North 6th St., Grand Junction, Colorado, no later than May 25, 1976. Written comments from those unable to attend and from those wishing to supplement their oral presentations at the hearings should be received by the Office of the Area Oil Shale Supervisor, 131 North 6th Street, Grand Junction, Colorado on or before June 25, 1976.

All written statements received pursuant to this notice will be included in the hearing record. Oral statements at the hearings will be limited to a period of ten minutes. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearings officer will give others present an opportunity to be heard. Because of time limitations, those presenting oral statements at one of the above identified locations will not be permitted to present such statements at other locations.

Notice is also given that copies of the Tract C–a Detailed Development Plan and related quarterly progress reports are available for public inspection during regular business hours at the following locations:

Area Oil Shale Office, Mesa Federal Savings & Loan Bldg., Grand Junction, Colorado.
U.S. Geological Survey, Conservation Division, Central Region, Villa Italia, Denver, Colorado.
U.S. Geological Survey, Conservation Division, Reston, Virginia.
Oil Shale Environmental Advisory Panel, Bldg. 67, Denver Federal Center, Denver, Colorado.
Mesa College Library, Grand Junction, Colorado.
Mesa County Public Library, Grand Junction, Colorado.
Montrose Regional Library, Montrose, Colorado.
Delta Library, Delta, Colorado.
Library, Department of the Interior, Main Interior Bldg., Washington, D.C.
Rangely Public Libarry, Rangely, Colorado.
Colorado Northwestern Community Library, Rangely, Colorado.
Meeker Public Library, Meeker, Colorado.
Moffat County Library, Craig, Colorado.
Garfield County Library, New Castle, Colorado.
Colorado Mountain College Library, Glenwood Springs, Colorado.
Glenwood Springs Public Library, Glenwood Springs, Colorado.
Uintah County Public Library, Vernal, Utah.
Rifle Public Library, Rifle, Colorado.
Denver Public Library, Conservation Library, Denver, Colorado.
Bureau of Land Management, 455, Emerson Dr., Craig, Colorado.
Bureau of Land Management, Colorado State Office, Colorado State Bank Bldg., 1600 Broadway, Denver, Colorado.
Bureau of Land Management, Wyoming State Office, Federal Center, 2120 Capitol Ave., Cheyenne, Wyoming.
Bureau of Land Management, Utah State Office, 125 South State, Salt Lake City, Utah.
Salt Lake City Public Library, Salt Lake City, Utah.
Colorado State Library, 1362 Lincoln, Denver, Colorado.

CHRIS FARRAND,
Assistant Secretary
of the Interior.

APRIL 9, 1976.

[FR Doc.76-10694 Filed 4-12-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

WAYNE STATE UNIVERSITY, ET AL.

Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00213–33–46500. Applicant: Wayne State University, Detroit, Michigan 48202. Article: Ultramicrotome, Model OM U3, with Specimen Holders, Manufacturer: C. Reichert Optische Werke A.G. Austria. Intended use of article: The article is intended to be used in ultrastructural and cytochemical study of neural induction in amphibians with an intent to identify and describe the nature and

mechanisms involved in neural induction utilizing in vivo and tissue culture techniques. Optimum information can only be obtained from thin sections of soft specimens such as neural structures, embryonic tissues and cell cultures, when they are uniform in thickness and have smoothly cut surfaces. Application received by Commissioner of Customs: November 20, 1975. Advice submitted by the Department of Health, Education, and Welfare on: March 17, 1976.

Docket number: 76–00242. Applicant: The Pennsylvania State University, Department of Biochemistry & Biophysics, 108 Althouse, University Park, PA 16802. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to perform experiments to elucidate the synthesis and calcification of bone matrix by bone cells, both in tissue culture and in intact animals. In addition, the article will be used in the course Biophysics 585, Biological Ultrastructure, to train graduate students for biomedical research. Application received by Commissioner of Customs: December 16, 1975. Advice submitted by the Department of Health, Education, and Welfare on: March 17, 1976.

Docket number: 76–00243. Applicant: Colorado State University, Radiology CRHL, Foothills Campus, Fort Collins, Colorado 80523. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in studies concerned with correlation of ultrastructural and light microscopic morphologic alterations resulting from the effects of a single low dose of irradiation given in the perinatal period. Morphologic studies are supplemented by ancillary techniques of histochemistry and autoradiography. Application received by Commissioner of Customs: December 16, 1975. Advice submitted by the Department of Health, Education, and Welfare on: March 17, 1976.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from equal to or less than 0.5 millimeters/second (mm/sec) to equal to or greater than 10 mm/sec. The most closely comparable domestic instrument is the Model MT–2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT–2B has a range of cutting speeds from 0.09 to 3.2 mm/sec. The conditions for obtaining high quality sections that are uniform in thickness depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials and the geometry of the block. In connection with a prior application (Docket No. 69–00118–33–46500) which relates to the duty-free entry of an article in the category of instruments to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69–00665–33–46500) relating to the duty-free entry of an article in the same category as those described above, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is * * * a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an article similar to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 mm/sec are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, IM Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76–10519 Filed 4–12–76;8:45 am]

CORNELL UNIVERSITY AND U.S.C. SCHOOL OF MEDICINE

Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket Number: 76–00205–33–46040. Applicant: Cornell University, Sect. Biochemistry, Mol., and Cell Biology, Wing Hall, Ithaca, N.Y. 14853. Article: Electron Microscope, Model EM 301 and accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in studies of the following:

i. Molecular structure of RNA-protein nucleocapsid of RNA tumor viruses particularly Rouse Sarcoma Virus and Avian Myeloblastosis Virus.

ii. Atomic structure of pseudomonad cytochrome oxidase.

iii. Further investigations into molecular assembly, subunit assembly of rabbit muscle phosphofructokinase and acetylcholinesterase from housefly brain.

iv. Attachment of bovine heart muscle mitochondrial F_1 ATPase to the membrane of isolated submitochrondrial particles.

v. Structure of helical fibers and handedness of helix: Sickle Cell Hemoglobin fibers.

vi. Membrane studies of symmetry and assymmetry of bilayer membranes using artificial phospholipids in the presence and obsence of proteins (enzymes).

In addition, the article will be used to provide individual instruction to graduates and faculty members wishing to learn how to use the instrument or how to prepare tissue samples used in their various research projects. Application received by Commissioner of Customs: November 11, 1975. Advice submitted by the Department of Health, Education, and Welfare on: March 17, 1976. Article ordered: April 30, 1975.

Docket number: 76–00210–33–46040. Applicant: U.S.C. School of Medicine, Veterans Administration Hospital, Columbia, S.C. 29201. Article: Electron Microscope, Model JEM–100B 7 and accessories. Manufacturer: JEOL Inc., Japan. Intended use of article: The article is intended to be used to morphologically and histologically examine neuroendocrine cells maintained in vivo and/or in vitro. Neurosecretory cells of the brain of Manduca sexta which has been reared under different photoperiodic conditions will also be examined to establish whether the neurohormones are synthesized on a circadian rhythm. In addition, the article is intended to be used in teaching medical and graduate students in the courses: Microanatomy and Techniques in Electron Microscopy. Application received by Commissioner of Customs: November 13, 1975. Advice submitted by the Department of Health, Education, and Welfare on: March 17, 1976. Article ordered: June 26, 1975.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article has a specified resolving capability of 3 Angstroms. The most closely comparable domestic instrument available at the time the articles were ordered was the Model EMU–4C electron microscope which was formerly produced by the Forgflo Corporation and which is currently supplied by Adam David Company. The Model EMU–4C had a specified resolving capability of five Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Model EMU–4C was not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76–10520 Filed 4–12–76;8:45 am]

BISHOP CLARKSON MEMORIAL HOSPITAL, ET AL.

Decision on Applications for Duty-Free Entry of EMI Scanner Systems

The following is a consolidated decision on applications for duty-free entry of EMI Scanner Systems pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975.) (See especially Section 301.11 (e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00227. Applicant: Bishop Clarkson Memorial Hospital, Dewey Avenue at 44th, Omaha, Nebraska 68105. Article: EMI Scanner System with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for computerized axial tomography technique for study of neurological function in dialysis patients with a precision of observation (in the area under observation) which is at least an order of magnitude greater than ever previously available. The article will also be utilized in the physician education program in which the role the EMI-Brain Scanner can play in medicine will be taught. This program will concentrate on the areas of (1) where a scan will be beneficial in achieving a diagnosis and (2) the limits of the scanner in diagnosing diseases. Application received by Commissoner of Customs: December 8, 1975. Advice submitted by the Department of Health, Education, and Welfare on: March 17, 1976. Article ordered: October 15, 1974.

Docket number: 76–00230. Applicant: Tacoma General Hospital, Post Office Box 5277, 315 South K Street, Tacoma, Washington 98405. Article: EMI Scanner System with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for quantifications of endocranial cancers in man by measurement of their respective x-ray absorption coefficients. Another investigation will involve analysis of the physiological change of grey matter with age. Post treatment cancer development analysis will also be carried out. Application received by Commissioner of Customs: December 11, 1975. Advice submitted by the Department of Health, Education, and Welfare on: March 17, 1976. Article ordered: November 19, 1974.

Docket number: 76–00244. Applicant: Greenville Hospital System (Greenville General Hospital), 701 Grove Road, Greenvile, South Carolina 29602. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for studies of patients being evaluated for brain disorders of all varieties. These will include tumors, strokes, hemorrhages, and hydrocephalus. Specific use will include a comparative study of existing diagnostic modalities such as nuclear medicine scans, plain skull films, electroencephalograms and ultrasound with EMI Scans so that non-invasive measures can be used in cooperation with each other where there is a suspected brain disorder. EMI Scan results will also be used on excised tissue to determine absorption coefficients of different types of abnormalities of the brain. These results will be correlated with scans done on other patients so hopefully a more complete and accurate histologic diagnosis can be achieved. The article will also be used in the training of residents in surgery, internal medicine, and rotating interns as well as medical students. Application received by Commissioner of Customs: December 16, 1975. Advice submitted by the Department of Health, Education, and Welfare on: March 17, 1976. Article ordered: March 5, 1975.

Docket number: 76–00245. Applicant: St. John's Hospital, 1923 South Utica Avenue, Tulsa, Oklahoma 74104. Article: EMI Scanner System with Diagnostic Display Console. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in studies of the human brain in vivo. Neurological patients will undergo a computerized axial tomography evaluation and research in the diagnosis of brain neoplasm will be carried out in an effort to improve the identification of tumor size, location and extent in primary and metastatic lesions. Studies will be made to compare the accuracy of computerized axial tomography with conventional neurological studies including invasive and non-invasive procedures such as arteriography, pneumoencephalography, and nuclear medicine scans. Computerized axial tomography will be utilized and undoubtedly be an invaluable tool in teaching of neuro-anatomy and neurological disorders and diseases to residents, interns, and medical students. Application received by Commissioner of Customs: December 24, 1975. Advice submitted by the Department of Health, Education, and Welfare on: March 17, 1976. Article ordered: February 21, 1975.

Docket number: 76–00248. Applicant: Bayfront Medical Center, Incorporated, 701 Sixth Street South, St. Petersburg, Florida 33701. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in the training of resident physicians, nurses and radiological technologists in the use and application of the EMI scanner system. Application received by Commissioner of Customs: December 24, 1975. Advice submitted by the Department of Health, Education, and Welfare on: March 17, 1976. Article ordered: February 3, 1975.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article is a newly developed system which is designed to provide precise transverse axial X-ray tomography. Although competitive systems are now being manufactured domestically, none of these systems were available at the time the articles were ordered. The Department of Health, Education, and Welfare (HEW) advised in its respectively cited memoranda that the sensitivity and the noninvasive methodology of each article are pertinent to the purposes for which each foreign article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value

to any of the articles to which the foregoing applications relate for such purposes as these articles are intended to be used which was being manufactured in the United States at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which were being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RLICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-10521 Filed 4-12-76;8:45 am]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE LABORATORIES ADMINISTRATION, ET AL.

Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq. 15 CFR 701, 1975.)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Subsection 301.8 of the Regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. • • • If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of Subsection 301.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Subsection 301.8 further provides:

> • • • the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the *Federal Register* for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket number: 75-00116-33-46500. Applicant: Department of Health and Mental Hygiene Laboratories Administration, 16 E. 23rd Street, Baltimore, Maryland 21218. Article: Ultramicrotome, Model LKB 8800A and accessories. Date of denial without prejudice to resubmission: December 3, 1975.

Docket number: 75-00215-33-46500. Applicant: West Virginia University Medical Center, Medical Center Campus, Morgantown, West Virginia 26506. Article: Ultramicrotome, Model Om U3. Date of denial without prejudice to resubmission: December 4, 1975.

Docket number: 75-00218-33-46500. Applicant: University of California at Los Angeles, 405 Hilgard Avenue, Los Angeles, California 90024. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: December 3, 1975.

Docket number: 75-00229-33-46500. Applicant: Veterans Administration Hospital, Laboratory Service, 1400 V.F.W. Parkway, West Roxbury, Mass. 02132. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: December 4, 1975.

Docket number: 75-00234-33-46500. Applicant: Veterans Administration Hospital, General Medical Research, 4500 South Lancaster Road, Dallas, Texas 75216. Article: Ultramicrotome, LKB 8800A. Date of denial without prejudice to resubmission: December 3, 1975.

Docket number: 75-00235-33-46500. Applicant: Veterans Administration Hospital, 500 North Foothill Blvd., Salt Lake City, Utah 84113. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: December 3, 1975.

Docket number: 75-00572-33-90000. Applicant: Washington University, Department of Radiology, 510 South Kingshighway, St. Louis, Missouri 63110. Article: EMI Scanner Body System (Prototype Design). Date of denial without prejudice to resubmission: December 19, 1975.

Docket number: 76-00082-33-90000. Applicant: Rush-Presbyterian-St. Luke's Medical Center, 1753 West Congress Parkway, Chicago, Illinois 60612. Article: EMI Scanner Body System (Prototype Design) and accessories. Date of denial without prejudice to resubmission: December 19, 1975.

Docket number: 76-00149-25-64000. Applicant: Loyola Marymount University, 7101 West 80th Street, Los Angeles, CA 90045. Article: Polariscope, Model 109. Date of denial without prejudice to resubmission: December 18, 1975.

Docket number: 76-00150-33-90000. Applicant: National Institutes of Health, Bethesda, Maryland 20014. Article: EMI-Scanner System with Magnetic Tape Unit, Head holders, support device and interchangeable collimators. Date of denial without prejudice to resubmission: December 18, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-10522 Filed 4-12-76;8:45 am]

National Oceanic and Atmospheric Administration

IMPORTATION OF CAPE FUR SEALSKINS

Decision To Waive Moratorium

Correction

In FR Doc. 76-4657 appearing in the FEDERAL REGISTER of Thursday, February 19, 1976 at page 7537 make the following correction:

On page 7540, middle column, paragraph "d.", the dollar amounts in the second line should read "$100.00".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

FOREIGN LANGUAGE AND AREA STUDIES RESEARCH PROGRAM

Priorities for Funding Proposals for Fiscal Year 1976

On pages 50300 and 50301 of the FEDERAL REGISTER of October 29, 1975 there was published a Notice of Proposed Rulemaking which set forth priorities for funding proposals for Fiscal Year 1976 under section 602 of the National Defense Education Act of 1958, as amended (20 U.S.C. 511(a)). Interested persons

were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed priorities.

No objections have been received and the proposed priorities are hereby adopted without change and are set forth below.

Effective date. Pursuant to Section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), these priorities have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

Dated: March 15, 1976.

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

Approved: April 7, 1976.

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

(Catalog of Federal Domestic Assistance Program: 13.436 Foreign Language and Area Studies—Research.)

Section 602 of the National Defense Education Act of 1958, as amended (20 U.S.C. 512) authorizes the Commissioner of Education to contract for studies and surveys to determine the need for increased or improved instruction in modern foreign languages and related fields needed to provide a full understanding of the areas, regions, or countries in which such languages are commonly used, to conduct research on more effective methods of teaching such language and such fields, and to develop specialized materials for use in training students and language teachers. For Fiscal Year 1976, the Commissioner has decided to accept proposals for such contracts as unsolicited proposals and to evaluate them in accordance with the requirements and evaluation criteria listed in § 3–4.5203–2(b) of the HEW Procurement Regulations (41 C.F.R. 3–4.5203–2(b)). The funding priorities for such proposals are set forth in paragraph A and the HEW procurement criteria are set forth in paragraph B, below.

A. *Funding Priorities.* Priority will be given to proposals dealing with: (1) the preparation of specialized instructional material particularly for languages which are not widely taught in the United States and for which there is no commercial market, and for area studies concerned with the non-Western world; (2) teaching methodology, and more specifically methodology which applies linguistic, psycholinguistic and sociolinguistic theories to projects which can thereby be expected to increase our understanding of second language acquisition and improve teaching and learning methodology; and (3) conferences, studies, and surveys to assess the state of the art of foreign language and area studies in the United States, to determine new directions as needed, to identify priority needs for specialized materials, and to observe national trends through surveys of enrollments and degree requirements.

B. *HEW Procurement Criteria for evaluating unsolicited proposals.* The criteria listed in section 3–4.5203–2(b) of the HEW Procurement Regulation include:

(1) The overall scientific and technical merit of the proposed effort;

(2) The potential contribution which the proposed effort is expected to make to specific program objective(s), if supported at this time;

(3) The unique capabilities, related experience, facilities, instrumentation, or techniques which the offeror possesses and offers, and which are considered to be integral factors for achieving the scientific, technical, or technological objective(s) of the proposal; and

(4) The unique qualifications, capabilities, and experiences of the proposed principal investigator and/or key personnel.

For the further information of applicants, unsolicited proposals under the HEW Procurement Regulations (41 C.F.R. 3–4.5202–1(b)), must include the following information:

(1) Name and address of the organization or individual submitting the proposal;

(2) Date of preparation or submission;

(3) Type of organization (profit, nonprofit, educational, other);

(4) Concise title and clear and concise abstract. Extensive material should be included only in appendices:

(5) An outline and discussion of the purpose of the proposed effort of activity, the method of approach to the problem, and the nature and extent of the anticipated results;

(6) Names of the key personnel to be involved, brief biographical information, including principal publications and relevant experience;

(7) Proposed starting and completion dates;

(8) Equipment, facility, and personnel requirements;

(9) Proposed budget, including separate cost estimates for salaries and wages, equipment, expendable supplies, services, travel, subcontracts, other direct costs and overhead;

(10) Names of any other Federal agencies receiving the unsolicited proposal and/or funding the proposed effort or activity;

(11) Brief description of the offeror's facilities, particularly those which would be used in the proposed effort or activity;

(12) Brief outline of the offeror's previous work and experience in the field;

(13) A current financial statement and, if available, a descriptive brochure;

(14) The period for which unsolicited proposal is valid;

(15) Names and telephone numbers of offeror's primary business and technical personnel whom the agency may contact during evaluation and/or negotiation;

(16) Identification, on the cover sheet, of technical data which the offeror intends to be used by HEW for evaluation purposes only (see 41 C.F.R. 3–1.353(c)); and

(17) Signature of a responsible official of the proposing organization or a person authorized to contractually obligate such organization.

(20 U.S.C. 512.)

[FR Doc.76–10625 Filed 4–12–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

THE BAYONNE BRIDGE, GEORGE WASHINGTON BRIDGE, GOETHALS BRIDGE, AND OUTERBRIDGE CROSSING TOLLS

Notice of Hearing

The Federal Highway Administrator (hereinafter referred to as the Administrator), after receiving complaints filed pursuant to the Bridge Toll Procedural Rules, Part 310 of 49 CFR, alleging that tolls on the certain bridges owned and operated by the Port Authority of New York and New Jersey are unreasonable and unjust in violation of section 4 of the Bridge Act of 1906, 33 U.S.C. § 494, issued an Order dated July 25, 1975. Pursuant to that Order, an informal conference as provided in 49 CFR § 310.6 was held on August 25, 1975. The parties of record were present and briefs and statements were submitted. As a result of questions raised at the conference, the Administrator, through his staff, conducted further investigation as provided in 49 CFR § 310.5 and issued an Order dated January 13, 1976, asking the parties to submit a listing of material factual issues they feel are in dispute and any environmental data they have relating to the case.

Five replies to the January 13 Order were received. The parties listed issues concerning the accuracy of the Port Authority's data, the use of the revenue from the increase, the validity of the Port Authority's accounting practices, the relationship between facilities, the rate of return, and the effect of the increase on bridge users. As a result, a second supplementary investigation report, analyzing the submissions and recommending a hearing, has been issued. A copy of that report is attached to this Order.

After studying the submissions of the parties and the second supplementary investigation report, the Administrator is convinced that a hearing should be held in this case to fully develop the factual questions submitted by the parties and all other issues relevant to the case.

In consideration of the foregoing, notice is hereby given that the Federal Highway Administrator will hold a public hearing in this case. The hearing will be presided over by The Honorable John E. Faulks, Administrative Law Judge. The hearing, to be conducted pursuant to the Administrative Procedure Act and 49 CFR Part 310 will be held in New York City at a time and place to be set by the Administraitve Law Judge. The Administrator leaves to the Administrative Law

Judge the determination of whether to utilize the hearing by affidavit procedures published in 40 FR 55645.

All parties of record may participate in the hearing and present, orally or in writing, data, views, fact, and arguments relevant to the questions, whether the tolls are reasonable and what rate of toll should be prescribed. Interested persons are invited to petition for intervention pursuant to 49 CFR 310.9. The Federal Highway Administration shall participate as a party to the hearing.

Upon conclusion of the hearing the Administrative Law Judge shall issue a recommended decision, and thereafter certify the entire record to the Federal Highway Administrator. Prior to such recommended decision, interested parties will be afforded reasonable opportunity, as determined by the Administrative Law Judge, to submit proposed findings and briefs. Thereafter, exceptions to the recommended decision and findings of fact, together with briefs thereon, may be filed with the Federal Highway Administrator within 30 days after the date such decision and findings are served.

All communications concerning the hearing should be addressed to the Administrative Law Judge, New York Bridge Tolls, The Honorable John E. Faulks, 2100 Second Street, SW., Room 3314, Washington, D.C. 20590.

Issued in Washington, D.C., on this 8th day of April, 1976.

NORBERT T. TIEMANN,
Administrator.

[FR Doc.76-10725 Filed 4-12-76;8:45 am]

Federal Railroad Administration

CAPITAL NEEDS STUDY

Guidelines for Submission of Deferred Maintenance Statement

1. *General.* Section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. No. 94-210) ("Act") requires the Secretary of Transportation ("Secretary") to consider the rail industry's facilities rehabilitation and improvement needs through 1985, and to recommend to Congress the amount and type of carrier equity and other financing needed and the means by which the Federal share, if any, of such financing should be provided. Preliminary recommendations must be transmitted to Congress not later than January 30, 1977, and are to be based on the Secretary's analysis of information supplied by the Class I railroads, as designated by the Interstate Commerce Commission ("ICC"), concerning their deferred maintenance and delayed capital expenditures as of December 31, 1975, their projected needs for maintenance and capital expenditures through 1985, including the projected sources of and uses for the funds required by the railroads for their projected programs, the classifications and designations of lines under section 503(e) of the Act, and any other relevant information. Final recommendations must be transmitted to Congress within 180 days after publication of the preliminary recommendations and are to take into consideration any recommendations of the Secretary of the Treasury.

Section 504(a) of the Act provides that each Class I railroad (other than a railroad subject to reorganization pursuant to the Regional Rail Reorganization Act of 1973, as amended, 45 U.S.C. 701 et seq.) shall submit to the Secretary within 180 days after the date of enactment (August 3, 1976), a full and complete statement (1) of such railroad's deferred maintenance and delayed capital expenditures as of December 31, 1975, and (2) of the projected amounts of appropriate maintenance to be performed and capital expenditures to be made for its facilities during each of the years 1976–1985. Submission of this information will be required in three parts: (1) deferred maintenance, (2) delayed capital expenditures, and (3) projected maintenance and capital expenditures for each of the years 1976 through 1985.

Information relating to the first part, deferred maintenance, is to be submitted pursuant to these guidelines. This information will be used by the Federal Railroad Administration ("FRA") to calculate the current amount of deferred maintenance for each Class I railroad on a system-wide basis for rail, ties, ballast, other track materials, interlocking plants, communication and signal systems, and bridges. The second part of the submission, delayed capital expenditures, will encompass those components of facilities, as defined in section 501 of the Act, not covered in this first part.

"Deferred maintenance" as defined by FRA for the purposes of this study is the quantity of materials, amount of labor, and incidentals for the work required to bring each of the above-mentioned components of the railroad's facilities to a level where on the average one-half of its useful life remains. Deferred maintenance, as used in this study, is therefore a physical measure, obtained through the application of engineering standards [1] to data supplied by the railroads, and may be different from measures of deferred maintenance used in proceedings before other Federal agencies. It is not a service or safety measure and so, although related to, is not synonymous with the levels of spending which might ultimately be required to meet service and safety needs. This concept of deferred maintenance is intended to serve as a tool for long-range planning, including an estimation of the current deferred maintenance level for an efficient national rail system. In particular, it will be used in connection with the development of projections of amounts of maintenance to be performed and capital expenditures to be made during each of the years from 1976 through 1985, which projections will be the subject of a further notice. It will not be used for short-range project planning or for consideration of specific applications for funding under title V of the Act.

2. *Purpose.* These guidelines are issued to ensure that all Class I railroads follow a standard format in preparing and submitting the deferred maintenance data required by section 504(a) of the Act.

3. *Format for Submission of Deferred Maintenance.* Each Class I railroad shall submit to the FRA on or before May 3, 1976, the following data:

A. Two copies of Schedule 211 from the railroad's Annual Report to the ICC (Form R-1 or Form A) for each of the years 1914 through 1975.

B. Two copies each of schedules 211B, 320, 411, 510B, 513, 514, 515, 516, 517, 531, and 571 from the railroad's Annual Report to the ICC (Form R-1 or Form A) for each of the years from 1933 through 1975.

C. A copy of the railroad's Signal Systems Annual Report for each of the years 1946 through 1976 (see 49 CFR § 233.9).

D. A copy of the railroad's Signal Failure Reports for each of the years 1950 through 1975 (see 49 CFR § 233.7).

E. System map of lines showing junctions and terminals current as of December 31, 1975.

F. Mileage by lines as of December 31, 1975, in the categories itemized in Schedule 411 of the railroad's Annual Report to the ICC (Form R-1).

G. Official railroad employees timetables for each of the years 1950, 1955, 1960, 1965, 1970 and the current timetable.

H. Current freight train schedules.

I. List of railroad track bridges by lines with span lengths—commonly referred to as the bridge list.

J. Current copy of interlocking layout plans for each interlocking.

K. Rail diagrams or track charts showing weight of rail and age of rail in main tracks by lines as of December 31, 1975, unless previously submitted under our "Guidelines for Submission of Traffic Density Analysis" published in the FEDERAL REGISTER on March 12, 1976 (49 FR 10727).

4. *Submission of Comments by Railroads.* Upon receipt of the data requested in paragraph 3 above, the FRA will calculate the amount of deferred maintenance for each railroad as described in paragraph 1 above and supply those calculations to the railroad. Within 20 days after receipt of the calculations, each railroad shall submit to FRA its comments on the results of the FRA's calculations. Each railroad's comments should include an estimate of the mileage of track that the railroad intends to abandon or retire at the end of its useful physical life and an explanation of the estimate.

5. *Official Contact.* Each Class I railroad should immediately notify the FRA

[1] The methodology to be used to compute deferred maintenance is set forth in Estimated Deferred Maintenance in Rail and Ties; 25 Class I Railroads, Thomas K. Dyer, Inc., Lexington, Mass., September 1974, and Maintenance of Way Study; United States Class I Railroads, Association of American Railroads, Thomas K. Dyer, Inc., Lexington, Mass., October 1974. These publications are available for inspection in Room 5100, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C.

in writing as to the official contact for the railroad for purposes of information concerning requests under section 504 of the Act including name, title, address, and telephone number.

6. *Submission of Section 504(a) Statements.* Information submitted pursuant to section 504(a) of the Act should be addressed to Mr. James L. Newkirk, Chief, Railroad Development Division, Office of Policy and Program Development, Federal Railroad Administration, Room 5100, 400 Seventh Street SW., Washington, D.C. 20590. He can be reached at (202) 426-0771 to answer any questions regarding these guidelines and the statements required by section 504(a).

(Section 504(a), Pub. L. No. 94-210, 45 U.S.C. 824(a))

Issued in Washington, D.C., on April 9, 1976.

ASAPH H. HALL,
Administrator.

[FR Doc.76-10717 Filed 4-9-76;11:50 am]

AMERICAN INDIAN POLICY REVIEW COMMISSION

CHANGE IN HEARING DATE

Notice is hereby given pursuant to the provision of the Joint Resolution establishing the American Indian Policy Review Commission (Pub. L. 93-580), as amended, that hearings related to their proceedings will be held in conjunction with Commission Task Force #8's investigation of the urban, rural and non-reservation Indians.

Hearings have been scheduled on April 21, 1976 instead of April 28 as previously announced at the Post Office Building Auditorium, Room 269, 1823 Stout Street, Denver, Colorado starting at 9:00 a.m.

The American Indian Policy Review Commission has been authorized by Congress to conduct a comprehensive review of the historical and legal developments underlying the unique relationship of Indians to the Federal Government in order to determine the nature and scope of necessary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven members, three of whom were appointed from the Senate, three from the House of Representatives and five members of the Indian community elected by the Congressional members.

The actual investigations are conducted by eleven task forces in designated subject areas. These hearings will focus on issues related to the studies of Task Force #8 concerning urban, rural and non-reservation Indians.

Persons wanting to submit testimony may call Task Force #8 at 202-225-2235, 2979, or 2984 or write to the American Indian Policy Review Commission, HOB Annex #2, Second and D Streets, SW, Washington, DC 20515—Attn: Task Force #8.

Dated: April 1, 1976.

KIRKE KICKINGBIRD,
General Counsel.

[FR Doc.76-10757 Filed 4-12-76;8:45 am]

CIVIL AERONAUTICS BOARD

ALLEGHENY AIRLINES, INC.

Enforcement Proceeding; Hearing

[Docket Nos. 27131, 27183, 27230 and 27252]

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, which was previously postponed (41 F.R. 13656, March 31, 1976), will be held on May 4, 1976 at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned.

Dated at Washington, D.C., April 7, 1976.

[SEAL] JANET D. SAXON,
Administrative Law Judge.

[FR Doc.76-10623 Filed 4-12-76;8:45 am]

[Docket No. 28982]

EMERY AIR FREIGHT CORP.

Excess Valuation and Nonacceptance Tariff Rules; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 28, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Thomas P. Sheehan.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements and issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before April 20, 1976, and the other parties on or before April 26, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., April 7, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-10624 Filed 4-12-76;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Director, National Park Service.

United States Civil Service Commission.

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

[FR Doc.76-10540 Filed 4-12-76;8:45 am]

EXECUTIVE OFFICE OF THE PRESIDENT

Notice of Title Change in Noncareer Executive Assignment

By notice of May 14, 1975, FR Doc. 75-12605 the Civil Service Commission authorized the Executive Office of the President to fill by noncareer executive assignment the position of Assistant to the Special Trade Representative, Office of the Special Representative for Trade Negotiations. This is notice that the title of this position is now being changed to Special Assistant to the Special Representative.

United States Civil Service Commission.

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

[FR Doc.76-10539 Filed 4-12-76;8:45 am]

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

NOTICE OF HEARINGS

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Commission on the Review of the National Policy Toward Gambling, established under the authority of Section Pub. L. 91-452, Part D, Sec. 804-808 of the Organized Crime Control Act of 1970, will hold hearings May 10, 1976, in Room S1202, Dirksen Senate Office Building, and May 11 in Room 457, Russell Senate Office Building, Washington, D.C. These hearings will begin at 9:30 a.m. both days.

The purpose of these hearings is to enable the Commission to explore the experiences of the Department of Justice, Federal Bureau of Investigation, Internal Revenue Service, Bureau of Alcohol, Tobacco and Firearms, Federal Communications Commission and the Securities Exchange Commission concerning their investigations and prosecutions of gambling activities pursuant to those Federal statutes governing the prohibition and taxation of gambling activities. Representatives of these agencies will offer testimony as to any recommendations they may have which in their opinion may serve to improve the effectiveness of the said existing practices and possible alternatives.

The hearings of the Commission are open to the public, and interested persons are invited to attend. The Rules of Procedure for person or persons presenting matters to the Commission are the same as those previously published by this

Commission in the FEDERAL REGISTER September 5, 1975.

JAMES E. RITCHIE,
Executive Director.

APRIL 7, 1976.

[FR Doc.76-10648 Filed 4-12-76;8:45 am]

COMMISSION ON FEDERAL PAPERWORK

PUBLIC HEARINGS

Notice is hereby given of public hearings of the Commission on Federal Paperwork to be held in Washington, D.C. The hearings will be held on April 29 and 30, 1976, in the Joint Committee on Atomic Energy Hearing Room, Room S-407, of the U.S. Capitol.

The hearings will commence each day at 9:00 a.m. and end at 1:00 p.m. On the first day of hearings, the Commission will examine methods for improving and simplifying the forms required by the Internal Revenue Service. On the second day of hearings, regulatory agencies will discuss their plans for reducing the paperwork burden imposed on the public.

Testimony presented at these hearings will be used by the Commission on Federal Paperwork in making recommendations to the Congress and the President on changes which would ease the burden of Federal paperwork.

Persons wishing further information about the hearings should contact the Commission on Federal Paperwork, located at 1111 20th Street NW., Suite 200, Washington, D.C. 20582, telephone (202) 254-6786.

FRANK HORTON,
Chairman.

[FR Doc.76-10555 Filed 4-12-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

EXEMPT COTTON TEXTILE PRODUCTS FROM INDIA

Officials of the Government of India Authorized To Issue Export Visas and Certifications

APRIL 8, 1976.

On March 22, 1976, there was published in the FEDERAL REGISTER (41 F.R. 11869), a notice dated March 16, 1976 which announced amendments to the certification procedure for certain cotton textile products which are exempt from the Bilateral Cotton Textile Agreement of August 6, 1974, as amended, between the Governments of the United States and India. The notice stated that the names of officials authorized by the Government of India to issue both export visas and certifications for exemption would be published at a later date.

The Government of India has designated the following officials to issue export visas for shipments of non-exempt cotton textile products:

B. W. Adkar
I. B. Desay
K. S. Krishnamurthy
I. R. Menon
K. R. Menon
M. M. Mohan
M. C. Sarkar
M. N. Shanker
S. Srinivasan
S. D. Subramaniam
B. P. Sudhakar
R. Suvarna
Mrs. Jaya Swaminathan
K. V. Upadhyaya

The officials listed below have been designated to issue certifications for exempt cotton textile products. These include the previously described rectangular-shaped certification and those in the outline of an elephant:

K. C. Angirish
J. V. S.S. Anjaneyulu
M. L. Banerjee
N. K. Chatterjee
S. N. Chatterjee
S. Choudhari
M. R. Dass
S. K. Datta
N. D. Ginchandani
B. R. Kowshik
J. B. Majumder
G. N. Murty
R. V. Nandrekar
K. Narayana Rao
M. G. Rajan
A. S. Rama Rao
G. Ranganath
C. S. Rao Sahib
P. R. Sen
B. Sivaraman
S. Sivasankaran
K. Somadevan
G. S. V. Subramanyam
S. C. Suri
H. S. Swami
M. M. Syal
D. V. Tyagi
B. Wadhavan

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

[FR Doc.76-10602 Filed 4-12-76;8:45 am]

EXEMPT TEXTILE SHIPMENTS FROM MEXICO

Additional Official of the Government of Mexico Authorized To Issue Export Visas and Certifications

APRIL 8, 1976.

On November 19, 1975, there were published in the FEDERAL REGISTER (40 F.R. 53619 and 53623) notices dated November 14, 1975 announcing establishment of an export visa requirement and certification for exemption for certain cotton, wool and man-made fiber textile products, produced or manufactured in Mexico, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 12, 1975, as amended, between the Governments of the United States and Mexico. One of the requirements is that the visas and the certifications include the signature of an authorized Mexican official. The Government of Mexico has requested that Mr. Franti Cardena Brito be recognized as authorized to issue export visas and certifications for exemption in addition to those officials previously named. The United States Government has acceded to the request. A facsimile of Mr. Cardena's signature is filed as part of the original document with the Office of the FEDERAL REGISTER.

Effective date: April 8, 1976.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76-10603 Filed 4-12-76;8:45 am]

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS FROM THE REPUBLIC OF KOREA

Adjusting Import Level

APRIL 8, 1976.

On September 30, 1975, there was published in the FEDERAL REGISTER (40 F.R. 44862) a letter dated September 25, 1975 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, implementing those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, between the Governments of the United States and the Republic of Korea, which establish specific export limitations on certain specified categories for the agreement year which began on October 1, 1975. As set forth in that letter, the levels of restraint are subject to adjustment.

Paragraph 7(a)(ii) of the bilateral agreement provides that carryforward up to 6 percent may be applied to current-year levels of categories subject to specific ceilings and charged against the applicable level of the category in the succeeding agreement year. Such an increase, amounting to 7,633 numbers, was granted for man-made fiber textile products in Category 237 during the agreement year which began on October 1, 1974 (40 F.R. 39922). The purpose of this notice is to advise that that amount is being deducted from the level of restraint of 155,555 numbers established for Category 237 for the agreement year which began on October 1, 1975.

Accordingly, there is published below a letter of April 8, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements directing that entry into the United States for consumption in Category 237 be limited to 147,922 numbers during the twelve-month period which began on October 1, 1975 and extends through September 30, 1976.

Effective date: April 8, 1976.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive issued to you on September 25, 1975 which directed you to prohibit entry during the twelve-month period beginning on October 1, 1975 and extending through September 30, 1976 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of Korea, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 7(a)(ii) of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to amend, effective on April 8, 1976, the level of restraint established for Category 237 to 147,922 numbers.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

[FR Doc.76-10604 Filed 4-12-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 521-1]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of EPA Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of March 1, 1976 and March 15, 1976.

Appendix I contains a listing of the draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classification of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agencies' regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listing in Appendices I, III, IV, and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions and EPA comments referenced herein may be obtained by writing the Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 2922, Waterside Mall SW, Washington, DC 20460, telephone 202/755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: April 2, 1976.

REBECCA W. HANMER,
Acting Director,
Office of Federal Activities.

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975 between the Governments of the United States and the Republic of Korea which provide, in part, that: (1) within the aggregate and applicable group limits, specific levels of restraint may be adjusted by designated percentages; (2) these levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between Mar. 1 and 15, 1976*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D-AFS-E65007-MS	Porter Creek Planning Unit, Homochitto National Forest, Franklin and Amite Counties, Miss. (USDA-FS-R8-DES(ADM)-76-11).	LO-2	E
D-AFS-J65037-CO	Snake River Basin, Land Use Plan, White River National Forest, Summit County, Colo.	LO-2	I
D-AFS-L61053-WA	Twisp-Wintrop-Conconully Planning Unit, Okanogan National Forest, Wash.	LO-2	K
D-AFS-L65016-AK	Pacific Northern Timber Co., Timber Sale 1977-81 Operating Period, Tongass National Forest, Wrangell, Etolin, Woronkofski, Zarembo and Mitkor Islands, Alaska (USDA-FS-WO-DES(ADM)-76-04).	ER-2	K
D-AFS-L65017-AK	Passage Canal Salvage Timber Sale, Chugach National Forest, Alaska.	LO-1	K
D-REA-G07005-AR	Flint Creek Power Plant, Benton County, Ark	EU-2	G
D-REA-H09000-KS	Gas Turbine No. 2, Garden City Power Plant, Finney County, Kans.	LO-2	H
D-REA-J07002-WY	Missouri Basin Power Project, Wheatland Generating Station Units 1, 2, and 3 and Associated Transmission and Greyrocks Reservoir, Platte County, Wyo. (USDA-REA-(ADM)-76-2-D)).	ER-2	I
D-SCS-J38001-MT	Boulder River Watershed, Jefferson County, Mont	LO-1	
Corps of Engineers:			
D-COE-E35021-NC	Maintenance of the Navigation Project on Pamlico, Crotan, and Albermarle Sounds, N.C.	LO-2	E
D-COE-F32034-WI	Operation and Maintenance, Fox River Navigation Project, Wisconsin.	LO-2	F
D-COE-F32037-MI	Confined Disposal Facility, Maintenance and Dredging, Clinton River, Macomb County, Mich.	LO-2	F
D-COE-G34018-LA	Gulf Intracoastal Waterway, Petit Anse, Tigre, and Carlin Bayous, Bayou Grosse Tete, La.	LO-2	G
D-COE-G36040-LA	Upper Petit Coupee Loop Area, Johnson Bayou Watershed Project, Pointe Coupee Parish, La.	3	G
D-COE-G36044-OK	Bank and Channel Stabilization, Arkansas River, Keystone Lake to Webbers Falls Lock and Dam, Tulsa County, Okla.	LO-2	G
DS-COE-G36045-TX	Three Rivers Local Flood Protection Project, Frio River, Live Oak County, Tex.	LO-2	G
D-COE-K32007-CA	Port San Luis, San Luis Obispo County, Calif.	LO-2	J
DS-COE-L36030-OR	Applegate Reservoir, Rogue River Basin, Oreg	ER-2	K
D-COE-L39005-AK	Metlakatla Small Boat Harbor, Project No. 2, Metlakatla, Alaska.	LO-1	K
General Services Administration:			
D-GSA-D09002-VA	Virginia Heating Plant, Arlington County, Va	ER-2	D
D-GSA-E81009-FL	Proposed Federal Building and Courthouse, Panama City, Bay County, Fla. (EFL76001).	ER-2	E
Department of Housing and Urban Development:			
D-HUD-E28008-AL	Stewartville Community Public Water System (CDBG), Coosa and Talladega Counties, Ala.	LO-2	E
D-HUD-G85010-AR	Water and Sewerage Improvements (CDBG), Washington and Benton Counties, Ark.	LO-1	G
D-HUD-K85001-CA	Woodbridge Village, Irvine, Orange County, Calif. (HUD-R09-EIS-3D).	ER-2	J
D-HUD-K89009-CA	Center City Project (CDBG), National City, San Diego County, Calif.	LO-2	J
Department of the Interior:			
D-BLM-J01001-CO	Proposed Development of Oil Shale Resources, Colony Development Operation, Colorado.	ER-2	I
D-NPS-F61004-00	Upper St. Croix National Scenic Riverway, Minnesota and Wisconsin.	LO-1	F
National Aeronautics and Space Administration:			
D-NAS-K12001-CA	Overland Transport of NASA Space Shuttle Between Palmdale and Edwards Air Force Base, Los Angeles and Kern Counties, Calif.	LO-1	J
Department of Transportation:			
D-FAA-F51005-MI	Proposed Development at Mount Pleasant Municipal Airport, Mount Pleasant, Mich.	LO-2	F
D-FAA-K51005-GU	Development and Expansion, Guam International Air Terminal, Agana Naval Air Station, Guam.	LO-2	J
DS-FHW-A41199-KS	KS-7 From Junction KS-12 North to North Junction KS-10, Johnson County, Kans. (FHWA-KANS-EIS-72-07-D(S)).	LO-1	H
D-FHW-B40015-MA	MA-213, Chelmsford, Lowell, and Dracut, Middlesex County, Mass.	LO-1	B
D-FHW-F40045-IL	Lake-Will and Richmond Waukegan Freeway, Cook and Lake Counties, Ill.	ER-2	F
D-FHW-F40047-WI	Belknap Street Viaduct, U.S. 12, Superior, Douglas County, Wis.	ER-2	F
D-FHW-F40050-IN	IN-1, Bridge over Penn Central RR., Greendale, Dearborn County, Ind. (FHWA-IND-EIS-75-04-D).	LO-1	F
D-FHW-G40046-TX	Loop 463, U.S. 59 to Loop 175, Victoria County, Tex. (FHWA-TEX-EIS-75-13-D).	LO-2	G
D-FHW-K40034-CA	El Toro Rd. Between Trabuco Rd. and Live Oak Canyon Rd., Orange County, Calif.	ER-2	J

APPENDIX II.—DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concering the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final environmental impact statements for which comments were issued between Mar. 1 and 15, 1976*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
F-AFS-A61217-AZ..	Mogollon Rim Area Land Use Plan, Coconino, Sitgreaves, and Tonto National Forests, Navajo, Coconino, and Gila Counties, Ariz.	EPA's concerns were adequately addressed in the final EIS.	J
F-SCS-B36003-ME..	Twenty-five Mile Stream Watershed, Waldo, Kennebec, Penobscot, and Somerset Counties, Maine.	do	B
F-SCS-E36031-SC...	South Tyger River Watershed, Greenville County, S.C.	Generally, EPA's concerns were adequately addressed in the final EIS. However, the EIS failed to address some adverse environmental effects on water quality. Specifically, the stream will have an increase in water temperature during the summer months, with a corresponding decrease in dissolved oxygen and the overall assimilative capacity of the stream below the dam will be decreased.	E
F-SCS-F36015-IN..	Anderson River Watershed, Crawford, Dubois, Perry, and Spencer Counties, Ind.	EPA's concerns were adequately addressed in the final EIS.	F
Corps of Engineers:			
F-COE-F32005-IL..	Illinois Waterway, Nine Foot Channel, Operation and Maintenance, Ill.	do	F
F-COE-A32508-VA..	Extension of Southern Branch of the Elizabeth River, Chesapeake, Va.	EPA recommended that the project be delayed until information is gathered to demonstrate that it will not result in significant kepone-related adverse environmental effects. Additionally the EIS does not adequately address the impact of dredge spoil disposal on wetlands in the area and EPA requested an opportunity to review the disposal sites in detail pursuant to its responsibilities under sec. 404 of the FWPCA.	D
F-COE-A35136-MS..	Bulk Transfer Terminal, Bayou Casotte, Pascagoula, Jackson County, Miss.	Generally, EPA's concerns were adequately addressed in the final EIS.	E
F-COE-E35006-FL..	Permit Application by Deltona Corp., Marco Island, Collier County, Fla.	EPA determined this proposed action to be environmentally unsatisfactory from the standpoint of environmental quality and recommended that the 3 permits which are the subject of the EIS be denied. Pursuant to EPA's responsibilities under sec. 309(B) of the Clean Air Act, EPA referred this proposed action to the Council on Environmental Quality as environmentally unsatisfactory from the standpoint of environmental quality. The proposed action would authorize the destruction of approximately 2,200 acres of highly productive habitat, alteration and degradation of 735 acres of productive bay bottom, and would generally degrade the physical, chemical, and biological aspects of water quality. Furthermore, EPA's comments pointed out that alternatives are available which could cause markedly less environmental damage and requested that EPA be notified prior to the issuance of the permits, if a decision is made to issue them, in order to consider the merits of a sec. 404(C) determination.	A
F-COE-F32011-MI..	Ontonagon Harbor, Operation and Maintenance, Ontonagon County, Mich.	EPA's concerns were adequately addressed in the final EIS. However, EPA believes further consideration should be given to describing the temporary holding area adjacent to the west pier, the quality of return drainage and discussing the alternatives of reducing project depths and reclassifying the project to an "inactive" status.	F

Identifying No.	Title	General nature of comments	Source fo copies of comments
F-COE-F32028-OH..	Operation and Maintenance, Rocky River Harbor, Cuyahoga County, Ohio.	EPA's concerns were adequately addressed in the final EIS.	F
F-COE-F35012-WI..	Operation and Maintenance, Cornucopia and Port Wing Harbors, Hayfield County, Wis.	.....do.....	F
Department of Defense:			
F-UAF-A12033-OO..	Lincoln Experimental Satellites 8 and 9 program.	EPA expressed concern over the adequacy of the Air Force treatment of potential public health effects due to the accidental release of radioactive material from the power generator in the experimental satellites. EPA urged the Air Force to make a more adequate and open assessment of potential public health impacts for any future similar actions in this program.	A
FS-USN-E11002-MS	Relocation of Naval Oceanographic Center, Bay St. Louis, Miss.	EPA's concerns were adequately addressed in the final EIS.	E
Department of Housing and Urban Development:			
F-HUD-F85004-IL..	Westbury Subdivision, Hoffman Estates, Cook County, Ill. (HUD-R05-EIS-75-02-F).	Generally, most of EPA's concerns were adequately addressed in the final EIS. However, it should be noted that EPA's comments regarding water supply for the proposed development were not fully addressed.	F
Department of the Interior:			
F-IBR-G07002-NM..	Proposed Western Gasification Co. Coal Gasification Project and Expansion of Navajo Mine by Utah International, Inc., San Juan County, N. Mex.	EPA continues to have reservations concerning the probable cumulative adverse secondary impacts which this project, the El Paso complex, and the San Juan and Four Corners powerplants are likely to have upon the natural and human environment of the project area. EPA has requested that mitigative measures be provided through development of a workable land use plan.	G
Department of Transportation:			
F-FHW-E40030-NC..	I-85 from NC-2025 East of Holly Grove to Groometown, Davidson, Guilford, and Randolph Counties, N.C.	EPA's concerns were adequately addressed in the final EIS.	E
F-FHW-J40017-CO..	I-70, Glenwood Canyon, Dotsero-West, Colo.	Because of an inadequately prepared final EIS, EPA has not been able to assess the full environmental impact of the project. In addition, the final EIS is essentially unresponsive to the concerns raised by responsible groups and individuals during the review of the draft EIS. The major reason for this is the lack of specific design alternatives for the project, which EPA believes is very important for a highway project through this environmentally unique Canyon.	I

APPENDIX IV.—*Final environmental impact statements which were reviewed and not commented on between Mar. 1 and 15, 1976*

Identifying No.	Title	Source of review
Department of Agriculture:		
F-AFS-J65021-WY.....	Timber Mangement Plan, Shoshone National Forest, Wyo.....	I
F-AFS-K08002-NV.....	Buckeye-Round Hill Power Transmission Line, Toiyabe National Forest, Douglas County, Nev. (USDA-FS-FES(ADM)-76-01).	J
F-AFS-L61030-ID.....	Multiple Land Use Plan, Stillman Point Planning Unit, Nezperce National Forest, Grangeville, Idaho (USDA-FS-FES(ADM)-R1-17-75-7).	K
F-SCS-E36011-MS.....	Okatoma Creek Watershed, Covington, Forrest, Jones, Simpson, and Smith Counties, Miss.	E
F-SCS-G36031-AR.....	South Fourche Watershed, Perry, Yell, Saline, and Garland Counties, Ark.	G
F-SCS-G36035-AR.....	Upper Petit Jean Watershed, Logan, Scott, and Sebastian Counties, Ark.	G
Corps of Engineers:		
F-COE-A32512-TX.....	Maintenance Dredging, Matagorda Ship Channel, Tex.....	G
F-COE-B35002-CT.....	Maintenance Dredging Project, Branford Harbor, New Haven County, Conn.	B
F-COE-G99002-OK.....	Fort Howard Paper Co., Recycled-Deinked Pulp and Paper Mill, Muskogee County, Okla.	G

Identifying No.	Title	Source of review
F-COE-G32008-TX	Gulf Intracoastal Waterway, Texas Section, Main Channel and Tributaries, Texas.	G
F-COE-G32018-TX	Corpus Christi Ship Channel, Maintenance Dredging, Nueces County, Tex.	G
F-COE-G36026-LA	Water Supply and Flood Control, Mississippi River and Tributaries, Teche-Vermilion Basins, La.	G
F-COE-L36020-OR	Chetco, Coquille, and Rogue River Estuaries, Port Orford, Oreg.	K
Department of Defense:		
F-USA-J20003-UT	Disposal of Toxic Residue, West Granite Disposal Area, Dugway Proving Ground, Utah.	I
General Services Administration:		
F-GSA-K81004-CA	Lease Construction of Social Security Administration Data Center, Salinas, Monterey County, Calif. (ECA-76002) (SCH-75020451).	J
Department of Housing and Urban Development:		
F-HUD-G85004-AR	Water Treatment Plant Improvements, Osceola, Ark.	G
F-HUD-H91001-NB	East Omaha Relocation and Land Development Project C-2, Omaha, Douglas County, Nebr.	H
Department of Transportation:		
FS-FAA-A52081-00	Concorde Supersonic Transport Aircraft, Limited Commercial Service to John F. Kennedy International Airport, N.Y., and Dulles International Airport, Va.	A
F-FHW-B40010-NH	NH-9 Bypass, Keene, Chesire County, N.H. (FHWA-NH-EIS-75-01-F).	B
F-FHW-B40012-NH	NH-101, Milford, Hillsborough County, N.H. (FHWA-NH-EIS-75-02-F).	B
NF-FHW-E40034-NC	NC-16, Charlotte to NC-73, Mecklenburg, Gaston, and Lincoln Counties, N.C.	E
NF-FHW-E40041-NC	Street and Track Improvements, Gastonia, Gaston County, N.C.	E
F-FHW-E40044-GA	U.S. 78, Oconee and Clarke Counties, Ga.	E
F-FHW-H40012-IA	U.S. 61, Muscatine Bypass, Muscatine County, Iowa (FHWA-IOWA-EIS-74-08-F).	H
F-FHW-J40013-WY	I-80, Cheyenne Spur, Laramie County, Wyo.	I

APPENDIX V.—*Regulations, legislation, and other Federal agency actions for which comments were issued between Mar. 1 and 15, 1976*

Identifying No.	Title	General nature of comments	Source for copies of comments
Corps of Engineers:			
R-COE-A28006-00	33 CFR Pt. 214, Emergency Supplies of Drinking Water, Emergency Employment of Army and Other Resources.	EPA had no objections to the proposed regulation. However, several suggestions were made for consideration in amending the proposed order. The suggestions included modification to facilitate the use of the Corps' program in State plans for the provision of safe drinking water under emergency circumstances.	A

APPENDIX VI

SOURCE FOR COPIES OF EPA COMMENTS

A. Public Information Reference Unit (PM-2B) Environmental Protection Agency, Room 2922, Waterside Mall, SW, Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, 1421 Peachtree Street, NE, Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.76-10401 Filed 4-12-76;8:45 am]

COST-EFFECTIVENESS ANALYSIS

Notice of Annual Review and Determination, Change of Interest Rate

On July 3, 1973, notice was published in the FEDERAL REGISTER that the Environmental Protection Agency was proposing guidelines on cost-effectiveness analysis pursuant to Section 212(2)(C) of the Federal Water Pollution Control Act Amendments of 1972 (the Act) to be published as Appendix A to 40 CFR Part 35.

Written comments on the proposed rulemaking were invited and received from interested parties. The Environmental Protection Agency carefully considered all comments received.

The guidelines were published as a final rulemaking on September 10, 1973, and became effective October 10, 1973.

The Administrator has now completed an annual review of the cost-effectiveness analysis guidelines cited above, has determined that revisions and republication of the guidelines are not necessary at this time, except to provide that the interest (discount) rate established at 6⅛% by the Water Resources Council's "Proposed Principles and Standards for Planning Water and Related Land Resources" shall be used for cost-effectiveness analysis for fiscal year 1976.

The Administrator expects to initiate shortly the next review of the cost-effectiveness guidelines. Public comments on the accuracy, timeliness and substantive content of the existing guidelines would be appreciated. All comments should be sent to Director, Municipal Construction Division, WH-547, Room 1209 East Tower, Environmental Protection Agency, 4th and M Streets, S.W., Washington, D.C. 20460. Comments received on or before June 14, 1976 will be considered.

This notice is effective immediately.

ANDREW W. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

APRIL 8, 1976.

[FR Doc.76-10642 Filed 4-12-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-304]

TASK FORCE ON COMMON CARRIERS

Invitation To Comment

APRIL 1, 1976.

On March 17, 1976, FCC 76-238, the Commission announced the formation of a Task Force on Common Carrier Rules and Procedures. The Task Force is now inviting comments and suggestions from interested persons concerning possible changes in existing rules and procedures which might eliminate unwarranted delays or unnecessary requirements. Comments will be due by June 1, 1976.

Action by the Commission March 31, 1976. Commissioners Wiley (Chairman), Lee, Reid, Hooks, Quello, Washburn and Robinson.

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

[FR Doc.76-10596 Filed 4-12-76;8:45 am]

TERMINAL EQUIPMENT

Availability of Form 730

APRIL 5, 1976.

In its *Memorandum Opinion and Order* in Docket No. 19528 released February 13, 1976 (FCC 76-134), the Commission indicated that it would accept applications for the registration of terminal equipment under a new Part 68 of the Rules upon the availability of the application form, FCC Form 730.

That form is now available and, therefore, applications for registration will be accepted. Copies of the form and instructions may be obtained from the Commission's Supply Section, Room B-10, 1919 M Street, N.W., Washington, D.C. 20554. Telephone (202) 632-7156.

Before attempting to fill out the forms, applicants should carefully review the instructions and the rule requirements in Part 68 and Subpart L of Part 2. (Note that Section 2.1302 specifies that the applicant shall be the party that is responsible for the conformance of the equipment to the Part 68 standards.)

Currently no filing fees are required for these applications.

For information concerning the filing of these applications, you may call:

Bill Von Alven (202) 632-6440 or
Frank Laden (202) 632-6430

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

[FR Doc 76-10597 Filed 4-12-76;8:45 am]

[FCC 76-M430; Docket Nos. 20699, 20700; File Nos. 570-82-P-(3)-71, 1877-C2-P-(3)-71]

EMPIRE MOBILCOMM SYSTEMS INC. AND CASCADE MOBILE SERVICE, INC.

Accepting Change of Frequencies

A prehearing conference held April 5, 1976, pursuant to the order herein released March 16, 1976 (FCC 76M-323). In addition to the announced subjects, there were considered the following:

Interrogatories propounded to Empire Mobilcomm Systems Inc. (Empire) by Cascade Mobile Service, Inc. (Cascade) filed March 12, 1976, and objections thereto and request for protective order filed by Empire on March 29, 1976. Cascade filed comments thereon on April 1, 1976.

Motion for Leave to Amend filed by Empire on March 18, 1976, and an opposition thereto filed by Cascade on March 29, 1976, and a partial opposition filed by the Chief of the Common Carrier Bureau (Bureau) on March 29, 1976.

The discussion revealed a strong likelihood that the comparative aspects of the proceeding might be resolved without the necessity of a formal proceeding if certain procedural actions were taken, as follows:

1. The granting of the proposed amendment by Empire to change the requested frequency from 152.12 MHz to 152.21 MHz with change of associated control and repeater facilities, but without the contingent request, opposed by Cascade and the Bureau, that the original application might be later reinstated should a conflict develop with respect to the new frequency.

2. The immediate publication by FCC as to the new frequency as required by Section 21.27(c) of the Rules.

3. During the publication period Empire and Cascade will attempt to reduce their settlement agreement to writing for submission to the Administrative Law Judge.

4. The requested power waivers of Cascade and Empire are to remain in status quo pending determination by the Bureau as to required additional justification.

5. Empire withdraws its request for a protective order directed against the Interrogatories.

6. The procedural dates noted below were agreed upon in the event hearing becomes necessary; the Administrative Law Judge is to be notified immediately, however, in the event Cascade and Empire are unable to reach the agreement contemplated by Paragraph 3 above, in order that a further prehearing conference may be convened.

It is ordered that: 1. The Objections to Interrogatories and Request for Protective Order filed by Empire on March 29, 1976, are dismissed;

2. The Motion for Leave to Amend filed by Empire on March 18, 1976, is granted with respect to the requested change in frequencies, and is denied in all other respects, except as to the requested power waiver which is held in abeyance. The Bureau shall immediately publish in accordance with Section 21.27 of the Rules; and

3. The hearing now scheduled to commence May 24, 1976, is cancelled; and the following procedural dates shall apply: exchange of written testimony (by hand delivery), July 6, 1976, notification as to the witnesses required, July 15, 1976; and hearing shall commence at 10 a.m. on July 21, 1976, in the offices of the Commission in Washington, D.C.

Issued: April 6, 1976.

Released: April 7, 1976.

FREDERICK W. DENNISTON,
Administrative Law Judge, Federal Communications Commission.

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-10595 Filed 4-12-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI76-119]

ANADARKO PRODUCTION CO.

Notice of Petition for Special Relief

APRIL 6, 1976.

Take notice that on March 26, 1976, Anadarko Production Company (Petitioner), P.O. Box 1330, Houston, Texas 77001, filed a petition for special relief in Docket No. RI76-119, pursuant to Section 2.56a(g)(2) of the Commission's Rules of Practice and Procedure (18 CFR § 2.56a(g)(2). Petitioner is seeking special relief from the rate established in Section 2.56a(a)(1) of the Commission's Rules of Practice and Procedure for gas sales to Trunkline Gas Company from the West Cameron Block 639 Field, Offshore Louisiana, Federal Domain, located in water 365 feet in depth.

Petitioner states that it owns only a 12.5% working interest in the West Cameron Block 639 lease. Petitioner further states that it seeks a rate of $1.7458 per Mcf escalated 4% per year.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 20, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). 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 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.76-10569 Filed 4-12-76;8:45 am]

[Docket No. CP76-305]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

APRIL 5, 1976.

Take notice that on March 16, 1976, Arkansas Louisiana Gas Company (Applicant), P.O. Box 1734, Shreveport, Louisiana 71151, filed in Docket No. CP76-305 an application requesting a Commission determination that no further authorization is required with regard to the construction and operation of certain additional facilities to increase the deliverability of an existing storage reservoir with no increase in certified capacity, or, in the alternative, pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of the additional facilities to be used in the continued operation of Applicant's Ada Storage Field in eastern Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that its annual and peak day deliverability on its system has been declining for a number of years and that its long range plans have called for adding peak day deliverability by the use of storage at the appropriate times. Applicant indicates that the first step was to increase the deliverability of an existing storage field within the present certified reservoir capacity and to have this operational by the fall of 1976. It is said that for almost 50 years the Ada Storage Field has been owned and operated by Applicant and its predecessors, that said field already has adequate certified reservoir capacity, and that Applicant does not herein contemplate or propose any increase whatsoever in such capacity. However, in order to utilize this reservoir capacity most effectively and to assist in serving human needs requirements on peak days, Applicant states that it is necessary to add some additional wells and gathering facilities and to install a compressor station.

Further, Applicant states that it is not thought that any additional certificate authorization is necessary to install the additional facilities to permit more effective utilization of this storage reservoir, but that, if additional authorization is necessary, the instant application requests whatever authorization is necessary for the installation and operation of the additional facilities which, by utilizing existing capacity, would increase the daily deliverability from the Ada Storage Field from 12,000 Mcf per day to at least 200,000 Mcf per day with a seasonal withdrawal capacity of approximately 4,000,000 Mcf of gas.

The proposed additional facilities are:

(a) 22 injection-withdrawal wells (including 3 existing wells that Applicant will attempt to rework and continue in service).

(b) 4 observation wells.

(c) A 17,000 horsepower compressor station at a central point in the field.

(d) Approximately 1.3 miles of 16-inch O.D. transmission line from existing Line AD to the central point facilities in the storage field.

(e) Approximately 5.5 miles of 6-inch to 20-inch gathering lines from the injection-withdrawal wells to the central point facilities.

(f) Related central point facilities to perform such functions as measurement, pressure regulation, dehydration, liquid separation, etc.

The application indicates that the total estimated cost of the subject facilities is $8,900,000, which cost will be financed from cash on hand and short-term loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 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.

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.76-10579 Filed 4-12-76;8:45 am]

[Docket No. ER76-588]

CENTRAL KANSAS POWER COMPANY, INC.

Notice of Filing of Proposed FPC Electric Tariffs

APRIL 5, 1976.

Take notice that Central Kansas Power Company, Inc., on March 31, 1976, tendered for filing a proposed change in its existing FPC Electric Tariff. The proposed rate filing would increase revenues from jurisdictional sales and service by $1,278,842, based upon the twelve-month test period ending December 31, 1976.

The Company states that since the present rates presently being charged became effective the Company has experienced increases in its plant in service and in the costs of capital, labor, materials and taxes. The Company states that the proposed rates are necessary to provide the Company with a fair return on its investment so as to maintain its financial integrity and enable it to continue to provide its customers with adequate and sufficient service.

The Company states that copies of this filing were served upon its only jurisdictional customer, Sunflower Electric Cooperative, and upon the State Corporation Commission of the State of Kansas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 23, 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.76-10574 Filed 4-12-76;845 am]

[Docket No. CP73-329 (PGA76-4)]

CHATTANOOGA GAS CO.

Notice of Proposed PGA Rate Adjustment

APRIL 5, 1976.

Take notice that on March 23, 1976, Chattanooga Gas Company, A Division of Jupiter Industries, Inc. (Chattanooga) tendered for filing proposed changes to Original Volume No. 1 of its FPC Gas Tariff consisting of Seventeenth Revised Sheet No. 6.

Chattanooga states that the sole purpose of this Revised Tariff Sheet is to adjust Chattanooga's LNG rates pursuant to the PGA provision in Section 5 of the General Terms and Conditions of its FPC Tariff to reflect increased purchased gas costs resulting from a proposed change in rates by Southern Natural Gas Company to redesign Southern's rates to reflect the sales pattern and operations on Southern's pipeline system resulting from implementation of the interim curtailment plan ordered by the Federal Power Commission in Opinion No. 747.

Chattanooga requests that its Seventeenth Revised Sheet No. 6 be made effective on March 26, 1976, the proposed effective date of the underlying increase by Southern Natural in Docket No. RP75-84.

Chattanooga states that copies of the filing have been mailed to all of its jurisdictional customers.

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 Capital Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 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 filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-10575 Filed 4-12-76;8:45 am]

[Project No. 2758]

EAGLE-A/LINWEAVE DIVISION, BROWN CO.

Notice of Application for Minor License for Constructed Project

APRIL 6, 1976.

Public notice is hereby given that an application was filed on August 18, 1975, and amended on December 24, 1975, under the Federal Power Act, 16 U.S.C. §§ 791a-852r, by Eagle-A/Linweave Division, Brown Company (Correspondence to: Mr. C. L. Kirkpatrick, Vice President, Eagle-A/Linweave Division, Brown Company, 10 Eagle-A Avenue, Holyoke, Massachusetts 01040) for a minor license for its constructed Crocker Mill (A/B Wheel) Project No. 2758, located on the canal system in the City of Holyoke, Hampden County, Massachusetts. The canal system, which is part of Holyoke Water Power Company's licensed Hadley Falls Project No. 2004, utilizes water diverted from the Connecticut River, a navigable waterway of the United States.

The Crocker Mill (A/B Wheel) Project, which has an installed capacity of 280 kW, consists of: (1) a steel penstock approximately ten feet in diameter; (2) an 800 horsepower water wheel directly connected to a generator of 280 kW capacity located in Applicant's mill building; and (3) a brick trailrace. The project utilizes 304 cfs of water, which is withdrawn from the second level canal in the City of Holyoke and discharged into the Connecticut River.

The power generated at Crocker Mill (A/B Wheel) Project No. 2758 is used solely in Applicant's industrial plant, except to the extent that power may be made available to Holyoke Water Power Company pursuant to Article 16 of the license for Project No. 2004.

Any person desiring to be heard or to make any protest with reference to said application should, on or before June 14, 1976, filed with the Federal Power Commission, 825 N Capitol St. NE, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1975). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-10577 Filed 4-12-76;8:45 am]

[Project No. 2413]

GEORGIA POWER CO.

Notice of Application for Amendment of License for Partially Constructed Project

APRIL 6, 1976.

Public notice is hereby given that an application was filed on March 1, 1976, under the Federal Power Act (16 U.S.C. §§ 791a–825r) by Georgia Power Company (Correspondence to: I. S. Mitchell, III, Vice President and Secretary, Georgia Power Company, P.O. Box 4545, Atlanta, Georgia 30302) for Commission approval of an amendment of the license for the partially constructed Wallace Dam (Laurens Shoals) Project No. 2413, located on the Oconee and Apalachee Rivers in Putnam, Morgan, Oconee, Oglethorpe, Greene, and Hancock Counties, Georgia.

Georgia Power Company (Applicant) requests that Article 35 of the license for the Wallace Dam Project No. 2413 be amended to allow Applicant to extend the date for completing the installation of the project's four pump-turbine motor-generator units to on or before June 1, 1980. Article 35 now requires that two of the units be completed by June 1, 1976, and that the remaining two units be completed by June 1, 1977.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 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. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32 (b) (18 C.F.R. § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein and if the applicant or initial pleader requests that the shortened procedure of § 1.32(b) be used. If an issue of substance is so raised or applicant or initial pleader fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-10570 Filed 4-12-76;8:45 am]

[Docket No. ID-1780]

C. A. HELLER

Notice of Application

APRIL 5, 1976.

Take notice that on March 18, 1976, C. A. Heller (Applicant) filed an application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act. Applicant seeks authority to hold the following positions:

Director, Cardinal Operating Company, Electric Utility
Executive, V.P. & Director, Ohio Power Company, Electric Utility

Any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1976 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-10572 Filed 4-12-76;8:45 am]

[Docket No. ID-1612]

LEONARD A. O'CONNOR

Notice of Application

APRIL 5, 1976.

Take notice that on March 19, 1976, Leonard A. O'Connor (Applicant) filed an application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act. Applicant seeks authority to hold the following positions:

Treasurer and Director, Connecticut Yankee Atomic Power Company, Public Utility

A Connecticut corporation owning and operating a nuclear electric generating plant at Haddam Neck, Connecticut.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-10571 Filed 4-12-76;8:45 am]

[Docket No. RP72-149 (PGA76-8)]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Proposed Change in Rates

APRIL 6, 1976.

Take notice that Mississippi River Transmission Corporation (Mississippi) on April 1, 1976, submitted six copies of Fortieth Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1 to become effective May 1, 1976.

Mississippi states that the instant tariff sheet was submitted pursuant to its purchased gas cost adjustment clause

(PGA) provision to track rate change filings by United Gas Pipe Line Company (United) and Natural Gas Pipeline Company of America (Natural). Both United and Natural submitted rate change filings to become effective May 1, 1976, pursuant to their PGA provision, primarily, to track the effect of Opinion No. 749.

Mississippi also submitted six copies of Alternate Fortieth Revised Sheet No. 3A in the alternative that the Commission accepts United's alternate tariff sheet to become effective May 1, 1976. United's alternate tariff sheet, in addition to reflecting the effect of Opinion No. 749, reflects a reduction in its base rate and the refunding of monies associated with the "New Entity" included in its rates at Docket Nos. RP75–30 and RP75–109.

Mississippi submitted schedules containing computations supporting the rate changes to be effective May 1, 1976. Mississippi states that copies of its filing were served on Mississippi's jurisdictional cutomers and the State Commissions of Arkansas, Illinois and Missouri. All such petitions or protests should be filed on or before April 19, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76 10578 Filed 4–12–76;8:45 am]

[Docket No. RP75–20]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Filing of Service Agreement and Revised Tariff Sheets

APRIL 6, 1976.

Take notice that on April 1, 1976, Mississippi River Transmission Corporation (Mississippi) tendered for filing a revised Service Agreement dated March 26, 1976 between Mississippi and Laclede Gas Company (Laclede), together with the following tariff sheets all of which are to be effective May 1, 1976:

Mississippi states that the purpose of filing the revised Service Agreement and the tariff sheets is to reflect the consolidation of the Separate Service Agreements under which Mississippi has supplied gas to Laclede and its operating divisions and to certain predecessors of Laclede over a period of years. The consolidation of the separate Service Agreements into the single new Service Agreement is provided for in the Stipulation and Agreement terminating proceedings in Docket No. RP75–20, which was approved by the Commission's Order issued February 23, 1976 in that docket.

Copies of the filing have been served upon Mississippi's jurisdictional customers, and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing, should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 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 unless such petition has previously been filed. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76 10576 Filed 4–12 76;8:45 am]

[Docket No. CP76–14, *et al.*; Docket No. CI76–225]

NATURAL GAS PIPELINE COMPANY OF AMERICA, ET AL. AND SHELL OIL CO.

Notice of Extension of Time

APRIL 6, 1976.

On April 1, 1976, Natural Gas Pipeline Company of America filed a motion to extend the time for filing the liquids transportation rate schedule pursuant to ordering paragraph (X) of order issued February 12, 1976 in the above-entitled proceeding.

Notice is hereby given that the time for filing the above-indicated rated schedule is extended to and including April 15, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–10581 Filed 4–12–76;8:45 am]

[Docket No. ID–1398]

GEORGE V. PATTERSON

Notice of Application

APRIL 5, 1976.

Take notice that on March 25, 1976, George V. Patterson (Applicant) filed an application with the Federal Power Commission, Pursuant to Section 305(b) of the Federal Power Act. Applicant seeks authority to hold the following positions:

President, Ohio Valley Electric Corporation, Electric Utility
President, Indiana-Kentucky Electric Corporation, Electric Utility

Any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in and hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–10573 Filed 4–12–76;8:45 am]

[Docket No. RP76–74]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

APRIL 5, 1976.

Take notice that Southern Natural Gas Company, on March 22, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 3. The proposed changes would increase revenues from field sales under Southern's Rate Schedules F–4, F–5, F–6, F–9, F–12, F–13 and F–14 by various amounts for the twelve-month periods succeeding the proposed effective dates of January 1, 1976 and July 1, 1976.

This filing is being made pursuant to the Commission's Opinion No. 749, issued December 31, 1975, which established the national rate for natural gas from wells commenced prior to January 1, 1973.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–10580 Filed 4–12–76;8:45 am]

[Docket No. G–8087]

TEXACO INC.

Notice of Withdrawal

APRIL 6, 1976.

On March 22, 1976, Texaco Inc. filed a motion to withdraw its abandonment application filed on October 14, 1975, in the above-designated proceeding.

Notice is hereby given that pursuant to Section 1.11(d) of the Commission's

Rules and Regulations, the withdrawal of the above application shall become effective on April 21, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-10567 Filed 4-12-76;8:45 am]

[Docket No. CP73-211]

WESCO COAL GASIFICATION PROJECT

Notice of Request for Comments on Final Environmental Impact Statement

APRIL 1, 1976.

In Opinion No. 728-A, issued November 21, 1975 in the above Docket, the Federal Power Commission conditioned the certificate to provide for an independent assessment by the Commission of the Final Environmental Impact Statement prepared by the Department of the Interior on the WESCO Coal Gasification Project, prior to permitting authorization granted in the certificate to take effect.

The Department of the Interior circulated the FEIS (INT FES 76-2) on January 30, 1976. The FPC hereby gives notice that it solicits and will accept written comments on the WESCO FEIS from parties to the proceedings or interested Federal, state and local governmental agencies for 30 days following publication of this notice. Thereafter, the Commission will review the Interior FEIS and written comments submitted to the Commission and weigh the environmental consequences, prior to a final decision.

Written comments should be addressed to: The Secretary, Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-10584 Fled 4-12-76;8:45 am]

[Docket No. ER76-150]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Conference

APRIL 5, 1976.

Take notice that on April 26, 1976, an informal conference of all interested persons will be convened for the purpose of discussing the issues in the above referenced docket in Room No. 5200, at the offices of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., at 10:00 a.m.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

Letters concerning this conference are being mailed to all parties to the proceeding, and all of the jurisdictional customers.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-10582 Filed 4-12-76;8:45 am]

[Rate Schedule Nos. 72, *et al.*]

RATE CHANGE FILINGS PURSUANT TO COMMISSION'S OPINION NO. 699-H

APRIL 6, 1976.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before April 16, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

Appendix

Filing date	Producer	Rate schedule No.	Buyer	Area
Mar. 19, 1976	Sun Oil Co., 2 Northpark East, P.O. Box 20, Dallas, Tex. 75221.	72	Tennessee Gas Pipeline Co.	South Louisiana.
Mar. 22, 1976	Texaco Inc., P.O. Box 52332, Houston, Tex. 77052.	328	El Paso Natural Gas Co.	Permian Basin.
Mar. 25, 1976	Pennzoil Producing Co., P.O. Box 2967, Houston, Tex. 77001.	78 and 236	United Gas Pipe Line Co.	Texas Gulf Coast.
Do.	Pecos Co., El Paso Natural Gas Bldg., El Paso, Tex. 79999.	1	El Paso Natural Gas Co.	Permian Basin.
Do.	do.	2	do.	Do.
Do.	do.	4	do.	Do.
Do.	Tenneco Oil Co., P.O. Box 2511, Houston, Texas 77001.	197	Tennessee Gas Pipeline Co.	Texas Gulf Coast.

[FR Doc.76-10568 Filed 4-12-76;8:45 am]

OFFICE OF GENERAL COUNSEL AND COMMITTEE ON CERTIFICATES AND AUTHORIZATIONS UNDER THE NATURAL GAS ACT OF THE FEDERAL POWER BAR ASSOCIATION

Public Conference

APRIL 8, 1976.

Take notice that on April 29, 1976, a meeting will be convened in Room 6200, Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, between the Committee on Certificates and Authorizations Under the Natural Gas Act of the Federal Power Bar Association and the Federal Power Commission's Office of General Counsel to discuss FPBA proposals (1) to amend Section 1.32 of the Commission Rules of Practice and Procedure to provide for filing of proposed forms of orders by applicants, and (2) to amend the Regulations under the Natural Gas Act to authorize the Secretary of the Commission to issue temporary certificates in certain specified circumstances.

This meeting will commence at 9:30 a.m. It is open to the public.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-10740 Filed 4-12-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MUSIC ADVISORY PANEL (JAZZ)

Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Music Advisory Panel (Jazz) to the National Council on the Arts will be held on April 26, 1976 from 1:00 p.m.-5:00 p.m. and on April 27, 1976 from 10:00 a.m.-6:00 p.m. at Broadcast Music, Inc., 40 West 57th Street, New York, New York.

A portion of this meeting will be open to the public on April 27 from 10:00 a.m.-6:00 p.m. on a space available basis. Accommodations are limited. The agenda for this portion will include: (1) 10:00 a.m.-1:00 p.m.: Guidelines discussion (2) 2:30-6:00 p.m.: Jazz Oral History Project; Score/Restoration/Retrieval; development of archives.

The remaining sessions of this meeting on April 26 from 1:00 p.m.-5:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June

16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76–10704 Filed 4–12–76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76–26]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL, COMMITTEE ON AERONAUTICAL PROPULSION

Meeting

The NASA Research and Technology Advisory Council Committee on Aeronautical Propulsion will meet on May 5–7, 1976, at the Ames Research Center, Moffett Field, California 94034. The meeting will be held in the Conference Room of the Administration Building. Members of the public will be admitted on a first-come, first-served basis up to the seating capacity of the room, which is about 25 persons including Committee members and other participants. All visitors must report to the Ames Research Center Receptionist in the Administration Building.

The NASA Research and Technology Advisory Council Committee on Aeronautical Propulsion was established to advise NASA's senior management in the areas of aeronautical propulsion research and technology. The Committee studies issues, pinpoints critical problems, determines gaps in needed technology, points out desirable goals and objectives, summarizes the state of the art, assesses ongoing work, and makes recommendations to help NASA plan and carry out a program of greatest benefit to the nation.

There are 13 members on the Aeronautical Propulsion Committee. The current Chairman is Mr. Hillard E. Barrett.

The following list sets forth the approved agenda and schedule for the meeting. For further information, please contact Mr. Harry W. Johnson, Area Code 202, 700–3003.

MAY 5, 1976

Time	*Topic*
8:30 a.m.	Report by Chairman (Purpose: To review agenda and transmit information of interest from latest meeting of Research and Technology Advisory Council.)
9:00 a.m.	Report by Executive Secretary (Purpose: To update Committee on NASA organization, policy, current budget status and allocations, FY 1977 program plans, and to review previous Committee recommendations and NASA response.)
10:00 a.m.	Research Center Program Reports (Purpose: To review briefly, status of major programs and research highlights from Center Reports previously distributed to Committee members.)
1:00 p.m.	Variable Cycle Engine/Supersonic Cruise Aircraft Research Programs (Purpose: To review the status and plans of NASA research activities for the Variable Cycle Engine and Supersonic Cruise Aircraft Research Programs.)
2:30 p.m.	Two-Dimensional Nozzle Research Program (Purpose: To review the status and plans of the joint Air Force/Navy/NASA Two-Dimensional Nozzle Research Program.)
4:00 p.m.	Turbine Burst Research Program (Purpose: To review the status of the NASA Turbine Burst Research Program.)

MAY 6, 1976

Time	*Topic*
8:30 a.m.	Forward Velocity Effects on Noise Research (Purpose: To review the status and plans of NASA research activities to measure and assess the effects of forward velocity on noise generation and propagation.)
1:00 p.m.	Candidate NASA New Initiatives 1978–1982 (Purpose: To discuss candidate NASA airbreathing propulsion oriented new initiatives in the 1972–1982 time period.)
3:00 p.m.	Committee Discussions and Recommendations (Purpose: To discuss major issues and priorities and to summarize comments and recommendations from this meeting for transmittal to the NASA Research and Technology Advisory Council.)
8:30 a.m.	Discussions and Recommendations — Continuation (Purpose: Complete discussion items related to major issues and priorities, formalize recommendations, and establish tentative major topics, place, and date for next Committee meeting.)
12:30 p.m.	Adjournment.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

APRIL 7, 1976.

[FR Doc.76–10586 Filed 4–12–76;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Doc. No. 301–9]

CHARLES C. REHFELDT

Notice of Complaint

On March 15, 1976, the Chairman of the Section 301 Committee received from Mr. Charles C. Rehfeldt, Executive Vice President of Lai Fu Trading Company, Limited, a petition alleging unfair trade practices by the Republic of China, in the form of confiscatory tariff levels on imports of major household appliances. Relief is requested under Section 301 of the Trade Act of 1974 (Pub. L. 93–618; 88 Stat. 1978). The text of the petition is as follows:

Public Law No. 93–618, Section 301, Title No. 3 of the Trade Act of 1974, (complaint).

This complaint is filed pursuant to Section 301 of the Trade Act of 1974.

2006.1—(1) Name/Address of Complainant, Charles C. Rehfeldt—(citizen of the U.S.A.), Office Address: 4565 Sherman Oaks Avenue, Sherman Oaks, California 91403. Phone: (213)–872–3794, TWX: 901–495–1768.

Home Address: 4436½ Prospect Avenue, Hollywood, California 90027, Phone: (213)–663–6007.

Interests of Complaintant. Executive Vice President—Lai Fu Trading Co., Ltd., 11th Floor, International Building, 6 Tun Hua North Road, Taipei, Taiwan, Republic of China.

(A) Importer/Distributor of U.S.A.-made Consumer Electrical Appliances.

Major Appliances—Color T.V. Sets, Refrigerators, Airconditioners, Radar Ranges, Freezers, Dehumidifiers, Electric/Gas Ranges, Dishwashers, Washers/Dryers, Compactors, Radios, Stereo, Audio Equipment.

Small Electrical Household Appliances—Broilers, Grills, Toasters, Irons, Blenders, Electric Knives, Slicers, Grinders, Electric Power Tools, Coffee Makers—Timers—Electric Blankets, Vaporizers, Hair Curlers, etc. Phonograph Records.

Service Replacement Parts for all Major Appliances.

Synthetic floor Coverings (Carpeting).

Commercial, Industrial, Institutional Cooling, and Heating Equipment.

(B) Island-wide Warehousing, Sales, Servicing, Centers Showrooms and Dealer Network—invoiving the marketing and distribution of the following:

(C) American Manufacturers and their Products Affected: RCA—Indianapolis, Indiana.

Television Sets, Stereo-Audio Products, Video Players/Discs, and Service Replacement Parts.

Amana Refrigeration (International Sales) (Raytheon Co.) Amana, Iowa. Refrigerators, Freezers, Air Conditioners, Dehumidifiers, Compactors (Trash), and Radar Ranges.

McGraw-Edison International Sales Corp., Elgin, Illinois. Speed Queen Laundry Equipment, Electric Washers/Dryers, Modern Maid Ranges/Dishwashers, Edison Air Conditioners, Edison Radar Ranges, Toastmaster Appliances, and Edison/Shopmate Power Tools.

Northern Electric Co. (Sunbeam Corp.—Subsidiary), Waynesboro, Mississippi. Electric Blankets, Electric Heating Pads, Electric Makeup Mirrors, Electric Hair Stylers, and Electric Vaporizers.

Coronet Carpets—Dalton, Georgia. Synthetic Floor Coverings.

(D) Complainant Interests Affected by Trade Tariff Rate (Escalated Duty Rates Enacted by the Republic of China).

The Republic of China has escalated its tariff rates 33% on Color TV sets to 60% (based on 120% of duty paying value) to a point of "Now Confiscatory Rates" under the guise of "Luxury Items" classification (All TV stations broadcast in color more than 90% time).

2006.1—(B) Island-wide Warehousing, Sales, Servicing, Centers Showrooms and Dealer Network—involving the marketing and distribution of the following:

(C) American Manufacturers and their Products—Affected.

RCA—Indianapolis, Indiana, Television Sets, Stereo-Audio Products, Video Players/Discs, and Service Replacement Parts.

Amana Refrigeration (International Sales) (Raytheon Co.) Amana, Iowa. Refrigerators, Freezers, Air Conditioners, Dehumidifiers, Compactors (Trash), and Radar Ranges.

McGraw-Edison International Sales Corp. Elgin, Illinois. Speed Queen Laundry Equipment, Electric Washers/Dryers, Moder Maid Ranges/Dishwashers, Edison Air Conditioners, Edison Radar Ranges, Toastmaster Appliances, and Edison/Shopmate Power Tools.

Northern Electric Co., (Sunbeam Corp.—Subsidiary) Waynesboro, Mississippi. Electric Blankets, Electric Heating Pads, Electric Makeup Mirrors, Electric Hair Stylers, and Electric Vaporizers.

Coronet Carpets—Dalton, Georgia. Synthetic Floor Coverings.

(D) Complainant Interests Affected by Trade Tariff Rate (Escalated Duty Rates Enacted by the Republic of China).

The Republic of China has escalated its tariff rates from 33% on Color TV sets to 60% (based on 120% of duty paying value) to a point of "Now Confiscatory Rates" under the guise of "Luxury Items" classification (All TV stations broadcast in color more than 90% time).

2006.1—At the same time they also increased the tariff rates from 46% to 60% on major appliances and household appliances under the guise of "Luxury Items" classification.

The action taken increasing the above tariffs was purposely undertaken strictly as a "Protectionist" measure at the insistence of the Taiwan Electrical Appliance Manufacturers Association.

The "Now Confiscatory Level" of R.O.C. present tariff rates prevents normal importation and distribution of U.S.A.-made television sets and appliances thru an "Equitable and Reasonable Access to this Market", which is totally contrary to the presidential requisite (Point 4 of his directive to Congressional Leaders in his 11-11-75 address) of those countries receiving the "GSP" tariff concessions of which R.O.C. (Taiwan) is a recepient—(See attached copy "The China News, dated 11-14-75).

2006.1-(2)—Republic of China (Taiwan) revised import duty on Customs tariffs—July 10, 1974. TAI No. 636 circular letter issued by Wang Shu-tuh, Inspector General of Customs, Taiwan.

Circumstantial adjustment of import duty on Customs Tariff Nos. 8412-8415-8514-8515-9211 effective date has been temporarily set aside from March 28, 1975 to March 27, 1976.

2006.1-(3)—Republic of China (Taiwan) copies of official circular letters, TAI No. 636 dated July 11, 1974 and TAI No. 658 dated March 28, 1975 are attached (See Attachment B-½)

Copies of the book "Revised Tariff on Imported Goods" published by the Inspector General of R.O.C. Customs are not available for general distribution.

2006.1-(4)—Republic of China (Taiwan).

2006.1-(5)—Imported U.S.A.-made Televisions Sets, Refrigerators, Freezers, Air Conditioners.

2006.1-(6-i)—Volume of Trade in Goods Sold—(See Attachment C).

2006.1-(6-ii)—Quantification of the Economic or other Impact on Complainant—(See Attachment D).

2006.1-(6-iii)—Statement. On November 11, 1974 President Gerald Ford advised Congressional Leaders that it was his intention to designate each of the countries and territories as beneficiaries of the generalized system of preference (the "GSP") in view of these considerations:

1. The expressions of their desires to be designated as beneficiaries.

2. Their levels of economic development, including their per-capita gross national products, their general living standards as measured by levels of health, nutrition, education, housing, and their degrees of industrialization.

3. Whether or not other major developed countries are extending generalized preferential tariff treatment to them.

4. The extent to which they have assured the United States that they will provide the United States with equitable and reasonable access to their markets.

5. The legislative history of the Trade Act of 1974, including the report thereon by the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

The Republic of China (Taiwan) has been designated as being one of the beneficiary countries established in the U.S. generalized system of preferences, including special tariff concessions on 864 added items, effective January 1, 1976.

Specifically to above Point 4, the escalation of the Republic of China's tariff duties from 33⅓% to 45% to 60% of duty paying value, which adds US$318.03 to a US$300.00-made product (total $618.03) or 106% of F.O.B. factory cost, has now reached a "Confiscatory Level" which prevents "Equitable and Reasonable Access to their Markets"— as defined by the President.

Compare this to a Taiwan produced television set costing US$300.00 F.O.B., Taiwan, with a 5% U.S. duty lands in the United States at a US$330.00 cost. (See Attachment A example)

The Republic of China "Confiscatory Level" tariff duty, harbor tax, surtax and commodity tax practises, nullifies, impairs, discriminates and burdens U.S. commerce in their market.

2006.1-(7)—Complainant has not filed for other forms of relief under the Trade Act of 1974 nor any other Act.

Charles C. Rehfeldt
Office Address: 4565 Sherman Oaks Ave., Sherman Oaks, Calif. Phone: (213)-872-3794, TWX: 901-495-1768.
Home Address: 4436½ Prospect Ave., Hollywood, Calif. 90027. Phone: (213)-663-6007, (213)-666-6581.

ATTACHMENT A.—*Comparison of the duty and tax application to imports by the Republic of China and the United States*

Imports to Republic of China (U.S. dollars)		Imports to United States of America (U.S. dollars)
300.00	Manufacturers price	300.00
15.00	Insurance/freight [1]	15.00
315.00	CIF cost	315.00
378.00	Duty paying value	300.00
226.00(60)	Duty	15.00(5)
11.34(3)	Harbor tax	0 (0)
3.78(1)	Surtax	0 (0)
241.12	Total tax and duty	15.00
61.91	Commodity tax [2]	0 (0)
618.03	Total cost to importer (cost plus freight plus duty plus taxes).	330.00
318.03	Cost added by Government to manufacturing price.	15.00
(106)	Equals	(5)

[1] Theoretical set price.
[2] 10 percent of the total achieved by adding duty paying value plus duty plus harbor tax plus surtax.

NOTE.—Figures in parentheses are percentages.

ATTACHMENT B-1
TRANSLATION

To: The Commissioner of each Customs.
From: Wang shu-tuh, Inspector General of Customs, Taiwan.
Ref: Tai #636 (circular letter).
Dated: July 11, 1974.
Subject: Revised Import Duty on Customs Tariffs.

1. This letter is in accordance to the letter (63) Tai Tsai Kwan #16200 dated July 10, 1974 from the Ministry of Finance; and the letter Ref (63) Tai Tung I #2989 dated July 9, 1974 from the President.

2. The revised Import Duty should be effective from July 11, 1974 which is the applicable base on the date of arrival of the commodities into this country.

3. While the flexible tariff is enforced after the publication of the Amended Tariff, goods imported during this period are subject to the tariff rate of either that of the flexible tariff or that of the amended tariff whichever is higher.

4. The book "Revised Tariff Rate on Imported Goods" published by this office has been distributed on July 10th 1974. A total of 50 ea have been sent to Keelung Customs; 30 ea to Taipei Customs; 30 ea to Kaohsiung Customs and 30 ea to the Inspection Center of this office.

Signed:

WANG SHU-TUH.

ATTACHMENT B-2
TRANSLATION

To: The Commissioner of each Customs.
From: Wang shu-tuh, Inspector General of Customs, Taiwan.
Ref: Tai #658 (circular letter).
Dated: March 28, 1975.
Subject: Circumstantial adjustment of Import Duty on Customs Tariff Nos 8412, 8415, 8514, 8515, 9211.

1. This letter is in accordance to the letter Ref Tai Chai Kwan #12777 dated March 28, 1975 from the Ministry of Finance.

2. This case is also in accordance to Customs Laws, Art No. 47-1, approved by The Executive Yuan.

3. Effective date has been temporarily set as from March 28, 1975 to March 27, 1976.

4. Attached please find Revised Import Duty List on the subject Custom Tariffs.

Signed:

WANG SHU-TUH.

Revised import duty list

Customs Tariff No.	Description of goods	Percentage	
		Revised tariff rate	Present tariff rate
8412	Air-conditioning machines, self-contained comprising a motor-driven fan and elements for changing the temperature: (1) Wholeset	60	45
8415	Refrigerators and refrigerating equipment (electrical and others): (3) Domestic refrigerators, electrical wholeset	60	45
8514	Microphones and stands therefor; loudspeakers; audiofrequency, electric amplifiers: (4) Other	45	33
8515	Radiotelegraphic and radiotelephonic transmission and reception apparatus; radio broadcasting and television transmission and reception apparatus (including those incorporating gramophones) and television cameras; radio navigational and apparatus, radar apparatus, and radio remote control apparatus:		
	(1) TV broadcasting receivers whether or not combined with gramophones or radio: (a) Color television set	60	45
	(2) Radio broadcasting receivers whether or not combined with gramophone:		
	(a) Radio combined with gramophone	45	33
	(b) Others	33	33
9211	Gramophones, dictating machines, and other sound recorders and reproducers, including record players and tape decks, with or without soundheads; television image and sound recorders and reproducers, magnetic:		
	(3) Those incorporating amplifiers (complete)	58	39
	(4) Other (complete)	58	39

ATTACHMENT C.— *2006.1–(6–4) volume of trade in goods sold*

[Expressed in terms of U.S. dollars]

Month	1973	1974	1975	1976
Lai Fu Trading Co., Ltd., Taiwan, Republic of China, monthly dollar sales volume—United States of America color TV/appliances				
January	Restricted	[1] 659,182	[2] 254,653	[3] 132,566
February	Restricted	[1] 250,326	[2] 96,931	[3] 93,203
March	Restricted	[1] 661,813	[2] 230,929	
April	Restricted	[1] 176,657	[2] 238,444	
May	Restricted	[1] 676,181	[2] 108,005	
June	Restricted	[1] 754,800	[2] 88,809	
July	Restricted	[2] 516,600	[2] 131,793	
August	[1] 240,900	[2] 817,333	[2] 251,535	
September	[1] 370,400	[2] 228,866	[2] 88,852	
October	[1] 404,300	[2] 217,044	[2] 168,686	
November	[1] 204,888	[2] 274,689	[2] 128,625	
December	[1] 411,000	[2] 290,779	[2] 117,270	
Total	[1] 1,631,488	5,524,270	1,904,532	
Period total at duty levels		[1] 3,178,959	[2] 351,584	[3] 112,884
Do		[2] 2,345,311	[3] 1,552,948	
Grand total	1,631,488	5,524,270	1,904,532	
Average monthly sales volume breakdown by duty rate reflecting impact of escalated duty rates affect—				
	[1] 326,298	[1] 529,827		
		[2] 390,885	[2] 175,792	
			[3] 155,295	[3] 112,884

Republic of China tariff rate index identification of period covered:
[1] 33⅓ percent of 120 percent CIF duty paying value.
[2] 45 percent of 120 percent CIF duty paying value.
[3] 60 percent of 120 percent CIF duty paying value.

Comments: Escalated "Now Confiscatory" level of duty, taxes imposed reduced sales 70% of monthly actual in first 6 months of 1974 average monthly sales demand for U.S.A.-made imports.

Table of Affect R.O.C. Duty Rate has on U.S.A. F.O.B.
[Reflecting "now confiscatory" level]

Duty rate (percent)	Computation basis	Actual affect
33⅓	Duty on 120 percent CIF duty paying value becomes.	59 percent added cost.
45	Duty on 120 percent CIF duty paying value becomes.	80 percent added cost.
60	Duty on 120 percent CIF duty paying value becomes.	106 percent added cost.

Explanatory comments: Sales volume first two months during increased duty rate was above normal due to "first-in/first-out" pricing method based on stock on hand. (We did not raise selling prices correspondingly with effective date of added increased duty.)

Ref: July 1974 effective dates. March 1975 effective dates.

ATTACHMENT D.—*2006.1–(6–ii) quatification of economic or other impact on complainant*

Lai Fu Trading Co., Ltd., Taiwan, Republic of China, monthly unit sales—RCA imported (United States of America)-made) color TV sets

Month	1973	Percent [1]	1974	Percent	1975	Percent [1]	1976	Percent [1]
January	Restricted	----	673	(1)	355	(2)	121	(2)
February	Restricted	----	148	(1)	110	(2)	69	(2)
March	Restricted	----	1,214	(1)	393	(2)	----	----
April	Restricted	----	347	(1)	145	(2)	----	----
May	Restricted	----	709	(1)	73	(2)	----	----
June	Restricted	----	1,081	(1)	58	(2)	----	----
July	----	----	569	(2)	57	(2)	----	----
August	452	(1)	584	(2)	108	(2)	----	----
September	480	(1)	300	(2)	102	(2)	----	----
October	600	(1)	170	(2)	155	(2)	----	----
November	332	(1)	228	(2)	114	(2)	----	----
December	653	(1)	321	(2)	80	(2)	----	----

Republic of China tariff rate index identification of period covered:
[1] 33⅓ percent of 120 percent CIF duty paying value.
[2] 45 percent of 120 percent CIF duty paying value.
[3] 60 percent of 120 percent CIF duty paying value.

Summary of unit sales during tariff rate period

	Total unit sales		Period number of months	Monthly average unit sales	Percent increased (decreased)
At 33⅓ percent duty [1]	6,689	÷	11	608.0	----
At 45 percent duty [2]	2,637	÷	8	329.6	(−46.0)
At 60 percent duty [3]	1,475	÷	12	122.9	−(79.0)

Republic of China tariff rate index identification of period covered:
[1] 33⅓ percent of 120 percent duty paying value.
[2] 45 percent of 120 percent duty paying value.
[3] 60 percent of 120 percent duty paying value.

ATTACHMENT D.—*2006.1–(6–ii) profit (loss)—qualification of economic or other impact on complainant*

Lai Fu Trading Co., Ltd., Taiwan, Republic of China, profit (loss) review reflecting Republic of China tariff impact on operations expressed in terms of U.S. dollars

[Thousands omitted]

Month	1973	1974	1975	1976
January	Restricted	[1] 60,620	[3] (9,348)	[3] (9,414)
February	Restricted	[1] (907)	[3] (47,853)	(4)
March	Restricted	[1] 65,284	[3] 4,378	----
April	Restricted	[1] (52,105)	[3] (15,881)	----
May	Restricted	[1] 87,206	[3] (50,916)	----
June	Restricted	[1] 100,450	[3] (32,463)	----
July	Restricted	[2] 43,765	[3] (53,421)	----
August	[1] 14,454	[2] 30,055	[3] (28,364)	----
September	[1] 22,224	[2] (37,585)	[3] (47,536)	----
October	[1] 24,258	[2] (144,930)	[3] (20,499)	----
November	[1] 12,203	[2] (29,701)	[3] (30,913)	----
December	[1] 24,660	[2] (183,631)	[3] (19,176)	----

Republic of China tariff rate index identification of period covered:
[1] 33⅓ percent of 120 percent duty paying value.
[2] 45 percent of 120 percent duty paying value.
[3] 60 percent of 120 percent duty paying value.
[4] Not available.

Impact affect on profit and (loss) on period total reflecting rate of duty and taxes

Duty rate	1973	1974	1975	1976
33⅓ percent [1]	[1] 97,889	[1] 260,608		
45 percent [2]		[2](321,027)	[2](57,201)	
60 percent [3]			[3](284,371)	
Grand total	97,889	[1 2](60,419)	[2 3](351,992)	

Impact affect of escalated duty rate on monthly average profit (loss)

33⅓ percent [1]	16,315	43,435		
45 percent [2]		(53,505)	(28,601)	
60 percent [3]			(35,199)	(9,414)

Republic of China tariff rate index identification of period covered:
[1] 33⅓ percent of 120 percent duty paying value.
[2] 45 percent of 120 percent duty paying value.
[3] 60 percent of 120 percent duty paying value.

HEARINGS

I. The complainant has requested that hearings be held on this matter. Such hearings will be held at 10:00 a.m. on Tuesday, May 18, 1976, at the Office of the Special Representative for Trade Negotiations, 1800 G Street NW. Washington, D.C., Room 730.

II. Requests to present oral testimony and accompanying briefs must be received on or before May 11, 1976. Interested persons are advised to refer to the regulations promulgated by the Office of the Special Representative for Trade Negotiations covering procedures to be followed in all Section 301 proceedings (40 FR 39497–August 28, 1975).

A. *Submission of Briefs and Requests to Present Oral Testimony.* Requests for oral testimony and submission of written briefs should conform to the procedures set forth in 15 CFR Part 2006.6 and 2006.7 (40 FR 39497–August 28, 1975).

B. *Rebuttal Briefs.* In order to assure parties the opportunity to contest information provided by other interested parties, rebuttal briefs may be filed within 15 days after the close of the hearings. The requirement that written briefs be submitted in 20 copies is waived with regard to rebuttal briefs.

C. *Attendance at Hearings.* The hearings will be open to the public.

MORTON POMERANZ,
Chairman, Section 301 Committee Office of the Special Representative for Trade Negotiations.

[FR Doc.76-10473 Filed 4-12-76;8:45 am]

GENERALIZED SYSTEM OF PREFERENCES

Acceptance for Review of Requests Pertaining to Eligibility of Articles

Notice is hereby given by the Chairman of the Trade Policy Staff Committee (TPSC) of acceptance of requests for modification of the list of articles eligible for the Generalized System of Preferences (GSP). Some of these requests have been accepted notwithstanding the fact that additional information has been requested of the petitioners.

The list of requests accepted for review supplements another list of requests accepted for review (comprising cases 76–2 through 76–15) contained in the FEDERAL REGISTER of March 12, 1976 (41 F.R. 10719). No action has been taken yet in response to any of those requests which, like those listed below, are under review by the TPSC.

The TPSC will hold public hearings, at a time and place to be announced in subsequent notice, in connection with petitions that have been accepted for review, petitions that may be so accepted prior to the date of the hearings, and any other adjustments to the lists of articles eligible for the GSP that may be announced in subsequent public notices as being under consideration by the TPSC. The holding of such hearings does not preclude the TPSC from recommending action prior to the hearings if the TPSC determines that urgent action is warranted, in accordance with regulations codified at 15 C.F.R. 2007.4(a) or 2007.8(b) (40 F.R. 60041, December 31, 1975), in accordance with other applicable laws and regulations, and provided that there has been reasonable notice and opportunity for the presentation of public views with respect to the action recommended.

Acceptance of the requests listed below does not necessarily imply the non-acceptance of other requests that have been, or may be, submitted to the Chairman of the TPSC, nor does it indicate any opinion by the Chairman with respect to a disposition on the merits of the requests accepted for review. Acceptance indicates only that the Chairman of the TPSC has found the listed requests to be formally adequate as bases for reviews by the TPSC, and that such reviews will take place.

Interested parties are invited to submit views with respect to these requests to the Chairman, Trade Policy Staff Committee, Room 729, 1800 G Street, N.W., Washington, D.C., 20506.

Case No.	TSUS [1] number and description	Petitioner	Action requested
76-17	182.96, wheat gluten	Wheat Gluten Industry Council, Washington, D.C.	Withdraw GSP benefits.
76-18	650.89, scissors and shears valued over 50 cents but not over $1.75/doz.	National Association of Scissors and Shears Manufacturers, Washington, D.C.	Do.
76-19(a)	417.28, ammonium molybdate	GTE Sylvania, Chemical and Metallurgical Division, Towanda, Pa.	Do.
76-19(b)	418.26, calcium molybdate	do	Do.
76-19(c)	419.60, molybdenum compounds	do	Do.
76-19(d)	420.22, potassium molybdate	do	Do.
76-19(e)	421.10, sodium molybdate	do	Do.
76-19(f)	423.88, mixture of 2 or more inorganic compounds in chief value of molybdenum.	do	Do.
76-19(g)	628.74, molybdenum wrought	do	Do.
76-20	355.04, webs, wadding, batting, and nonwoven fabrics of textile material, whether or not coated or filled of vegetable fibers, except cotton.	Blocksom & Co., Michigan City, Ind.	Withdraw GSP benefits from Mexico and Haiti.
76-21	705.84, gloves, rubber or plastic, seamless, including surgeons.	The Ansell Corp., Wilmington, Del.	Designate the article as eligible for GSP benefits.
76-22	121.25, upholstery leather	Tanners Council of America, Inc., New York, N.Y.	Withdraw GSP benefits.
76-23(a)	547.53, microscopic slides	Erie Scientific Co., Buffalo, N.Y.	Do.
76-23(b)	547.55, microcover glasses	do	Do.
76-24	152.74, fruit pastes and fruit pulps, other.	Pascual Foods, Inc., San Antonio, Tex.	Subdivide the article to identify separately Tamarind, and designate Tamarind as eligible for GSP benefits.
76-25	653.50, heating or cooking apparatus, nonelectric and parts, of base metal.	Washington Stove Works, Everett, Wash.	Withdraw GSP benefits.
76-26	660.44, Piston-type internal combustion engines other than compression-ignition.	International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), Washington, D.C.	Do.
76-27(a)	737.07, scale model railroad, etc., stock, equipment, and parts of NSPF.	Tonka Toys, Spring Park, Minn	Withdraw GSP benefits for the item when imported from Hong Kong.
76-27(b)	737.09, construction sets or kits with units made to scale.	do	Do.
76-27(c)	737.45, metal toy animals, etc., having a spring mechanism.	do	Do.
76-27(d)	737.80, toys NSPF, having a spring mechanism.	do	Do.

[1] Tariff schedules of the United States (19 U.S.C. 1202).

Petitions also were received from: (1) Troy-Edwards and Company, Morris Plains, New Jersey, requesting the withdrawal of GSP benefits for TSUS Item No. 737.40, vinyl squeeze toys, from the Republic of China and Korea; and (2) (a) Candle-Lite, Inc., Cincinnati, Ohio, and (b) Bluegate Candle Company, Montara, California, requesting the withdrawal of GSP benefits for candles and tapers, TSUS Item No. 755.25. The petition of Tonka Toys (case 76-27) also requested the withdrawal of GSP benefits for construction kits or sets, TSUS Item No. 737.15, when imported from Hong Kong. The articles described in this paragraph already are subject to TPSC reviews in response to petitions that were listed in the FEDERAL REGISTER notice of March 12, 1976.

ALLEN H. GARLAND,
Chairman, Trade Policy Staff Committee.

[FR Doc.76-10639 Filed 4-12-76;8:45 am]

TRADE POLICY STAFF COMMITTEE

Solicitation of Public Views

Pursuant to section 201 of the Trade Act of 1974, the United States International Trade Commission (USITC) has reported to the President on the case of Ferricyanide and Ferrocyanide blue pigments (Investigation No. TA-201-11). The Commission submitted a report containing an affirmative determination that Ferricyanide and Ferrocyanide blue pigments, provided for in TSUS item 473.28 are being imported in such increased quantities as to be a substantial cause of serious injury to the domestic industry of certain industries producing an article like or directly competitive with the imported article.

The Commission finds and recommends the imposition of an increased rate of duty on the article is necessary to remedy the injury as follows:

Year	Cents per pound	Percent ad valorem
1st	2.7	+18
2d	2.7	+15
3d	2.7	+12
4th	2.7	+9
5th	2.7	+6

Within 60 days of receiving a report from the Commission containing an affirmative determination, the President must determine what method and amount of import relief he will provide or determine that the provisions of relief is not in the national economic interest, and whether he will direct expeditious consideration of adjustment assistance petitions.

In determining whether to provide import relief and what method and amount of import relief he will provide, the President must take into account, in addition to other considerations, the following factors:

(1) the probable effectiveness of the import relief as a means to promote adjustment, the efforts being made or to be implemented by the industry concerned to adjust to import competition, and other considerations relevant to the position of the industry in the nation's economy;

(2) the effect of import relief on consumers and on competition in the domestic markets for such articles;

(3) the effect of import relief on the international economic interest of the United States;

(4) the impact on United States industries and firms as a consequence of any possible modification of duties or other import restrictions which may result from international obligations with respect to compensation;

(5) the geographic concentration of imported products marketed in the United States;

(6) the extent to which the United States market is a focal point for exports of such article by reason of restraints on exports of such article to, or on imports of such article into, third country markets;

(7) the economic and social costs which would be incurred by taxpayers, communities and workers if import relief were or were not provided.

The Office of the Special Representative for Trade Negotiations chairs the interagency Trade Policy Committee structure that makes recommendations to the President as to what action, if any, he should take on reports submitted by the USITC under section 201(d). In order to assist the Trade Policy Staff Committee in developing information on possible action which may be taken under section 202 and 203 of the Trade Act of 1974, the Committee welcomes briefs from interested parties on the above listed subjects. (Further information on this case is available in the Report of the ITC on Ferricyanide and Ferrocyanide Pigments, publication No. 767).

Briefs should be submitted in twenty (20) copies to Chairman, Trade Policy Staff Committee, Room 729, Office of the Special Representative for Trade Negotiations, 1800 G Street, N.W., Washington, D.C., 20506.

To be considered by the Trade Policy Staff Committee, submissions should be received in the Office of the Special Representative for Trade Negotiations on or before April 28, 1976.

ALLEN H. GARLAND,
Chairman, Trade Policy Staff Committee.

[FR Doc.76-10544 Filed 4-12-76;8:45 am]

POSTAL SERVICE

INTERNATIONAL SPECIAL MAIL SERVICES

Increase in Fees

The increases in fees for international special mail services, announced on December 8, 1975, (40 FR 57212, as corrected on December 11, 1975, 40 FR 57670), to be effective on January 3, 1976, were not placed into effect, principally

for the reason that the fees for many of the international mail services are, by international agreement, related to the fees for the counterpart domestic special mail services. Increases in domestic special mail service fees were prevented from going into effect on January 3, 1976, as announced in the FEDERAL REGISTER notice "General Information on Postal Service" of December 8, 1975, (40 Fed. Reg. 57212 et seq., as corrected on December 11, 1975, 40 FR 57670), by reason of a December 16, 1975 order of the U.S. District Court for the District of Columbia in the case of *Associated Third Class Mail Users, et al.* v. *United States Postal Service, et al.*, D.D.C. Civil Action No. 75–1809.

Pursuant to its authority under 39 U.S.C. 407, and in accordance with announced plans, which were filed with the FEDERAL REGISTER on April 7, 1976, to place into effect temporary fees for domestic special services, the Postal Service intends to implement increases in fees for the following international special services: registration, insurance (for mail to Canada), restricted delivery, special delivery, special handling, and certificate of mailing. The new fees for these international special services are reflected in column (2) under sections A, B1, C, D, E and F below.

The insurance fees for all other countries and international money order fees will be increased to the full fees reflected in column (2) under sections B2 and G below.

All new fees will be effective 12:01 a.m., Apr. 18, 1976

Limit of indemnity	Current fee (1)	New fee (2)
A. REGISTRATION		
1. Canada:		
$0.0 to $100	$0.95	$1.25
$100.01 to $200	1.25	1.65
2. All other countries:		
$15.76	.95	1.25
B. INSURANCE		
1. Canada:		
Not over $15	$0.20	$0.25
$15.01 to $50	.30	.40
$50.01 to $100	.40	.50
$100.01 to $150	.50	.65
$150.01 to $200	.60	.80
2. All other countries:		
Not over $15	.35	.60
$15.01 to $50	.45	.80
$50.01 to $100	.55	1.00
$100.01 to $150	.65	1.20
$150.01 to $200	.75	1.40
$200.01 to $300	.95	1.60
$300.01 to $400	1.15	1.80
$400.01 to $500	1.35	2.00
$500.01 to $600	1.55	2.20
$600.01 to $700	21.75	2.40
$700.01 to $800	1.95	2.60
$800.01 to $900	2.15	2.80
$900.01 to $1,000	2.35	3.00
$1,000.01 to $1,100	2.55	3.20
$1,100.01 to $1,200	2.75	3.40
C. RESTRICTED DELIVERY		
	$0.50	$0.60

D. SPECIAL DELIVERY

(1) Current fee

Class of mail	Not more than 2 lb	More than 2 lb but not more than 10 lb	More than 10 lb
Letters, letter packages, Postcards, and airmail, other articles	$0.60	$0.75	$0.90
Surface, other articles	.80	.90	1.05

(2) New fees

Letters, letter pacakages, postcards, and airmail, other articles	$0.80	$1.00	$1.20
Surface, other articles	1.05	1.20	1.40

Weight	Current fee (1)	New fee (2)
E. SPECIAL HANDLING		
Not more than 2 lb	$0.25	$0.30
More than 2 lb but not more than 10 lb	.35	.45
More than 10 lb	.50	.65
F. CERTIFICATES OF MAILING		
Original certificate for ordinary Postal Union or parcel post for each piece described	$0.05	$0.06
Each additional copy of original certificate of mailing or copy of orginal mailing receipt for registered or insured mail for each piece described	.02	.02
Identical pieces of Postal Union mail with ordinary stamps, precanceled stamps, or meter stamps:		
Up to 1,000 pieces (1 certificate for total number)	.25	.30
For each additional 1,000 pieces or fraction	.05	.06
Duplicate copy	.05	.06

Amount of money order	Current fee (1)	New fee (2)
G. INTERNATIONAL MONEY ORDER		
$0.01 to $10	$0.45	$0.65
$10.01 to $50	.65	.90
$50.01 to $300	.75	1.15

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.76–10592 Filed 4–12–76;8:45 am]

NORMAN D. SCHWARTZ

Officer of the Commission To Represent the Interests of the General Public

APRIL 7, 1976.

In the matter of notice of proposed rulemaking, Docket No. RM76–5.

Notice is hereby given that, pursuant to § 3603 of the Postal Reorganization Act, the Commission designates Norman D. Schwartz, Assistant General Counsel, Litigation Division, as the officer of the Commission who shall represent the interests of the general public in the above-entitled proceeding. The title of this officer during the course of the proceeding will be "Officer of the Commission" (OOC).

In accordance with the principles enunciated in § 8 of the Commission's rules of practice (39 CFR 3001.8), the Officer of the Commission will be prohibited from participating or advising the Commission in its deliberations concerning the proposed rulemaking.

By the Commission.

[SEAL] JAMES R. LINDSAY,
Secretary.

[FR Doc.76–10607 Filed 4–12–76;8:45 am]

PRIVACY PROTECTION STUDY COMMISSION

NOTICE OF HEARINGS

The Privacy Protection Study Commission will hold public hearings on the record-keeping practices of insurance institutions May 19, 20, and 21, 1976. The hearings will begin at 10:00 a.m. in Room 2325, Rayburn House Office Building, Washington, D.C. The hearings are a part of the Commission's consideration of whether the principles and requirements of the Privacy Act of 1974 should be applied to insurance institutions and whether any other recommendations may be necessary to prevent insurance records from being used in ways that intrude upon personal privacy. To assist in the development of this inquiry, the Commission wishes to learn about the experiences and views of interested parties, including members of the public, prior to the hearings. Statements should be made in writing to the Executive Director, Privacy Protection Study Commission, Suite 424, 2120 L Street, N.W., Washington, D.C. 20506, and should be received in the Commission offices no later than May 2, 1976.

The Commission's attention to the record-keeping practices of insurance institutions (including insurers, their agents, and inter-insurer data banks and service organizations) is prompted by its preliminary inquiries which have revealed that—

Nearly every American will be touched a number of times over the course of his life by the activities of insurance institutions.

Insurers routinely acquire and use personal information about the individuals with whom they do business, and consider access to such information in great depth to be essential to their continued and successful operation.

There appear to be, at once, both heavy concentrations of recorded personal information in a relatively few firms within each field of insurance, and wide dispersion of such information, often under the exclusive control of the agent who maintains it.

Insurers often transmit personal information about the individuals with whom they do business to third parties, both governmental and private, and usually without the knowledge or consent of the individuals concerned.

These considerations raise questions about the adequacy of existing legal pro-

tections for the records that insurance institutions maintain on policy holders and claimants.

The Commission is interested in statements from the public concerning the record-keeping practices of insurance institutions and, in particular, seeks information, views, and comments as to the following:

(i) the type and form of information about identifiable individuals that insurance institutions collect, the purpose(s) for which they collect it, and the uses they make of it;

(ii) current underwriting techniques and new or innovative developments in underwriting practices which might affect record-keeping practices in the industry;

(iii) the sources from which such information is obtained and/or verified by insurance institutions and the methods by which it is collected;

(iv) the organizations to which insurance institutions disclose information about identifiable individuals;

(v) the legal and operational relationships between insurers and their sources of information about individuals, and between insurers and the third parties to whom they transmit such information;

(vi) the policies, procedures, and obligations of insurance institutions with regard to access to the information they record about individuals by government agencies (i.e., limitations on search, release of documents, advance notice to the customer), legal requirements in this regard, incentives for denial of access or cooperation with government agencies, and related experiences;

(vii) the scope and adequacy of existing safeguards for individual privacy; and

(viii) the desirability and feasibility of applying the principles and requirements of the Privacy Act of 1974 to insurance institutions.

The Commission also requests information, views, and comments from or concerning government agencies that either regulate the activities of insurance institutions or make use of the information on individuals that such institutions maintain. The Commission intends to examine the practices of government agencies that use personal information maintained by insurance institutions, including the purposes for which such information is obtained and used, the methods of access, the appropriateness and feasibility of providing prior notice to the individual concerned, and the effects of prohibiting or tightly regulating government access. In this connection, the Commission will be particularly interested in the experience of State regulatory agencies and other government agencies that routinely obtain information by authority of statutes or regulation.

Dated: April 8, 1976.

DAVID F. LINOWES,
Chairman.

CAROLE W. PARSONS,
Executive Director.

[FR Doc.76-10683 Filed 4-12-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12314; File No. SR-CBOE-1976-7]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 5, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

INTRA-MEMBER RATES FOR FLOOR BROKERAGE

Rule 14.5 (a) On orders executed by Floor Brokers on the floor of the Exchange for a member or member organization, when a principal is given up, the commission shall be as mutually agreed.

[(b) On orders executed by Board Brokers on the floor of the Exchange for a member or member organization, when a principal is given up, the commission shall be based on a rate per trading unit as follows:

(1) on that portion of an order involving an amount of $30,000 or less, the commission rate per trading unit shall be the following:

Price per share	Number of trading units	
	1st through 10th units	11th unit and above
Under $0.50	$0.50	$0.40
$0.50 and above, but under $1	.75	.65
$1 and above, but under $2	.90	.75
$2 and above, but under $4	1.10	.90
$4 and above, but under $8	1.50	1.30
$8 and above, but under $14	2.00	1.50
$14 and above, but under $20	2.50	1.85
$20 and above	3.00	2.30

(2) on that portion of an order involving more than $30,000, the commission shall be as mutually agreed. (c) Notwithstanding the requirements of paragraph (b) of this Rule 14.5, a Board Broker may charge a different rate than the rate computed under paragraph (b) for one or more classes to which he holds an appointment, but only in accordance with a schedule which (i) shall be nondiscriminatory among customers with respect to orders involving the same quantity and price, (ii) shall have been filed with the Floor Procedure Committee not less than 30 days prior to becoming effective and within such 30 days shall not have been disapproved by the Floor Procedure Committee as being unreasonable or discriminatory and (iii) shall at all times be displayed at his post.

(c) On orders placed with and executed by a Board Broker, the Board Broker shall charge and collect a commission thereon pursuant to paragraph (b) of this Rule. Such commission shall be net and free from any rebate, return, discount or allowance, or any addition, service charge or other requirement, in any shape or manner, or by any method or arrangement direct or indirect.

* * * Interpretation and Policies:

.01 In making its determination under paragraph (c) of this Rule 14.5, the Floor Procedure Committee will consider (i) the degree of change upward or downward, from the standard schedule, (ii) whether the upward or downward departure is reasonable consistent with respect to different option prices and different quantities, (iii) data showing a need for departure from the standard schedule by reason of competitive conditions and (iv) data showing a need which cannot be met by other means for departure from the standard schedule by reason of unusually low trading volume.]

(b) With respect to orders placed with them on the floor of the Exchange, Board Brokers shall (1) charge a commission, fee or other charge only in respect of executed orders and such commission, fee or other charge shall not be unreasonably high and shall be in accordance with a schedule which shall be nondiscriminatory among customers with respect to orders involving the same quantity of trading units and the same price per unit of an underlying security; and (2) provide equal access by customers to all available Board Broker services.

(c) Board Brokers shall (1) visibly display the schedule referred to above in paragraph (b) at all times at their respective posts; and (2) visibly display any change to an existing schedule of rates at the Board Broker post for a period of not less than 5 days prior to becoming effective.

(d) On orders executed by a Board Broker, the Board Broker shall charge and collect a commission, fee or charge therefore in accordance with the schedule in paragraph (c) of this Rule. Such charges shall be net and free from any rebate, return, discount or allowance, or reciprocal arrangement, or any addition, service charge or other requirements, in any shape or manner, or by any method or arrangement direct or indirect.

Exchange's Statement of Basis and Purpose.

The Exchange presently has a proposal pending before the Commission regarding Exchange fees for Board Broker services (File No. SR-CBOE-1976-2). Consequently, this proposal is meant only to be implemented on May 1, 1976 in the event the proposal contained in the forgoing filing is not approved by that date. It is anticipated that when the proposal in SR-CBOE-1976-2 is approved by the Commission, such approved rules changes would repeal and replace those set forth herein. In the event the Commission approves SR-CBOE-1976-2 prior to May 1, 1976, this rules change proposal would be withdrawn.

The purpose of this rules change is to empower the Exchange to prevent Board Brokers from using their exclusive appointments to charge unreasonably high rates for their execution services. Furthermore, the proposed rule contem-

plates that Board Brokers will not discriminate among customers either on the basis of the rates charged for their services nor on the basis of gaining access to such services. The Exchange intends that this proposed rules change will also reduce confusion and increase orderliness among members as to the rates Board Brokers will charge and the services which Board Brokers will offer to members. Such proposed rules should enable the Exchange to protect and promote the availability of the Board Broker's priority execution services to the public and provide a fair and orderly environment in which the Board Broker may effectively discharge his duties to the public.

The basis under the Securities Exchange Act of 1934, as amended ("the Act") for requiring that Board Broker rates not be unreasonably high is found in Section 6(b)(5) which requires that rules of the Exchange be designed "* * * to promote just and equitable principles of trade, and * * * protect investors and the public interest * * *." A review of the Board Broker's public function will reflect the applicability of this section of the Act.

The Exchange exclusively appoints Board Brokers to specific options classes and authorizes them to extend priority execution to public customer limit orders. Due to the exclusive nature of their appointments, the Exchange believes that Board Brokers have monopolistic power with respect to those public customers who wish to obtain priority execution in those classes of options contracts. The unique position of the Board Broker, however, should not result in his having complete freedom to determine how high to set his rates. Congress made it clear[1] that Section 6(b)(5) was intended to permit self-regulatory agencies, such as the Exchange, to prevent their members from charging customers unreasonably high rates for their services. This proposed rule change would accomplish that result.

The basis under the Act for requiring that Board Brokers charge rates and provide services in a non-discriminatory manner is also found in Section 6(b)(5) which provides that the rules of the Exchange not be designed "* * * to permit unfair discrimination between customers, issuers, brokers or dealers * * *." This section of the Act is applicable to the manner in which Board Brokers levy charges for their services, since their exclusive appointments to certain options classes affords them an opportunity to charge different members different rates for the same services. This section also relates to the type of service which is extended to member organizations, inasmuch as Board Brokers would be in a position to provide a service to one member and withhold the same service from another. (As will be noted below, in the discussion regarding Board Broker's charging only for execution services, precluding unbundling, eliminates a way in which discrimination could be practiced.) Furthermore, if Board Brokers were able to engage in any form of rebative, reciprocal or similar arrangement, discriminatory practices could still be maintained. In the absence of any economic justification for the varying treatment which the above practices afford, certain members would receive an unfair advantage over others. This in turn could lead to discrimination between public customers. Assuming that Board Broker execution charges would be passed on to customers, a particular public customer with a 10 contract order dealing through XYZ member organization who received certain discounts from a Board Broker could gain access to that Board Broker's book at a lower cost than another customer with the same 10 contract order dealing through ABC member organization which was not receiving such favorable treatment from the Board Broker. With respect to the provision of Board Broker services to certain member organizations and not to others, the cost savings which some members might realize through the free availability of Board Broker runners, for example, would enable them to lower their public customer charges for Board Broker executions while other member organizations could not. Since the Board Broker's function is to extend execution priority to public limit orders, it is inconsistent with the performance of this function to allow any one public customer to be given any unfair preference over another in obtaining a Board Broker's services.

In order to preclude Board Brokers from charging different customers different rates for the same services, the proposed rule requires that Board Brokers not discriminate among customers regarding orders of the same quantity and price. This requirement will result in a uniform Board Broker charge being levied upon all members who place the same size and price public orders with the Board Broker. In addition, the proposed rule would prevent the granting or withholding of an incidental Board Broker service from becoming a means by which discrimination among members and among customers could occur. This would be accomplished by requiring that all customers be permitted to obtain all available Board Broker services on the same basis. The last of the proposed provisions aimed at curbing discrimination is the requirement that a Board Broker charge and collect his posted rate which must not be accompanied by any form of allowance, rebate, reciprocal practice, addition or service charge or any kind whatsoever.

The foregoing proposed rules relating to nondiscrimination among members and among customers would prohibit Board Brokers, either directly or indirectly, from engaging in any practice which would result in an unfair reduction in Board Broker's rates for any member or public customer. As stated, the proposed rules enable the Exchange to exercise a regulatory power which is in keeping with the anti-discrimination directive contained in Section 6(b)(5) of the Act.

The following provisions relating to the posting of Board Broker rates and the requirement that Board Brokers only charge for execution services are designed to (1) reduce confusion, (2) provide for the dissemination of information concerning Board Brokers services, (3) promote fair, efficient and orderly markets and (4) increase the execution of investors' orders without the intervention of a dealer. The basis under the Act for such proposed provisions is found under Section 6(b)(5) which requires that the Exchange's rules be designed to facilitate transactions in securities, remove impediments to a free and open market, and in general, to protect investors and the public interest in conformity with Congress' statement of policy in Section 11A(a)(1)(C) of the Act.

Section 11A(a)(1)(C)(iii) applies to the proposal that Board Brokers post their rates since that section seeks to protect investors and maintain fair and orderly markets by assuring "* * * the availability to brokers, dealers and investors of information with respect to quotations for and transactions in securities." It is intended that Board Brokers, after establishing their rates, must visibly display such rates at each of their posts. This method will afford members the greatest possible opportunity to receive information with respect to bid and offer quotations on the Board Broker's book. This ready access by members to market information will definitely contribute to a fair and orderly market. In the event a Board Broker chooses to change his rates, a five day notice period must be observed prior to making any change effective. This brief notice period will enable member organizations to make necessary recordkeeping adjustments and minimize any confusion and disorderliness which such change might otherwise precipitate.

Sections 11A(a)(1)(C)(i) and (v) provide the basis for the proposal that Board Brokers be required to charge only for order executions. This directive would eliminate a Board Broker's ability to unbundle his services and charge separately for each service, for unbundling would (1) cause member organizations to undergo burdensome accounting and recordkeeping tasks and (2) cause member organizations to avoid placing orders with the Board Broker whether or not such service costs were directly passed on to public customers.

The accounting and recordkeeping problems which member organizations would face as a result of Board Brokers unbundling raise serious questions as to whether the Section 11A(a)(1)(C)(i) goal of maintaining orderly markets through the economically efficient execution of securities transactions could be accomplished. Member organizations would be required to undertake considerable expense in order to create, if possible, new computer programs or hire clerks to process the increased billing un-

[1] Report of the Committee on Banking, Housing and Urban Affairs, U.S. Senate to accompany S. 249 94th Cong. 1st Sess.—Senate Report No. 94-75 (April 4, 1975) at pages 27-28.

bundling would require. Furthermore, where costs for separate Board Broker services were, for instance, $.50 for cancels, or $.25 for status reports; it is questionable how much effort member firms could afford to expend to collect such amounts if a credit balance was not maintained in a customer account.

The myriad of services and charges which unbundling would initiate would defy automation at worst, and would be extremely complicated to monitor at best. Any attempt to develop systems and train personnel to cope with the volume of paper associated with unbundled Board Broker charges would waste efforts which member organizations should be expending to improve their ability to promptly and accurately clear and settle securities transactions. Furthermore, the confusion associated with unbundling would unnecessarily increase members' operational costs, and place impediments on the efficient operation of the marketplace.

If unbundling of Board Broker's services caused avoidance of the Board Broker's books, public investors would lose an opportunity, as stated in Section 11A(a)(1)(C)(v), of having their orders executed without the participation of a dealer. The following factors might cause this result. If Board Brokers, given their unique positions, were able to introduce numerous charges for non-execution services, no other member would have the same capability to guarantee public limit order priority in any options class and therefore would be unable to offer his services at either a competitive or bundled rate. Consequently member organizations doing a public business would be forced to respond to Board Broker's non-execution charges in one of two ways: (1) directly charge customers for each service billed by the Board Broker; or (2) indirectly recoup the costs of such services by increasing customer commissions for Board Broker executions. (It should be noted that if unbundling occurred, Board Brokers and members would be given the opportunity to employ discriminatory practices in determining whether or how much to charge different customers for the same services.) In either event, whether public customers were directly or indirectly charged for non-execution services performed by Board Brokers, these additional charges would lead to public avoidance of the Board Broker's book.

Any diversion of orders away from the Board Broker's book would cause great concern, since as a "broker's broker" the greater number of public orders placed with him increases the opportunities for a customer buy order to be offset by a customer sell order. Furthermore, the resultant reduction in the number of orders placed with Board Brokers would in turn create thin, illiquid markets with wide price disparities between the bids and the offers. This obviously would introduce disorderliness to the marketplace and be contrary to the public interest and protection of investors.

It would not be in the public interest, facilitate transactions in securities, or promote free, open, fair, efficient and orderly markets to have Board Brokers devote any time during market hours to rate negotiation. The recent period of high volume has indicated that Board Brokers must constantly be in a position to expeditiously process their orders so that no drastic influx of orders will force them to halt a market. If a Board Broker spent time negotiating his execution and incidental service rates and determining which services to grant to certain customers such activity would be in derogation of the performance of his basic functions of public limit order execution and the maintenance of fair, orderly and competitive markets.

Comments have not been received from members. The Exchange does not intend to solicit comments from members.

The proposed rules changes will not impose a burden on competition.

On or before May 18, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 28, 1976.

For the Commission by the Division of Market Regulation, pursuant to the delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 5, 1976.

[FR Doc.76-10552 Filed 4-12-76;8:45 am]

[Release No. 34-12313 File No. SR-PBW-76-8]

PBW STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), as amended by Pub. L. No. 94-29, § 16 (June 4, 1975), notice is hereby given that on March 23, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT BY PBW STOCK EXCHANGE, INC. OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The PBW Stock Exchange, Inc. ("PBW"), pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 (the "Act") hereby proposes the following rule change:

The PBW Stock Exchange, Inc. proposes to trade on a different expiration cycle options in certain underlying securities that are the subject of options presently traded on other national exchanges.

STATEMENT BY PBW OF PURPOSE OF THE PROPOSED RULE CHANGE

The purpose of the proposed rule change is to enable PBW to trade on a different expiration cycle options in certain underlying securities that are the subject of options presently traded on other national exchanges.

STATEMENT BY PBW OF BASIS OF THE PROPOSED RULE CHANGE

The proposed rule change, multi-cyclical options, will enhance the development of a national market system by generating competitive market alternatives of expiration date in those options which are traded on several cycles. The proposed amendment is, therefore, consistent with Sec. 11A(a)(1) of the Securities Exchange Act of 1934 as amended by the Securities Reform Act of 1975. Moreover, the PBW has determined that the proposed rule change will not impose any burden on competition.

On or before May 18, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number refer-

enced in the caption above and should be submitted on or before May 3, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

APRIL 5, 1976.

[FR Doc.76-10553 Filed 4-12-76;8:45 am]

[812-3936]

DREYFUS FUND INC.

Application for Order

APRIL 7, 1976.

Notice is hereby given, That The Dreyfus Fund Incorporated ("Applicant") 767 Fifth Avenue, New York, New York 10022, registered as an open-end diversified management investment company under the Investment Company Act of 1940 ("Act"), filed an application on March 30, 1976, pursuant to Section 6(c) of the Act, for exemption from Section 22(d) of the Act to permit the sale of Applicant's shares in Germany and Switzerland at an offering price which is less than the current public offering price in the United States. 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.

Section 22(d) provides, in substance, that no registered investment company may sell any redeemable security issued by it except either to or through a principal underwriter for distribution or at a current public offering price described in its prospectus. Such current public offering price includes the sales charge. Applicant offers its shares to the public on a continuous basis at net asset value plus a basic sales charge and varying sales charges depending upon the dollar amount of shares purchased and owned.

The Dreyfus Sales Corporation, a broker-dealer registered under the Securities Exchange Act of 1934, is Applicant's principal underwriter. It offers Applicant's shares in the United States through securities dealers and in other countries through securities dealers and local banks. Applicant's shares have also been sold in the Federal Republic of Germany ("Germany"), Switzerland and other countries for over fifteen years and Applicant has a substantial number of shareholders who are foreign nationals, particularly in Germany and Switzerland. In compliance with applicable laws of Germany and Switzerland, shares of Applicant have been and are registered and are qualified for sale in those countries.

The application states that despite a decline in overseas sales of Applicant's shares, a marketing and administrative facility in Germany has been continuously maintained. It now appears, however, that the maximum sales charge should be reduced in order to meet competitive conditions in Germany and Switzerland in the mutual fund area. It is proposed at this time, to establish a maximum sales charge of 6% for sales of Applicant's shares in Germany and in Switzerland.

Applicant further states that the range of sales charges of equity mutual funds in Germany and Switzerland is from 4% to 6.6% as a percentage of net asset value. Applicant is advised that most German mutual funds charge 5% as a percentage of net asset value and most Swiss funds charge 4% as a percentage of net asset value. Applicant alleges that in the light of this situation, the competitive aspects of marketing mutual fund shares in Germany and Switzerland require a change in the schedule of charges to reduce the maximum sales charge from 8.5% to not more than 6% of the offering price.

The requested exemption is limited to Germany and Switzerland and would exclude any sales to American nationals. Applicant states that it is not intended that sales charges be reduced on sales to Americans.

Applicant has been advised that the German supervisory authority which regulates investment companies would have no objection to the proposed reduction in sales charges in Germany. It has also been advised that said reduction will not be objectionable under the pertinent laws and regulations of Switzerland. If the requested exemption is granted, the prospectus used in Germany and Switzerland (which is printed in German) will only reflect the proposed sales charges.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that the granting of this application would be in accordance with the precedents established by the Commission in prior cases and that the requested exemption from the provisions of Section 22(d) pursuant to Section 6(c) is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given, That any interested person may, not later than April 29, 1976 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued by the Commission as of course following said date, unless an order for hearing upon said application shall be issued upon request by the Commission or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-10550 Filed 4-12-76;8:45 am]

[811-2395]

UTILITY SHARES OF AMERICA, INC.

Filing of Application for an Order

APRIL 6, 1976.

Notice is hereby given, That Utility Shares of America, Inc. ("Applicant") 700 Newport Center Drive, Newport Beach, California 92663, a closed-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application on October 29, 1975, and an amendment thereto on March 15, 1976, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below.

Applicant states that it was incorporated in the State of Maryland on July 17, 1973, and registered under the Act on July 26, 1973.

Applicant submits that it has never made a public offering of its shares and has no shares outstanding. Applicant represents that it has no assets of any kind and that it is not presently and has not at all engaged in business of any kind.

Applicant further represents that it is not nor does it hold itself out as being engaged primarily, or proposing to be engaged primarily, in the business of investing, re-investing, or trading in securities; neither is it engaged nor does it propose to engage in the business of investing, re-investing, owning, holding, or trading in securities; nor does it own or propose to acquire investment securities having a total value exceeding 40% of the value of its total assets, exclusive of government securities and cash items, on an unconsolidated basis.

Applicant submits that it intends to file Articles of Dissolution with the State of Maryland.

Section 8(f) of the Act provides in part that when the Commission upon applica-

tion finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given, That any interested person may, not later than May 3, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail-if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O–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 advise as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–10551 Filed 4–12–76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 9/12–5156]

SOUTHERN CALIFORNIA MINORITY CAPITAL CORP.

Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Southern California Minority Capital Corporation (SCMCC), 2651 South Western Avenue, Suite 303, Los Angeles, California 90018, a Federal licensee under Section 301(d) of the Small Business Investment Act of 1958, as amended, has filed an application pursuant to 13 CFR 107.1004 (1976) for approval of a conflict of interest transaction.

In connection with an offering of 200,000 shares being made by the Bank of Finance, a minority bank located in Los Angeles, California, licensee proposes to purchase at $9 per share, 8,333 shares of common stock of the bank's stock for an aggregate purchase price of $74,997.

The proposed purchase of the bank stock by the licensee comes within the provisions of 13 CFR 107.1004 (1976) for the reason that Messrs. Wilton A. Clarke, Onie B. Granville and V. Stewart Jones, three of the licensee's nine directors, are also directors of the bank's 19 member board of directors.

Notice is hereby given that any interested person may, on or before April 28, 1976, submit to SBA written comments on the proposed transaction. Any such communications should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by SCMCC in a newspaper of general circulation in Los Angeles, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: April 5, 1976.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.76–10608 Filed 4–12–76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on 04/08/76 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the Agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of Census:

Birth Expectations and Fertility Supplement—June 1976, CPS, CPS1, annually, Females of specified ages in 55,000 households in CPS sample, George Hall, 395–6140.

Reinterview Form for Household Roster's Check 1976 Census of Travis County, Texas, DD–356, single-time, household in Travis County, Maria Gonzalez, 395–6132.

(Part of 1980 Decennial Census of Population and Housing), Housing Unit Coverage Listing Book, 1976 Census of Travis County, Texas, DD–800, single-time, structures in sample areas of Travis County, Texas, Maria Gonzalez, 395–6132.

DEPARTMENT OF DEFENSE

Departmental and other Quality Minority Recruitment Study, single-time, individuals, National Security Division, Lowry, R. L., 395–4734.

REVISIONS

ENVIRONMENTAL PROTECTION AGENCY

Solicitation letter, reply post card, questionnaire, AA–101–1, annually, motor vehicle owners in 10–12 major metro areas, Lowry, R. L., 395–3772.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of Census: Oils In Transit on Last Day of Month, M20N Sup, monthly terminals, Marsha Traynham, 395–4529.

DEPARTMENT OF DEFENSE

Department of the Navy: Enlistee Financial Statement, NVPER4101, on occasion, prospectives enlistees, Harry H. Sheftel, 395–5870.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, Housing Assistance Supply Experiment Enrollment Application and Preliminary Application, H–3–9, annually, Households In Green Bay and South Bend, Community & Veterans Affairs Division, Sunderhauf, M. B., 395–3532.

DEPARTMENT OF THE TREASURY

Bureau of Customs:

General Declaration, CF–1301, on occasion, brokers and masters of vessels, Marsha Traynham, 395–4529.

• • • Inspectors Certificate of Sealing Vessels Stores, Certificate of Release Form Under Seal, Application of Master, CF–3203, on occasion, masters of vessels, Marsha Traynham, 395–4529.

Ship's Stores Declaration, CF–1303, on occasion, brokers and masters of vessels, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–10756 Filed 4–12–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

EXPERT PANEL ON NITRITES AND NITROSAMINES

Notice and Agenda of Meeting

Notice is hereby given of a meeting of the Expert Panel on Nitrites and Nitrosamines to be held in Room 218A (Conference Room), Administration Building, 14th and Independence Avenue SW., Washington, D.C., April 28, 1976, at 9:30 a.m. This is the eighth scheduled meeting of the Panel.

The meeting's agenda will be informal. Included in the subject matters for consideration will be: (1) The summary of comments submitted on the rulemaking proposal "Nitrates, Nitrites, and Salt" as announced in the November 11, 1975, FEDERAL REGISTER (Vol. 40, 52614–52616); (2) a report from Dr. Aaron Wasserman

dealing with the use and control of nitrite in the immersion curing process; (3) a report on preliminary data from newest bacon study; (4) curing processes used in lebanon bologna production; and (5) any other items of a related nature which may arise. Discussion will be primarily limited to Panel participation; however, where appropriate, public comment and questions will be solicited during the course of the meeting.

The meeting will be open to the public and under the direction of the Panel Chairman or his designee. Written statements may be filed with the Panel before or after the meeting. Any member of the public who has further questions about the meeting should contact the Issuance Coordination Staff, Technical Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 4905, South Agriculture Building, Washington, D.C. 20250, Area Code (202) 447-6189. Any person who wishes to file a statement may send such statement to the Issuance Coordination Staff at the above address.

Dated: April 8, 1976.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.76-10645 Filed 4-12-76;8:45 am]

Forest Service

ST. FRANCIS UNIT PLAN

Notice of Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a Draft environmental statement for the St. Francis Unit Plan, USDA—FS-R8-DES, Adm.—76-06.

The environmental statement concerns a proposed action to manage the St. Francis Unit, which is the St. Francis National Forest, in accordance with the 10-year management direction contained in the Unit Plan. This Unit contains 20,946 acres of National Forest land in Lee and Phillips Counties, Arkansas. It is proposed that this Unit be managed for a wide range of multiple-use benefits, including water, wildlife, recreation, range, minerals, timber. Major actions in the 10-year period include regenerating 2,270 acres, thinning 280 acres, increasing the diverstiy of wildlife habitat conditions, maintenance and improvement of existing, developed recreation sites, relocation of recreation facilities on Bear Creek Lake, design and construction of hiking rails in the Bear Creek and Storm Creek Lake areas, the removal of approximately 500,000 cubic yards of gravel resulting in an estimated 15 acres of surface disturbance, the addition of about 18 miles of ORV routes to the transportation system, the construction or reconstruction of 21 miles of single lane, gravel roads, and the proposed designation of 376 acres as a research natural area.

This Draft environmental statement was transmitted to CEQ on April 6, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, Main and Fargo, Russellville, AR 72801.

A limited number of single copies are available upon request to Larry D. Henson, Forest Supervisor, P.O. Box 1008, Russellville, AR 72801.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for addtional information should be addressed to Larry D. Henson, Forest Supervisor, Ozark-St. Francis National Forests, P.O. Box 1008, Russellville, AR 72801. Comments must be received by June 7, 1976, in order to be considered in the preparation of the final environmental statement.

LARRY D. HENSON,
Forest Supervisor.

APRIL 6, 1976.

[FR Doc.76-10605 Filed 4-12-76;8:45 am]

Office of the Secretary

AGRICULTURAL GRANT AND AGREEMENT REGULATIONS

Notice of Promulgation of Policies and Procedures for Evaluation, Review, and Coordination of Federal and Federally Assisted Programs and Projects

Notice is hereby given that the U.S. Department of Agriculture has promulgated interim policies and procedures to implement the Office of Management and Budget Circular No. A-95, Revised, January 2, 1976, as published in the FEDERAL REGISTER of January 13, 1976 (41 FR 2052). The Circular provides guidance to Federal agencies for cooperation with State and local governments in the evaluation, review, and coordination of Federal and federally assisted programs and projects.

The interim policies and procedures are issued as Chapter 4, Title 4, Agriculture Grant and Agreement Regulations, of the U.S. Department of Agriculture Administrative Regulations and are published in their entirety below. The numbering system shown is that of the Departmental Administrative Regulations.

As these policies and procedures relate to agency management, grants, and direct development projects, they are not subject by law to the notice and public procedure requirements for rulemaking under 5 U.S.C. 553. They are however, subject to the Secretary's Statement of Policy (36 FR 13804). These policies and procedures incorporate existing policy contained in the Code of Federal Regulations and embody existing Government-wide policy promulgated by the Office of Management and Budget. No useful purpose would be served by public participation, and it is found upon good cause, in accordance with the Secretary's Statement of Policy, that notice and other public procedures with respect to this issuance are impracticable and unnecessary. Therefore these policies and procedure shall be effective as interim regulations on the date of publication in the FEDERAL REGISTER.

Consideration will be given as to whether these interim regulations should be adopted as final implementing procedures and regulations as written or whether they should be revised before such adoption. Interested persons may submit written comments and views regarding these policies and procedures no later than April 23, 1976, to Mr. Don F. Manns, USDA A-95 Coordinator, Office of Operations, Office of the Secretary, U.S. Department of Agriculture, Room 131-W, Administration Building, Washington, D.C. 20250, telephone 202/447-7527.

Dated: April 6, 1976.

J. PAUL BOLDUC,
Assistant Secretary for Administration.

Title 4—Agricultural Grant and Agreement Regulations

CHAPTER 4—STATE AND LOCAL GOVERNMENTS

SECTION 4—EVALUATION, REVIEW AND COORDINATION OF FEDERAL AND FEDERALLY ASSISTED PROGRAMS AND PROJECTS

Subsection 1—General

550. *Purpose.* This subsection sets forth the procedures to be observed by the Department in carrying out the provisions of the Office of Management and Budget (OMB) Circular No. A-95 (Revised), dated January 2, 1976, regarding cooperation with State and local governments in the evaluation, review and coordination of Federal and Federally assisted programs and projects. (See Exhibit 35)

551. *Policy.* It is the policy of the Department to carry out the objectives of OMB Circular No. A-95 by supporting, to the maximum practical extent, close coordination of Departmental programs that are subject to the Circular with State and local governments. This policy will be carried out through the publication and issuance of these Departmental regulations and other supplementary regulations of the agencies of the Department.

552. *Background.* Circular No. A-95 was issued primarily for the purpose of implementing Section 204 of the Demonstration Cities and Metropolitan Act of 1966 and portions of the Intergovernmental Cooperation Act of 1968, particularly Title IV. In addition, the procedures outlined are intended to assist in the implementation of Section 102 (2) (c) of the National Environmental Policy Act of 1969 and regulations of the Council on Environmental Policy and to fur-

ther the objectives of Title VI of the Civil Rights Act of 1964.

The review process that is prescribed provides a means for determining the intergovernmental impact of specific projects and activities and their relationship to comprehensive planning applicable to the States and areas involved.

553. *Responsibility.* a. The Office of Operations (OO) is responsible for Department-wide implementation and coordination of OMB Circular No. A–95. OO provides the Departmental A–95 Coordinator to act as liaison between the Office of Management and Budget or other Federal or nonfederal organizations and Departmental agencies.

b. The Secretary's designated Liaison Representatives to the Federal Regional Councils are responsible for providing circular liaison support for all Departmental agencies at the Regional levels and to provide appropriate feedback concerning the Circular from the Regional Councils to the Department through the Office of Intergovernmental Affairs.

c. The Heads of all Departmental agencies with programs subject to the Circular are responsible for:

1. Designating agency A–95 Coordinators whose responsibility it will be to provide liaison and communication on all matters pertaining to the Circular implementation within their respective agencies. The names of the individual agency Coordinators will be provided to the Office of Operations including timely notification of any changes in the agency Coordinators.

2. Publishing, subject to prior review by the Office of Operations, in the FEDERAL REGISTER all interim agency Circular implementing regulations no later than March 27, 1976. All final regulations are to be published in the REGISTER no later than April 29, 1976. Individual program regulations will be cited by program numbers designated in the Catalog of Federal Domestic Assistance. Where such numbers have not been assigned, programs will be referenced by Public Law and section, or by U.S. Code citation. Also any subsequent amendments to such regulations shall also be published pursuant to paragraph 7 of the Circular.

3. Distributing on the widest possible basis agency implementing regulations and procedures to insure that interested State and local agencies are informed of the program requirements prior to submitting applications for assistance.

4. Insuring that agency implementing procedures advise potential applicants to provide public agencies charged with enforcing or furthering the objectives of State and local civil rights laws with opportunity to participate in the review process established under Part I of the Circular.

5. Providing appropriate internal monitoring procedures to assure agency compliance with the intent and the requirements of the Circular concerning timely consideration of clearinghouse comments and feedback to clearinghouses on any comments received on agency project applications.

554. *Clearinghouse Directory.* The Office of Management and Budget prepares and circulates a Directory of Clearinghouses for use by Federal Offices. The Office of Operations will provide limited copies of the Directory and periodic updates to the agencies for reproduction and distribution within the agencies as needed.

Subsection 2—Project Notification and Review System

555. *Purpose.* Attachment A, Part I of OMB Circular No. A–95 (see Exhibit 35) provides for a Project Notification and Review System (PNRS). This subsection sets forth procedures to be followed by all Departmental agencies providing assistance under the programs listed in Attachment D of the Circular or Appendix I of the Catalog of Federal Domestic Assistance (CFDA), whichever bears the later date, to insure that applicants have fully complied with PNRS procedures specified in Part I of the Circular.

556. *Coverage.* The Departmental agencies, their respective programs subject to PNRS, and the publications containing their agency implementing regulations are listed below:

Farmers Home Administration (FmHA)

CFDA No.	Programs	USDA agency regulations published
10.405	Farm Labor Housing Loans and Grants	7 CFR 1901.
10.409	Irrigation, Drainage, and Other Soil and Water Conservation Loans (Exception: Loans to grazing associations to develop additional pasturage and loans for purchase of equipment).	7 CFR 1901.
10.410	Low- to Moderate-Income Housing Loans	7 CFR 1901.
10.411	Rural Housing Site Loans	7 CFR 1901.
10.414	Resource Conservation and Development Loans	7 CFR 1901.
10.415	Rural Rental Housing Loans	7 CFR 1901.
10.418	Water and Waste Disposal Systems for Rural Communities	7 CFR 1901.
10.419	Watershed Protection and Flood Prevention Loans	7 CFR 1901.
10.420	Rural Self-Help Housing Technical Assistance	7 CFR 1901.
10.422	Business and Industrial Development Loans (Exception: Loans to rural small businesses having no significant impact outside community in which located).	7 CFR 1901.
10.423	Community Facilities Loans	7 CFR 1901.
10.424	Industrial Development Grants	7 CFR 1901.

Forest Service (FS)

10.658	Cooperative Forest Insect and Disease Control	Forest Service Manual, Title 1500, External Relation.

Soil Conservation Service (SCS)

10.901	Resources Conservation and Development (Exception: Small projects costing under $7,500 for erosion and sediment control and land stabilization and for rehabilitation and consolidation of existing irrigation systems).	7 CFR 640–643.
10.904	Watershed Protection and Flood Prevention	7 CFR 620–624.

557. *USDA Agency Implementing Regulations.* Each Departmental agency administering programs subject to the provisions of Part I of the Circular shall publish implementing regulations for Part I of the Circular, which as a minimum shall address the following considerations:

a. Agencies should, where applicable, advise applicants of the need and value to provide early information to appropriate State and areawide clearinghouses about plans to seek grants from Federal agencies. The "Notification of Intent" considerations in Section 2, Part I, Attachment A of OMB Circular No. A–95 are designed to achieve early coordination at State and local levels. USDA agencies should bring these considerations to the attention of potential applicants at the earliest possible time when providing information to applicants on programs covered by the Circular.

b. Agencies should advise applicants that timing is essential to successful completion of the consultation and review process described under Section 4, Part I, Attachment A of the Circular. These considerations should be brought to the early attention of potential applicants.

c. Agencies shall insure that applicants submitting Federal Management Circular 74–7 Preapplication Forms (See EXHIBIT 12–4AR 422—Form AD 621) for projects covered under Part I of the Circular No. A–95, have submitted copies of the form to the appropriate clearinghouse(s). Copies of this form may be submitted to the clearinghouse(s) at the same time that they are submitted to agency program offices or applicants may obtain the clearinghouse(s) comments before the Preapplication Form is submitted to agency offices. In the latter case, applicants should be advised that the preapplication will not be reviewed unless clearinghouse comments are attached to the form.

d. Agencies shall require applicants to submit a Standard Form 424, Federal Assistance (Preapplication, Application, Notification of Intent, Report of Federal Action) with all applications for grant funds. For programs subject to FMC 74–7 and Part I of Exhibit 35, the Departmental Preapplication (Form AD 621) and Applications Forms (Forms AD 623, AD 624 and AD 625) prescribed under FMC 74–7 (see 4 AR 442 for availability of forms) have been revised to incorporate Standard Form 424 as the coversheets to these AD Forms. Applications shall be reviewed to insure that the clearinghouse(s) have participated in the review process as prescribed in Sec-

tion 3, Part 1, Attachment A of OMB Circular No. A–95.

e. Agencies shall insure that, in the case of applications for projects involving land or water use and development or construction in the National Capital Region (as defined in section 1(b) of the National Capital Planning Act of 1952, as amended), a copy of the application is sent to the National Capital Planning Commission (NCPC—the official planning agency for the National Capital Region) in addition to the areawide clearinghouse and the appropriate State clearinghouse.

f. Agency regulations and procedures shall advise applicants of those Departmental programs requiring environmental impact information. Applicants should be advised that they must provide opportunity to comment (either through their own procedures or the clearinghouse process) on the environmental impact of projects, to appropriate State, multistate, areawide, or local agencies which are authorized to develop and enforce environmental standards pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, and Secretary's Memorandum No. 1695, Supplement 4, Guidelines for Preparing Environmental Statements Required by Section 102(2)(c) of Pub. L. 91–190 of December 1, 1970. Such comments as well as any related comments from the clearinghouse(s) should be submitted with the project application.

g. Agency procedures should provide that applicants advise the clearinghouse(s) to provide opportunity to comment to the public agencies charged with enforcing or furthering the objectives of State and local civil rights laws, on the civil rights aspects of projects for which assistance is sought. The comments received and a statement that they have been considered should be submitted with the application.

558. *Operating Agency Responsibilities.* Departmental agencies with programs covered by Part 1 of Exhibit 35 shall develop appropriate procedures for:

a. Informing potential applicants for assistance under such programs of the requirements of Part 1 of Exhibit 35 (1) in program information materials, (2) in response to inquiries respecting application procedures, (3) in preapplication conferences, or (4) by other means which will assure earliest contact between applicant and clearinghouses.

b. Assuring that all applications for assistance under programs covered by this part have been submitted to appropriate clearinghouses for review prior to their submission to the funding agency. Applications that do not carry evidence that both areawide and State clearinghouses have been given an opportunity to review the application will be returned to the applicant with instructions to fulfill the requirements of Part 1 of Exhibit 35. Agencies will insure that all applications contain a State Application Identifier (SAI) number where such a number has been assigned by the State clearinghouse. (This is mandatory for use in notifying clearinghouses of action taken on the application.)

c. Notifying such clearinghouse(s) within seven working days of any major action taken on such applications that have been reviewed by said clearinghouses. Major actions will include awards, rejections, returns for amendments, deferrals, or withdrawals. The standard multipurpose form, SF 424, promulgated by Federal Management Circular 74–7, will be used for this purpose, unless a waiver has been granted by OMB. Requests for any waivers shall be processed through the Office of Operations.

d. Where a clearinghouse has recommended against approval of an application or approval only with specific and major substantive changes, and the funding agency approves the application substantially as submitted, the funding agency will provide the clearinghouse, along with the action notice, an explanation therefor.

e. Where a clearinghouse has recommended against approval of a project because it conflicts with or duplicates another Federal or federally assisted project, the funding agency will consult with the agency assisting the referenced projects prior to acting, if it plans to approve the application.

f. Assuring, in the case of an application submitted by a special purpose unit of local government, where accompanying comments indicate that the unit of general local government having jurisdiction over the area in which the project is to be located has submitted or plans to submit an application for assistance for the same or a similar type project, that appropriate considerations and preferences as specified in section 402 of the Intergovernmental Cooperation Act of 1968, are accorded the unit of general local government. Where such preference cannot be so accorded, the agency shall supply in writing, to the unit of general local government and the Office of Management and Budget, through the Office of Operations, its reasons therefor.

559. *Federally Recognized Indian Tribes.* Applications from federally recognized Indian tribes are not subject to the requirements of Part I of Exhibit 35. However, Indian tribes may voluntarily participate in the PNRS. Departmental agencies will notify the appropriate State and areawide clearinghouse(s) of any applications from federally recognized Indian tribes upon their receipt. Where a federally recognized tribal government has established a mechanism for coordinating its activities and has submitted a request through OMB to recognize this coordination mechanism, agencies will require that applications for assistance under programs covered by Part I Exhibit 35 from such tribal departments, divisions, enterprises, and entities will be subject to review by such tribal coordinating mechanism as though it were a State or areawide clearinghouses.

560. *Agency Records.* Agencies should mantain their records in such a manner that the projects processed through the PNRS, as well as the substantive contribution to the review, can be easily compiled in response to OMB and Departmental inquiries.

561. *Housing Programs.* Housing programs of the Farmers Home Administration (FmHA) are subject to the procedures outlined in Part I, Section 7, *Housing Programs*, of the Circular. FmHA regulations covering Section 7 Circular requirements are published at 7 CFR 1901.

562. *Exemptions.* Requests for exemption of certain classes of projects or activities under programs otherwise covered by Part I of the Circular will be considered when they:

a. Meet any of the characteristics of programs inappropriate for coverage outlined in Section 8.b of Part I of Exhibit 35;

b. Are of small scale or size or are highly localized as to impact; or

c. Display other characteristics which might make review impractical.

Requests for exemption shall be submitted to the Office of Operations, and if approved, will be transmitted to OMB for consideration.

563. *Procedural Variations From Review Process.* Requests for procedural variations from normal review processes will be considered as follows:

a. On a temporary basis for programs with time constraints brought about because of start up requirements or other unusual circumstances beyond the control of the funding agency. (NOTE: Delay in fund availability is not normally an acceptable reason for a variation. When a delay is anticipated, applicants should be instructed to have their applications reviewed by clearinghouses in readiness for submission when funds become available.)

b. For programs where statutory or related procedural limitations make the normal review processes impracticable.

Requests for procedural variations from the normal review processes shall be submitted to the Office of Operations, and if approved, will be transmitted to OMB for consideration.

564. *Individual Clearinghouse Exemptions.* Individual clearinghouses may exempt certain types of projects from review for reasons indicated in Section 8, Part I, of Exhibit 35 or for other reasons appropriate to the State or area. Such exemption will be honored by Departmental agencies.

565. *Application Review Under State Law.* Applicants should be made aware that, in various States, State law requires review of applications for Federal assistance under various programs not covered by Part I of Exhibit 35. Implementation of such laws is enforced through State rules and regulations, and applicants are urged to ascertain the existence of such laws and to acquaint themselves with applicable State procedures.

Where Departmental agencies have knowledge of such State requirements, this information should be passed on to potential applicants.

566. *Joint Funding.* Applications for assistance to activities under the Joint Funding Simplification Act (Pub. L. 93–510) or any other joint funding author-

ity, which involve activities funded under one or more of the programs covered under Part I of Exhibit 35 will be subject to the requirements of this Subsection 2 of these regulations.

567. *Departmental Agency Regulations.* As a part of the proposed procedures and regulations published in the FEDERAL REGISTER, agencies may identify specific types of projects which they believe should be exempt from coverage under programs for which regulations are being published. This publication will constitute a formal request for exemption to the Office of Management and Budget, to which OMB will respond in its review of the proposed procedures.

Copies of any internal implementing procedures for Part I of the Circular must be submitted through the Office of Operations to OMB if such procedures are not contained in the regulations published by the agencies as outlined above.

568. *Other Agency Funding.* There are situations where USDA agencies receive and administer program funds which are subject to Part I of Exhibit 35 from other Federal agencies or other Departmental agencies. In such cases, unless otherwise specified in the funding agreement with the primary grantor agency (either Federal or Departmental), the USDA agencies receiving and approving the project applications will be responsible for assuring that the projects have received appropriate clearinghouse(s) review as prescribed by the Circular, these regulations and other agency implementing procedures and regulations.

Subsection 3—Direct Federal Development

580. *Purpose.* The purpose of this subsection is to implement OMB Circular No. A–95, Attachment A, Part II for direct Federal development activities of the Department of Agriculture. All direct Federal development activities of Departmental agencies shall be coordinated in accordance with the procedures established in this subsection. Any Departmental agency with responsibility for direct Federal development activities requiring supplemental implementing procedures may issue regulations pertaining to such programs which are consistent with this subsection subject to the approval of the Office of Operations and the Office of Management and Budget.

581. *Applicability.* Part II, Attachment A, Exhibit 35 is applicable to all Departmental programs that involve direct Federal development activities including the planning and construction of facilities and installations or other public works and the acquisition, use and disposal of real property to assure that such efforts are consistent with State, areawide and local plans and programs. In addition, the Circular is also applicable to Departmental agency programs which grant licenses and permits for development projects and activities significantly affecting area and community development or the physical environment.

582. *Use of Clearinghouses.* The State and areawide planning and development clearinghouses established pursuant to Part I, Attachment A of Exhibit 35 will be utilized to the greatest extent practicable to effectuate the requirements of Part II of the Circular.

583. *Consultation and Review.* Agencies should establish early contact with clearinghouses to work out arrangements for carrying out the consultation and review required under Part II of the Circular including identification of types of projects considered appropriate for consultation and review. In order to assure a high degree of consistency for coordinating Departmental activities covered by Part II of the Circular, agencies shall as a minimum:

a. Follow, to the greatest extent possible, the general procedures outlined under Part I, Attachment A of Exhibit 35 in affording State and areawide clearinghouses opportunities to review and comment on plans and developments.

b. Provide written notifications to Governors and State and areawide clearinghouses and local elected officials of any plans or projects for direct development in the State or locality. The notifications shall contain as a minimum:

1. Name of the organization proposing the project;
2. Geographic location of the project;
3. Brief description of the project;
4. Program to be supported by the project; and
5. Date on which implementation of the project is scheduled to begin.

c. Assure that the notification letters also contain instructions that the clearinghouse(s) is to review and coordinate the letter in the same way that a State or local agency notification of intent to apply for Federal assistance is handled by the clearinghouse(s). The instructions should state explicitly that the project review is to be accomplished according to the Project Notification and Review System (PNRS) procedures in OMB Circular No. A–95 (Revised), the supplemental rules contained in these regulations and USDA agency implementing procedures and regulations unless other applicable procedures such as memoranda of agreements have been established between Departmental agencies and involved clearinghouses.

d. Forward the notification letters to the elected local officials in areas where no clearinghouses exist with instructions to coordinate the review. Comments shall be returned according to the applicable deadlines contained in PNRS. In the case of projects in the National Capital Region, such notification should be in cooperation with the National Capital Planning Commission.

e. Review the comments submitted by the clearinghouse(s). Where the review leads to the conclusion that the project conforms to State, areawide and local plans, work may proceed on the project. Where comments indicate that the project does not conform, the responsible USDA agency shall make every effort to resolve the differences. If the attempt is successful, the USDA agency shall submit a written notification to the appropriate clearinghouse(s) which details the agency's decision and specific plans to proceed on the project.

When attempts to resolve such differences are unsuccessful, and the agency head desires to proceed with the project, approval to proceed will be required at the Departmental level before work on the project can begin. Such requests for Departmental approval together with appropriate justifications shall be submitted to the Office of Operations. OO will coordinate the request for approval with appropriate Departmental policy officials and advise the requesting agency head of the decision. The agency will then furnish the decision, along with appropriate justification background material, to the Governor, clearinghouse(s) and/or local officials as appropriate prior to starting work on the project.

f. Provide State, areawide and local agencies authorized to develop and enforce environmental standards with adequate opportunity to review such plans and enviromnental impact statements prepared by Federal agencies pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969. Comments of reviewing agencies will accompany environmental impact statements.

g. Provide the State agency responsible for administration of the approved program for management of a coastal zone the opportunity to review the relationship and consistency of the proposed project to such program.

h. Consult with State and areawide clearinghouse(s) and seek their evaluations of any projects and activities which would have impact on State, interstate, areawide, or local development plans or programs or on the environment, prior to granting Federal permits. To the maximum practical extent, this provision shall also apply to the granting of Federal licenses.

i. Where legislative or executive constraints or related circumstances do not permit following the general clearinghouse review procedures outlined in Part I, Attachment A of Exhibit 35, agencies should consult with appropriate clearinghouses to establish as a minimum:

1. The point in project planning at which clearinghouses will be contacted;
2. The minimum time clearinghouses will be afforded to review the proposed project;
3. The minimum information to be provided to the clearinghouses; and
4. Procedures for notifying clearinghouses on actions taken on such projects (implementation, timing, postponement, abandonment) and explaining action taken contrary to clearinghouse recommendations.

j. Agencies may establish memorandums of understanding between the agencies and the State and areawide clearinghouses setting forth the activities to be reported, the applicable activity level and timing of notification (see Exhibit 36).

k. Any agreements currently in place with clearinghouses should be reviewed to assure compliance with the revised

Circular. Such agreements should be reviewed annually.

l. There may be special considerations that would preclude early notification of direct Federal development projects to appropriate clearinghouse(s). Such consideration would include but would not be limited to projects that involve national security, situations where premature release of cost information might jeopardize the competitive bid process or circumstances where the premature release of appraisal information might adversely effect local land values or lead to unwarranted land speculation.

The Office of Operations should be consulted in special cases where the regulation notification process is not followed and is not covered by supplemental agency regulations or procedures. Where special considerations are known in advance, they should be made a part of the memorandums of agreement with the clearinghouse(s).

m. Agencies should recognize that decisions concerning specific projects subject to the Circular are matters of agency judgment. Failure to use the procedures specified by these regulations and the Circular may lead to conflicts which can result in court intervention. Therefore, doubts concerning the use of clearinghouse procedures should be resolved in favor of the interests of the State and local governments.

Subsection 4—State Plans

590. *Purpose.* This subsection provides for Departmental implementation of OMB Circular No. A-95, Attachment A, Part III, State Plans. The purpose of Part III of the Circular is to provide Federal agencies with information about the relationship to State or areawide comprehensive planning of State plans which are required or form the basis for funding under various Federal programs.

591. *Applicability.* USDA agencies which administer programs requiring by statute or regulation, a State plan as a condition of assistance shall assure that the Governor, or his delegated agency, is given the opportunity to comment on the relationship of such State plan to comprehensive and other State plans and programs and to those affected areawide or local jurisdictions. This assurance shall be accomplished as follows:

a. Departmental agencies shall inform all actual or potential agencies responsible for developing the required State plans that such plans must be submitted to the Governor for comments before USDA agencies will accept the plans. This requirement includes new State plans, amendments to existing plans, and any projections or other periodic reports prescribed under the program.

b. The Governor will be given 45 days to comment on the relationship of the submitted documents to comprehensive and other State plans and programs. All such comments must accompany the plan.

c. A "State plan" under Part III of Exhibit 35 is defined to include any required supporting planning reports or documentation that indicate the programs, projects, and activities for which Federal funds will be utilized. Such reports or documentation will also be submitted for review at the request of the Governor or the agency he has designated to perform review under Part III of Exhibit 35.

592. *Covered Programs.* Departmental programs subject to Part III of Exhibit 35 are listed in Appendix II of the Catalog of Federal Domestic Assistance. Those programs currently listed are:

CFDA No.	Program	USDA regulation citations
10.550	Food Distribution	7 CFR 250.6 and 250.14.
10.551	Food Stamps	7 CFR 271.8.
10.552	Special Food Service Program for Children.	7 CFR 210.4.
10.553	School Breakfast Program	7 CFR 210.4.
10.554	Nonfood Assistance for School Food Service Programs.	7 CFR 210.4.
10.555	National School Lunch Program.	7 CFR 210.4.
10.556	Special Milk Program for Children.	7 CFR 210.4.
10.557	Special Supplemental Food Program for Women, Infants, and Children.	7 CFR 246.3.

Subsection 5—Coordination of Planning in Multijurisdictional Area

600. *Purpose.* The purpose of this subsection is to provide Departmental implementation of OMB Circular No. A-95, Attachment A, Part IV, Coordination Of Planning In Multijurisdictional Areas. All coordination of planning in multijurisdictional areas for Departmental programs subject to Part IV shall be in accordance with the procedures established in this Subsection 5. Any Departmental agency with responsibility for such coordination requiring supplemental implementing procedures may issue regulations pertaining to such programs which are consistent with this subsection subject to the approval of the Office of Operations and the Office of Management and Budget.

601. *Applicability.* This subsection is applicable to all programs of USDA agencies responsible for providing assistance to State, areawide or local agencies for multijurisdictional or areawide planning. Agencies shall advise the Office of Operations of programs subject to Part IV of Exhibit 35. The Departmental programs currently determined subject to Part IV of Exhibit 35 are:

CFDA No.	Program	Agency regulations published at
10.901	Resource Conservation and Development.	7 CFR 640-643.

602. *USDA Implementing Regulations and Procedures.* In order to assure a high degree of consistency in the implementation of Part IV of Exhibit 35, USDA agencies with programs subject to the provisions of Part IV shall as a minimum:

a. Submit proposal to the Governor of the State in which the district or region is to be located. The Governor will be provided a period of 30 days to review the boundaries and comment on their relationship to planning and development districts or regions established by the State. Where the State has previously established such planning and development districts, USDA agency multijurisdictional areas shall conform to those of the State unless there is clear justification for not doing so.

b. Submit proposals, where the State has not established planning and development districts or regions which provide a basis for evaluation of the boundaries of the area proposed for designation. Major units of general local government and the appropriate Federal Regional Council in such areas will also be consulted prior to designation of the areas to assure consistency with districts established under inter-local agreement and under related Federal programs.

c. Notify the appropriate Federal Regional Council and the Office of Management and Budget through the Office of Operations, of any proposed designation as well as any final designation of planning and development districts or regions.

d. USDA agencies will assist applicants for areawide planning and development to coordinate their activities with related planning and development being carried on under other Federal programs or under State and local programs in multijurisdictional areas to achieve the fullest consistency and coordination. Procedures to achieve this will include:

1. If the applicant is other than the areawide comprehensive planning agency, Departmental agencies shall require evidence that the applicant has signed an agreement with the area-wide comprehensive planning agency which covers the matters listed in paragraph 3 of Part IV of the Circular (see Exhibit 37 for sample agreement).

2. If the applicant has been unable to make such an agreement, Departmental agencies, in consultation with the appropriate Federal Regional Council and State clearinghouse, will take action to resolve the issues which have prevented an agreement. Action shall be initiated as soon as possible but no later than 30 days after the application is received.

3. Agencies shall, to the extent practical, consider joining with other Federal, State and local agencies in funding and/or providing technical assistance to planning activities being carried on in multijurisdictional areas.

EXHIBIT 35—OMB CIRCULAR A-95

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Management and Budget

[Circular No. A-95, Revised]

JANUARY 2, 1976.

EVALUATION, REVIEW, AND COORDINATION OF FEDERAL AND FEDERALLY ASSISTED PROGRAMS AND PROJECTS

1. *Purpose.* This Circular furnishes guidance to Federal agencies for cooperation with State and local governments in the evaluation, review, and coordination of Federal and federally assisted programs and projects. The Circular promulgates regulations (Attachment A) which provide, in part, for:

a. Encouraging the establishment of a project notification and review system to facilitate coordinated planning on an intergovernmental basis for certain Federal assistance programs in furtherance of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and Title IV of the Intergovernmental Cooperation Act of 1968 (Attachment B).

b. Coordination of direct Federal development programs and projects with State, areawide, and local planning and programs pursuant to Title IV of the Intergovernmental Cooperation Act of 1968.

c. Securing the comments and views of State and local agencies which are authorized to develop and enforce environmental standards on certain Federal or federally assisted projects affecting the environment pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Attachment (C)) and regulations of the Council on Environmental Quality.

d. Furthering the objectives of Title VI of the Civil Rights Act of 1964.

This Circular supersedes Circular No. A-95 (Revised), dated November 13, 1973 (Part II, FEDERAL REGISTER, Vol. 38, No. 228, pp. 32874–32881, November 28, 1973). It will become effective February 27, 1976.

2. *Basis.* This Circular has been prepared pursuant to:

a. Section 401(a) of the Intergovernmental Cooperation Act of 1968 which provides, in part, that

"The President shall * * * establish rules and regulations governing the formulation, evaluataion, and review of Federal programs and projects having a significant impact on area and community development * * *"

and the President's Memorandum of November 8, 1968, to the Director of the Bureau of the Budget (FEDERAL REGISTER, Vol. 33, No. 221, November 13, 1968) which provides:

"By virtue of the authority vested in me by section 301 of title 3 of the United States Code and section 401(a) of the Intergovernmental Cooperation Act of 1968 (Public Law 90–577), I hereby delegate to you the authority vested in the President to establish the rules and regulations provided for in that section governing the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development, including programs providing Federal assistance to the States and localities, to the end that they shall most effectively serve these basic objectives.

"In addition, I expect the Bureau of the Budget to generally coordinate the actions of the departments and agencies in exercising the new authorizations provided by the Intergovernmental Cooperation Act, with the objective of consistent and uniform action by the Federal Government."

b. Title IV, section 403, of the Intergovernmental Cooperation Act of 1968 which provides that:

"The Bureau of the Budget or such other agency as may be designated by the President, is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this Title."

c. Section 204(c) of the Demonstration Cities and Metropolitan Development Act of 1966 which provides that:

"The Bureau of the Budget, or such other agency as may be designated by the President, shall prescribe such rules and regulations as are deemed appropriate for the effective administration of this section," and

d. Reorganization Plan No. 2 of 1970 and Executive Order No. 11541 of July 1, 1970, which vest all functions of the Bureau of the Budget or the Director of the Bureau of the Budget in the Director of the Office of Management and Budget.

3. *Coverage.* The regulations promulgated by this Circular (Attachment A) will have applicability:

a. Under Part I, to all projects and activities (or significant substantive changes thereto) for which Federal assistance is being sought under the programs listed in Attachment D or Appendix I of the *Catalog of Federal Domestic Assistance* whichever bears the later date. Limitations and provisions for exceptions are noted therein or under paragraph 8 of Part I.

b. Under Part II, to all direct Federal development activities, including the acquisition, use, and disposal of Federal real property; in addition, agencies responsible for granting licenses and permits for developments or activities significantly affecting area and community development or the physical environment are strongly urged to consult with clearinghouses on applications for such licenses or permits.

c. Under Part III, to all Federal programs as listed in Appendix II of the *Catalog of Federal Domestic Assistance*, requiring, by statute or administrative regulation, a State plan as a condition of assistance.

d. Under Part IV, to all Federal programs providing assistance to State, areawide, or local agencies or organizations for multijurisdictional or areawide planning.

4. *"A-95: What It Is—How It Works."* A fuller discussion of the background, purposes, and objectives of the Circular and of the requirements promulgated thereunder may be found in the brochure, "A-95: What It is—How It Works," obtainable from the Office of Management and Budget or from Federal Regional Councils.

5. *"A-95 Administrative Notes."* From time to time OMB will issue "A-95 Administrative Notes" providing interim determinations or interpretations on matters of national scope relating to administration of the Circular.

6. *Federal Regional Councils.* Federal Regional Councils are responsible for coordinating the implementation of the requirements of this Circular at the Federal regional level. The Office of Management and Budget is responsible for policy oversight of the Circular and liaison with departmental and agency liaison officers on matters of national scale related to the requirements of the Circular.

7. *Federal agency implementing procedures and regulations.* Agencies will develop interim procedures and regulations implementing the requirements of this Circular revision which will become effective on February 27, 1976. The interim procedures and regulations will be published in the FEDERAL REGISTER no later than February 27, 1976. Agencies will promulgate final implementing procedures and regulations no later than April 29, 1976. OMB will assist and cooperate with agencies in developing such procedures and regulations.

8. *Inquiries.* Inquiries concerning this Circular may be addressed to the Regional A-95 Coordinator for the appropriate Federal Regional Council or to the Office of Management and Budget, Washington, D.C. 20503, telephone (202)-395-3031.

JAMES T. LYNN,
Director.

ATTACHMENT A—REGULATIONS UNDER SECTION 204 OF THE DEMONSTRATION CITIES AND METROPOLITAN DEVELOPMENT ACT OF 1966, TITLE IV OF THE INTERGOVERNMENTAL COOPERATION ACT OF 1968, AND SECTION 102(2)(C) OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

PART I: PROJECT NOTIFICATION AND REVIEW SYSTEM

1. *Purpose.* The purpose of this Part is to:

a. Further the policies and directives of Title IV of the Intergovernmental Cooperation Act of 1968 by encouraging the establishment of a network of State and areawide planning and development clearinghouses which will aid in the coordination of Federal or federally assisted projects and programs with State, areawide, and local planning for orderly growth and development.

b. Implement the requirements of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 for metropolitan areas within that network.

c. Implement, in part, requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, which require that State, areawide, and local agencies which are authorized to develop and enforce environmental standards be given an opportunity to comment on the environmental impact of Federal or federally assisted projects.

d. Provide public agencies charged with enforcing or furthering the objectives of State and local civil rights laws with opportunity to participate in the review process established under this Part.

e. Encourage, by means of early contact between applicants for Federal assistance and State and local governments and agencies, an expeditious process of intergovernmental coordination and review of proposed project.

2. *Notification of Intent.*

a. Any agency of State or local government or any organization or individual undertaking to apply for assistance to a project or major substantive modification thereto under a Federal program covered by this Part will be required to notify both the State and areawide planning and development clearinghouse in the jurisdiction of which the project is to be located of its intent to apply for assistance at such time as it determines it will develop an application.

In the case of applications for projects involving land or water use and development or construction in the National Capital Region (as defined in section 1(b) of the National Capital Planning Act of 1952, as amended) a copy of the notification will be sent to the National Capital Planning Commission (NCPC) in addition to the areawide clearinghouse and the appropriate State clearinghouse. NCPC is the official planning agency for the Federal Government in the National Capital Region.

In the case of an application in any State for an activity that is Statewide or broader in nature (such as for various types of research) and does not affect nor have specific applicability to areawide or local planning and programs, the notification need be sent only to the State clearinghouse. Involvement of areawide clearinghouses in the review in such cases will be at the initiative of the State clearinghouse.

Notifications will include a summary description of the project for which assistance will be sought. The summary description will contain the following information, as appropriate and to the extent available:

(1) Identity of the applicant agency, organization, or individual.

(2) The geographic location of the project to be assisted. A map should be provided, if appropriate.

(3) A brief description of the proposed project by type, purpose, general size or scale, estimated cost, beneficiaries, or other characteristics which will enable the clearinghouses to identify agencies of State or local government having plans, programs, or projects that might be affected by the proposed projects.

(4) A statement as to whether or not the applicant has been advised by the funding agency from which assistance is being sought that he will be required to submit environmental impact information in connection with the proposed project.

(5) The Federal program title and number and agency under which assistance will be sought as indicated in Attachment D or the latest *Catalog of Federal Domestic Assistance*. (The *Catalog* is issued annually in the spring and is updated during the year.) In the case of programs not listed therein, programs will be identified by Public Law number or U.S. Code citation.

(6) The estimated date the applicant expects to formally file an application.

Many clearinghouses have developed notification forms and instructions. Applicants are urged to contact their clearinghouses for such information in order to expedite clearinghouse review.

b. In order to assure maximum time for effective coordination and so as not to delay the timely submission of the completed application to the funding agency, notifications containing the preliminary information indicated above should be sent at the earliest feasible time.

c. Applications from federally recognized Indian tribes are not subject to the requirements of this Part. However, Indian tribes may voluntarily participate in the Project Notification and Review System and are encouraged to do so. Federal agencies will notify the appropriate State and areawide clearinghouses of any applications from federally recognized Indian tribes upon their receipt. Where a federally recognized Tribal Government has established a mechanism for coordinating the activities of Tribal departments, divisions, enterprises, and entities, Federal agencies will, upon request of such Tribal Government transmitted through the Office of Management and Budget, require that applications for assistance under programs covered by this Part from such Tribal departments, divisions, enterprises, and entities be subject to review by such Tribal coordinating mechanism as though it were a State or areawide clearinghouse.

3. *Clearinghouse functions.* Clearinghouse functions include:

a. Evaluating the significance of proposed Federal or federally assisted projects to State, areawide, or local plans and programs.

b. Receiving and disseminating project notifications to appropriate State and multistate agencies in the case of the State clearinghouse and to appropriate local governments and agencies and regional organizations in the case of areawide clearinghouses; and providing liaison, as may be necessary, between such agencies or bodies and the applicant. In the case of units of general local government, notifications of all projects affecting his jurisdiction will, if requested, be sent to the chief executive of such unit by the areawide clearinghouse or to such central agency as he may designate for review and reference to appropriate agencies of such unit.

c. In the case of projects under programs covered by this Part located in the coastal zone, as defined in the Coastal Zone Management Act of 1972, assuring that the State agency, if other than the State clearinghouse, responsible for administration of the approved program for the management of the coastal zone, is given opportunity to review the project for its relationship to such program and its consistency therewith.

d. Assuring, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, that appropriate State, multistate, areawide, or local agencies which are authorized to develop and enforce environmental standards are informed of and are given opportunity to review and comment on the environmental significance of proposed projects for which Federal assistance is sought.

e. Providing public agencies charged with enforcing or furthering the objectives of State and local civil rights laws with opportunity to review and comment on the civil rights aspects of the project for which assistance is sought.

f. Providing, pursuant to Part II of these regulations, liaison between Federal agencies contemplating direct Federal development projects and the State or areawide agencies or local governments having plans or programs that might be affected by the proposed project.

g. In the case of a project for which Federal assistance is sought by a special purpose unit of local government, clearinghouses will assure that any unit of general local government having jurisdiction over the area in which the project is to be located has opportunity to confer, consult, and comment upon the project and the application.

h. Where areawide clearinghouse jurisdictions are contiguous, coordinative arrangements should be established between the clearinghouses in such areas to assure that projects in one area which may have an impact on the development of a contiguous area are jointly studied. Any comments and recommendations made by or through a clearinghouse in one area on a project in a contiguous area will accompany the application for assistance to that project.

4. *Consultation and review.*

a. State and areawide clearinghouses may have a period of 30 days after receipt of a project notification in which to inform State and multistate agencies and local or regional governments or agencies (including agencies referred to in subparagraphs c, d, and e, above) that may be affected by the proposed project and arrange, as may be necessary, to consult with the applicant thereon. The review may be completed in this period and comments may be submitted to the applicant.

b. If the review is not completed during this period, the clearinghouse may work with the applicant in the resolution of any problems raised by the proposed project during the period in which the application is being completed.

c. In cases where no project notification has been submitted and the clearinghouse receives only a completed application, it may have 60 days to review the completed application. If a completed application is submitted during the first 30 days after a notification has been submitted, the clearinghouse may have 30 days plus the number of days remaining in the initial 30 day notification period to complete its review. In all other cases, the clearinghouse may have 30 days to review a completed application. Where clearinghouses have not completed their reviews during the 30 day notification period, they are strongly urged to give the applicant formal notice to that effect. Where reviews have been completed prior to completion of an application, an information copy will be supplied to the clearinghouse, upon request, when the application is submitted to the funding agency.

d. Written comments submitted to the areawide clearinghouse by other jurisdictions, agencies, or parties will be included as attachments to the comments of areawide clearinghouses, when they are at variance with the clearinghouse comments; and others from whom comments were solicited and received should be listed.

e. Under some programs, applicants—primarily nongovernmental—are required to submit confidential information to the funding agency. Such information may relate to the applicant's financial status or structure (e.g., overall investment program or holdings); to personnel (e.g., personal histories of project officers) or may involve proprietary information (e.g., industrial processes, research ideas). Such confidential information need not be included with applications submitted to clearinghouses for review.

f. Applicants will include with the completed application as submitted to the Federal agency (or to the State agency in the case of projects for which the State, under certain programs, has final project approval):

(1) All comments and recommendations made by or through clearinghouses, along with a statement that such comments have been considered prior to submission of the application; or

(2) Where no comments have been received from a clearinghouse, a statement that the procedures outlined in this section have been followed and that no comments or recommendations have been received.

g. Applications for renewal or continuation grants or applications not submitted to or acted on by the funding agency within one year after completion of the clearinghouse review will be subject to re-review upon request of the clearinghouse.

5. *Subject matter of comments and recommendations.* Comments and recommendations made by or through clearinghouses with respect to any project are for the purpose of assuring maximum consistency of such project with State, areawide, and local comprehensive plans. They are also intended to assist the Federal agency (or State agency, in the case of projects for which the State under certain Federal grants has final project approval) administering such a program in determining whether the project is in accord with applicable Federal law, particularly those requiring consistency with State, areawide, or local plans. Comments or recommendations may include, but need not be limited to, information about:

a. The extent to which the project is consistent with or contributes to the fulfillment of comprehensive planning for the State, area, or locality.

b. The extent to which the proposed project:

(1) Duplicates, runs counter to, or needs to be coordinated with other projects or activities being carried out in or affecting the area; or

(2) Might be revised to increase its effectiveness or efficiency in relationship to other State, area, or local programs and projects.

c. The extent to which the project contributes to the achievement of State, areawide, and local objectives and priorities relating to natural and human resources and economic and community development as specified in section 401 of the Intergovernmental Cooperation Act of 1968, including:

(1) Appropriate land uses for housing, commercial, industrial, governmental, institutional, and other purposes;

(2) Wise development and conservation of natural resources, including land, water, mineral, wildlife, and others;

(3) Balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods;

(4) Adequate outdoor recreation and open space;

(5) Protection of areas of unique natural beauty, historical and scientific interest;

(6) Properly planned community facilities, including utilities for the supply of power, water, and communications, for the safe disposal of wastes, and for other purposes; and

(7) Concern for high standards of design.

d. As provided under section 102(2)(C) of the National Environmental Policy Act of 1969, the extent to which the project significantly affects the environment including consideration of:

(1) The environmental impact of the proposed project;

(2) Any adverse environmental effects which cannot be avoided should the proposed project be implemented;

(3) Alternatives to the proposed project;

(4) The relationship between local short term uses of man's environment and the maintenance and enhancement of long term productivity; and

(5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed project or action, should it be implemented.

e. Effects on energy resource supply and demand.

f. The extent to which people or businesses will be displaced and the availability of relocation resources.

g. As provided under section 307(d) of the Coastal Zone Management Act of 1972, in the case of a project located in the coastal zone, the relationship of the project to the approved State program for the management of the coastal zone and its consistency therewith.

h. The extent to which the project contributes to more balanced patterns of settlement and delivery of services to all sectors of the area population, including minority groups.

i. In the case of a project for which assistance is being sought by a special purpose unit of local government, whether the unit of general local government having jurisdiction over the area in which the project is to be located has applied, or plans to apply, for assistance for the same or a similar type project. This information is necessary to enable the Federal (or State) agency to make the judgments required under section 402 of the Intergovernmental Cooperation Act of 1968.

6. *Federal agency procedures.* Federal agencies having programs covered under this Part will develop appropriate procedures for:

a. Informing potential applicants for assistance under such programs of the requirements of this Part (1) in program information materials, (2) in response to inquiries respecting application procedures, (3) in pre-application conferences, or (4) by other means which will assure earliest contact between applicant and clearinghouses.

b. Assuring that all applications for assistance under programs covered by this part have been submitted to appropriate clearinghouses for review prior to their submission to the funding agency. Applications that do not carry evidence that both areawide and State clearinghouses have been given an opportunity to review the application will be returned to the applicant with instructions to fulfill the requirements of this Part. Agencies will insure that all applications contain a State Application Identifier (SAI) number. (This is mandatory for use in notifying clearinghouses of action taken on the application.)

c. Notifying such clearinghouses within seven working days of any major action taken on such applications that have been reviewed by said clearinghouses. Major actions will include awards, rejections, returns for amendment, deferrals, or withdrawals. The standard multipurpose form, SF 424, promulgated by Federal Management Circular 74–7, will be used for this purpose, unless a waiver has been granted by OMB. (See Attachment E.)

d. Where a clearinghouse has recommended against approval of an application or approval only with specific and major substantive changes, and the funding agency approves the application substantially as submitted, the funding agency will provide the clearinghouse, along with the action notice, an explanation therefor.

e. Where a clearinghouse has recommended against approval of a project because it conflicts with or duplicates another Federal or federally assisted project, the funding agency will consult with the agency assisting the referenced projects prior to acting, if it plans to approve the application.

f. Assuring, in the case of an application submitted by a special purpose unit of local government, where accompanying comments indicate that the unit of general local government having jurisdiction over the area in which the project is to be located has submitted or plans to submit an application for assistance for the same or a similar type project, that appropriate considerations and preferences as specified in section 402 of the Intergovernmental Cooperation Act of 1968, are accorded the unit of general local government. Where such preference cannot be so accorded, the agency shall supply, in writing, to the unit of general local government and the Office of Management and Budget its reasons therefor.

7. *Housing Programs.* For housing programs of the Department of Housing and Urban Development, the Veterans Administration, and the Farmers Home Administration of the Department of Agriculture the following procedures will be followed, except as provided in subparagraph d below:

a. The appropriate HUD, VA, or USDA/FHA office will transmit to the appropriate State and areawide clearinghouses a copy of the initial application for project approval.

b. Clearinghouses will have 30 days from receipt to review the applications and to forward to the HUD, VA, or USDA/FHA office any comments which they may have, including observations concerning the consistency of the proposed project with State and areawide development plans, the extent to which the proposed project will provide housing opportunities for all segments of the community, and identification of major environmental concerns including impact on energy resource supply and demand. Processing of applications in the HUD, VA, or USDA/FHA office will proceed concurrently with the clearinghouse review.

c. This procedure will include only applications involving new construction or substantial rehabilitation and will apply to applications for loans, loan guarantees, mortgage insurance, or other housing assistance:

(1) In Urbanized Areas, as defined by the U.S. Bureau of the Census (see Appendix A, 1970 Census of Population, Characteristics of the Population or Characteristics of Housing), to:

(a) Subdivisions having 25 or more lots.

(b) Multifamily projects having 50 or more dwelling units.

(c) Mobile home courts with 50 or more spaces.

(d) College housing provided under the debt service or direct loan programs for 200 or more students.

(2) In all other areas, to:

(a) Subdivisions having 10 or more lots.

(b) Multifamily projects having 25 or more dwelling units.

(c) Mobile home courts with 25 or more spaces.

(d) College housing provided under the debt service or direct loan programs for 100 or more students.

d. As an alternative to the above procedure, the developer may submit his application directly to the appropriate clearinghouses prior to submitting it to the Federal agency. In such cases, the application, when submitted to the Federal agency, will be accompanied by the comments of the clearinghouses.

e. Exemption: Applications for additional units in a subdivision substantially completed (i.e., with streets, water and sewer facilities, culverts, etc.) are exempted from this requirement when:

(1) The subdivision was approved and/or recorded by the appropriate unit of local government within three years of the application submittal; and

(2) In cases of subdivisions approved more than three years prior, the clearinghouses waive the requirement.

This exemption does not apply to applications for housing in an undeveloped subdivision or in proposed extensions of existing subdivisions.

8. *Coverage, exceptions, and variations.*

a. Generally, this Part of this Circular and the laws on which it is based are concerned with programs providing financial assistance to projects and activities which have an impact on State, areawide, and local development, including development of natural, economic, and human resources. This Part is concerned with achieving the most effective and efficient utilization of Federal assistance programs through coordination among and between Federal, multistate, State, areawide, and local plans and programs and the elimination of conflict, overlap, and duplication of projects and activities under such programs. Coverage under this Part includes, or will be extended from time to time as deemed necessary and practicable to include programs bearing upon these concerns and objectives.

b. Programs not considered appropriate to this Part are programs of the following types:

(1) Direct financial assistance to individuals or families for housing, welfare, health care services, education, training, economic improvement, and other direct assistance for individual and family enhancement.

(2) Incentive payments or insurance for private sector activities not involving real property development or land use and development.

(3) Agricultural crop supports or payments.

(4) Assistance to organizations and institutions for the provision of education or training not designed to meet the needs of specific individual States or localities.

(5) Research, not involving capital construction, which is national in scope or is not designed to meet the needs or to address problems of a particular State, area, or locality (except in the case of demonstration or pilot research programs where projects may have an impact on the community or area in which they are being conducted).

(6) Assistance to educational, medical, or similar service institutions or agencies for internal staff development or management improvement purposes.

(7) Assistance to educational institutions for activities that are part of a school's regu-

lar academic program and are not related to local programs of health, welfare, employment, or other social services.

(8) Assistance for construction involving only routine maintenance, repair, or minor construction which does not change the use or the scale or intensity of use of the structure or facility.

c. OMB will consider Federal agency requests for exemption of certain classes of projects or activities under programs otherwise covered which:

(1) Meet any of the above characteristics of programs inappropriate for coverage under this Part;

(2) Are of small scale or size or are highly localized as to impact; or

(3) Display other characteristics which might make review impractical.

d. OMB will consider Federal agency requests for procedural variations from normal review processes:

(1) On a temporary basis for programs with time constraints brought about because of start up requirements or other unusual circumstances beyond the control of the funding agency. (Note: Delay in fund availability is not normally an acceptable reason for a variation. When a delay is anticipated, applicants should be instructed to have their applications reviewed by clearinghouses in readiness for submission when funds become available).

(2) For programs where statutory or related procedural limitations make the normal review processes impracticable.

e. All requests from Federal agencies for exemptions or procedural variations should be addressed to the Associate Director for Management and Operations, Office of Management and Budget.

f. Individual clearinghouses may exempt certain types of projects from review for reasons indicated above or for other reasons appropriate to the State or area.

g. Applicants should be made aware that, in various States, State law requires review of applications for Federal assistance under various programs not covered by this Part. Implementation of such laws is enforced through State rules and regulations, and applicants are urged to ascertain the existence of such laws and to acquaint themselves with applicable State procedures.

9. *Joint Funding.* Applications for assistance to activities under the Joint Funding Simplification Act (P.L. 93-510) or any other joint funding authority, which involve activities funded under one or more of the programs covered under this Part, will be subject to the requirements of this Part.

10. *Agency procedures and regulations.*

a. Proposed agency procedures and regulations for implementing the requirements of this Part will be published in the Federal Register as specified in paragraph 7 of this Circular. Programs to which the procedures and regulations will apply will be cited by their numbers in the *Catalog of Federal Domestic Assistance.* Where such numbers have not yet been assigned, programs will be referenced by Public Law and section or by U.S. Code citation. Subsequent amendments to such procedures and regulations will also be published pursuant to paragraph 7 of the Circular.

b. As a part of such proposed procedures and regulations published in the FEDERAL REGISTER, agencies may identify specific types of projects which they believe should be exempt from coverage under programs for which proposed procedures and regulations are being published. Such publication will constitute a formal request for exemption to the Office of Management and Budget, to which it will respond in its review of the proposed procedures and regulations.

c. OMB will assist and cooperate with agencies in developing such procedures and regulations.

d. A copy of agency internal procedures for implementation of this Part, if not contained in the above procedures and regulations, will be sent to the Associate Director of the Office of Management and Budget for Management and Operations.

11. *Reports and directories.*

a. The Director of the Office of Management and Budget may require reports, from time to time, on the implementation of this Part.

b. The Office of Management and Budget will maintain and distribute to appropriate Federal agencies a directory of State and areawide clearinghouses.

c. The Office of Management and Budget will notify Federal Regional Councils, clearinghouses, and Federal agencies of any excepted categories of projects under covered programs.

PART II: DIRECT FEDERAL DEVELOPMENT

1. *Purpose.* The purpose of this Part is to:

a. Provide State and local government with information on projected Federal development so as to facilitate coordination with State, areawide, and local plans and programs.

b. Provide Federal agencies with information on the relationship of proposed direct Federal development projects and activities to State, areawide, and local plans and programs; and to assure maximum feasible consistency of Federal developments with State, areawide, and local plans and programs.

c. Provide Federal agencies with information on the possible impact on the environment of proposed Federal development.

2. *Coordination of direct Federal development projects with State, areawide, and local development.*

a. Federal agencies having responsibility for the planning and construction of Federal buildings and installations or other Federal public works or development or for the acquisition, use, and disposal of Federal land and real property will establish procedures for:

(1) Consulting with Governors, State and areawide clearinghouses, and local elected officials at the earliest practicable stage in project or development planning on the relationship of any plan or project to the development plans and programs of the State, area, or locality in which the project is to be located. In the case of projects in the National Capital Region, such consultation should be undertaken in cooperation with the National Capital Planning Commission.

(2) Assuring that any such Federal plan or project is consistent or compatible with State, areawide, and local development plans and programs identified in the course of such consultations. Exceptions will be made only where there is clear justification. Explanation of any necessary inconsistency or incompatibility will be provided, in writing, to the appropriate clearinghouses.

(3) Providing State, areawide, and local agencies which are authorized to develop and enforce environmental standards with adequate opportunity to review such Federal plans and projects pursuant to section 102 (2)(C) of the National Environmental Policy Act of 1969. Any comments of such agencies will accompany the environmental impact statement submitted by the Federal agency.

(4) Providing, in the case of projects located in the coastal zone, the State agency responsible for administration of the approved program for the management of the coastal zone with opportunity to review the relationship of the proposed project to such program and its consistency therewith.

(5) Providing, through the appropriate clearinghouses, Health Systems Agencies and State Health Planning and Development Agencies designated pursuant to the National Heauth Planning and Resources Development Act of 1974 with adequate opportunity to review Federal projects for construction and/or equipment involving capital expenditures exceeding $200,000 for modernization, conversion, and expansion of Federal inpatient care facilities, which alter the bed capacity or modify the primary function of the facility, as well as plans for provision of major new medical care services. (Excluded are projects to renovate or install mechanical systems, air conditioning systems, or other similar internal system modifications.) The agencies are expected to evaluate proposed Federal projects for consistency with areawide and local health delivery plans and health supply-demand situations, as well as considering clearinghouse comments on such specific points as those listed in paragraph 5 of Part I. The comments of such agencies and any clearinghouse comments will accompany the plan and budget requests submitted by the Federal agency to the Office of Management and Budget or a certification that the agencies and clearinghouses had been provided a reasonable time to comment and had failed to do so.

3. *Use of clearinghouses.* The State and areawide planning and development clearinghouses established pursuant to Part I will be utilized to the greatest extent practicable to effectuate the requirements of this Part. Agencies are urged to establish early contact with clearinghouses to work out arrangements for carrying out the consultation and review required under this Part, including identification of types of projects considered appropriate for consultation and review. Clearinghouses may utilize criteria set forth in paragraph 5 of Part I in evaluating direct Federal development projects.

4. *Federal licenses and permits.* Agencies responsible for granting Federal licenses and permits for development projects and activities which would have a significant impact on State, interstate, areawide, or local development plans or programs or on the environment are strongly urged to consult with State and areawide clearinghouses and to seek their evaluations of such impacts prior to granting such licenses or permits.

5. *Agency procedures and regulations.*

a. To the greatest extent possible, agencies engaged in direct Federal development activities will follow the general procedures outlined under Part I of Attachment A in affording State and areawide clearinghouses opportunities to review and comment on plans and developments.

b. Where legislative or executive constraints or related circumstances do not permit following such procedures, agency procedures and regulations will set forth for each program, at a minimum:

(1) The point in project planning at which clearinghouses will be contacted;

(2) The minimum time clearinghouses will be afforded to review the proposed project;

(3) The minimum information to be provided to the clearinghouses; and

(4) Procedures for notify clearinghouses on actions taken on such project (implementation, timing, postponement, abandonment) and explaining action taken contrary to clearinghouse recommendations.

c. The Office of Management and Budget will consider other procedures such as memoranda of agreement between Federal installations and clearinghouses for coordinating Federal and civilian planning, that are designed to achieve the objectives of this Part.

d. All proposed agency procedures and regulations to implement this Part will be published in the FEDERAL REGISTER pursuant to paragraph 7 of the Circular. OMB will assist and cooperate with agencies in developing such procedures and regulations.

PART III: STATE PLANS

1. *Purpose.* The purpose of this Part is to provide Federal agencies with information about the relationship to State or areawide comprehensive planning of State plans which are required or form the basis for funding under various Federal programs.

2. *State plans.* To the extent not presently required by statute or administrative regulation, Federal agencies administering programs requiring by statute or regulation a State plan as a condition of assistance under such programs will require that the Governor, or his delegated agency, be given the opportunity to comment on the relationship of such State plan to comprehensive and other State plans and programs and to those of affected areawide or local jurisdictions. The Governor is urged to involve areawide clearinghouses in the review of State plans, particularly where such plans have specific applicability to or affect areawide or local plans and programs.

a. The Governor will be afforded a period of 45 days in which to make such comments, and any such comments will be transmitted with the plan.

b. A "State plan" under this Part is defined to include any required supporting planning reports or documentation that indicate the programs, projects, and activities for which Federal funds will be utilized. Such reports or documentation will also be submitted for review at the request of the Governor or the agency he has designated to perform review under this Part.

c. Programs requiring State plans are listed in Appendix II of the *Catalog of Federal Domestic Assistance.*

PART IV: COORDINATION OF PLANNING IN MULTIJURISDICTIONAL AREAS

1. *Policies and objectives.* The purposes of this Part are:

a. To encourage and facilitate State and local initiative and responsibility in developing organizational and procedural arrangements for coordinating comprehensive and functional planning activities.

b. To eliminate overlap, duplication, and competition in areawide planning activities assisted or required under Federal programs and to encourage the most effective use of State and local resources available for planning.

c. To minimize inconsistency among Federal administrative and approval requirements placed on areawide planning activities.

d. To encourage the States to exercise leadership in delineating and establishing a system of planning and development districts or regions in each State, which can provide a consistent geographic base for the planning and coordination of Federal, State, and local development programs.

e. To encourage Federal agencies administering programs assisting or requiring areawide planning to utilize agencies that have been designated to perform areawide comprehensive planning in planning and development districts or regions established pursuant to subparagraph d above (generally, areawide clearinghouses designated pursuant to Part I of Attachment A of this Circular) to carry out or coordinate planning under such programs. In the case of interstate metropolitan areas, agencies designated as metropolitan areawide clearinghouses should be utilized to the extent possible to carry out or coordinate Federally assisted or required areawide planning.

2. *Common or consistent planning and development districts or regions.*

a. Prior to the designation or redesignation (or approval thereof) of any planning and development district or region under any Federal program, Federal agency procedures will provide a period of 30 days for the Governor(s) of the State(s) in which the district or region will be located to review the boundaries thereof and comment upon its relationship to planning and development districts or regions established by the State. Where the State has established such planning and development districts, the boundaries of areas designated under Federal programs will conform to them unless there is clear justification for not doing so.

b. Where the State has not established planning and development districts or regions which provide a basis for evalaution of the boundaries of the area proposed for designation, major units of general local government and the appropriate Federal Regional Council in such areas will also be consulted prior to designation of the area to assure consistency with districts established under inter-local agreement and under related Federal programs.

c. The Office of Management and Budget will be notified through the appropriate Federal Regional Council by Federal agencies of any proposed designation and will be informed of such designation when it is made, including such justifications as may be required under subparagraph a above.

3. *Common and consistent planning bases and coordination of related activities in multijurisdictional areas.* Each agency will develop procedures and requirements for applications for multijurisdictional planning and development assistance under appropriate programs to assure the fullest consistency and coordination with related planning and development being carried on by the areawide comprehensive planning agency or clearinghouse designated under Part I of this Circular in the multijurisdictional area.

Such procedures shall include provision for submission to the funding agency by any applicant for multijurisdictional planning assistance, if the applicant is other than an areawide comprehensive planning agency referred to in paragraph 1e of this Part, of a memorandum of agreement between the applicant and such areawide comprehensive planning agency covering the means by which their planning activities will be coordinated. The agreement will cover but need not be limited to the following matters:

a. Identification of relationships between the planning proposed by the applicant and that of the areawide agency and of similar or related activities that will require coordination;

b. The organizational and procedural arrangements for coordinating such activities, such as: overlapping board membership, procedures for joint reviews of projected activities and policies, information exchange, etc.;

c. Cooperative arrangements for sharing planning resources (funds, personnel, facilities, and services);

d. Agreed upon base data, statistics, and projections (social, economic, demographic) on the basis of which planning in the area will proceed.

Where an applicant has been unable to effectuate such an agreement, he will submit a statement indicating the efforts he has made to secure agreement and the issues that have prevented it. In such case, the funding agency, in consultation with the Federal Regional Council and the State clearinghouse designated under Part I, will undertake, within a 30 day period after receipt of the application, resolution of the issues before approving the application, if it is otherwise in good order.

4. *Joint funding.* Where it will enhance the quality, comprehensive scope, and coordination of planning in multijurisdictional areas, Federal agencies will, to the extent practicable, provide for joint funding of planning activities being carried on therein.

5. *Coordination of agency procedures and regulations.* With respect to the steps called for in paragraphs 2 and 3 of this Part, departments and agencies will develop for relevant programs appropriate draft procedures and regulations which will be published in the FEDERAL REGISTER pursuant to paragraph 7 of this Circular. Copies of such drafts will be furnished to the Director of the Office of Management and Budget and to the heads of departments and agencies administering related programs. The Office, in consultation with the agencies, will review the draft procedures and regulations to assure the maximum obtainable consistency among them.

PART V: DEFINITIONS

Terms used in this Circular will have the following meanings:

1. *Federal agency*—any department, agency, or instrumentality in the executive branch of the Government and any wholly owned Government corporation.

2. *State*—any of the several States of the United States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State.

3. *Unit of general local government*—any city, county, town, parish, village, or other general purpose political subdivision of a State.

4. *Special purpose unit of local government*—any special district, public purpose corporation, or other strictly limited purpose political subdivision of a State, but shall not include a school district.

5. *Federal assistance, Federal financial assistance, Federal assistance programs, or federally assisted programs*—programs that provide assistance through grant or contractual arrangements. They include technical assistance programs, or programs providing assistance in the form of loans, loan guarantees, or insurance. The term does not include any annual payment by the United States to the District of Columbia authorized by article VI of the District of Columbia Revenue Act of 1947 (D.C. Code sec. 47-2501a and 47-2501b).

6. *Funding agency.* The Federal agency or, in the case of certain formula grant programs, the State agency which is responsible for final approval of applications for assistance.

7. *Comprehensive planning,* to the extent directly related to area needs or needs of a unit of general local government, including the following:

a. Preparation, as a guide for governmental policies and action, of general plans with respect to:

(1) Pattern and intensity of land use.

(2) Provision of public facilities (including transportation facilities) and other government services.

(3) Effective development and utilization of human and natural resources.

b. Preparation of long range physical and fiscal plans for such action.

c. Programming of capital improvements and other major expenditures, based on a determination of related urgency, together with definitive financing plans for such expenditures in the earlier years of the program.

d. Coordination of all related plans and activities of the State and local governments and agencies concerned.

e. Preparation of regulatory and administrative measures in support of the foregoing.

8. *Metropolitan area*—a standard metropolitan statistical area as established by the Office of Management and Budget, subject, however, to such modifications and extensions as the Office of Management and Budget may determine to be appropriate for the purposes of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, and these Regulations.

9. *Areawide*—Comprising, in metropolitan areas, the whole of contiguous urban and urbanizing areas; and in nonmetropolitan areas, contiguous counties or other multijurisdictional areas having common or related social, economic, or physical characteristics indicating a community of developmental interests; or, in either, the area included in a substate district designated pursuant to paragraph 1d, Part IV, Attachment A of this Circular.

10. *Planning and development clearinghouse or clearinghouse* includes:

a. *"State clearinghouse"*—an agency of the State Government designated by the Governor or by State law to carry out the requirements of Part I of Attachment A of this Circular.

b. *"Areawide clearinghouse"*—

(1) In nonmetropolitan areas a comprehensive planning agency designated by the Governor (or Governors in the case of regions extending into more than one State) or by State law to carry out requirements of this Circular; or

(2) In metropolitan areas an areawide agency that has been recognized by the Office of Management and Budget as an appropriate agency to perform review functions under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, Title IV of the Intergovernmental Cooperation Act of 1968, and this Circular.

11. *Multijurisdictional area*—any geographical area comprising, encompassing, or extending into more than one unit of general local government.

12. *Planning and development district or region*—a multijurisdictional area that has been formally designated or recognized as an appropriate area for planning under State law or Federal program requirements.

13. *Direct Federal development*—planning and construction of public works, physical facilities, and installations or land and real property development (including the acquisition, use, and disposal of real property) undertaken by or for the use of the Federal Government or any of its agencies; or the leasing of real property for Federal use where the use or intensity of use of such property will be substantially altered.

ATTACHMENT B—SECTION 204 OF THE DEMONSTRATION CITIES AND METROPOLITAN DEVELOPMENT ACT OF 1966 AS AMENDED (80 STAT. 1263, 82 STAT. 208)

"Sec. 204. (a) All applications made after June 30, 1967, for Federal loans or grants to assist in carrying out open-space land projects or for planning or construction of hospitals, airports, libraries, water supply and distribution facilities, sewage facilities and waste treatment works, highways, transportation facilities, law enforcement facilities, and water development and land conservation projects within any metropolitan area shall be submitted for review—

"(1) to any areawide agency which is designated to perform metropolitan or regional planning for the area within which the assistance is to be used, and which is, to the greatest practicable extent, composed of or responsible to the elected officials of a unit of areawide government or of the units of general local government within whose jurisdiction such agency is authorized to engage in such planning, and

"(2) if made by a special purpose unit of local government, to the unit or units of general local government with authority to operate in the area within which the project is to be located.

"(b) (1) Except as provided in paragraph (2) of this subsection, each application shall be accompanied (A) by the comments and recommendations with respect to the project involved by the areawide agency and governing bodies of the units of general local government to which the application has been submitted for review, and (B) by a statement by the applicant that such comments and recommendations have been considered prior to formal submission of the application. Such comments shall include information concerning the extent to which the project is consistent with comprehensive planning developed or in the process of development for the metropolitan area or the unit of general local government, as the case may be, and the extent to which such project contributes to the fulfillment of such planning. The comments and recommendations and the statement referred to in this paragraph shall, except in the case referred to in paragraph (2) of this subsection, be reviewed by the agency of the Federal Government to which such application is submitted for the sole purpose of assisting it in determining whether the application is in accordance with the provisions of Federal law which govern the making of the loans or grants.

"(2) An application for a Federal loan or grant need not be accompanied by the comments and recommendations and the statements referred to in paragraph b(1) of this subsection, if the applicant certifies that a plan or description of the project, meeting the requirements of such rules and regulations as may be prescribed under subsection (c), or such application, has lain before an appropriate areawide agency or instrumentality or unit of general local government for a period of sixty days without comments or recommendations thereon being made by such agency or instrumentality.

"(3) The requirements of paragraphs (1) and (2) shall also apply to any amendment of the application which, in light of the purposes of this title, involves a major change in the project covered by the application prior to such amendment.

"(c) The Bureau of the Budget, or such other agency as may be designated by the President, is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this section."

TITLE IV OF THE INTERGOVERNMENTAL COOPERATION ACT OF 1968 (82 STAT. 1103)

"TITLE IV—COORDINATED INTERGOVERNMENTAL POLICY AND ADMINISTRATION OF DEVELOPMENT ASSISTANCE PROGRAMS"

Declaration of development assistance policy

"Sec. 401. (a) The economic and social development of the Nation and the achievement of satisfactory levels of living depend upon the sound and orderly development of all areas, both urban and rural. Moreover, in a time of rapid urbanization, the sound and orderly development of urban communities depends to a large degree upon the social and economic health and the sound development of small communities and rural areas. The President shall, therefore, establish rules and regulations governing the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development, including programs providing Federal assistance to the States and localities, to the end that they shall most effectively serve these basic objectives. Such rules and regulations shall provide for full consideration of the concurrent achievement of the following specific objectives and, to the extent authorized by law, reasoned choices shall be made between such objectives when they conflict:

"(1) Appropriate land uses for housing, commercial, industrial, governmental, institutional and other purposes:

"(2) Wise development and conservation of natural resources, including land, water, minerals, wildlife, and others;

"(3) Balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods.

"(4) Adequate outdoor recreation and open space;

"(5) Protection of areas of unique natural beauty, historical and scientific interest;

"(6) Properly planned community facilities, including utilities for the supply of power, water, and communications, for the safe disposal of wastes, and for other purposes; and

"(7) Concern for high standards of design.

"(b) All viewpoints—national, regional, State and local—shall, to the extent possible, be fully considered and taken into account in planning Federal or federally assisted development programs and projects. State and local government objectives, together with the objectives of regional organizations shall be considered and evaluated within a framework of national public objectives, as expressed in Federal law, and available projections of future national conditions and needs of regions, States, and localities shall be considered in plan formulation, evaluation, and review.

"(c) To the maximum extent possible, consistent with national objectives, all Federal aid for development purposes shall be consistent with and further the objectives of State, regional, and local comprehensive planning. Consideration shall be given to all developmental aspects of our total national community, including but not limited to housing, transportation, economic development, natural and human resources development, community facilities, and the general improvement of living environments.

"(d) Each Federal department and agency administering a development assistance program shall, to the maximum extent practicable, consult with and seek advice from all other significantly affected Federal departments and agencies in an effort to assure fully coordinated programs.

"(e) Insofar as possible, systematic planning required by individual Federal programs (such as highway construction, urban renewal, and open space) shall be coordinated with and, to the extent authorized by law, made part of comprehensive local and areawide development planning."

Favoring units of general local government

"Sec. 402. Where Federal law provides that both special-purpose units of local government and units of general local government are eligible to receive loans or grants-in-aid, heads of Federal departments and agencies shall, in the absence of substantial reasons to the contrary, make such loans or grants-in-aid to units of general local government rather than to special-purpose units of local government."

Rules and regulations

"Sec. 403. The Bureau of the Budget, or such other agency as may be designated by the President, is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this title."

ATTACHMENT C—SECTION 102(2)(C) OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (83 STAT. 853)

"Sec. 102. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—* * *

"(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

"(i) the environmental impact of the proposed action,

"(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

"(iii) alternatives to the proposed action,

"(iv) the relationship between local short-term use of man's environment and the maintenance and enhanceemt of long-term productivity, and

"(v) any irreversible or irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

"Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the coments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of Title 5, United States Code, and shall accompany the proposal through the existing agency review processes: * * *."

ATTACHMENT D—COVERAGE OF PROGRAMS UNDER ATTACHMENT A, PART I

1. Programs listed below are referenced several ways, due to transitional phases in program development, funding status, etc. Generally, citations are to programs as they are listed in the June, 1975 *Catalog of Federal Domestic Assistance*. For certain new legislation, *Catalog* citations have not yet been developed. In such cases, references are to Public Law number and section. When no funding is available for a program, it is not generally listed in the *Catalog* or this Attachment; but if funding becomes available for a program previously covered, it continues to be covered unless specifically exempted by OMB. The *Catalog* is issued annually and revised periodically during the year. Every effort will be made to keep Appendix I and Attachment D current. Reference should always be made to the one bearing the latest issue date. (However, the update to the 1975 *Catalog* will not reflect all the changes herein. Therefore, this list should be referenced until issuance of the 1976 *Catalog*.)

Asterisks indicate certain State formula grant programs requiring State plans which are also covered under Part III. When listed under Part I, reference is to applications for subgrants under the State allocation, not to the State's application for its allocation under the formula grant which is reviewable under Part III.

2. Heads of Federal departments and agencies may, with the concurrence of the Office of Management and Budget, exclude certain categories of projects or activities under listed programs from the requirements of Attachment A, Part I. (Also see Part I, paragraph 8.)

3. *Covered programs*

DEPARTMENT OF AGRICULTURE

10.405 Farm Labor Housing Loans and Grants.
10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans (exception: Loans to grazing associations to develop additional pasturage and loans for purchase of equipment).
10.410 Low to Moderate Income Housing Loans.
10.411 Rural Housing Site Loans.
10.414 Resource Conservation and Development Loans.
10.415 Rural Rental Housing Loans.
10.418 Water and Waste Disposal Systems for Rural Communities.
10.419 Watershed Protection and Flood Prevention Loans.
10.420 Rural Self-Help Housing Technical Assistance.
10.422 Business and Industrial Development Loans. (Exception: Loans to rural small businesses having no significant impact outside community in which located.)
10.423 Community Facilities Loans.
10.424 Industrial Development Grants.
10.658 Cooperative Forest Insect and Disease Control.
10.901 Resources Conservation and Development. (Exception: Small projects costing under $7500 for erosion and sediment control and land stabilization and for rehabilitation and consolidation of existing irrigation systems.)
10.904 Watershed Protection and Flood Prevention.

DEPARTMENT OF COMMERCE

11.300 Economic Development—Grants and Loans for Public Works and Development Facilities.
11.302 Economic Development—Support for Planning Organizations.
11.303 Economic Development—Technical Assistance.
11.304 Economic Development — Public Works Impact Projects (Procedural variation).
11.305 Economic Development—State and Local Economic Development Planning.
11.306 Economic Development—District Operational Assistance.
11.307 Economic Development—Special Economic Development and Adjustment Assistance Program.
11.308 Grants to States for Supplemental and Basic Funding of Title I, II, and IV Activities (Basic grants only).
11.405 Anadromous and Great Lakes Fisheries Development.
11.407 Commercial Fisheries Research and Development.
11.418 Coastal Zone Management Program Development.
11.419 Coastal Zone Management Program Administration.
11420 Costal Zone Management—Estuarine Sanctuaries.

DEPARTMENT OF DEFENSE

12.101 Beach Erosion Control Projects.
12.106 Flood Control Projects.
12.107 Navigation Projects.
12.108 Snagging and Clearing for Flood Control.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

13.210* Comprehensive Public Health Services—Formula Grants.
13.211* Crippled Children's Services.
13.217* Family Planning Projects.
13.224 Health Services Development—Project Grants.
13.232* Maternal and Child Health Services.
13.235 Drug Abuse Community Service Programs.
13.237 Mental Health—Hospital Improvement Grants.
13.240 Mental Health—Community Mental Health Centers.
13.246 Migrant Health Grants.
13.251 Alcohol—Community Service Programs.
13.252 Alcohol Demonstration Programs.
13.254 Drug Abuse Demonstration Programs.
13.256 Office for Health Maintenance Organization (HMOS).
13.258* National Health Service Corps.
13.259 Mental Health—Children's Services.
13.260 Family Planning Services—Training Grants.
13.261 Family Health Centers.
13.266 Childhood Lead-Based Paint Poisoning Control.
13.267 Urban Rat Control.
13.268 Disease Control—Project Grants.
13.275 Drug Abuse Education Programs.
13.284 Emergency Medical Services.
13.286 Limitation on Federal Participation for Capital Expenditures.
13.340 Health Professions Teaching Facilities—Construction Grants.
13.369 Nursing School Construction—Loan Guarantees and Interest Subsidies.
13.378 Health Professions Teaching Facilities—Loan Guarantees and Interest Subsidies.
13.392 Cancer—Construction.
13.400* Adult Education—Grants to States.
13.401 Adult Education—Special Projects.
13.408* Construction of Public Libraries.
13.421 Educational Personnel Training Grants—Career Opportunities.
13.427 Educationally Deprived Children—Handicapped.
13.428* Educationally Deprived Children—Local Educational Agencies.
13.429* Educationally Deprived Children—Migrants.
13.433 Follow Through.
13.464* Library Services—Grants for Public Libraries.
13.477 School Assistance in Federally Affected Areas—Construction.
13.493* Vocational Education—Basic Grants to States.
13.494* Vocational Education — Consumer and Homemaking.
13.495* Vocational Education—Cooperative Education.
13.499* Vocational Education — Special Needs.
13.501* Vocational Education—Work Study.
13.502* Vocational Education—Innovation.
13.516 Supplementary Educational Centers and Services—Special Programs and Projects.
13.519* Supplementary Educational Centers and Services, Guidance, Counseling, and Testing.
13.520 Special Programs for Children with Specific Learning Disabilities.
13.522 Environmental Education.
13.543 Educational Opportunity Centers.
13.570* Libraries and Learning Resources.
13.600 Child Development-Head Start.
13.612 Native American Programs.
13.623 Runaway Youth.
13.624* Rehabilitation Services and Facilities—Basic Support.
13.626 Rehabilitation Services and Facilities—Special Projects.
13.628 Child Development-Child Abuse and Neglect Prevention and Treatment.
13.630* Developmental Disabilities—Basic Support.
13.631 Developmental Disabilities—Special Projects.

13.633* Special Programs for the Aging—State Agency Activities and Area Planning and Social Services Programs.
13.634 Aging Programs Title III, Section 308, Model Projects.
13.635* Special Programs for the Aging—Nutrition Program for the Elderly.
16.636 Programs for the Aging—Research and Demonstration.
16.637* Programs for the Aging—Training.
P.L. 93-318: (Section 161) Construction of Academic Facilities.
P.L. 93-641: (Section 1516) Planning Grants to Health Systems Agencies; (Section 1601 et seq., Title XVI Public Health Service Act) Assistance for modernization, construction or conversion of medical facilities. These programs will replace *Catalog* 13.206, 13.220, 13.249, and 13.253.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

14.001 Flood Insurance (Applications for community eligibility).
14.103 Interest Reduction Payments—Rental and Cooperative Housing for Lower Income Families.
14.105 Interest Subsidy—Homes for Lower Income Families.
14.112 Mortgage Insurance—Construction or Rehabilitation of Condominium Projects.
14.115 Mortgage Insurance—Development of Sales-Type Cooperative Projects.
14.116 Mortgage Insurance—Group Practice Facilities.
14.117 Mortgage Insurance—Homes.
14.118 Mortgage Insurance—Homes for Certified Veterans.
14.119 Mortgage Insurance—Homes for Disaster Victims.
14.120 Mortgage Insurance—Homes for Low and Moderate Income Families.
14.121 Mortgage Insurance—Homes in Outlying Areas.
14.122 Mortgage Insurance—Homes in Urban Renewal Areas.
14.124 Mortgage Insurance—Investor Sponsored Cooperative Housing.
14.125 Mortgage Insurance—Land Development and New Communities.
14.126 Mortgage Insurance — Management-Type Cooperative Projects.
14.127 Mortgage Insurance—Mobile Home Parks.
14.128 Mortgage Insurance—Hospitals.
14.129 Mortgage Insurance—Nursing Homes and Related Care Facilities.
14.134 Mortgage Insurance—Rental Housing.
14.135 Mortgage Insurance—Rental Housing for Moderate Income Families.
14.137 Mortgage Insurance—Rental Housing for Low and Moderate Income Families, Market Interest Rate.
14.138 Mortgage Insurance—Rental Housing for the Elderly.
14.139 Mortgage Insurance—Rental Housing in Urban Renewal Areas.
14.141 Nonprofit Housing Sponsor Loans—Planning Projects for Low and Moderate Income Families.
14.146 Public Housing—Acquisition (Turnkey and Conventional Production Methods) (New construction only).
14.149 Rent Supplements—Rental Housing for Lower Income Families.
14.154 Mortgage Insurance—Experimental Rental Housing.
14.156 Lower Income Housing Assistance Program.
14.203 Comprehensive Planning Assistance.
14.207 New Communities—Loan Guarantees.
14.218 Community Development Block Grants—Entitlement Grants.
14.219 Community Development Block Grants—Discretionary Grants.
14.702 State Disaster Preparedness Grants.

DEPARTMENT OF THE INTERIOR

15.350 Coal Mine Health and Safety Grants.
15.400* Outdoor Recreation—Acquisitions, Development and Planning.
15.501 Irrigation Distribution System Loans.
15.503 Small Reclamation Projects.
15.600 Anadromous Fish Conservation.
15.605 Fish Restoration.
15.611 Wildlife Restoration.
15.904 Historic Preservation.

DEPARTMENT OF JUSTICE

16.500 Law Enforcement Assistance—Comprehensive Planning Grants.
16.501 Law Enforcement Assistance—Discretionary Grants.
16502* Law Enforcement Assistance—Improving and Strengthening Law Enforcement and Criminal Justice.
16.515 Criminal Justice Systems Development.
16.516 Law Enforcement Assistance—Juvenile Justice and Delinquency Prevention—Allocation to States.
16.517 Law Enforcement Assistance Administration—JJPD Special Emphasis Prevention and Treatment.

DEPARTMENT OF LABOR

17.211 Job Corps.
17.226 Work Incentives Program (WIN).
17.230 Farm Workers (Procedural variation).
17.232* Comprehensive Employment and Training Programs.

DEPARTMENT OF TRANSPORTATION

20.102 Airport Development Aid Program.
20.103 Airport Planning Grant Program.
20.205 Highway Research, Planning, and Construction.
20.214 Highway Beautification—Control of Outdoor Advertising, Control of Junkyards, Landscaping and Scenic Enhancement.
20.500 Urban Mass Transportation Capital Improvement Grants (Planning and construction only).
20.501 Urban Mass Transportation Capital Improvement Loans (Planning and construction only).
20.505 Urban Mass Transportation Technical Studies Grants (Planning and construction only).
20.506 Urban Mass Transportation Demonstration Grants.
20.507 Urban Mass Transportation Capital and Operating Assistance Formula Grants.

APPALACHIAN REGIONAL COMMISSION

23.003 Appalachian Development Highway System.
23.004 Appalachian Health Demonstration.
23.005 Appalachian Housing Planning Loan Fund.
23.008 Appalachian Local Access Roads.
23.010 Appalachian Mine Area Restoration.
23.011 Appalachian State Research, Technical Assistance, and Demonstration Projects.
23.012 Appalachian Vocational Education Facilities and Operations.
23.013 Appalachian Child Development.
23.014 Appalachian Housing Site Development and Office State Improvement Grants.
23.016 Appalachian Vocational Education and Technical Education Demonstration Grants.

(NOTE: Except for 23.011, administration of these grants is not in the Commission but in the appropriate program agency—e.g., 23.003 is handled by DOT. For 23.002, Appalachian Supplements to Federal Grants-in-aid, which can provide all or any portion of the Federal contribution under certain defined grant-in-aid programs, coverage under Part I is determined by the provisions applicable to the gasic grant-in-aid program. For 28.003, 38.003, 48.003, 52.003, and 63.003—Regional Commission Supplements to Federal Grants-in-aid—the same rule would apply.)

COASTAL PLAINS REGIONAL COMMISSION

28.002 Coastal Plains Technical and Planning Assistance.
(See note under Appalachian Regional Commission programs).

FOUR CORNERS REGIONAL COMMISSION

38.002 Four Corners Technical and Planning Assistance.
(See note under Appalachian Regional Commission programs).

NATIONAL SCIENCE FOUNDATION

47.036 Intergovernmental Science.

NEW ENGLAND REGIONAL COMMISSION

48.002 New England Technical and Planning Assistance.
(See note under Appalachian Regional Commission programs).

COMMUNITY SERVICES ADMINISTRATION

49.002 Community Action.
49.010 Older Persons Opportunities and Services.
49.011 Community Economic Development.

OZARKS REGIONAL COMMISSION

52.002 Ozarks Technical and Planning Assistance.
(See note under Appalachian Regional Commission programs).

UPPER GREAT LAKES REGIONAL COMMISSION

63.002 Upper Great Lakes Technical and Planning Assistance.
(See note under Appalachian Regional Commission programs).

VETERANS ADMINISTRATION

64.005 Grants to States for Construction of State Nursing Home Care Facilities.
64.017 Grants to States for Remodeling of State Home Hospital/Domiciliary Facilities.
64.020 Assistance in the Establishment of New State Medical Schools.
64.021 Grants to Affiliated Medical Schools—Assistance to Health Manpower Training Institutes.
64.114 Veterans Housing—Guaranteed and Insured Loans (GI Home Loans).

WATER RESOURCES COUNCIL

65.001 Water Resources Planning.

ENVIRONMENTAL PROTECTION AGENCY

66.001 Air Pollution Control Program Grants.
66.005 Air Pollution Survey and Demonstration Grants.
66.027 Solid Waste Planning Grants.
66.028 Solid Waste Demonstration Grants.
66.418 Construction Grants for Wastewater Treatment Works.
66.419 Water Pollution Control—State and Interstate Program Grants.
66.426 Water Pollution Control—Areawide Waste Treatment Management Planning Grants.
66.432 Grants for State Public Water System Subdivision Programs.
66.433 Grants for Underground Injection Control Programs.

66.505 Water Pollution Control Demonstration Grants.
66.506 Safe Drinking Water Research and Demonstration Grants (Demonstration only).
66.600 Environmental Protection—Consolidated Program Grants.
66.602 Environmental Protection—Consolidated Special Purpose Grants.

ACTION

72.001 Foster Grandparents.
72.002 Retired Senior Volunteer Program.
72.008 The Senior Companion Program.

OLD WEST REGIONAL COMMISSION

75.002 Old West Technical and Planning Assistance.

PACIFIC NORTHWEST REGIONAL COMMISSION

76.002 Pacific Northwest Technical and Planning Assistance Regulations.

OMB Approval No. 29-R0218

FEDERAL ASSISTANCE

2. APPLICANT'S APPLICATION — a. NUMBER; b. DATE Year month day 19
3. STATE APPLICATION IDENTIFIER — a. NUMBER; b. DATE Year month day; SIGNED 19
1. TYPE OF ACTION (Mark appropriate box): ☐ PREAPPLICATION ☐ APPLICATION ☐ NOTIFICATION OF INTENT (Opt.) ☐ REPORT OF FEDERAL ACTION
Leave Blank

SECTION I—APPLICANT/RECIPIENT DATA

4. LEGAL APPLICANT/RECIPIENT
a. Applicant Name :
b. Organization Unit :
c. Street/P.O. Box :
d. City : e. County :
f. State : g. ZIP Code :
h. Contact Person (Name & telephone No.) :

5. FEDERAL EMPLOYER IDENTIFICATION NO.

6. PROGRAM (From Federal Catalog) — a. NUMBER | | | • | | | ; b. TITLE

7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT

8. TYPE OF APPLICANT/RECIPIENT
A-State; B-Interstate; C-Substate District; D-County; E-City; F-School District; G-Special Purpose District; H-Community Action Agency; I-Higher Educational Institution; J-Indian Tribe; K-Other (Specify):
Enter appropriate letter ☐

9. TYPE OF ASSISTANCE
A-Basic Grant; B-Supplemental Grant; C-Loan; D-Insurance; E-Other
Enter appropriate letter(s) ☐☐

10. AREA OF PROJECT IMPACT (Names of cities, counties, States, etc.)

11. ESTIMATED NUMBER OF PERSONS BENEFITING

12. TYPE OF APPLICATION
A-New; B-Renewal; C-Revision; D-Continuation; E-Augmentation
Enter appropriate letter ☐

13. PROPOSED FUNDING

a. FEDERAL	$	.00
b. APPLICANT		.00
c. STATE		.00
d. LOCAL		.00
e. OTHER		.00
f. TOTAL	$	.00

14. CONGRESSIONAL DISTRICTS OF: a. APPLICANT; b. PROJECT
15. TYPE OF CHANGE (For 15c or 15e)
A-Increase Dollars; B-Decrease Dollars; C-Increase Duration; D-Decrease Duration; E-Cancellation; F-Other (Specify):
Enter appropriate letter(s) ☐☐☐
16. PROJECT START DATE Year month day 19
17. PROJECT DURATION Months
18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY ▶ Year month day 19
19. EXISTING FEDERAL IDENTIFICATION NUMBER
20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP code)
21. REMARKS ADDED ☐ Yes ☐ No

SECTION II—CERTIFICATION

22. THE APPLICANT CERTIFIES THAT ▶ a. To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.
b. If required by OMB Circular A-95 this application was submitted, pursuant to instructions therein, to appropriate clearinghouses and all responses are attached:

	No response	Response attached
(1)	☐	☐
(2)	☐	☐
(3)	☐	☐

23. CERTIFYING REPRESENTATIVE — a. TYPED NAME AND TITLE; b. SIGNATURE; c. DATE SIGNED Year month day 19

SECTION III—FEDERAL AGENCY ACTION

24. AGENCY NAME
25. APPLICATION RECEIVED Year month day 19
26. ORGANIZATIONAL UNIT
27. ADMINISTRATIVE OFFICE
28. FEDERAL APPLICATION IDENTIFICATION
29. ADDRESS
30. FEDERAL GRANT IDENTIFICATION
31. ACTION TAKEN: ☐ a. AWARDED ☐ b. REJECTED ☐ c. RETURNED FOR AMENDMENT ☐ d. DEFERRED ☐ e. WITHDRAWN

32. FUNDING		
a. FEDERAL	$	.00
b. APPLICANT		.00
c. STATE		.00
d. LOCAL		.00
e. OTHER		.00
f. TOTAL	$	.00

33. ACTION DATE ▶ Year month day 19
34. STARTING DATE Year month day 19
35. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)
36. ENDING DATE Year month day 19
37. REMARKS ADDED ☐ Yes ☐ No
38. FEDERAL AGENCY A-95 ACTION — a. In taking above action, any comments received from clearinghouses were considered. If agency response is due under provisions of Part 3, OMB Circular A-95, it has been or is being made.
b. FEDERAL AGENCY A-95 OFFICIAL (Name and telephone no.)

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Prescribed by GSA, Federal Management Circular 74-7

SECTION IV—REMARKS (Please reference the proper item number from Sections I, II or III, if applicable)

GENERAL INSTRUCTIONS

This is a multi-purpose standard form. First, it will be used by applicants as a required facesheet for pre-applications and applications submitted in accordance with Federal Management Circular 74-7. Second, it will be used by Federal agencies to report to Clearinghouses on major actions taken on applications reviewed by clearinghouses in accordance with OMB Circular A-95. Third, it will be used by Federal agencies to notify States of grants-in-aid awarded in accordance with Treasury Circular 1082. Fourth, it may be used, on an optional basis, as a notification of intent from applicants to clearinghouses, as an early initial notice that Federal assistance is to be applied for (clearinghouse procedures will govern).

APPLICANT PROCEDURES FOR SECTION I

Applicant will complete all items in Section I. If an item is not applicable, write "NA". If additional space is needed, insert an asterisk "*", and use the remarks section on the back of the form. An explanation follows for each item:

Item

1. Mark appropriate box. Pre-application and application guidance is in FMC 74-7 and Federal agency program instructions. Notification of intent guidance is in Circular A-95 and procedures from clearinghouse. Applicant will not use "Report of Federal Action" box.

2a. Applicant's own control number, if desired.

2b. Date Section I is prepared.

3a. Number assigned by State clearinghouse, or if delegated by State, by areawide clearinghouse. All requests to Federal agencies must contain this identifier if the program is covered by Circular A-95 and required by applicable State/areawide clearinghouse procedures. If in doubt, consult your clearinghouse.

3b. Date applicant notified of clearinghouse identifier.

4a-4h. Legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request.

5. Employer identification number of applicant as assigned by Internal Revenue Service.

6a. Use Catalog of Federal Domestic Assistance number assigned to program under which assistance is requested. If more than one program (e.g., joint-funding) write "multiple" and explain in remarks. If unknown, cite Public Law or U.S. Code.

6b. Program title from Federal Catalog. Abbreviate if necessary.

7. Brief title and appropriate description of project. For notification of intent, continue in remarks section if necessary to convey proper description.

8. Mostly self-explanatory. "City" includes town, township or other municipality.

9. Check the type(s) of assistance requested. The definitions of the terms are:

A. Basic Grant. An original request for Federal funds. This would not include any contribution provided under a supplemental grant.

B. Supplemental Grant. A request to increase a basic grant in certain cases where the eligible applicant cannot supply the required matching share of the basic Federal program (e.g., grants awarded by the Appalachian Regional Commission to provide the applicant a matching share).

C. Loan. Self explanatory.

Item

D. Insurance. Self explanatory.

E. Other. Explain on remarks page.

10. Governmental unit where significant and meaningful impact could be observed. List only largest unit or units affected, such as State, county, or city. If entire unit affected, list it rather than subunits.

11. Estimated number of persons directly benefiting from project.

12. Use appropriate code letter. Definitions are:

A. New. A submittal for the first time for a new project.

B. Renewal. An extension for an additional funding/budget period for a project having no projected completion date, but for which Federal support must be renewed each year.

C. Revision. A modification to project nature or scope which may result in funding change (increase or decrease).

D. Continuation. An extension for an additional funding/budget period for a project the agency initially agreed to fund for a definite number of years.

E. Augmentation. A requirement for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged.

13. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of the change. For decreases enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 13a, amount requested from Federal Government; 13b, amount applicant will contribute; 13c, amount from State, if applicant is not a State; 13d, amount from local government, if applicant is not a local government; 13e, amount from any other sources, explain in remarks.

14a. Self explanatory.

14b. The district(s) where most of actual work will be accomplished. If city-wide or State-wide, covering several districts, write "city-wide" or "State-wide."

15. Complete only for revisions (item 12c), or augmentations (item 12e).

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Item	
16.	Approximate date project expected to begin (usually associated with estimated date of availability of funding).
17.	Estimated number of months to complete project after Federal funds are available.
18.	Estimated date preapplication/application will be submitted to Federal agency if this project requires clearinghouse review. If review not required, this date would usually be same as date in item 2b.
19.	Existing Federal identification number if this is not a new request and directly relates to a previous Federal action. Otherwise write "NA".
20.	Indicate Federal agency to which this request is addressed. Street address not required, but do use ZIP.
21.	Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached.

APPLICANT PROCEDURES FOR SECTION II

Applicants will always complate items 23a, 23b, and 23c. If clearinghouse raview is required, item 22b must be fully completed. An explanation follows for each item:

Item	
22b.	List clearinghouses to which submitted and show in appropriate blocks tha status of their responses. For more than three clearinghouses, continue in remarks section. All written comments submitted by or through clearinghouses must be attached.
23a.	Name and title of authorized rapresentative of legal applicant.
23b.	Self explanatory.
23c.	Self explanatory.
Nota:	Applicant completas only Sections I and II. Section III is completed by Federal agencies.

FEDERAL AGENCY PROCEDURES FOR SECTION III

If applicant-supplied information in Sections I and II needs no updating or adjustmant to fit the final Federal action, the Federal agency will complete Section III only. An explanation for each item follows:

Item	
24.	Executive dapartment or indapendent agancy having program administration responsibility.
25.	Self explanatory.
26.	Primary organizational unit below department level having direct program management responsibility.
27.	Office directly monitoring the program.
28.	Use to identify non-award actions where Fedaral grant identifier in item 30 is not applicable or will not suffice.
29.	Complata address of administering office shown in item 26.
30.	Use to identify award actions where different from Federal application identifier in item 28.,
31.	Self explanatory. Use remarks section to amplify where appropriate.
32.	Amount to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of change. For decreases, enclose the amount in parantheses. If both basic and supplemantal amounts are included, breakout in ramarks. For multiple program funding, use totals and show program breakouts in remarks. Item dafinitions: 32a, amount awarded by Fadaral Governmant; 32b, amount applicant will contribute; 32c, amount from State, if applicant is not a State; 32d, amount from local government if applicant is not a local government; 32a, amount from any other sources, explain in remarks.
33.	Date action was taken on this request.
34.	Date funds will become available.
35.	Name and telephone no. of agency person who can provida more information regarding this assistance.
36.	Date after which funds will no longer be available.
37.	Check appropriate box as to whether Section IV of form contains Federal remarks and/or attachment of additional remarks.
38.	For use with A-95 action notices only. Nama and telephone of person who can assure that appropriate A-95 action has been taken—if same as person shown in item 35, write "sama". If not applicable, write "NA".

Federal Agency Procedures—special considerations

A. *Treasury Circular 1082 compliance.* Federal agency will assure proper completion of Sections I and III. If Section I is being completed by Federal agency, all applicable items must be filled in. Addresses of State Information Reception Agencies (SCIRA's) are provided by Treasury Department to each agency. This form replaces SF 240, which will no longer be used.

B. *OMB Circular A-95 compliance.* Federal agency will assure proper completion of Sections I, II, and III. This form is required for notifying all reviewing clearinghouses of major actions on all programs reviewed under A-95. Addressas of State and areawide clearinghouses are provided by OMB to each agency. Substantive differances between applicant's request and/or clearinghouse recommendations, and the project as finally awarded will be explained in A-95 notifications to clearinghouses.

C. *Special note.* In most, but not all States, tha A-95 State clearinghouse and the (TC 1082) SCIRA are the same office. In such cases, the A-95 award notice to the State clearinghouse will fulfill the TC 1082 award notice requirement to the State SCIRA. Duplicate notification should be avoided.

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EXHIBIT 36—(SAMPLE) MEMORANDUM OF UNDERSTANDING [1] UNDER THE CLEARINGHOUSE PROGRAM BETWEEN THE

(Agency)

and the State of _____

This Memorandum of Understanding made this ____ day of _____, 19____, between the _____, U.S. Department of Agriculture, and the State of _____, hereinafter called the State Clearinghouse, represented by _____ of _____
(Agency designee) (USDA Agency)
and _____, State of _____,
(State designee)
acting pursuant to Office of Management and Budget Circular A-95, Revised, and the authorities cited therein.

Witnesseth,

Whereas, the _____ and the State
(USDA Agency)
Clearinghouse are mutually interested in the exchange of information on proposed Agency and State activities which will have a significant effect on the plans and programs of the State, local governments and the _____.
(USDA Agency)

Whereas, the _____ and the State
(USDA Agency)
Clearinghouse are mutually concerned in assuring that proposed activities identified herein and shown in the addendum are consistent to or compatible with State, areawide, and local plans and programs.

Now therefore,

The _____ agrees to:
(USDA Agency)

1. Report to the State Clearinghouse proposed activities identified and provided for in the addendum except in those cases where the _____ determines that special
(USDA Agency)
considerations would preclude early notification.

2. Provide additional available information for specific proposals when requested.

3. Review State Clearinghouse comments and respond within 30 days of receipt, or within such time limits as otherwise mutually agreed upon for a specific proposal, explaining how the comments were acted upon and reasons therefor.

The State Clearinghouse agrees to:

1. Provide review of and comment on proposed _____ activities as they affect
(USDA Agency)
the environmental, social, and economic aspects of State, areawide, and local plans and programs.

2. Arrange for review and provide comments from area clearinghouses or other levels of State and local government on proposed _____ activities, as appropriate.
(USDA Agency)

3. Submit comments to the _____
(USDA Agency)
within 30 days of within such time limits as otherwise mutually agreed upon for a specific proposal.

4. Notify the _____ of planned ac-
(USDA Agency)
tivities on State and private lands that would directly affect _____ programs.
(USDA Agency)

It is mutually agreed:

1. To develop review processes that facilitate an efficient exchange of information.

2. To develop formats for proposals that facilitate uniform reporting procedures.

3. To review this agreement at least annually to determine:

a. Adequacy of agreement and need for revisions or changes.

b. Types of project proposals that appear to have little effect on State or local programs and plans and deleting those from the addendum.

c. Other activities significantly affecting State and local programs that would be included in the addendum.

d. Adequacy of reporting and review procedures and need for improvement.

4. Nothing herein shall be construed as obligating the _____ or the Clearing-
(USDA Agency)
house to violate existing laws or regulations under the terms of this agreement.

5. This agreement shall remain in effect until terminated or revised in writing.

6. That no Member of or Delegate to Congress, Resident Commissioner, or State legislator, shall be admitted to any share or part of the agreement or to any benefit that may arise therefrom, unless it is made with a corporation for their general benefit.

In Witness Thereof, the parties hereto have executed this agreement as of the date first written above.

Approved:

Date_____ U.S. Department of Agriculture
_____
(USDA Agency)
By: _____
(USDA Agency Representative)

Date_____ State of_____
By: _____
(State Representative)

[1] This Memorandum of Undersanding shall not be construed to be all inclusive but shall be supplemented as necessary to fit the program requirements of the Agency.

ADDENDUM.—*Activities in the State of _____ to be reported to State clearinghouses*

Activity	Activity level	When to report
1. Environmental statements	All draft and final environment statements.	When statement is distributed for formal review.
2. Lands:		
a. Land acquisition	All acquisitions, including: Purchase, lease, donation, or exchange.	When environmental statements are required or specific State/Federal legislative requirements are to be met such as "consent" laws.
b. Land exchanges (owned land)	All exchanges	Do.
c. Land disposal (leased land)	Closing of major facilities	When preliminary plans are approved.
3. Construction:		
a. Buildings	When land acquisition by purchase, lease, donation, or exchange is involved.	When project is approved.
b. Sewage treatment and solid waste disposal.	Projects requiring review by EPA and/or State health authorities.	When preliminary plans are developed.
4. Permits and licenses:		
a. Right-of-way easements	Major utility requirement; roads connecting with State or county roads.	Upon application by permittee.
b. Recreational areas and resorts	New proposals or major expansion of existing facilities.	Do.
c. Reservoirs and impoundments	When design approval is required from State or local entity.	Do.
d. Sewage treatment and solid waste disposal.	Projects requiring review by EPA and/or State health authorities.	Do.
5. Research	Any project that would directly affect the project area.	When preliminary plans are developed.

EXHIBIT 37—SAMPLE AGREEMENT

NOTE: This sample was developed by the Soil Conservation Service to cover coordination of planning in multijurisdictional areas as outlined in Part IV, Attachment A of Exhibit 35. While this particular sample is designed to handle agreements between areawide comprehensive planning agencies and resource conservation and development sponsor organizations, the format should be readily adaptable to other Departmental programs which might be subject to Part IV of Exhibit 35.

Memorandum of Agreement
between the
(Areawide Comprehensive Planning Agency)
and the
(*Name*) Resource Conservation and Development (RC&D) Sponsors
(*Location*) (*State*)

This memorandum of agreement is entered into by and between the _____ (hereinafter referred to as the Agency) and the _____ RC&D Sponsors (hereinafter referred to as the Sponsors).

Whereas the Agency was duly established pursuant to _____, and

Whereas the Agency has overall responsibility for initiating and carrying on an areawide comprehensive planning process for the (_____ area), and

Whereas the Agency is committed to a policy of encouraging broad scale citizen participation and full scale coordination of planning activities among all organizations concerned with physical, social, and economic development of the (_____ area), and

Whereas the Sponsors have organized the (_____) RC&D Council for the purpose of coordinating their activities in directing and carrying out a program of land conservation and land utilization, and thereby to accelerate economic development, increase employment opportunities, and improve environment in order to foster a sound economy and improve the quality of living for the people of the (_____ area), and

Whereas the RC&D Council will coordinate activities for the Sponsors relating to land conservation and land utilization planning and implementation, as a means to accomplishing the Sponsors' objectives, and

Whereas the Sponsors and the RC&D Council desire that their activities be compatible with policies, goals, and objectives as set forth by the areawide comprehensive planning agency, and

Whereas the Sponsors and the RC&D Council expect to use assistance available through agencies of the U.S. Department of Agriculture, as well as other Federal agencies, State and local agencies, and

Whereas there is a mutually supporting concern for many planning and development activities by the membership of both the Agency, the Sponsors and the (_____) RC&D Council.

Now, therefore, in view of the foregoing considerations, the Agency and the Sponsors find themselves in agreement as follows:

I. The Sponsors through the RC&D Council agree to:

a. Submit their policies, goals, and objectives to the Agency for its consideration and incorporation into the areawide comprehensive plan.

b. Assist the Agency in the comprehensive planning process by collecting and analyzing data regarding natural resources, coordinating plans for natural resource conservation and development and devising adjustments in those plans when necessary to make them compatible with the overall policies, goals, and objectives in the areawide comprehensive plan.

c. Provide advisory assistance to the Agency in the area of natural resource conservation, use and development.

d. Assist the Agency in the preparation of land use and land development policies and standards which are called for in implementing the areawide comprehensive planning program.

e. Offer assistance in the development of, and operate in support of the Agency's work programs.

f. Provide the Agency with information regarding proposed and planned measures that affect the comprehensive planning program.

g. Assist the Agency by providing a review and comments on A–95 referrals for land, water and related natural resource matters, outdoor recreation area, and other closely related subjects.

h. Have a representative at regular meetings of the Agency and stand ready to serve on appropriate committees.

II. The Agency agrees to:

a. Seek advice from the RC&D Council on matters relating to the development, improvement and conservation of natural resources.

b. Provide the RC&D Council with staff assistance and supporting services, as the Agency's budget permits, to facilitate the Sponsors' planning and development activities.

c. Incorporate in the areawide comprehensive planning process considerations for the development, improvement and conservation of natural resources.

d. Utilize assistance from the RC&D Council in developing and carrying out its work programs.

e. Keep the RC&D Council advised of all research, plans and programs in which it is engaged which affect the conservation of natural resources.

III. The Agency and the Sponsors through the RC&D Council, mutually agree to:

a. Facilitate Coordination of their activities through use of compatible base data, statistics and projections.

b. Furnish each other with notices of and invitations of all meetings and furnish copies of the minutes of such meetings.

c. Assist and cooperate with each other in sponsoring and conducting educational programs for the general public concerning natural resource planning and development.

d. Provide an opportunity for each to review the material of the other prior to publication when such materials relate to the program of the other.

e. This memorandum of agreement may be amended at any time by mutual agreement of the Agency and a majority of the Sponsors. It may be cancelled by either the Agency or a majority of the Sponsors after 60 days notice to the agreement.

f. Copies of this memorandum of agreement may be furnished to appropriate agencies or organizations from which the Agency and Sponsors receive assistance.

In witness whereof, the parties hereto execute this agreement to become effective on the _____ day of _____, 197_.

(_____) RC&D Council	This action was authorized by (_____) RC&D Council
By: _____	on: _____
Chairman: _____	(Date)
Date: _____	Attest: _____
(Name of Areawide Comprehensive Planning Body)	This action was authorized by (Name of Areawide Comprehensive Planning Body) _____
_____	
By: _____	
Chairman: _____	(Date)
Date: _____	Attest: _____

[FR Doc.76–10423 Filed 4–12–76;8:45 am]

Rural Electrification Administration

WESTCO TELEPHONE CO., WEAVERVILLE, N.C.

Proposed Loan Guarantee

Under the authority of Public Law 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in the proposed REA Bulletin 320–22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the FEDERAL REGISTER, September 16, 1974 (Vol. 39 No. 180, pages 33228–33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $8,500,000 to Westco Telephone Company, Weaverville, North Carolina. The loan funds will be used to finance the

construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. Eugene C. Morris, President, Westco Telephone Company, c/o Continental Telephone Service Corporation, Mid-South Division, 320 Cedar Bluff Road, Suite 300, Knoxville, Tennessee 37919.

To assure consideration, proposals must be submitted (within 30 days of the date of this notice) to Mr. Morris. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Westco Telephone Company and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320-22 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 5th day of April 1976.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.76-10441 Filed 4-12-76;8:45 am]

BIG RIVERS ELECTRIC CORP.

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, describing the environmental effects of constructing and operating two 240 MW coal fired generating units a tthe existing Sebree site near Sebree, Kentucky, and approximately 52 miles of related 161 kV transmission lines and terminal facilities.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4310, or at the borrower address above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 9 day of April, 1976.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.76-10872 Filed 4-12-76;11:32 am]

DEPARTMENT OF LABOR

Employee Benefits Security Office

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION NO. 606 HEALTH AND WELFARE FUND

[Application No. L-262]

APRIL 8, 1976.

Notice of Application for Exemption for a Transaction

Notice is hereby given that the Department of Labor (the Department) has under consideration an application for exemption from the restrictions of sections 406(a) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) filed by the trustees of the International Brotherhood of Electrical Workers Local Union No. 606 Health and Welfare Fund (the Plan) for a transaction involving an interest-free loan of forty thousand dollars ($40,000) to the Plan from the International Brotherhood of Electrical Workers Local Union No. 606 (the Union). The application was filed pursuant to section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Summary of Representations. The application contains representations with regard to the requested exemption, which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the trustees.

1. The plan is a collectively bargained multiple employer plan designed to provide participants and their beneficiaries with health insurance benefits. The Union is located in Orlando, Florida, where the building and construction industry has been depressed for some time. Because of the reduced construction activity, there has been a shortage of work for employees represented by the Union, and a reduction in contributions to the Plan. As a result, the Plan does not have sufficient funds to pay for health insurance premiums to cover plan participants and beneficiaries. As of September 30, 1975, the Plan had a deficit of $6,766.15.

2. To enable the Plan to pay such health insurance premiums, the Union proposes to loan $40,000 to the Plan. According to the terms of the loan, which are set forth in a promissory note which will be executed upon the granting of the requested exemption and which is appended to the application, the loan will not bear any interest. In addition, the loan will be for an indefinite period and will be repaid only if and when the cash surplus of the Plan exceeds $40,000 and the trustees, in their discretion, determine that repayment would be prudent, The promissory note states that the parties recognize that it is possible that the loan will not be repaid.

3. While the purpose of the loan is to pay health insurance premiums to cover plan participants and beneficiaries, any balance of such loan not immediately used to pay premiums will be invested in short term treasury bills.

4. On August 5, 1975, the Union membership, by majority vote, approved the loan to the Plan.

5. The president and the business manager of the Union are also trustees of the Plan.

6. It is the custom and practice in the building and construction industry for a labor organization to lend money from its general treasury to assist a plan undergoing cash flow difficulties.

7. Notice of the requested exemption as published in the FEDERAL REGISTER will be posted conspicuously at the Union hall for at least thirty days. Additionally, copies of the FEDERAL REGISTER notice will be provided to all Union members and Plan participants by first class mail within 10 days of publication in the FEDERAL REGISTER.

Requested Exemption. Based upon the representations set forth in the application submitted by the trustees of the Plan, it has been requested that an exemption be granted under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) so that the restrictions of section 406(a) and 406(b)(2) of the Act shall not apply to an interest-free loan by the Union to the plan in accordance with the terms, conditions and representations set forth in the application and the terms of a promissory note appended to the application.

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 does not relieve a fiduciary with respect to a plan to which the exemption is applicable from certain other provisions of the Act, 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 section 404 of the Act;

(2) The requested exemption does not extend to transactions prohibited under sections 406(b)(1) and (3) of the Act;

(3) Before an exemption may be granted under section 408(a) of the Act, the Department 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 participants and beneficiaries of the Plan;

(4) The requested exemption is supplemental to, and not in derogation of, any other provisions of the Act, 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 exemption or a transitional rule; and

(5) The availability of the requested 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 will accurately describe all material terms of the transaction when consummated.

All interested persons are invited to submit written comments on the requested exemption. In order to receive consideration, such comments must be received by the Department on or before May 25, 1976. In addition, any interested person may submit a written request that a hearing be held relating to the requested exemption. Such written request must be received by the Department on or before May 25, 1976, and should state the reasons for the request and the nature of the person's interest in the requested exemption. All written comments and requests for a hearing (preferably six copies) should be addressed to the Office of Employee Benefits Security, Labor-Management Services Administration, Room N-4716, U.S. Department of Labor, Washington, D.C. 20216, Attention: Application No. L-262.

The application for exemption and any 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, N.W., Washington, D.C. 20216.

Signed at Washington, D.C., this 8th day of April, 1976.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc.76-10685 Filed 4-12-76;8:45 am]

[Application No. L-313]

OPERATING ENGINEERS JOURNEYMAN AND APPRENTICE TRAINING TRUST AND R. E. COULTER GRADALL RENTAL, INC.

Application for Exemption for a Transaction

APRIL 8, 1976.

Notice is hereby given that the Department of Labor (the Department) has under consideration an application for exemption from the restrictions of section 406(a) of the Employee Retirement Income Security Act of 1974 (the Act) filed by the Trustees of the Operating Engineers Journeyman and Apprentice Training Trust (the Plan) for the purchase by the Plan of two excavating machines from R. E. Coulter Gradall Rental, Inc. (Coulter), Long Beach, California, a contributing employer. The application was filed pursuant to section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Summary of Representations. The application contains representations with regard to the requested exemption, which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the trustees.

1. The Plan engages in the training and retraining of apprentices and operating engineers who are members of the International Union of Operating Engineers, Local Union No. 12 (the Union) and utilizes large pieces of construction equipment of the nature used by construction employers. Previously, such equipment usually was obtained as government surplus or was purchased in used condition from a construction employer. However, the equipment is no longer abundantly available from military surplus; and new developments in equipment design, as well as differences in design of civilian equipment as compared to military equipment, requires that such equipment be acquired from private sources. Used equipment generally is purchased because the purchase of new equipment is prohibitively expensive and new equipment is neither required nor necessarily desirable in training activities.

2. The Trustees of the Plan, with the assistance of their staff of full-time employees, have developed a list of the types of equipment which the Plan wishes to acquire during the next several years. This list is designed to supplement the equipment already under the control of the Plan so that a comprehensive training program can be conducted with proper equipment at training sites in Southern California. The Plan proposes to acquire two used excavating machines (type G-1000 Gradall) for $45,000 from Coulter, which machines the Trustees regard as basic and essential items in the acquisition program. The Trustees already control and utilize many other types and pieces of equipment, including such items as bulldozers, scrapers, blades, cranes, backhoes, skiploaders, forklifts, trucks, vans, trailers and other equipment. The Trustees also have tools and facilities for repairing the foregoing types of equipment, since apprentices are also trained as repairmen. The two Gradall machines will be the first machines of that type owned by the Plan, and will enable the Trustees to train apprentices and journeymen in the operation and repair of that equipment.

3. The Trustees employ a full-time staff consisting of a Training Administrator and approximately ten to twelve field coordinators, a training site coordinator, and clerical staff. The Training Administrator and field coordinators put the training program into effect not only by communicating with apprentices at classroom locations, but also by regularly communicating with signatory employers on such matters as the number of apprentices employed or needed, progress and proficiency of apprentices, diversification of employment duties to aid training, and types of classroom instruction found beneficial to employee performance.

4. As part of this effort to communicate more-or-less regularly with as many employers as possible in order to encourage and support the training of apprentices, the types of equipment used and needed by the Plan arises as a topic for discussion, because employers are naturally interested in whether the Plan trains apprentices in the use of equipment of particular interest to that employer. The Trustees have instructed the Training Administrator, Mr. Walter Christensen, to make reasonable efforts with his staff to locate suitable equipment for acquisition at reasonable prices.

5. The training site coordinator, Mr. John Sinkovic, who is a qualified journeyman operating engineer and has been employed by construction equipment dealers, has been the employee most directly involved in trying to find such equipment. By virtue of his qualifications and experience, the training site coordinator is qualified to evaluate the condition and estimate the market value of used equipment. When the training site coordinator locates equipment of the type which may be of interest in the acquisition program, he proceeds to inspect the equipment, discusses price with the owner, and makes his report and recommendations to the Training Administrator, who in turn reports to the Trustees if the transaction appears to be desirable.

6. In the present situation, discussions were held with Coulter concerning the Plan's training program and Coulter offered to sell two used Gradall machines to the Trustees at a stated price if the Trustees needed such machines in their program. The training site coordinator examined the machines and determined that in his opinion the machines would be attractive purchases at the stated price. The Trustees discussed that information with the Training Administrator and decided that the machines should be acquired as soon as possible for use in the training program.

7. According to an independent appraisal of the equipment, the two machines have an appraised value of $52,500. Mr. G. Warren Hassler, the independent appraiser whose appraisal of the equipment, dated January 16, 1976, has been submitted with the application, has no other relationship with the Plan other than the single transaction in which he was retained for the appraisal. The Trustees have not utilized equipment appraisers in the past because they have regarded themselves and their employees as capable of making reasonable judgments of the value of such equipment. There has been no previous relationship between Mr. Hassler and the Union.

8. Coulter is signatory to a "short form" collective bargaining agreement, which means that it is not a member of any of the major employer associations. Only the employer associations signatory to the Plan may appoint a Trustee and the normal practice is for such employer associations to select trustees from their own memberships. No person employed by Coulter has ever been a Trustee of the Plan and Coulter has never been a party to a previous transaction with the Plan, other than normal payment of contributions under the collective bargaining agreement. There are more than 2,500 contributing employers in the Plan.

9. The proposed transaction will enable the Plan to perform its training objectives better at a cost which is the lowest known to the Trustees. In deciding to purchase the equipment, the Trustees have exercised their best efforts and judgment to find the most attractive deal available for the purchase of such equipment.

10. Notice of the requested exemption as published in the FEDERAL REGISTER will be given by publication in the Union newspaper, *Engineers News-Record*, which is published monthly on approximately the 15th day of the month and distributed to all members of the Union. Copies of the requested exemption will also be mailed to the employer associations which are signatories to the trust agreement creating the Plan.

Requested Exemption. Based upon the representations set forth in the application submitted by the Trustees of the Plan, it is requested that an exemption be granted under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975) so that the restrictions of section 406(a) of the Act shall not apply to the purchase by the Plan of two excavating machines for $45,000 from R. E. Coulter Gradall Rental, Inc. pursuant to the terms, conditions and representations set forth in the application.

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 does not relieve a fiduciary with respect to a plan to which the exemption is applicable from certain other provisions of the Act, 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 interests of the plan's participants and beneficiaries and in a prudent fashion in accordance with subsection (a) (1) (B) of section 404 of the Act.

(2) The requested exemption does not extend to transactions prohibited under section 406(b) of the Act;

(3) Before an exemption may be granted under section 408(a) of the Act, the Department 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 participants and beneficiaries of such Plan;

(4) The requested exemption is supplemental to, and not in derogation of, any other provisions of the Act, 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 exemption or a transitional rule; and

(5) The availability of the requested 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 will accurately describe all material terms of the transaction when consummated.

All interested persons are invited to submit written comments on the requested exemption contained herein. All written comments (preferably six copies) should be submited to the Office of Employee Benefits Security, Labor-Management Services Administration, Room N–4716, U.S. Department of Labor, Washington, D.C. 20216, and should make reference to Application No. L–313.

In order to receive consideration, such comments must be received by the Department on or before June 4, 1976. The application for exemption referred to herein and such 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, N.W., Washington, D.C. 20216.

Signed at Washington, D.C., this 8th day of April, 1976.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc.76–10684 Filed 4–12–76;8:45 am]

Occupational Safety and Health Administration

[V–74–43]

T. A. LOVING CO.

Grant of Variance

I. *Background.* T. A. Loving Company, P.O. Drawer 919, Goldsboro, North Carolina 27530 made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance from the safety standards prescribed in 29 CFR 1918.74(a) (9) (i). The standard requires that the load indicating devices required by § 1918.74(a) (9) on cranes used to load or discharge cargo into or out of a vessel meet certain specified criteria, except that a dynamometer or simple scale alone will not meet this requirement. The facilities affected by this application are all of the applicant's private and contract worksites requiring the use of marine equipment.

Notice of the application, was published in the FEDERAL REGISTER on August 23, 1974 (39 FR 30560). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for a variance. No written comments or requests for a hearing have been received.

II. Facts. Section 1918.74(a) (9) (i) requires that every crane used to load or discharge cargo into or out of a vessel be fitted with a load indicating device meeting certain specifications, except that a dynamometer will not meet this requirement.

The applicant engages in the construction of bridges and docks over or near navigable waters. The construction projects usually last from six months to two years. When one project is completed, the equipment is moved to the next work site. Some of the equipment is often left on the work barges for transportation to the next location. On arrival, cranes are used to remove materials and equipment from the barges. There are no below deck loading or storage areas, the load hook is always in plain view of the crane operator(s) performing the loading or unloading operations with the crane or derrick, with signals always given from the hook points of the load. The lifts are always of materials with known or calculable weights.

The applicant requests a variance to allow the use of dynamometer on its mobile cranes rather than load indicating devices as required by § 1918.74(a) (9) (i). Although the standard states that the dynamometers are not an acceptable weight indicating device, the applicant's work situation and the type of dynamometer used both differ from those considered when the standard was written. The work situation differs from that of marine shippers in the following ways: (a) the scale of the operation is much smaller, (b) the applicant's use of floating equipment is primarily for storage and for supply work platforms as a point of operations, (c) all items lifted are above deck with the hook visible to the crane operator, (d) the same equipment is utilized at each work site, and (e) the same personnel make up the crew at each site.

The dynamometer which the applicant proposes to use on all lifts which would be subject to the standard is the Model AN or ANC Dillion Dynamometer or the equivalent. These dynamometers would be of either 0–50,000 lbs. or 0–100,000 lbs. depending on the capacities. Overloads of up to 25 percent can be sustained with no injury to the calibration, and the safety factor is 3 times their rated capacity. The usual dynamometers are

spring devices which are commonly inaccurate. The dynamometers which the applicant uses operate through deflections of a special alloy steel beam to give load weight to ±2 percent of actual load weight. The devices are individually calibrated with the load weight indicated in pounds on the dial face.

The dynamometer would be attached to the hook line either by means of a safety hook or adequately sized screw-pin shackle. The load rigging, and/or slings, would be attached to the opposite end of the device in the same manner. In most lifts the dial of the dynamometer would be visible to the crane operator allowing for self reading of the indicated load weight. At those times when the crane operator might not be able to adequately read the face of the dial indicator personally, due to the boom angle or the configuration of the load, the maximum lifting capacity of the crane in use would be computed in advance of making the actual lift by measurement of the intended actual radius at which the crane would be operating and consequently planning for a lift not in excess of the crane's rated capacity at such radius. Personnel stationed at the hook point would then determine by observation if such maximum loading would be reached prior to a cleared lift of the load to be handled. The dial of the dynamometer would be visible to this person. If the load weight reached or exceeded the rated capacity, the lift would be stopped by signal. Arrangements could then be made to reduce the operating radius or diminish the load weight to be lifted in order to assure a safe lift.

III. *Decision.* 29 CFR 1918.74(a)(9)(i) states that the type of load indicating device used on cranes shall be of a type which provides: (a) a direct indication in the cab of actual weight hoisted or a means of determining this by reference to crane ratings posted and visible to the operator; or (b) an automatic weight-moment device or computer providing indications in the cab according to radius and load at the moment; or (c) a device which shall prevent an overloaded condition. The standard also states that the use of a dynamometer or simple scale alone will not meet the requirements of (a).

A dynamometer differs from a load indicating device in two ways. First, a load indicating device is a permanent part of the crane structure while a dynamometer is portable and can be attached to the crane in use. Second, most dynamometers are spring devices, while load indicating devices measure the deflection of a piece of metal.

The purpose of not permitting the use of dynamometers is the unreliability and inaccuracy of the commonly used spring operated dynamometers. This is particularly important in situations where the load is not familiar or is not visible to the operator.

In the applicant's situation the cranes are used only to lift known items of construction materials or equipment. There are no below decks loading or storage areas, and the items lifted are all of known or calculable weights. The personnel involved in making the lifts at all locations are members of a permanent work crew and are familiar with the cranes and dynamometers as well as with the materials and equipment being lifted. Supervisory personnel direct all lifts. This differs from the usual marine operation in which the personnel make lifts of unfamiliar cargo using the gear of various vessels.

The devices which the applicant proposes to use to measure the load are dynamometers in that they are portable and can be attached to whatever cranes are in use. However, they differ from the usual dynamometers in that they are not spring devices but operate through deflections of special alloy steel beams which require only .040" movement to indicate a full scale reading. These are extremely accurate and well-built dynamometers which are individually calibrated and give readings on the dial in pounds of ±2 percent of the actual load weight, and have a safety factor of 3.

For these reasons, it has been determined that by use of the AN or ANC Dillion Dynamometers the applicant is providing a place of employment as safe as that which would be obtained by complying with § 1918.74(a)(9)(i)(a).

IV. *Order.* Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 12–71 (36 FR 8754), it is ordered that T. A. Loving Company be, and it is hereby, authorized to use dynamometers on its cranes as load indicating devices in lieu of complying with the requirements of 29 CFR 1918.74(a)(9)(i), provided that the following conditions are met: (1) the affected cranes are used directly in connection with construction operations at the construction site; (2) the affected cranes are certified by an accredited agency; (3) the affected cranes shall not be used to lift cargo destined for shipment unless fitted with a load indicating device in compliance with § 1918.74(a)(9)(i); (4) all materials and equipment hoisted shall be marked with gross weights; (5) the dynamometers shall be used in conjunction with a boom radius and/or angle indicator; (6) the dynamoters used shall be AN or ANC Dillion Dynamometers or the equivalent. They shall not be spring devices, but shall be operated through reflections of a special alloy steel beam; shall be individually calibrated; shall give readings on the dial in pounds to ±2 percent of the actual weight (accuracies shall be known at all times and the errors applied to the reading), and shall have a safety factor of 3; (7) whenever possible the dial of the dynamometer shall be visible to the crane operator to allow self-reading of the load weight; whenever the boom angle or load configuration prevents the operator from being able to see the dial, personnel shall be stationed in such a manner as to observe the load and the reading on the dial and signal the crane operator to stop the lift in the event of an overload; (8) the personnel involved in the lifts shall be members of a permanent work crew and trained for the job. Only supervisory personnel shall direct the lift.

As soon as possible T. A. Loving Company shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective date. This order shall become effective on April 13, 1976, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C. this 6th day of April, 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76–10647 Filed 4–12–76;8:45 am]

Office of the Secretary

[TA–W–745]

ALATEX, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 16, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Brantley, Alabama plant of Alatex Inc., Andalusia, Alabama (TA–W–745). 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 dress shirts produced by Alatex 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 theratened 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10648 Filed 4-12-76;8:45 am]

[TA-W-746]

ALATEX INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 16, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Andalusia, Alabama plant of Alatex Inc., Andalusia, Alabama (TA-W-746). 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 dress shirts produced by Alatex 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 substanial interest in the subject matter of the investigation may requcst a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 76-10651 Filed 8-12-76;8:45 am]

[TA-W-710]

APEX GLOVE COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 8, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Apex Glove Company, Inc., Milwaukee, Wisconsin (TA-W-710). 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 work gloves (construction, fireman, forest rangers) produced by Apex Glove Company, 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10649 Filed 4-12-76;8:45 am]

[TA-W-735]

ARTHUR WINER, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 9, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of American on behalf of the workers and former workers of Arthur Winer, Incorporated, Gary, Idiana (TA-W-735). 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 dress slacks produced by Arthur Winer, Incorporated, 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10652 Filed 4-12-76;8:45 am]

[TA-W-709]

BURNHAM-EDINA MFG., CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 8,

1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Burnham-Edina Mfg., Co., Edina, Missouri (TA-W-709). 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 gloves and mittens (construction work and dress) produced by Burnham-Edina Mfg. Co., 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10653 Filed 4-12-76;8:45 am]

[TA-W-731]

CHICKAPEE COAT

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 22, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Chickapee Coat, Chickapee, Massachusetts, a division of Jonathan Logan, Inc., New York, New York (TA-W-731). 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 women's outerwear (car coats and rain coats) produced by Chickapee Coat 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10654 Filed 4-12-76;8:45 am]

[TA-W-736]

DENTON MILLS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 16, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Denton Mills, Incorporated, Centreville, Michigan (TA-W-736). 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 infants', boys' and girls' sweaters and children's sleepwear produced by Denton Mills, Incorporated, 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10655 Filed 4-12-76;8:45 am]

[TA-W-706]

FAIRFIELD GLOVE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 9, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Fairfield Glove Company, Fairfield, Iowa (TA-W-706). 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 gloves produced by Fairfield Glove 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 subdivison. 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10656 Filed 4-12-76;8:45 am]

[TA-W-707]

FAIRFIELD GLOVE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 9, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Bonaparte, Iowa Manufacturing plant of Fairfield Glove Company, Fairfield, Iowa (TA-W-707). 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 gloves produced by Fairfield Glove 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10657 Filed 4-12-76;8:45 am]

[TA-W-743]

FAIRVIEW MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 17, 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 Fairview Manufacturing Co., Hammonton, New Jersey, a division of L. Greif and Co., Baltimore, Maryland (TA-W-743). 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 pants produced by Fairview Manufacturing 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10658 Filed 4-12-76;8:45 am]

[TA-W-708]

FREDRICK H. BURNHAM GLOVE

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 8, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Frederick H. Burnham Glove, Michigan City, Indiana (TA-W-708). 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 gloves and mittens (construction work and dress) produced by Fredrick H. Burnham Glove 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjust-

ment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.10659 Filed 4-12-76;8:45 am]

[TA-W-719]

FRIEDMAN BROTHERS INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 9, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Friedman Brothers Inc., Easton, Pennsylvania (TA-W-719). 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 slacks produced by Friedman Brothers, 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10660 Filed 4-12-76;8:45 am]

[TA-W-725]

HERCULES TROUSER COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 9, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Hercules Trouser Co., Inc., Columbus, Ohio (TA-W-725). 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 dress and sport slacks produced by Hercules Trouser Company, 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10661 Filed 4-12-76;8:45 am]

[TA-W-726]

HERCULES TROUSER COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 9, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Wellston, Ohio plant of Hercules Trouser Company, Inc., Columbus, Ohio (TA-W-726). 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 dress and sport slacks produced by Hercules Trouser Company, 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10662 Filed 4-12-76;8:45 am]

[TA-W-727]

HERCULES TROUSER COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 9, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Manchester, Ohio plant of Hercules Trouser Company, Inc., Columbus, Ohio (TA-W-727). 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 dress and sport slacks produced by Hercules Trouser Company, 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acitng Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10663 Filed 4-12-76;8:45 am]

[TA-W-728]

HERCULES TROUSER COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 9, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Hillsboro, Ohio plant of Hercules Trouser Co., Inc., Columbus, Ohio (TA-W-728). 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 dress and sports slacks produced by Hercules Trouser 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10664 Filed 4-12-76;8:45 am]

[TA-W-739]

HOCHSCHEID TAILORING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 16, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Hochscheid Tailoring Company, Cincinnati, Ohio (TA-W-739). 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 slacks for men and women produced by Hochscheid Tailoring 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10665 Filed 4-12-76;8:45 am]

[TA-W-724]

HUTCH SPORTING GOODS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 16, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Hutch Sporting Goods, Inc., Cincinnati, Ohio (TA-W-724). 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 leather basketballs, footballs, pads and sports uniforms produced by Hutch Sporting Goods, 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later then April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10666 Filed 4-12-76;8:45 am]

[TA-W-732]

LAWRENCE GARMENT CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 19, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Lawrence Garment Company, Lawrence, Massachusetts, a division of Jonathan Logan, Incorporated, N.Y., N.Y. (TA-W-732). 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 women's outerwear, (car coats and rain coats) produced by Lawrence Garment 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR 76-10667 Filed 4-12-76;8:45 am]

[TA-W-722]

MAGERMAN TROUSERS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 16, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Magerman Trousers, Inc., Philadelphia, Pennsylvania (TA-W-722). 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 trousers produced by Magerman Trousers, 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10668 Filed 4-12-76;8:45 am]

[TA-W-741]

MANHATTAN SHIRT CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 10, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Manhattan Shirt Company, Lexington, North Carolina, a division of Manhattan Industries, N.Y., N.Y. (TA-W-741). 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 dress and sport shirts produced by Manhattan Shirt 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10669 Filed 4-12-76;8:45 am]

[TA-W-742]

MANHATTAN SHIRT CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 10, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Manhattan Shirt Company, Winnsboro, South Carolina, a division of Manhattan Industries, N.Y., N.Y. (TA-W-742). 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 dress and sport shirts produced by Manhattan Shirt 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10670 Filed 4-12-76;8:45 am]

[TA-W-720]

MAYFLOWER COAT MANUFACTURING CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 16, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Mayflower Coat Manufacturing Co., Inc., Brockton, Massachussets (TA-W-720). 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 all weather coats (raincoats) produced by Mayflower Coat Manufacturing 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10671 Filed 4-12-76;8:45 am]

[TA-W-718]

MISERENDINO INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 16, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgated Clothing Workers of America on behalf of the workers and former workers of Miserendino Inc., Philadelphia, Pennsylvania (TA-W-718). 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 pants produced by Miserendino 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10672 Filed 4-12-76;8:45 am]

[TA-W-737]

MLM SPORTSWEAR, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 16, 1976, which was filed under Section

221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of MLM Sportswear, Incorporated, Philadelphia, Pennsylvania (TA-W-737). 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 leisure suits, sport coats, and sport jackets produced by MLM Sportswear, Incorporated, 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10673 Filed 4-12-76;8:45 am]

[TA-W-734]

MODERNE GLOVE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 16, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Moderne Glove Company, Gloversville, New York (TA-W-734). 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 ladies and men's dress gloves produced by Moderne Glove 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10674 Filed 4-12-76;8:45 am]

[TA-W-723]

ROLLWAY BEARING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 17, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Automobile Workers of America on behalf of the workers and former workers of Rollway Bearing Co., a division of Lipe-Rollway, Liverpool, New York (TA-W-723). 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 spherical roller bearings produced by Rollway Bearing Co. 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10675 Filed 4-12-76;8:45 am]

[TA-W-721]

R & R TOY MANUFACTURING CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 16, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of R & R Toy Manufacturing Co., Inc., Pen Argyl, Pennsylvania (TA-W-721). 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 stuffed toys produced by R & R Toy Manufacturing 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 num-

ber 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10676 Filed 4-12-76;8:45 am]

[TA-W-704]

RUSSELL BURDSALL AND WARD, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 16, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Automobile, Aerospace & Agricultural Implement Workers of America, on behalf of the workers and former workers of Mentor, Ohio plant of Russell Burdsall and Ward, Inc., Mentor, Ohio (TA-W-704). 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 nuts, bolts, screws, washers and various types of fasteners produced by Russell Burdsall and Ward, 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10677 Filed 4-12-76;8:45 am]

[TA-W-730]

STAFFORD CLOTHING MFG.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 4, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalagamated Clothing Workers of America on behalf of the workers and former workers of Stafford Clothing Mfg., Fall River, Massachusetts, a division of Jonathan Logan, Inc., New York, New York (TA-W-730). 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 women's outwear (car coats and rain coats) produced by Stafford Clothing Mfg. 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10678 Filed 4-12-76;8:45 am]

[TA-W-705]

STAR GLOVE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 9, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Kokomo, Indiana plant of Star Glove Company, Detroit, Michigan (TA-W-705). 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 cotton gloves produced by Star Glove 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10679 Filed 4-12-76;8:45 am]

[TA-W-717]

STYLECRAFT CLOTHING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 22, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Stylecraft Clothing Co., West Orange, New Jersey (TA-W-717). 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 suits and sportcoats produced by Stylecraft Clothing Co. 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10680 Filed 4-12-76;8:45 am]

[TA-W-716]

UNIVERSITY CLOTHING CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 15, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of University Clothing Corp., Cambridge, Massachusetts (TA-W-716). 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 raincoats produced by University Clothing Corp. 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-10681 Filed 4-12-76;8:45 am]

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 621 (39 FR 12819) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Coinditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

The following certificates were issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Bernice Industries, Bernice, LA.; 1-1-76 to 12-31-76 (boys' shirts).

Bland Sportswear, Inc., Bland, VA; 3-8-76 to 3-7-77; 10 learners (men's and boys' shirts).

Colshire Manufacturing Co., Inc., Morgantown, WV; 3-1-76 to 2-28-77; 5 learners (men's pajamas).

Corbin, Ltd., Huntington, WV; 1-22-76 to 1-21-77 (men's pants).

Crystal Springs Shirt Corporation, Crystal Springs, MS; 1-1-76 to 12-31-76 (boys' shirts).

Donlin Sportswear, Inc., New Tazewell, TN; 2-1-76 to 1-31-77 (men's shirts).

Flushing Shirt Manufacturing Co., Inc., Grantsville, MD; 1-18-76 to 1-17-77 (men's shirts).

Hamburg Shirt Corp., Hamburg, AR; 1-1-76 to 12-31-76 (boys' shirts).

Homer Industries, Homer, LA; 1-1-76 to 12-31-76; 10 learners (boys' shirts).

Michael Berkowitz Co., Inc., Waynesburg, PA; 12-22-75 to 12-21-76 (ladies' and men's pajamas).

Somerville Manufacturing Co., Inc., Somerville, TN; 3-10-76 to 3-9-77 (men's pants).

Soperton Manufacturing Co., Soperton, GA; 2-23-76 to 8-22-76; 5 learners (men's shirts).

Sportcraft, Inc., McAdoo, PA; 1-19-76 to 1-18-77 (Girls' skirts and slacks).

Tennessee Apparel Corporation, Tullahoma, TN; 1-29-76 to 1-28-77 (men's pants).

Utica Industries, Utica, MS; 3-8-76 to 12-31-76 (boys' shirts).

W. S. W. Co. of Sharon, Inc., Sharon, TN; 3-19-76 to 3-18-77 (children's pajamas).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Marie Originals, Inc., Osborne, KS; 1-26-76 to 7-25-76; 3 learners for plant expansion purposes (children's dresses).

Prior Manufacturing Co., La Junta, CO; 3–8–76 to 9–7–76; 10 learners for plant expansion purposes (men's and women's jeans and jackets).

The following certificate was issued under the glove industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.60 to 522.65 as amended).

Mid West Glove Corporation, Chillicothe, MO; 3–8–76 to 3–7–77; 12 learners for normal labor turnover purposes (work gloves).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed are indicated.

CTP Division—General Cigar Co., Inc., Caguas, P.R.; 1–15–76 to 1–14–77; 14 learners for normal labor turnover purposes in the occupation of machine stripping for a learning period of 160 hours at the rate of $1.77 an hour (tobacco).

D & D Fashions, Inc., Las Piedras, P.R.; 3–17–76 to 3–16–77; 13 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 320 hours at the rate of $1.69 an hour (ladies' underwear and ladies' shifts).

Each learner certificate has been issued upon the representations of the employer which, among other things were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificate may be annulled or withdrawn as indicated therein, the manner provided in 29 CFR, Part 528. Any person aggrieved by the issuance of any or these certificates may seek a review or reconsideration thereof on or before April 28, 1976.

Signed at Washington, D.C., this 7th day of April, 1976.

ARTHUR H. KORN,
Authorized Representative of the Administrator.

[FR Doc.76–10682 Filed 4–12–76;8:45 am]

Office of Federal Contract Compliance Programs

FEDERAL ADVISORY COMMITTEE FOR HIGHER EDUCATION EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

Meeting

On January 28, 1976, the Secretary of Labor announced in the FEDERAL REGISTER (41 FR 4081) the establishment of the Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs. The first meeting of this advisory committee was held on February 27, 1976 (41 FR 5880).

Pursuant to the Federal Advisory Committee Act (5 U.S.C. App. I, Supp. II, 1972), notice is hereby given that the second meeting of the above committee has been scheduled for 9:00 A.M. on April 28, 1976, in Room S–5215, New U.S. Department of Labor Building, 200 Constitution Avenue, Washington, D.C. 20210.

The Agenda for the April 28 meeting calls for general discussion of the items listed below, and for the establishment of procedures for their further study:

1. Issues of due process for higher education contractors under Executive Order 11246, as amended.
2. Graduated sanctions under E.O. 11246, as amended.
3. Revised Order No. 4 (41 CFR Part 60–2), on written affirmative action plans, and the Format for Development of an Affirmative Action Plan by Institutions of Higher Education, published in the FEDERAL REGISTER on August 25, 1975 (40 FR 37064).
4. Methods of increasing the supply of minorities and women for faculty employment.
5. Grievance systems for dealing with equal employment issues.
6. Data problems in the development of written affirmative action plans.

The meeting will be open to the public. Interested persons wishing to file documents or other material with the Committee for its consideration may do so by sending them to the Committee's Executive Secretary:

Mr. Leonard J. Biermann, Executive Secretary, Office of Federal Contract Compliance Programs, Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs, New U.S. Department of Labor Building, Room C–3322, Washington, D.C. 20212.

Signed at Washington, D.C., this 6th day of April, 1976.

LEONARD J. BIERMANN,
Executive Secretary.

[FR Doc.76–10646 Filed 4–12–76;8:45 am]

Employment and Training Administration

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Ending of Additional Eligibility Periods in 13 States

This notice announces the ending of additional eligibility periods in the States of Colorado, District of Columbia, Indiana, Kansas, Louisiana, Mississippi, Nebraska, Ohio, Oklahoma, South Dakota, Texas, Virginia, and Wyoming, effective on April 3, 1976.

A notice published in the FEDERAL REGISTER on January 7, 1976 (41 FR 1341) announced the ending of Federal Supplemental Benefit Periods in 21 States on January 3, 1976. The notice also contained the information that, following the end of the Federal Supplemental Benefits Periods in those States, there would be additional eligibility periods for individuals to whom either Federal Supplemental Benefits or Federal-State Extended Benefits were payable for any portion of the last week of the Federal Supplemental Benefit Periods. During the additional eligibility periods qualified individuals may be entitled to Federal Supplemental Benefits. An additional eligibility period for an individual will last for a maximum duration of 13 weeks, and will terminate sooner if the State enters into a new Federal Supplemental Benefits Periods.

The 13 States named above were among the 21 States in which Federal Supplemental Benefit Periods ended on January 3, 1976. Seven of the 21 States subsequently commenced new Federal Supplemental Benefit Periods within the 13-week period following January 3, 1976, and one other State commenced a new Federal Supplemental Benefit Period immediately following the 13-week period which took effect on April 4, 1976.

Since the 13-week period following January 3, 1976, ended on April 3, 1976, and new Federal Supplemental Benefit Periods have not commenced in the 13 States named above, the additional eligibility periods for individuals in those 13 States ended on April 3, 1976. No further Federal Supplemental Benefits are payable to individuals in any of those 13 States, for any week of unemployment that begins after April 3, 1976, unless and until a new Federal Supplemental Benefit Period begins in the State.

Signed at Washington, D.C., on April 9, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76–10860 Filed 4–12–76;10:52 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 23]

ASSIGNMENT OF HEARINGS

APRIL 8, 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 48374 Sub 9, Fernstrom Storage and Van Company, Application dismissed.

MC 141539, Gordon Hart, DBA Hart Transport, now being assigned May 17, 1976, (1 day), at St. Louis, Mo., in the Magistrate Court A, Room 742, U.S. District Courthouse & Customs, 11114 Market Street.

MC 130189 (Sub 2), Shenandoah Tours, Inc. now being assigned July 12, 1976 (1 week), at Richmond, Virginia in a hearing room to be later designated.

MC 133916, O'Nan Transportation Company, Inc. and MC 133916 Sub 3, O'Nan Transportation Company, now assigned April 26, 1976, at Frankfort, Ky. is canceled and reassigned for Pre-hearing Conference on April 26, 1976, at Frankfort, Ky., Location of hearing room remains the same.

AB 8 Sub 2, Denver & Rio Grande Western Railroad Company Abandonment Between Montrose & Ridgeway, Montrose and Ouray Counties, Colorado now assigned May 12, 1976, at Montrose, Colorado will be held at the Colorado UTO Auditorium, Highway 5, 50th Street.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–10635 Filed 4–12–76;8:45 am]

[AB 19 (Sub-No. 10)]

BUFFALO, ROCHESTER AND PITTSBURG RAILWAY CO. AND BALTIMORE AND OHIO RAILROAD CO.

Abandonment

In the matter of Buffalo, Rochester, and Pittsburgh Railway Company and Baltimore and Ohio Railroad Company, abandonment portion Indian Branch at Black Lick junction, in Indiana County, Pennsylvania.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Indiana County, Pa., on or before April 23, 1976, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interest persons.

Dated at Washington, D.C., this 31st day of March 1976.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 19 (Sub-No. 10)]

BUFFALO, ROCHESTER AND PITTSBURG RAILWAY COMPANY AND BALTIMORE AND OHIO RAILROAD COMPANY, ABANDONMENT PORTION INDIAN BRANCH AT BLACK LICK JUNCTION, IN INDIANA COUNTY, PENNSYLVANIA

The Interstate Commerce Commission hereby gives notice that by order dated March 31, 1976, it has been determined that the proposed abandonment by the Buffalo, Rochester, and Pittsburg Railway Company and the Baltimore and Ohio Railroad Company of a line of railroad between Black Lick Junction and Coral, Pa., a distance of 3.23 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because traffic volume previously exhibited on the line was low and the amount of traffic permanently diverted to motor carrier is not expected to create any substantial alterations in existing air quality and fuel consumption. Also, no land use plans of economic or industrial importance exist which would necessitate the continued operation of the line. Public interest has been expressed in purchasing of the right-of-way, upon authorization of an abandonment, for use as part of a park in Josephine.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7692.

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 May 10, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–10636 Filed 4–12–76;8:45 am]

[Notice No. 222]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 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 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicant 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 May 3, 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 76327. By order entered April 7, 1976, the Motor Carrier Board approved the transfer to Thibodeau-Finch Express Limited, Windsor, Ontario, Canada of the operating rights set forth in Certificates No. MC 129573 Sub-No. 1 and No. MC 129573 Sub-No. 3 issued August 2, 1973 and January 16, 1974, respectively to Thibodeau Express, Inc., Windsor, Ontario, Canada, authorizing the transportation of general commodities, with the usual exceptions, between Detroit, Michigan, and the plantsite of the Ford Motor Company in Sheldon Road, Plymouth Township, Wayne County, Mich.; between Detroit, Mich., and Willow Run Airport, at or near Ypsilanti, Mich., subject to certain restrictions; and between points within 8 miles of Detroit, Mich., including Detroit. Robert D. Schuler, Esq., 100 West Long Lake Road, Suite 102, Bloomfield Hills, Michigan 48013.

No. MC–FC–76333. By order of April 5, 1976 the Motor Carrier Board approved the transfer to Rice Feed & Trucking, Inc., Clearwater, Nebr., of Certificate No. MC 9369 issued April 16, 1965, to Lyle E. Rice, Clearwater, Nebr., authorizing the transportation of livestock, agricultural commodities, and household goods between Clearwater, Nebr., and points within 50 miles thereof, on the one hand, and, on the other, points in Iowa; and feed, farm machinery, farm machinery parts, binder twine, lubricating oil, grease, and truck bodies from Sioux City and Council Bluffs, Iowa, to Clearwater, Nebr., and points within 50 miles thereof. Laurence N. Smith, Esquire, Ryan Building. O'Neill, Nebr. 68763.

No. MC–FC–76448. By order entered April 5, 1976, the Motor Carrier Board approved the transfer to Jurgen C. Schulz, Catskill, New York of the operating rights set forth in certificate No. MC 7921 Sub 2, issued September 10, 1975, to Barbara Overbaugh, Catskill, New York, authorizing the transportation of zoo animals between Catskill, New York, on the one hand, and on the other, points in the United States (except Alaska and Hawaii). Neil D. Breslin, 99 Washington Avenue, Suite 1111, Albany, New York, 12210, attorney for applicant.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–10637 Filed 4–12–76;8:45 am]